

officer was killed and nine hostages were murdered during a rescue attempt.

In observing this minute of silence, as in our resolution, we commemorate the 40th anniversary of the 1972 Munich Olympic terrorist attack, remember those who lost their lives, and reject and repudiate terrorism as antithetical to the Olympic goal of peaceful competition.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I wish to thank the Senator from New York and my colleague, Senator RUBIO of Florida, for calling this historic tragedy to our attention on the sad 40th anniversary of the killing of the Israeli participants at the Munich Olympics.

Having just witnessed, as the Senator from New York noted, the spectacular Olympics that were staged in London and realizing how the Olympics started as a way to transcend national differences and to create an Olympic global spirit, what happened in Munich was especially heartbreaking. We followed it in those early days of television as it was being reported on by some of the sports announcers who were actually at the Olympics. It was hard to believe, as hostages were being taken, that they would all be killed when it was over.

I sincerely hope we in the world will learn a lesson from this tragedy—a lesson that violence begets violence and we need to end this sort of terrorist activity and stand together in that Olympic global spirit.

Again, my thanks to Senators GILLIBRAND and RUBIO for their efforts to make this part of the London Olympics but also to make certain this day has not been forgotten here on the floor of the Senate.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I wish to thank Senator GILLIBRAND for bringing this to the attention of the Senate and the American people and to thank Senators RUBIO and DURBIN for being here.

It is hard to believe it has been 40 years since that tragic event in which terrorists had the attention of the world during the Olympics in Munich.

It is hard to believe that over the last 40 years we have experienced so much of the violence from extremists and terrorists.

Tomorrow we will commemorate the 11th anniversary of the attack on our own country. We recognize the only way we could stand up for this type of extremism is to never forget and to rededicate ourselves to do everything we can to root out extremists, to root out terrorists, and to never forget the consequences of their actions.

I wish to thank Senator GILLIBRAND and Senator RUBIO for the resolution we passed in this Congress to let those who were victimized 40 years ago know we will not forget them and that we continue to dedicate our efforts to root out this type of hatred and this type of

extremism to make sure the Olympic spirit—which is world competition to bring peace in the world—is alive and well in the Senate and the United States of America. We will continue to commemorate what happened so we don't forget and dedicate ourselves to a more peaceful world.

I yield the floor.

Mrs. GILLIBRAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### NOMINATION OF STEPHANIE MARIE ROSE TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF IOWA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Stephanie Marie Rose, of Iowa, to be United States District Judge for the Southern District of Iowa.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate, equally divided in the usual form.

The Senator from Vermont.

Mr. LEAHY. Mr. President, we are beginning about 3 minutes late. I ask unanimous consent that the time be divided in such a way that the vote still starts at 5:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. When the Senate recessed more than a month ago, 22 judicial nominees to fill vacancies in courtrooms around the country were left pending, awaiting a Senate vote. Today, Senate Republicans have agreed to vote on just one of those nominees. I want to commend Senator HARKIN for working with Senator GRASSLEY and the Majority Leader to get this vote on the nomination of Stephanie Rose of Iowa. I urge votes on the other nominees, as well, without further delay.

There are currently 78 Federal judicial vacancies. Judicial vacancies during the last few years have been at historically high levels and have remained near or above 80 for nearly the entire first term of the President. Nearly one out of every 11 Federal judgeships is currently vacant. Vacancies on the Federal courts are more than two and one half times as many as they were on this date during the first term of President Bush. One key reason for these numerous vacancies and for the exten-

sive backlog of nominees is that Senate Republicans allowed votes on just one district court nominee per week for the last seven weeks before the August recess. This unnecessarily slow pace of consideration of judicial nominees has disserved the American people and should not continue.

The across-the-board obstruction and foot dragging from Senate Republicans since day one of President Obama's tenure means that we are likely to complete his first term with more judicial vacancies than when he took office. The partisan obstruction from Senate Republicans has been particularly damaging with respect to Federal trial courts. In a sharp departure from the past, Senate Republicans have stalled Senate approval of district court nominees, including those Republican home state Senators support.

Before the American people elected Barack Obama as our President, district court nominees were generally confirmed within a couple of weeks of being reported by the Judiciary Committee. This was true of those nominated by Republican Presidents and Democratic Presidents. Deference was traditionally afforded to home State Senators and district court nominees supported by home State Senators were almost always confirmed unanimously. During the 18 months that I was chairman of the Judiciary Committee in 2001 and 2002, we confirmed 83 of President Bush's district court nominees, and only one of them received any votes in opposition. Even though some Senate Democrats opposed the nominee, we nevertheless scheduled a vote for him just 11 days after he was reported by the Judiciary Committee.

Indeed, only five district court nominees received any votes in opposition in all 8 years of the previous Republican presidency, and none was a party-line vote. Among those nominees was one so extreme that he had announced that "concern for rape victims is a red herring because conceptions from rape occur with approximately the same frequency as snowfall in Miami." That observation was much like the outrageous recent comments about rape by a Republican House member and Senate candidate.

In all, the Senate confirmed 264 of President Bush's district court nominees, and only five of them received any votes in opposition. Senate Democrats were willing to work with a very conservative Republican President to fill vacancies on our Federal trial courts. We recognized that filling vacancies on district courts is essential to ensuring that the American people have functioning courts to serve them and provide access to justice. We know that it is unacceptable for hardworking Americans who turn to their courts for justice to suffer unnecessary delays. When an injured plaintiff sues to help cover the cost of his or her medical expenses, that plaintiff should not have to wait 3 years before a judge hears the

case. When two small business owners disagree over a contract, they should not have to wait years for a court to resolve their dispute.

In *The Atlantic* Andrew Cohen has written recently about the “Human Costs of Judicial Confirmation Delays.” In that article, the Chief Judge of the Middle District of Pennsylvania describes the costs of vacancies on individuals in Pennsylvania and the pervasive and harmful delays they are suffering because there are not enough judges.

At this point in President Bush’s first term, Senate Democrats had worked with Republicans to confirm 165 of his district court nominees. Despite the fact that President Obama has worked with home state Senators of both parties to select moderate, superbly-qualified judicial nominees, Senate Republicans have engaged in unprecedented obstruction of Federal trial court nominees for the last four years.

As Carl Tobias noted last month in a letter to the *New York Times*:

Republican senators have created and applied practices that substantially depart from procedures employed in prior administrations, even as recently as that of President George W. Bush. The most important change is the refusal by the G.O.P. leadership to enter voting agreements on well-qualified, uncontroversial district court nominees, so they languish for months on the Senate floor.

Professor Tobias is correct, and the result is that at this point in his first term President Obama’s district court nominees have had to wait nearly three times longer for a Senate vote and the Senate has confirmed more than three dozen fewer.

Senate Republicans have made a habit of delaying and opposing President Obama’s district court nominees, voting against more than a quarter of them—36 out of 127 to be precise. And they stall confirmations for months of noncontroversial nominees including those supported by home state Republican Senators who are eventually confirmed overwhelmingly.

This extreme partisanship has not just resulted in persistently high vacancies—Supreme Court Justice Anthony Kennedy recently observed that it is also “bad for the legal system” as a whole. He indicated: “It makes the judiciary look politicized when it is not, and it has to stop.” District courts in particular should not be politicized. The 18 district court nominees currently pending before the Senate were not chosen based on some ideological litmus test. They were selected for their legal excellence, whether as practicing attorneys or sitting judges.

Recently, the Republican Senator from Pennsylvania signaled his newfound willingness to abandon the unprecedented delays and obstruction that his caucus has employed against President Obama’s trial court nominees. I only wish he had done so 2 years ago. What Senate Republicans have been doing is wrong and hurts all

Americans seeking justice in our Federal courts.

Today, the Senate will vote on the nomination of Stephanie Rose to fill a judicial vacancy on the U.S. District Court for the Southern District of Iowa. She was rated unanimously well qualified by the ABA Standing Committee on the Federal Judiciary, the highest possible rating. She has the bipartisan support of her home state Senators. I worked with Senator HARKIN and Senator GRASSLEY to ensure prompt Judiciary Committee consideration of her nomination, which was reported with a virtually unanimous voice vote by the Judiciary Committee nearly five months ago. The only objection came as a protest on another issue by Senator LEE.

Stephanie Rose currently serves as the first woman U.S. Attorney for the Northern District of Iowa, where she has been serving since 2009. Ms. Rose has devoted her entire career to public service, having served for 15 years as a Federal prosecutor and having been promoted to Deputy Criminal Chief in 2008. In her tenure as a Federal prosecutor, she has tried 33 cases to verdict. When confirmed, she will be the first woman to serve as a Federal judge in the Southern District of Iowa and only the second woman to serve on the Federal bench in Iowa’s history.

With the elections approaching, the Senate will recess, again, in just a few weeks. When the Senate recessed in 2009, 10 judicial nominees were left without a final confirmation vote. When the Senate recessed in 2010, 19 judicial nominees were left pending without a final confirmation vote. When the Senate recessed last year, in 2011, 19 judicial nominees were left pending without a final vote. I urge Senate Republicans not to continue their practice of stalling qualified nominees from confirmation. I urge them to agree to schedule debate and votes on the 18 district court nominees from California, Connecticut, Florida, Illinois, Maryland, Michigan, New York, Oklahoma, Pennsylvania and Utah who, like Stephanie Rose, could be confirmed with strong bipartisan support and without further delay. A dozen of those nominees would fill judicial emergency vacancies.

Let us act on these nominations. There is no doubt that recent precedent shows we can do this even in September of a Presidential election year. In 2008, the final year of President Bush’s presidency, Senate Democrats were willing to confirm 10 of his district court nominees in a single day, all by unanimous consent. It took only a few seconds. Earlier in that Republican presidency, and again with a Democratic Majority, the Senate confirmed 18 judicial nominees in just one day and vacancies went down to 60 throughout the country, on the way down to 28. If we confirm all of the district nominees ready for final Senate action today, we can similarly reduce vacancies back down to 60.

I hope that Senate Republicans will not extend their wrongheaded application of the “Thurmond Rule” and further stall confirmation of consensus, well-qualified district court nominees. Given our overburdened Federal courts and the need to provide all Americans with prompt justice, the Senate should be working in a bipartisan fashion to confirm these nominees without further delay.

I ask unanimous consent the article to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Atlantic]

IN PENNSYLVANIA, THE HUMAN COSTS OF JUDICIAL CONFIRMATION DELAYS

(By Andrew Cohen)

The William J. Nealon courthouse in Scranton, Pennsylvania. (Wikimedia Commons) Daniel Wasserman had seen enough. An Orthodox rabbi affiliated with Shaare Torah Synagogue in a suburb of Pittsburgh, Wasserman had grown tired of state interference with Jewish funeral rituals, ancient and eternal, which require burial within 24 hours and which prohibit embalming. He resented the threats of fines and penalties he was receiving from state officials trying to enforce a 19th-century funeral director’s law. He believed he was being singled out for the practice of his religious beliefs.

And so Rabbi Wasserman did what many people do in America when they believe their constitutional rights—their First Amendment rights, their rights to religious freedom—are being infringed by state action. He sued the state. On August 6th, in federal district court in Scranton, in the Middle District of Pennsylvania, Rabbi Wasserman’s lawyers sought an injunction to preclude state officials from continuing to threaten him for what he considers to be the lawful exercise of his religious beliefs. The lawsuit, his attorneys allege, is designed to: preserve and restore the historical right of clergy to conduct religious burial and funeral rites free from interference and harassment by the Commonwealth of Pennsylvania and professional, secular funeral directors who serve no health or safety interest.

But justice won’t come quickly for Rabbi Wasserman—if it comes at all. There simply aren’t enough federal judges in the Middle District of Pennsylvania to handle his case. U.S. District Judge John Jones, the well-regarded jurist to whom the Rabbi’s case was assigned, couldn’t get the urgent injunction hearing onto his schedule until late September. The timing didn’t discourage the Rabbi but it clearly frustrated the judge. “Obviously when you receive something like this you have to move with some alacrity,” Judge Jones told me late last month. “But you can only land so many planes in one hour.”

THE DISTRICT

Boundary-wise, the Middle District of Pennsylvania is the largest federal judicial district in the state. It covers the state capital of Harrisburg, which means it is the chief venue for litigation against the state of Pennsylvania. It comprises no fewer than 32 counties, up and down the center of the state, from Adams County to York County, from the state’s northern border to New York to its southern border with Maryland, the Mason-Dixon line. There are four courthouses in the district, including one in Williamsport, which is several hours drive away from either Harrisburg or Scranton.

All of this volume and distance would be manageable if the Middle District were fully staffed with federal trial judges. It is not—and it hasn't been for years. "We are down a third of our active court," Judge Jones says. In March 2009, the first vacancy in the Middle District was created when Judge Richard Caputo (more on him later) took senior status. Another vacancy was created in April 2010, when the Senate confirmed the appellate nomination of U.S. District Judge Thomas I. Vanaskie. Two long years later, just this past May, President Obama nominated two men to fill those posts.

Both Middle District nominees—Malachy E. Mannion and Matthew W. Brann—were quickly endorsed by the Senate Judiciary Committee by voice vote, which means there were no substantive objections raised by Republican members of that Committee. Both nominees also have the support of the state's two senators, Democrat Bob Casey and Republican Pat Toomey, who have publicly lobbied their Republican colleagues this year to allow the nominations to come to a vote on the Senate floor. So far, those efforts have failed. But the Senate is expected to take up new judicial nominations in the next week or so.

#### THE JUDGES

While the Senate fiddles, what's life like for the current judges of the Middle District? Very difficult. Judges frequently have to drive three hours or more a day to handle cases in Williamsport. The aforementioned Judge Caputo, who is in his early 70s, carries the most cases of any of the judges—more than 500 civil and criminal combined—despite his senior status. "He's hanging in because he feels like he is letting the court down if it doesn't," Judge Jones says of his colleague. "Because of the judge he is he won't relent." But compared to some of his other colleagues in the Middle District, however, Judge Caputo is practically a kid.

Sitting in senior status, picking up the slack for the empty full-time benches, are Judge Edwin M. Kosic, Judge William J. Nealon, Judge Richard P. Conaboy and Judge William W. Caldwell—all of these men are at least 86 years old. Two other Middle District Judges in senior status—Judge Sylvia H. Rambo and Judge James M. Munley—are both over 76 years old. "All have a substantial case load," Judge Jones says, "but we've created this absurdity where we are leaning on aging" and perhaps frail senior judges. Judge Nealon, for example, a remarkable jurist by any standard, has more than 150 cases—at age 89.

The Middle District today is so understaffed, its current judges so overwhelmed by their relentless workload, that the Chief Judge of the 3rd U.S. Circuit, the federal appeals panel which covers Pennsylvania and other mid-Atlantic states, has authorized trial judges from the Eastern District of Pennsylvania to cross over and help their colleagues in the Middle District. But it's not like the Eastern District has it much better. There are now six judicial vacancies there (five judges have in the past few years taken senior status). President Obama has yet nominated no one—no one—to replace those Eastern District trial judges.

#### THE PROBLEM

Washington talks ceaselessly about the slow pace of judicial nominations. But few advocates are able to cite specific examples of what judicial vacancies mean for the American people, for litigants like Rabbi Wasserman, who look to the courts to resolve disputes. Part of the reason for this is prudence—current litigants I spoke with for this article were reluctant to publicly complain about how long it is taking their federal civil cases to be resolved. No one wants

to tick off their judge. But that doesn't mean such delays aren't real—and pervasive. I ended up asking a federal judge himself to detail the cost of judicial vacancies.

"Inevitably, what it leads to is extra time to decide almost any motion that is filed," Judge Jones told me. "... [T]he federal courts are stacked up with motions to dismiss and motions for summary judgment which are very fact specific and require a great deal of time. When you have fewer judges, and the judges who are in service have more motions, everything is delayed." The judge calls it the "justice delayed syndrome" and it impacts individuals like the rabbi as well as large corporations who must factor into their business plans the "uncertainty" inherent in long, drawn-out litigation.

Rebecca Kourlis, a former justice of the Colorado Supreme Court and now executive director of the Institute for the Advancement of the American Legal System, is even more blunt. "Vacancies in the judiciary create holes in the judicial system," Kourlis told me last week, "and civil cases are the most likely to fall through those holes. What this means is that civil cases suffer increased continuances and delays and the possibilities of changing judges in mid-stream. For civil litigants, this means untenable disruptions to their lives and businesses, the possibility of increased costs, and overall, a breach of the promise of access to justice."

#### THE POLITICS

For this piece, I picked the "judicial emergency" in the Middle District of Pennsylvania to make a point. Although I have been a strident critic (see accompanying box) of the Republican use of the Senate filibuster to keep bipartisan-approved nominees off the bench, there is no denying that the Obama Administration has in many cases made a bad situation worse by failing to quickly nominate judges when vacancies occur. There is simply no excuse, for example, for the length of time it took the White House to appoint Mannion and Brann to help fill the void in the Middle District. None.

Sen. Toomey, the Pennsylvania Republican, refused comment for this story. His Democratic counterpart, Sen. Bob Casey, would say only that both sides "need to come together to fill these critical positions" and that "the real-life consequences of delay are unacceptable." Both men, it is fair to say, don't want to say anything publicly to tick off the Republican leadership in the Senate, leadership which already has announced to the world that it intends to confirm no more of President Obama's federal appellate nominees by invoking what's become known as the "Thurmond Rule."

The story of the Middle District is one of basic governance. It's about the executive branch and the legislative branch failing to perform its constitutional function of ensuring a viable judicial branch. It's about politicians in Washington failing or refusing to provide to the American people—in the Middle District of Pennsylvania, for example—one of the most elemental services a government can provide to the governed—functioning courts of law. It's a disgrace that those old judges in Pennsylvania have to work like that. It's even more of a disgrace that Congress and the White House can't timely agree on their replacements.

Mr. LEAHY. Mr. President, I see the distinguished senior Senator from Iowa. I reserve the balance of my time and ask it be under the control of Senator HARKIN.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I thank the chairman of the committee, Senator LEAHY, for his courtesies.

I rise in support of the nomination of Stephanie Marie Rose to be U.S. district judge for the Southern District of Iowa. In addition, she has the support of Senator HARKIN and is well regarded throughout my home State of Iowa. She was reported out of our committee on voice vote. She was previously confirmed by this Senate for her current position, U.S. attorney for the Northern District of Iowa.

Ms. Rose is a Hawkeye through and through, receiving two degrees from the University of Iowa—her B.A. in 1994 and her J.D. in 1996. Obviously, Ms. Rose was on the fast track through law school.

After graduation from law school, she wisely chose to remain in Iowa—and Iowa is fortunate for that decision. She first served as a law clerk in the U.S. Attorney's Office for the Northern District of Iowa. In 1997, she was hired as a full-time attorney in that same office, where she has risen through the ranks and now heads that office.

She served as a special assistant U.S. attorney from 1997 to 1999 and as an assistant U.S. attorney from 1999 to 2009. During this time, she was lead counsel in the prosecution of more than 250 cases. These cases spanned a wide range of legal issues from violent crimes and drug offense to immigration violations and money laundering. Additionally, she has handled approximately 45 Federal civil cases. These cases have included postconviction relief and asset forfeiture matters, as well as Freedom of Information Act and property return lawsuits.

In 2009, Ms. Rose was nominated by the President and then confirmed by the Senate to serve as the U.S. attorney for the Northern District of Iowa. In this role, she oversees most every aspect of the office. This includes overseeing the civil and criminal work completed by office staff and making final determinations regarding charging decisions, plea offers, and civil settlements.

The American Bar Association's Standing Committee on the Federal Judiciary unanimously rated Ms. Rose as "well qualified" for this position of district judge.

In addition, she is supported by the legal community and judges throughout our State. Newspaper articles published in the Cedar Rapids Gazette on February 2 and February 20, 2012, captured some of that support.

I ask unanimous consent to have printed in the RECORD these two articles.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Gazette, Feb. 2, 2012]

ROSE PICKED FOR FEDERAL BENCH

(by Trish Mehaffey)

CEDAR RAPIDS.—President Barack Obama nominated U.S. Attorney Stephanie Rose late Thursday as the next federal judge in the Southern District of Iowa.

Rose, of Center Point, said she received the call from Sen. Tom Harkin in late afternoon and then got the news release from the White House.

"This has been a really involved process and I'm honored to be selected, especially with the other talented women that were also nominated," she said last night. "If the Senate confirms me, I will be happy to serve and look forward to the diversity of the Southern District and the new opportunities."

Obama said Rose and Michael Shea, whom he nominated Thursday as a federal judge in Connecticut, have "demonstrated the talent, expertise, and fair-mindedness Americans expect and deserve from their judicial system. I am grateful for their willingness to serve and confident that they will apply the law with the utmost impartiality and integrity."

In a news release, Harkin, D-Iowa, said Rose is a "superb attorney and among jurists, prosecutors and the defense bar has a reputation as an extremely fair and ethical prosecutor who possesses great legal ability, intellect, and judgment."

"There is no question in my mind that Stephanie Rose would be an outstanding federal judge," he continued. "... I urge my Senate colleagues to confirm her for this important position as quickly as possible."

Rose served 12 years as an assistant U.S. attorney before being appointed the top prosecutor in 2009. She will be the first woman to serve as a federal judge in the Southern District and only the second woman to serve on the federal bench in Iowa's history.

Former Assistant U.S. Attorney Bob Teig, who retired last year after 31 years, said Thursday that Rose will make an "excellent" federal judge.

"She has experience in the courtroom and as an administrator," Teig said. "She has a broad view of the federal legal system and she's very intelligent. Stephanie will make a great addition to the federal bench."

Teig worked with Rose throughout her career with the U.S. Attorney's Office.

[From the Gazette, Feb. 20, 2012]

COLLEAGUES CALL ROSE A GOOD CHOICE FOR  
FEDERAL BENCH

(By Trish Mehaffey)

The career path of a U.S. attorney and nominee for federal judge could have taken a much different course if she had followed her early passions for music and journalism.

When Stephanie Rose told her parents she was going into law, they were surprised at first. She was the girl who sang and danced, played the piano and oboe, majored in sociology and loved to write.

Stephanie Rose of Center Point, the federal prosecutor for the Northern District of Iowa, has been nominated by President Barack Obama as the next federal judge in the Southern District. (Brian Ray/The Gazette)

But Rose said she started looking at a law career because of her childhood experience growing up with foster siblings. Rose's mother and father were foster parents, and one of the children in their custody had to go through a painful parental termination because her biological mother, who was in and out of jail, fought the proceeding.

Through the appeal process, the Iowa Supreme Court terminated the mother's rights, changing children's rights in Iowa and allowing the girl to be adopted into a permanent home.

That showed Rose how the law can change people's lives.

ACCLAIMED IN FIELD

"Fairness," above all else, is the one word judges, prosecutors and even defense attorneys, who have been adversaries of Rose over

the years, kept mentioning last week to describe her. They said she is a good choice for the federal bench because she's extremely intelligent, hardworking, compassionate, humble, open-minded and forthright.

President Barack Obama nominated Rose two weeks ago to become the next federal judge in the Southern District of Iowa when U.S. District Chief Judge Robert Pratt retires July 1.

Rose, 39, of Center Point, has worked in the U.S. Attorney's Office since graduating from law school, one of the youngest hired at the time. She worked her way up to the top spot in 2009, prosecuting more than 800 felony cases. She was lead prosecutor on 260 of those cases and has handled another 45 civil cases and 34 appeals.

Assistant Johnson County Attorney Andy Chappell, who has been friends with Rose since law school, said it's difficult to "imagine anybody more deserving." Rose is bright, straightforward and incapable of pretense, he said.

Assistant U.S. Attorney C.J. Williams said Rose's ability to quickly comprehend complex issues has helped her succeed. She received recognition and awards for prosecuting two complicated cases involving Internet pharmaceutical companies, where doctors were prescribing pills online to patients they never treated, he said.

The six-year case spanned many states and required the review of hundreds of documents. Some may have not pursued it, Williams said, but the challenge never deterred Rose.

Her determination paid off. The case ended with 26 convictions in this district, more than \$7 million in forfeitures and more than \$4 million that went to agencies in Dubuque, Cedar Rapids and Des Moines.

"She is very skilled," said U.S. District Judge Mark Bennett, who presided over Rose's first jury trial. "She learns from any mistakes and doesn't repeat them. She doesn't have a personal agenda. She goes by the law."

U.S. District Judge John Jarvey of the Southern District said her prosecution record is impressive for her age because not all federal judges have that kind of experience, especially in criminal law.

"Stephanie has won the respect of prosecutors and defense lawyers," Jarvey said.

RESPECT FROM DEFENSE

Steve Swift is one of the defense attorneys who say she has earned a good reputation among the defense bar. He joined a dozen other defense attorneys who supported Rose for her U.S. attorney nomination. They said she was fair and went by the law in handling the controversial prosecution of more than 380 illegal immigrants charged in the 2008 Agriprocessors raid.

"She's not politically connected, not active in a party . . . this is based on merit," he said. "She's a great advocate for the government, very forthright—no shenanigans."

Leon Spies, a defense attorney, said Rose has always been interested in seeing that "justice is accomplished." It's more important for her to "get it right than to win," he said.

Spies, also the president of the Academy of Trial Lawyers, nominated Rose to the academy in 2008 because she exhibited what the organization strives for—the "highest quality of trial advocacy and ethical responsibilities to clients and the law."

"It's a quite an honor to be nominated," said David Brown, a Des Moines attorney and secretary/treasurer of the academy. "There are over 8,000 lawyers in Iowa and there are only 250 members. There are less prosecutors and less women, but not by design."

Rose is one of 15 women in the academy.

Sen. TOM HARKIN said all those qualities are why he recommended Rose for the U.S. attorney job and for the federal bench.

"I was enthralled by her at the interview," Harkin said. "She has such a presence and such eloquence without the window dressing," he said laughing. "She's genuine and sincere."

Harkin said he doesn't foresee any problems with her being confirmed. More than 80 percent of President Barack Obama's nominees have been confirmed so far.

WHAT'S NEXT

Carl Tobias of the University of Richmond School of Law in Richmond, Va., who analyzes the judiciary, said it's in Rose's favor that she has been through a previous confirmation because it could go more quickly.

"It's kind of murky right now with the presidential election," he said. "The confirmation process could slow down and even stop until after the convention. It's good that she has home state support from Sen. CHUCK GRASSLEY, who's on the Senate Judiciary Committee, but there are 21 others (federal judge nominees) ahead of her."

However, Tobias didn't rule out the chance that Rose could be confirmed in time to take the bench in July.

Mr. GRASSLEY, Assistant U.S. attorney C.J. Williams described Ms. Rose's ability to quickly comprehend complex issues. Former assistant U.S. attorney Bob Teig, who retired last year after 31 years, said Thursday that Rose will make an "excellent" Federal judge. He went on to say:

She has experience in the courtroom and as an administrator. She has a broad view of the federal legal system and she's very intelligent. Stephanie will make a great addition to the federal bench.

U.S. District Judge Mark Bennett said:

She is very skilled. She doesn't have a personal agenda. She goes by the law.

U.S. District Judge John Jarvey of the Southern District said her prosecution record is impressive, noting "Stephanie has won the respect of prosecutors and defense lawyers."

Ms. Rose is also a member of the Iowa Academy of Trial Lawyers. Membership in the academy is limited to just 250 attorneys whose primary focus is on trial advocacy. Membership in this distinguished group is by invitation only, with unanimous approval by the Board of Governors. So Ms. Rose is 1 of only 15 women on the academy.

Mr. Leon Spies, the gentleman who nominated Ms. Rose for the academy, said he nominated her because she exhibited exactly what the organization strives for, "the highest quality of trial advocacy and ethical responsibilities to clients and the law."

If confirmed—and I am sure she will be confirmed—Ms. Rose will be the first woman to serve as Federal judge in the Southern District and only the second woman to serve on the Federal bench in Iowa's history. I congratulate Ms. Rose and wish her well as she assumes her duties as a U.S. district judge.

With her confirmation today the Senate will have confirmed 156 of President Obama's nominees to the district and circuit courts. The fact is we have

confirmed over 80 percent of President Obama's district nominees. During the last Presidential election year, the year 2008, the Senate confirmed a total of 28 judges—24 district and 4 circuit. This Presidential election year we will have exceeded those numbers. We have confirmed five circuit nominees, and Judge Rose will be the 29th district judge confirmed. That is a total of 34 judges this year versus 28 in the last Presidential election year. Yet even as we make consistent progress in filling judicial vacancies, there are still voices out there claiming otherwise.

For example, early last month the Des Moines Register of my State ran an editorial titled "Judges Remain Hostages in the Senate." They stated in that editorial, in reference to the nomination of Ms. Rose, "She will be lucky to come up for confirmation when the Senate reconvenes." Of course the vote had already been scheduled at that point, but they overlooked that fact.

The Register and other critics who erroneously blame vacancy rates in the Federal judiciary on Republican obstructionism overlook other facts as well. You have heard me say on the Senate floor that the Senate can only confirm judges who have been sent here from the White House. So if the White House has not sent judges here, we cannot, obviously, confirm judges who have not been submitted to the Senate.

In that regard, I would like to point out something from the New York Times—because a lot of times I think the New York Times would not do much to give us a basis for our position that we have done a pretty good job of confirming judges, and why aren't judges up here. An article dated August 17, 2012, sheds some light on this very subject. In that article, "Obama Lags on Judicial Picks, Limiting His Mark on Courts," this newspaper, the Times, points out how President Obama made judicial nominations a lower political priority. The article discusses how two Supreme Court nominations, personnel upheavals, and the President's emphasis upon diversity also slowed the nominations process for lower court judges. In fact, even as we continue to confirm judges, the President continues to lag in nominations, including nominations to so-called judicial emergencies.

Today only 32 of the 78 current vacancies have a nominee here from the White House. Stated differently, nearly 60 percent of the current vacancies are without nominees. That has been the pattern for most of this administration.

Once again, I wanted to set the record straight, and I hope I have set it straight. Republicans have been more than fair to this President and his judicial nominees, considering the fact that we have so many vacancies that have not had a nominee submitted to the Senate for our consideration.

Again, I congratulate Ms. Rose. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I spoke earlier in greater detail about the nomination of Stephanie Rose to serve as a district court judge in Iowa's Southern District. That is the vote that is coming up at 5:30.

As the Senate begins to vote, I want to reiterate what an outstanding nominee she is. It is no surprise the American Bar Association rated her "unanimously well qualified," which is their highest rating.

After graduating from law school in just 2 years in the top 5 percent of her class, she served for 12 years as an assistant U.S. attorney in the Northern District of Iowa under attorneys who were appointed by both Republican Presidents and Democratic Presidents. She was lead counsel in 260 felony cases and made 34 oral arguments before the Eighth Circuit. Most notably, she received a national award from the Department of Justice for prosecuting the largest unlawful Internet pharmacy case in the United States. Her work was so impressive that in 2009 I recommended her to the President to serve as U.S. attorney. In 2009 the Senate unanimously confirmed her, and she has been outstanding in her work as U.S. attorney since then.

Throughout her career of public service Ms. Rose has worked to uphold the rule of law, made our neighborhoods safer, promoted civil rights, and advanced the cause of justice. She possesses all the qualifications necessary to be a remarkably good Federal judge. She is a superb attorney and among jurists, prosecutors, and the defense bar she has a reputation of someone who is unfailingly fair and ethical and one who possesses exceptional legal ability, intellect, and judgment.

Finally, let me reiterate my appreciation to Senator LEAHY, the chairman, but also, again, to Senator GRASSLEY, my senior Senator from the State of Iowa, and to their staffs, especially Jeremy Paris and Ted Lehman, and Senator GRASSLEY's chief of staff, David Young, for their support and all their assistance in getting this nomination through.

I also thank my chief of staff Brian Albert, and Dan Goldberg, Derek Miller, and Pam Smith on my staff and my committee staff.

In essence, Ms. Rose is a person of truly outstanding intellect and character. She is exceptionally qualified to serve as U.S. district judge for the Southern District of Iowa. I urge my colleagues to support her confirmation when the vote occurs in just a few minutes.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Stephanie Marie Rose, of Iowa, to be United States District Judge for the Southern District of Iowa?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New Hampshire (Mrs. SHAHEEN), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from Illinois (Mr. KIRK), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Kentucky (Mr. PAUL), the Senator from Ohio (Mr. PORTMAN), the Senator from Florida (Mr. RUBIO), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 1, as follows:

[Rollcall Vote No. 190 Ex.]

YEAS—89

Akaka	Feinstein	McConnell
Alexander	Franken	Menendez
Ayotte	Gillibrand	Merkley
Barrasso	Graham	Mikulski
Baucus	Grassley	Moran
Begich	Hagan	Murray
Bennet	Harkin	Nelson (NE)
Bingaman	Hatch	Nelson (FL)
Blumenthal	Heller	Pryor
Blunt	Hoeven	Reed
Boozman	Hutchison	Reid
Boxer	Inhofe	Risch
Brown (MA)	Inouye	Roberts
Brown (OH)	Isakson	Rockefeller
Burr	Johanns	Sanders
Cantwell	Johnson (SD)	Schumer
Cardin	Johnson (WI)	Sessions
Carper	Kerry	Shelby
Casey	Klobuchar	Snowe
Chambliss	Kohl	Stabenow
Coats	Kyl	Tester
Cochran	Landrieu	Thune
Collins	Leahy	Toomey
Conrad	Lee	Udall (CO)
Coons	Levin	Udall (NM)
Corker	Lieberman	Warner
Cornyn	Lugar	Webb
Crapo	Manchin	Wicker
Durbin	McCain	Wyden
Enzi	McCaskill	

NAYS—1

DeMint  
NOT VOTING—10

Coburn	Paul	Vitter
Kirk	Portman	Whitehouse
Lautenberg	Rubio	
Murkowski	Shaheen	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

#### VETERANS JOBS CORPS ACT OF 2012—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Michigan.

##### THE FARM BILL

Ms. STABENOW. Madam President, as we come back into session this evening and into September, as Chair of the Agriculture Committee I have one message for colleagues in the House of Representatives—for the Speaker, for the Republican leadership—and that is, we need a farm bill now.

We have 20 days until the farm bill expires—only 20 days. If that happens, if the Republican leadership does not work with us to pass a 5-year farm bill, they are going to reset the clock for rural America all the way back to 1949. Because if the farm bill expires, we go back to Depression-era policies that include government planting restrictions and expensive price supports—absolutely unacceptable.

Some of those policies even reference prices from before World War I. This would be terrible for our family farmers and ranchers. It would throw the markets into complete disarray. There is no reason this should be allowed to happen. The full Senate has worked together and passed a bipartisan farm bill. The House Agriculture Committee worked together and passed a bipartisan farm bill. It is time for the House to complete its work. The House Republican leadership has refused to let the bipartisan bill come up for a vote.

Despite our best efforts in speaking with colleagues and working together over the August break to try to come up with a way to get this done, we find ourselves in a position now where our only opportunity is for the House to take up the bill that was passed by their committee and get this done. I have never seen a situation where a farm bill—this is my fourth one I have been involved with—comes out of committee on a bipartisan basis, and then the House will not take it up, which is exactly where we are.

Instead, they sent us a so-called disaster relief bill that, unfortunately, only helps some livestock producers with the drought this year. It does nothing for the rest of the Nation's farmers who have been hurt so badly this year by frost and freezes. Our farm bill does that. In fact, our farm bill is better for livestock. It is a permanent livestock disaster assistance program

with a better structure and support than that which was sent by the House of Representatives.

A full 5-year farm bill gives much more comprehensive disaster assistance to livestock producers and to other farmers who have been hit. Other farmers who have watched as their crops withered under the unforgiving Sun want to know that not only will we have a 5-year policy in place, but that we are going to strengthen crop insurance, which is really the backbone of supporting farmers in these kinds of situations.

We strengthen crop insurance and expand it so more farmers can have access to risk management tools on their farms. That was the No. 1 issue that we heard in all of our hearings, to strengthen crop insurance. And that is what we did. That is one of the reasons we need to get a 5-year farm bill done.

I am looking at my colleague from Iowa, the distinguished Senator who chaired the committee before me. I know he shares the same feeling that I do, that we need to get this bill done in the House of Representatives.

We know our farm bill also fixes dairy support so dairies do not go through what they went through in 2009, when thousands of farms went bankrupt. Frankly, not changing the policy for dairy is a disaster waiting to happen. So we need to get the farm bill done.

We also reform programs. We know we have ended direct payments and altogether four different subsidies, saving \$15 billion while strengthening crop insurance. We streamline and address duplication, crack down on waste, fraud, and abuse. In the end, our bill saves \$23 billion for taxpayers—\$23 billion to pay down the debt. The only real deficit reform we passed in the Senate was our farm bill, which we worked on together.

Unbelievably, the House Republican leadership still stands in the way of passing our bipartisan bill or their own committee's bipartisan bill. On Wednesday we are going to see thousands of farmers around the country coming to Washington with a simple message: We need a farm bill now. Members are going to have visits from farmers and ranchers from their States. House Members will be hearing from members in their districts. They have one simple message. Those farmers knew when there is work to be done you do not put it off to another day. Not if you are going to be successful as a farmer. And we shouldn't be kicking the can down the road either. They can't say: I don't want to harvest my crops right now. I think I will do it in a few months or next year or tell the banker to wait until later so I can figure out what I have to make decisions on for next year. They know that when the crops need to be harvested, the work needs to get done now.

Well, we have 19 days left. This is day 20. We are going to count it down every day because we have to get this done in

the House of Representatives. We did our job in the Senate on a bipartisan basis. I was very proud to join with our colleague Senator ROBERTS and all of our committee who worked so well together and worked so hard, and I again thank the leadership on both sides of the aisle for giving us the time to get it done. We got it done, and we did it in enough time to give the House time to do it in July before the August break. But that didn't happen. Now it is time to get it done. The House Agriculture Committee did its job. It is time for the House Republican leadership to schedule a vote to get this done, to support rural America—our farmers and ranchers and families who are counting on the safest, most affordable food system in the world to be able to continue. We don't need to kick this can down the road and create another crisis for farm country.

Madam President, I wish to thank my colleagues who are waiting to talk about another very important subject. I appreciate their giving me the time for a few words.

Mr. HARKIN. Madam President, would the Senator yield for a question?

Ms. STABENOW. I would be happy to yield.

Mr. HARKIN. Madam President, I would like to compliment the Senator from Michigan for her great leadership on agriculture policy, food policy. A big part of this bill is making sure that our kids in America get adequate nutrition, that our elderly get good nutrition. Our summer and afterschool feeding programs and feeding programs for our seniors are all wrapped up in this bill too.

I was in Iowa in August and met with a lot of farmers, and they were a little perplexed.

They said: Wait a minute. You passed a bill in the Senate?

I said: Yes.

So I ask the Senator from Michigan, did not that bill have the support of all the major farm organizations?

Ms. STABENOW. Absolutely. We had the support of farm groups and conservation groups all across the country.

Mr. HARKIN. I ask the Senator from Michigan, did not her bill, the bill she engineered and got through here, have the support of consumer groups and parent groups?

Ms. STABENOW. Absolutely.

Mr. HARKIN. It had all that support?

Ms. STABENOW. Absolutely. And because of the wonderful work of the Senator from Iowa on our school nutrition efforts and the Fresh Fruit and Vegetable Program, we had the strong support of families, educators, and schools across the country.

Mr. HARKIN. Conservation groups supported the bill?

Ms. STABENOW. Absolutely.

Mr. HARKIN. Well, what farmers asked me was this: If you had a bill that passed the Senate, a bipartisan bill supported by all the major farm groups, supported by consumer and