

WORSHAM, which nominations were received by the Senate and appeared in the Congressional Record of May 16, 2013.

PN441 ARMY nominations (105) beginning EDWARD P.C. AGER, and ending JOHN P. ZOLL, which nominations were received by the Senate and appeared in the Congressional Record of May 16, 2013.

#### IN THE MARINE CORPS

PN89 MARINE CORPS nomination of Darren M. Gallagher, which was received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN90 MARINE CORPS nomination of Dusty C. Edwards, which was received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN95 MARINE CORPS nomination of Sal L. Leblanc, which was received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN96 MARINE CORPS nomination of Mauro Morales, which was received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN113 MARINE CORPS nominations (232) beginning JESSICA L. ACOSTA, and ending MATTHEW S. YOUNGBLOOD, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN114 MARINE CORPS nominations (281) beginning RICO ACOSTA, and ending ANDREW J. ZETTS, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN454 MARINE CORPS nomination of Randolph T. Page, which was received by the Senate and appeared in the Congressional Record of May 16, 2013.

#### IN THE NAVY

PN231 NAVY nomination of Jeremy J. Aujero, which was received by the Senate and appeared in the Congressional Record of March 19, 2013.

PN283 NAVY nomination of John P. Newton, Jr., which was received by the Senate and appeared in the Congressional Record of April 9, 2013.

PN284 NAVY nomination of Daniel W. Testa, which was received by the Senate and appeared in the Congressional Record of April 9, 2013.

PN315 NAVY nomination of Kevin J. Parker, which was received by the Senate and appeared in the Congressional Record of April 11, 2013.

PN326 NAVY nomination of Maria V. Navarro, which was received by the Senate and appeared in the Congressional Record of April 15, 2013.

PN327 NAVY nomination of Shane G. Harris, which was received by the Senate and appeared in the Congressional Record of April 15, 2013.

PN351 NAVY nomination of Latanya A. Oneal, which was received by the Senate and appeared in the Congressional Record of April 23, 2013.

PN400 NAVY nominations (3) beginning STEPHEN J. LEPP, and ending JOHN C. RUDD, which nominations were received by the Senate and appeared in the Congressional Record of May 6, 2013.

PN401 NAVY nomination of Sarah E. Niles, which was received by the Senate and appeared in the Congressional Record of May 6, 2013.

PN402 NAVY nomination of Richard Diaz, which was received by the Senate and appeared in the Congressional Record of May 6, 2013.

PN442 NAVY nomination of Tanya Wong, which was received by the Senate and appeared in the Congressional Record of May 16, 2013.

PN443 NAVY nomination of Karen R. Dallas, which was received by the Senate and

appeared in the Congressional Record of May 16, 2013.

PN444 NAVY nominations (2) beginning Ronald G. Oswald, and ending Nikita Tihonov, which nominations were received by the Senate and appeared in the Congressional Record of May 16, 2013.

PN450 NAVY nominations (19) beginning CRAIG S. COLEMAN, and ending WILLIAM R. VOLK, which nominations were received by the Senate and appeared in the Congressional Record of May 16, 2013.

#### NOMINATION OF MARK A. BARNETT TO BE A JUDGE OF THE UNITED STATES COURT OF INTERNATIONAL TRADE

#### NOMINATION OF CLAIRE R. KELLY TO BE A JUDGE OF THE UNITED STATES COURT OF INTERNATIONAL TRADE

Mr. REID. I ask unanimous consent the Senate proceed to consider Calendar Nos. 11 and 12; that the Senate proceed to vote on the nominations listed with no intervening action or debate, the motions to reconsider be considered made and laid upon the table, with no intervening debate; that no further motions be in order to the nominations; that any statements related to the nominations be printed in the RECORD, and President Obama be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the nominations.

The assistant legislative clerk read the nomination of Mark A. Barnett, of Virginia, to be a Judge of the United States Court of International Trade, and the nomination of Claire R. Kelly, of New York, to be a Judge of the United States Court of International Trade.

Mr. LEAHY. Mr. President, as we vote today on two nominations to the Court of International Trade, I want to note that this week we reached a milestone. It is 5 months into President Obama's second term, and we have just now reached the same number of circuit and district confirmations that President George H.W. Bush achieved in his 4 years as President. Of course, we remain nearly 20 confirmations behind the pace we set when President George W. Bush was in office. While some have argued that this is because President Obama has not made enough nominations, the fact is that he has sent up more district nominees at this point in his presidency than President George W. Bush had at the same point. The reason the Senate confirmations are lagging behind is because Senate Republicans have engaged in unprecedented obstruction of district court nominees. At this point in 2005, over 97 percent of President Bush's district nominees had been confirmed, but just 86 percent of President Obama's have been confirmed.

Today's vote on Mark Barnett is also a milestone of a sort. He was one of the

11 judicial nominees who were stalled at the end of last year because Senate Republicans refused to allow him a vote. We are approaching the Memorial Day recess and the Senate is still working on nominations that could and should have been completed last year. These unnecessary delays on confirmations are bad for the Senate, bad for our Federal courts, and bad for the American people.

After today's votes, there will be another seven nominees pending on the Executive Calendar, and all but one were reported unanimously by the Judiciary Committee. There is no reason to further delay action on these nominees: We should follow Senate tradition and vote on all of them before the recess. Nitza Quinones Alejandro, Luis Restrepo, Jeffrey Schmehl, Kenneth Gonzales, Gregory Phillips, Ray Chen, and Jennifer Dorsey are awaiting confirmation.

These nominees would fill important vacancies. For example, three of these nominees would fill vacancies in the Eastern District of Pennsylvania, where there are seven current vacancies. These are vacancies we need to fill, and, since the nominees are supported by every Republican on the Judiciary Committee, as well as their home State Republican Senator, there is no reason not to vote on them today.

Mark Barnett is currently the Deputy Chief Counsel in the U.S. Department of Commerce, Office of Chief Counsel for Import Administration, where he has worked since 1995. From 2008 to 2009, he was on detail to the U.S. House Committee on Ways and Means, Subcommittee on Trade. Prior to his government service, Mr. Barnett was an associate in the Washington, DC office of Steptoe & Johnson.

Claire Kelly is a professor of law at Brooklyn Law School, where she teaches classes on international trade, international business law, and administrative law. Prior to entering academia, she spent 4 years as an associate and 3 years as a consultant specializing in customs and trade law at the law firm Coudert Brothers in New York City.

I congratulate both nominees. Nominations to the Court of International Trade have historically been non-controversial and have been moved quickly by the full Senate. The most recent confirmation to that court came less than a month after the nominee had been reported, so it is unfortunate that Mark Barnett and Claire Kelly have been unnecessarily stalled for more than 3 months.

Earlier this week I placed in the RECORD a Wall Street Journal article titled "Open Judgeships Show D.C. Dysfunction." I, again, urge Senate Republicans to work in a bipartisan way and show that the Senate can make real progress. All Senate Democrats are ready to vote on all these judicial nominees.

The PRESIDING OFFICER. If there is no further debate on the nomination, the question is, Will the Senate advise

and consent to the nomination of Mark A. Barnett, of Virginia, to be a Judge of the United States Court of International Trade?

The nomination was confirmed.

The PRESIDING OFFICER. If there is no further debate on the nomination, the question is, Will the Senate advise and consent to the nomination of Claire R. Kelly, of New York, to be a Judge of the United States Court of International Trade?

The nomination was confirmed.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate resumes legislative session.

#### ASIAN/PACIFIC AMERICAN HERITAGE MONTH

Mr. REID. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Res. 129 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 129) recognizing the significance of May 2013 as Asian/Pacific American Heritage Month as an important time to celebrate the significant contributions of Asian Americans and Pacific Islanders to the history of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the Hirono amendment to the preamble be agreed to, the preamble, as amended, be agreed to, and the motion to reconsider be laid on the table, with no intervening action or debate.

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

The resolution (S. Res. 129) was agreed to.

The amendment (No. 1143) was agreed to, as follows:

In the fifth whereas clause of the preamble, strike "nearly 6 percent" and insert "approximately 5.5 percent and 0.4 percent, respectively."

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, reads as follows:

#### S. RES. 129

Whereas the United States joins together each May to pay tribute to the contributions of generations of Asian Americans and Pacific Islanders who have enriched the history of the United States;

Whereas the history of Asian Americans and Pacific Islanders in the United States is inextricably tied to the story of the United States;

Whereas the Asian-American and Pacific Islander community is an inherently diverse population comprised of more than 45 distinct ethnicities and more than 100 language dialects;

Whereas, according to the Bureau of the Census, the Asian-American population grew

faster than any other racial or ethnic group in the United States during the last decade, surging nearly 46 percent between 2000 and 2010, which is a growth rate 4 times faster than that of the total population of the United States;

Whereas the 2010 decennial census estimated that there are approximately 17,300,000 residents of the United States who identify as Asian and approximately 1,200,000 residents of the United States who identify themselves as Native Hawaiian or other Pacific Islander, making up approximately 5.5 percent and 0.4 percent, respectively, of the total population of the United States;

Whereas the month of May was selected for Asian/Pacific American Heritage Month because the first immigrants from Japan arrived in the United States on May 7, 1843, and the first transcontinental railroad was completed on May 10, 1869, with substantial contributions from immigrants from China;

Whereas 2013 marks 70 years since the repeal of the Act of May 5, 1892 (27 Stat. 25, chapter 60) (commonly known as the "Geary Act" or the "Chinese Exclusion Act"), and 25 years since the passage of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b et seq.) that granted reparations to Japanese Americans interned during World War II, both cases in which Congress acted to address discriminatory laws that targeted people of Asian descent;

Whereas section 102 of title 36, United States Code, officially designates May as Asian/Pacific American Heritage Month and requests the President to issue an annual proclamation calling on the people of the United States to observe the month with appropriate programs, ceremonies, and activities;

Whereas, in 2013, the Congressional Asian Pacific American Caucus, a bicameral caucus of Members of Congress advocating on behalf of Asian Americans and Pacific Islanders, is composed of 40 Members, including 13 Members of Asian or Pacific Islander descent;

Whereas, in 2013, Asian Americans and Pacific Islanders are serving in State legislatures across the United States in record numbers, including in the States of Alaska, Arizona, California, Connecticut, Colorado, Georgia, Hawaii, Idaho, Maryland, Massachusetts, New York, Pennsylvania, Texas, Utah, Vermont, Virginia, and Washington;

Whereas the number of Federal judges who are Asian Americans or Pacific Islanders more than doubled between 2009 and 2013, reflecting a commitment to diversity in the Federal judiciary that has resulted in the confirmations of high caliber Asian-American and Pacific Islander judicial nominees;

Whereas there remains much to be done to ensure that Asian Americans and Pacific Islanders have access to resources and a voice in the Government of the United States and continue to advance in the political landscape of the United States; and

Whereas celebrating Asian/Pacific American Heritage Month provides the people of the United States with an opportunity to recognize the achievements, contributions, and history of Asian Americans and Pacific Islanders, and to appreciate the challenges faced by Asian Americans and Pacific Islanders: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the significance of May 2013 as Asian/Pacific American Heritage Month as an important time to celebrate the significant contributions of Asian Americans and Pacific Islanders to the history of the United States; and

(2) recognizes that the Asian-American and Pacific Islander community enhances the rich diversity of and strengthens the United States.

#### AUTHORIZING DOCUMENT PRODUCTION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 158.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 158) to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has received a request from a Federal agency seeking access to records that the subcommittee obtained during its recent review of the expenditures of U.S. funds related to U.S. efforts in Afghanistan.

This resolution would authorize the chairman and ranking minority member of the Permanent Subcommittee on Investigations, acting jointly, to provide records, obtained by the Subcommittee in the course of its review, in response to this request and requests from other government entities and officials with a legitimate need for the records.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 158) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND ADJOURNMENT OF THE HOUSE

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to S. Con. Res. 17.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 17) providing for a conditional adjournment or the recess of the Senate and an adjournment of the House of Representatives.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The concurrent resolution (S. Con. Res. 17) was agreed to.