jobs, and investing in infrastructure which creates good-paying jobs right here in America.

Mr. President, I understand we are going to go into executive session, and I am going to pause at this time and ask if the Chair is ready to report executive session so I can discuss two judicial nominations.

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF ANTHONY J. BATTAGLIA TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA

NOMINATION OF SUE E. MYERSCOUGH TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF ILLINOIS

NOMINATION OF JAMES E. SHADID TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF ILLINOIS

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

The legislative clerk read the nominations of Anthony J. Battaglia, of California, to be United States District Judge for the Southern District of California, Sue E. Myerscough, of Illinois, to be United States District Judge for the Central District of Illinois, and James E. Shadid, of Illinois, to be United States District Judge for the Central District of Illinois.

The PRESIDING OFFICER. Under the previous order, there will now be 1 hour of debate with respect to these nominations, with the time equally divided in the usual form.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in support of two of the nominees. I will vote for all three, but I rise in support of two of the nominees—Sue Myerscough and James Shadid for the Central District of Illinois. These are nominees whom I presented to the President and who passed through the review not only by the White House but also by the Senate Judiciary Committee and now come before us today to be considered by the Senate.

This day has come not a moment too soon for the Central District of Illinois, which I call home. It is a huge district. It covers 46 counties, includes the State capital, as well as cities such as Peoria, Urbana, and Rock Island. Since last August, the Central District of Illinois has had only one Federal district court judge out of four. There are supposed to be four and, unfortunately, three seats have been vacant. Those three vacancies were all designated as judicial emergencies by the Administrative Office of the U.S. Courts.

The chief judge, and the only active judge not in senior status, of the district—Mike McCuskey, also one of my nominees—has done an amazing job keeping the judicial system running for the past 7 months. Mike, in years gone by, had had some health issues. They asked him whether there was anything they could do to relieve the stress he was facing, being the only judge out of four in the district. He said: Only the Senate can relieve this stress. Today, Mike McCuskey, we are going to do our best to relieve that stress and send two excellent new district court judges.

It hasn't been easy. Right now there are no active status judges in the Federal courthouses in Springfield and Peoria. Judge McCuskey, who is based in Urbana, has put a lot of miles on his car driving around this large district to keep the dockets moving. I salute him for his dedicated service, and I wish to also salute Judges Mike Mihm, Joe Billy McDade, Harold Baker, and Richard Mills, who stepped up to help out the district, despite some personal family and health challenges. They have stepped up, even though they are in senior status, to try to make sure the district was served.

I am pleased that help is on the way to the Central District of Illinois. I also wish to thank my colleague, Senator MARK KIRK, who has joined me in presenting these nominees to the Senate.

The first I wish to mention is a friend of mine for many years, Sue Myerscough. She has been prominent on the legal landscape of Springfield for many years. She has over 23 years of judicial experience and currently serves as an elected justice on the Illinois Fourth District Appellate Court.

Justice Myerscough has been nominated to fill the Springfield-based judgeship that was vacated by the retirement of Judge Jeanne Scott, another one of my appointees who served that district so well.

Justice Myerscough is a Springfield native. She earned her bachelor's degree and law degree from Southern Illinois University. She began her legal career as a law clerk for Judge Harold Baker of the same Central District. Following her clerkship, she worked for 6 years in private practice.

Judge Myerscough was appointed as an associate judge of the Illinois Seventh Judicial Circuit in Springfield in 1987. In 1990, she was elected as a circuit judge for that court. During her 11 years as a trial judge, she presided over thousands of bench and jury trials, including some of the most complex civil litigation and murder trials. In 1988, Judge Myerscough was elected to her current seat on the Illinois appellate court and in 2008 won her retention election.

During her years on the appellate court, she has authored over 1,200 decisions on a wide range of issues. Justice Myerscough has worked to promote legal education for schoolchildren, and since 2001 she has served on the Board of Visitors for the Southern Illinois University Law School. She is an excellent judge, she is an excellent lawyer, she has a great family, and I am proud the President presented her name and the Senate will have a chance to vote on her today.

Jim Shadid is a leading figure in the Peoria legal community. He currently serves as a judge on the Tenth Judicial Circuit in Peoria County. He has been nominated to fill the Peoria-based Federal judgeship that was vacated when Judge Mihm took senior status.

Judge Shadid was born in Peoria and received his undergraduate degree from Bradley University. He was quite a baseball player for the Bradley Braves. He was a two-time team MVP and was inducted into the Bradley Athletics Hall of Fame. After graduation, he played a season of minor league baseball before he turned his talents to law and getting his J.D. from the John Marshall Law School in Chicago.

He was first appointed as a circuit judge in 2001 and won retention elections in 2002 and 2008. He has presided over approximately 300 trials and thousands of additional pleas and sentencings. Prior to his service on the State bench, Judge Shadid worked as an attorney in private practice, as a part-time Peoria County public defender, as a part-time commissioner on the Illinois Court of Claims, and as an assistant attorney general in Illinois.

In addition to his broad legal experience, Judge Shadid has an impressive record of service to the Peoria community, including tenure as president of the Boys and Girls Club of Greater Peoria.

Judge Shadid was the first Arab American to serve as a State judge in Illinois. Upon his confirmation, he will be the only Arab-American Federal judge in the State and one of only a handful nationwide. There is a large Arab-American community in Peoria, including my friend, the U.S. Transportation Secretary, Ray LaHood. I know this community and all of Peoria and Illinois will be so proud of Judge Shadid.

Both Justice Myerscough and Judge Shadid were unanimously reported by the Judiciary Committee last month, and in a short time the Senate will take up their nominations. I hope my colleagues will agree that the people of Illinois will be well served with these two fine individuals on the bench.

We will still have one vacancy, when these two are approved. Fortunately, President Obama has nominated another excellent candidate to fill that vacancy. Sara Darrow is a distinguished Federal prosecutor, whom I was pleased to recommend to the White House. I look forward to working with my colleague, Senator KIRK, to consider her nomination in an expedited fashion.

Also working with Senator KIRK, we have a bipartisan agreement in terms

of filling all vacancies, and Senator KIRK is in the process now of choosing a judge to fill one of the vacancies in the Northern District of Illinois.

Last year, the Senate confirmed three excellent judges for the Northern District: Judge Gary Feinerman, Judge Sharon Coleman, and Judge Ed Chang. I might mention that Judge Chang had been recommended by the Republican Selection Committee the year before, and I found him to be an excellent candidate. Party aside, he is going to serve very well and is now serving on the Northern District. Senator KIRK and I will continue to work together to find excellent judges for that Northern District.

In conclusion, as we proceed toward this evening's votes, I urge my colleagues to join me in supporting the nominations of Sue Myerscough and Jim Shadid. They will make superb Federal judges in a district that desperately needs their service on the bench.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. LEAHY. Mr. President, with judicial vacancies still at 100, nearly half of them judicial emergencies, the Senate's action today on 2 nominees to fill longstanding judicial emergency vacancies in Illinois and 1 of the many vacancies in California is much needed. I thank the Senate majority leader for scheduling action on these important nominations and the Republican leader for his cooperation. I commend Senator DURBIN for his efforts to fill longstanding vacancies that have plagued the Central District of Illinois.

These nominees are 3 of the 13 judicial nominations that were unanimously reported last year and have now been unanimously reported, again, this year by the Judiciary Committee. They could—and, in my view, should—have been considered and confirmed last year. Instead, they were returned to the President without final Senate action despite their outstanding qualifications, and despite the needs of the American people to have judges available to hear cases in these Federal courts. The President has had to renominate them, the Senate Judiciary Committee has had to reconsider them and now, finally, the Senate is being allowed to consider these sorely needed judges for Illinois and California.

Justice Sue Myerscough and Judge James Shadid were each nominated to fill emergency vacancies in the Central District of Illinois. I have spoken on numerous occasions over the last 2 years about the need for the Senate to confirm them. I urged their consideration in my statement last Monday and am thankful that they are being considered tonight.

Their confirmations will help relieve the chief judge of that district, who is the only active judge for the entire district. I have previously recounted how Chief Judge McCuskey wrote to Senator DURBIN last November urging the Senate to take action to fill these vacancies. Chief Judge McCuskey has been commuting 90 miles between Urbana and Springfield and relying on senior judges to administer justice in the district. Judge McCuskey had a heart attack a few years ago. Reportedly, when his cardiologist told him that he needed to reduce his stress level, the chief judge replied that ''only the U.S. Senate can reduce my stress.'' Well, Chief Judge McCuskey, it has taken too long but we hope finally to provide you some relief. To the people of the Central District of Illinois I say, help is finally on the way.

Judge Battaglia of California will fill a vacancy in the Southern District of California where he has served as a U.S. magistrate judge since 1993. Last November we heard from the Judicial Council of the Ninth Circuit, which encompasses California. They wrote to us last year, noting: ''In order to do our work, and serve the public as Congress expects us to serve it, we need the resources to carry out our mission. While there are many areas of serious need, we write . . . to emphasize our desperate need for judges. Courts cannot do their work if authorized judicial positions remain vacant. . . . We respectfully request that the Senate act on judicial nominees without delay.'' I agree. I am glad to see the Senate finally consider and confirm Judge Battaglia.

On Thursday, the Judiciary Committee will consider the nomination of another California judicial nominee, John Kronstadt, who is nominated to fill a judicial emergency vacancy in the Central District of California. In the next couple weeks we should reconsider and report again the nomination of Edward Chen to fill a judicial emergency vacancy in the Northern District of California.

Recently Seth Stern reported in Congressional Quarterly criticism from Chief Judge Lamberth of the U.S. District Court for the District of Columbia, who warned that the breakdown in the judicial confirmation process is ''injuring the country.'' There are two judicial nominees to fill longstanding vacancies for his court still waiting for final consideration by the Senate. The Senate should consider and confirm them without further delay. I will ask that a copy of the article be printed in the RECORD.

Besides the nominees to fill vacancies in the District of Columbia, also reported from the Judiciary Committee and before the Senate are nominees to fill judicial vacancies in North Carolina, and a judicial emergency vacancy in New York. The Judiciary Committee has also now considered the renomination of Susan Carney of Connecticut to the Second Circuit and Michael Simon to be a district court judge in Oregon. More than half of the Republicans on the Judiciary Committee voted in favor of those nominations. They should be debated and confirmed without delay, as well.

I expect to be able to move forward with reporting two additional Federal circuit nominees and four additional district court nominees this week. We are holding hearings every 2 weeks and hope finally to begin to bend the curve and start to lower judicial vacancies across the country.

Federal judicial vacancies around the country number too many and they have persisted for too long. That is why Chief Justice Roberts, Attorney General Holder, White House Counsel Bob Bauer and many others—including the President of the United States—have spoken out and urged the Senate to act.

Nearly one out of every eight Federal judgeships is vacant. This puts at serious risk the ability of all Americans to have a fair hearing in court. The real price being paid for these unnecessary delays is that the judges that remain are overburdened and the American people who depend on them are being denied hearings and justice in a timely fashion.

Regrettably, the progress we made during the first 2 years of the Bush administration has not been duplicated, and the progress we made over the 8 years from 2001 to 2009 to reduce judicial vacancies from 110 to a low of 34 was reversed. The vacancy rate we reduced from 10 percent at the end of President Clinton's term to less than 4 percent in 2008 has now risen back to over 10 percent. In contrast to the sharp reduction in vacancies we made during President Bush's first 2 years when the Democratically controlled Senate confirmed 100 of his judicial nominations, only 60 of President Obama's judicial nominations were allowed to be considered and confirmed during his first 2 years. We have not kept up with the rate of attrition, let alone brought the vacancies down. By now they should have been cut in half. Instead, they continue to hover around 100.

The Senate must do better. The Nation cannot afford further delays by the Senate in taking action on the nominations pending before it. Judicial vacancies on courts throughout the country hinder the Federal judiciary's ability to fulfill its constitutional role. They create a backlog of cases that prevents people from having their day in court. This is unacceptable.

We can consider and confirm this President's nominations to the Federal bench in a timely manner. President Obama has worked with Democratic and Republican home State Senators to identify superbly qualified, consensus nominations. None of the nominations on the Executive Calendar are controversial. They all have the support of their home State Senators, Republicans and Democrats. All have a strong commitment to the rule of law and a demonstrated faithfulness to the Constitution.

During President Bush's first term, his first 4 tumultuous years in office, we proceeded to confirm 205 of his judicial nominations. We confirmed 100 of

those during the 17 months I was Chairman during President Bush's first 2 years in office. So far in President Obama's third year in office, the Senate has only been allowed to consider 70 of his Federal circuit and district court nominees. We remain well short of the benchmark we set during the Bush administration. When we approach it we can reduce vacancies from the historically high levels at which they have remained throughout these first three years of the Obama administration to the historically low level we reached toward the end of the Bush administration.

I ask unanimous consent that the CQ 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 CQ Today Online News, Feb. 28, 2011]

JUDGES: ''TOTALLY BROKEN'' CONFIRMATION PROCESS CAUSING ''DIRE'' CASE BACKLOGS

(By Seth Stern)

Two federal judges criticized the slow pace of judicial confirmations Monday, saying cases are backlogged and judges overwhelmed at the trial court level.

Speaking at a Brookings Institution event on judicial nominations, Royce Lamberth, the chief judge of the U.S. District Court for the District of Columbia, said the confirmation process is ''totally broken'' and that the pattern of ''paybacks and the bickering have been thoroughly bipartisan.''

Lamberth, who was appointed by President Ronald Reagan in 1987, raised similar concerns in a speech in March 2009, just after the start of the Obama administration. But he said he was increasingly concerned by the delays in the confirmation of federal trial judges, which has only worsened in the two years since.

''I say to both Democrats and Republicans, you are injuring the country,'' Lamberth said.

Lamberth was joined on the panel by William Furgeson Jr., a Texas district court judge who said judges' growing caseloads resulting from the vacancies in his district in western Texas are a ''desperate problem'' that results in ''assembly-line justice.''

Furgeson called the situation on the border ''dire,'' adding it was a ''giant mystery'' why senators now fight over trial court judges.

Chief Justice John G. Roberts Jr. had also emphasized the ''persistent problem'' of vacancies on the federal bench in his annual report on the state of the judiciary released in December.

''Each political party has found it easy to turn on a dime from decrying to defending the blocking of judicial nominations, depending on their changing political fortunes,'' Roberts wrote in the report.

Only 67 percent of Obama's district court nominees were confirmed during his first two years in office, compared to 92 percent for George W. Bush and 87 percent for Bill Clinton, according to statistics compiled by Russell Wheeler, a visiting fellow at the liberal-leaning Brookings Institution, and 83 of 677 district court seats were vacant as of Feb. 25.

The Senate has confirmed six district court judges so far this year, including two more Monday: Amy Totenberg and Steve C. Jones to the Northern District of Georgia.

On Wednesday, the Senate Judiciary Committee will hold a second confirmation hearing for President Obama's most controversial judicial nominee: Goodwin Liu, who was first nominated for a seat on the U.S. Court of Appeals for the 9th Circuit in 2009.

The University of California law professor has faced intense criticism from Republicans for his liberal views and for repeatedly amending the materials he has provided to the Judiciary Committee.●

Mr. DURBIN. 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. DURBIN. 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. DURBIN. Mr. President, I ask unanimous consent that any time during the quorum be equally divided between both the Republican and Democratic sides.

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

Mr. DURBIN. 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.

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

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

Mrs. BOXER. Mr. President, I am honored today to support the nomination of Judge Anthony Battaglia to the Southern District of California. I had the great privilege of recommending Judge Battaglia to President Obama to serve on the Southern District Court. He is widely respected in the San Diego legal community. He will make an excellent addition to the bench. I have a committee that is set up in all the various areas over California, and they recommended him to me, and I was proud to recommend him to the President. I congratulate him and his family on this important day.

Judge Battaglia was born and raised in San Diego. He is a graduate of the U.S. International University, now Alliant International University, and California Western School of Law in San Diego. He has practiced law for 35 years in San Diego, and for 19 years he was a private practitioner with a very strong record as a litigator.

For the past 16 years, Judge Battaglia has served with distinction as a magistrate judge for the Southern District. He has a reputation as a judge's judge, which means the judges believe he is very hard-working, thoughtful, and fair. Local lawyers praise him for being well prepared for hearings and for trials, and he is very diligent in moving cases forward. He has presided over 22 trials that have gone to verdict during his tenure on the bench.

Equally important is Judge Battaglia's dedication to service outside the courtroom. He is a past president of the national Federal Magistrate Judges Association and has twice been selected by Chief Justices of the Supreme Court to serve on a national advisory committee that reviews criminal court rules.

In short, Judge Battaglia's career stands out as a testament to his dedication and devotion to the law and legal community of San Diego, both inside and outside the courtroom.

I close my comments here by congratulating the judge and his family on this momentous day, and I urge my colleagues to confirm this highly qualified nominee to the Federal bench.

I am very grateful to the Judiciary Committee, which twice voted him out of the committee. We are grateful for that.

GOVERNMENT SHUTDOWN PAY

I would like to add a comment on another matter—the Boxer-Casey bill that was passed here and sent over to the House. The bill says that if there were to be a shutdown of government, which I know nobody wants, but if there were to be one, Members of Congress should not get their pay. They should not get their pay and they should not get retroactive pay because this is a very basic responsibility we have—to keep the government running, to make sure Social Security recipients receive checks on time, and disabled veterans, too, and make sure Superfund sites are cleaned up and the NIH continues functioning so they can find cures for the diseases that plague our families.

It is fair to say the two parties have different views on how to approach the deficit. The party I am proud to belong to believes—and we showed it under the leadership of Bill Clinton—we can balance the budget but not threaten job creation. We did it under Bill Clinton, but we did it smartly, we did it wisely, and the millionaires did pay their fair share, as opposed to some of the proposals in H.R. 1 that came out of the House that at the minimum would cost, according to the economists, 200,000 jobs. We have heard estimates of 800,000 jobs. We cannot afford to lose that many jobs just as this economy is getting to the point where jobs are being created in decent numbers.

Yes, we need to trim the deficit, and yes, we have to make sure we do not knock this economic recovery off track. Therefore, it is essential that the parties work together because if we each just stay in our camps, we are never going to get anything done.

Let's do this in a wise way. It is true that we had an election and the House changed hands. Guess what. The Senate didn't, and the White House is not up for election for 2 more years, so you cannot go around saying there was an election and the election said that the Republicans get everything they want. That just does not make any sense.

Having come back from that election, I want to say it was about jobs—jobs, jobs, jobs. My opponent essentially asked every morning, every noon, and every night: Where are the

jobs? And that was a fair question. I said to her and I said to my people in California: We are not creating jobs at a fast enough pace; we have to do better. As I stand here, how could I ever betray what I said in the campaign and vote for a plan that would cut between 200,000 and 800,000 jobs, the Republican plan from the House?

We have to get our act together here and meet somewhere in the middle. If you look at the Republican plan, I think it was $100 billion off the President's budget. Our plan is about, now, $50 billion off of the President's budget. We have met them more than halfway. Let's get this thing done. If we get this done and do it in responsible way, yes, we will get this deficit on the right path. But to hold out this idea that we are going to go after just 12 percent of the budget and the things the people really rely on, the roads and the bridges and the highways and education and cleaning up Superfund sites and the FBI and all the things we rely on—to go after that one small part of the budget and decimate it the way H.R. 1 would do would be counterproductive.

It is a job killer that hurts the middle class, and we cannot go that way. Having said all of this, I am sure we are going to see a vote on H.R. 1. I am pretty sure we are going to see a vote on H.R. 1, and I do not think it is going to get enough votes to pass. Then we will take the proposal of the Democrats that Vice President BIDEN has put forward and see what that does. If neither gets the requisite number of votes, we are going to have to keep talking. But we cannot continue with these 2-week extensions. It is absolutely irresponsible. Imagine taking billions of dollars out of the Federal budget every 2 weeks. It is going to be tens of thousands of jobs in every one of our States that are lost.

In summing up, I hope the Speaker of the House over there will take up our bill quickly, make sure that Members of Congress are not treated any better than anybody else. And we will hopefully avert a shutdown. But if there is one, we are treated like every other Federal employee, no budget, no pay.

I am very grateful to the Judiciary Committee for giving us the opportunity to vote for Anthony Battaglia who is going to make a great judge for the U.S. District Court for the Southern District of California.

Mrs. FEINSTEIN. Mr. President, I rise to speak in strong support of the nomination of Magistrate Judge Tony Battaglia to be a Federal district judge in the Southern District of California.

Judge Battaglia is a highly regarded jurist in the San Diego area. For more than 17 years, he has served as a magistrate judge. He has seen more than 20 cases to verdict or judgment, has managed both individual and large class action suits, and has presided over matters ranging from environmental claims to commercial contract disputes to criminal and civil rights cases.

Outside of the courtroom, Judge Battaglia has generously given his time to train and educate other lawyers and judges by, for example, writing extensively in local bar journals and leading instructional workshops and seminars across the country.

He has been appointed by Chief Justice John Roberts to represent magistrate judges across the country on the Judicial Conference. He has served as president of the Federal Magistrate Judges Association. And he has been president of the San Diego County Judges Association.

Prior to his appointment to the bench, Battaglia was an equally well regarded litigator—first with the law offices of John Marin, then as a sole practitioner, and finally as a partner in the firm of Battaglia, Fitzpatrick, & Battaglia.

During almost two decades in private practice, he tried 23 cases to verdict and handled more than 125 arbitrations.

His accolades as an attorney included serving as president of the San Diego Bar Association and president of the San Diego Trial Lawyers Association, as well as being named Outstanding Trial Lawyer by the San Diego Trial Lawyers Association.

Judge Battaglia will bring to the district court a wealth of experience as an attorney, as well as a top-notch record as a judge.

I commend Senator BOXER for recommending him for this position, and I am very pleased to support his nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, today we continue in our efforts to lessen the burden our overworked courts currently face. We are about to confirm three more judicial nominees. Two of the three nominees we will vote on tonight are for seats designated as judicial emergencies. With our action today, in only 22 days the Senate has been in session, the Senate has confirmed 10 nominees.

With these votes tonight, we will have confirmed 19 percent of President Obama's judicial nominees submitted in this Congress. This pace far exceeds the progress made at this point in the 108th Congress, which was the beginning of the third year of President Bush's Presidency. At this point, the 108th Congress had confirmed only 4 of the 48 nominations sent to the Senate, about an 8 percent confirmation rate.

Our fast pace on the floor is matched by our rapid pace in committee. We held our third nominations hearing this past Wednesday. We have now heard from 13 judicial nominees and have reported 16 favorably. Our work in committee and on the floor indicates a cooperative effort between me, the chairman of the Judiciary Committee and our leadership. It is an indication of the progress that can be made when the President nominates consensus nominees.

We will continue in our efforts, but again, I would remind everyone that while we in the Senate are doing our part, the administration must also be engaged in this process. I would note that 24 of the 41 vacant seats deemed to be judicial emergencies have no nominee. Of the additional 54 vacancies, 28 have no nominee.

I am perplexed as to why the President would ignore these pending vacancies and instead spend time and resources to send up a nomination for a seat that will not be vacant for some time. I refer to the President's nomination, on February 16, 2011, of Scott Skavdahl, to be United States District Judge for the District of Wyoming. This seat will not be vacant until July 24, 2011, when the current judge will retire. I do not understand the administration's priorities when it comes to judicial nominations. Instead of focusing on nominations for future vacancies, I would hope the administration would use some common sense and direct its efforts towards nominating individuals for seats which are at least currently vacant.

With regard to the nominees on whom we will vote this evening, let me say a few words about each.

Judge Joseph Battaglia is nominated to be a U.S. district judge for the Southern District of California. He presently serves in that district as a U.S. magistrate judge. He was first appointed to that position in 1993. In addition to serving as a magistrate judge, Judge Battaglia has served on the Judicial Conference of the United States Advisory Committee on Rules of Criminal Procedure, on the Ninth Circuit Executive Board of Magistrate Judges, and as a Magistrate Judge Observer on the Judicial Council of the Ninth Circuit. In 2009, Judge Battaglia was appointed by Chief Justice Roberts as Magistrate Judge Observer to the Judicial Conference of the United States.

Judge Battaglia received his B.A. from the U.S. International University and his J.D. from California Western School of Law. He spent almost two decades working in private practice, and also acted as an arbitrator for the San Diego Superior Court, serving on many panels. The American Bar Association Standing Committee on the Federal Judiciary unanimously rated him ''Well-Qualified.''

This evening, we will also vote on two nominees to the Central District of Illinois. Both of these vacancies are considered to be judicial emergencies.

Judge James E. Shadid received his B.S. from Bradley University and his J.D. from the John Marshall Law School. Upon admission to the Illinois bar, Judge Shadid opened his own law practice. He maintained his law practice until 2001, when he was appointed by the Illinois Supreme Court to fill a vacancy on the Tenth Judicial Circuit. He was elected to a full term in 2002 and re-elected in 2008.

While in private practice, he served as a part-time public defender at the

Peoria County Public Defender's Office. He also served an assistant attorney general for the State of Illinois. He was appointed by Governor Jim Edgar to serve as a commissioner of the Court of Claims in Illinois. The American Bar Association Standing Committee on the Federal Judiciary rated Judge Shadid as ''Qualified'' by a substantial majority, while a minority rated him ''Well Qualified.''

Also nominated to a judicial emergency vacancy for the Central District of Illinois is Judge Sue E. Myerscough. Judge Myerscough received her B.A. with honors, from Southern Illinois University, and her J.D. from Southern Illinois School of Law. Upon graduation from law school, she served as a law clerk to the Honorable Harold A. Baker of the U.S. District Court for the Central District of Illinois.

Judge Myerscough was in private practice for approximately 6 years before being elected as an associate circuit court judge for the Seventh Judicial Circuit of Illinois. Judge Myerscough later became a circuit judge for the Seventh Circuit. In 1998 she was elected as an appellate court justice of the Illinois Appellate Court, Fourth District. The American Bar Association Standing Committee on the Federal Judiciary unanimously rated Judge Myerscough as ''Qualified.''

I congratulate these three nominees and wish them well in their public service as a U.S. district judge.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. I ask unanimous consent to speak as in morning business.

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

Ms. KLOBUCHAR. Mr. President, I first wanted to alert Senators that we will most likely be voting somewhere around 5:30. We are still working on an agreement about yielding back time, but I thought people would like to know that.

The other thing I wish to note is to first urge my colleagues to confirm the judges before us tonight, and then I wish also to briefly say a few words about the third vote we are going to be taking in this sequence.

AMERICA INVENTS ACT

In a few moments the Senate will take another important step toward passing the America Invents Act. This bipartisan bill will go a long way in ensuring our country remains the world leader in entrepreneurship, research, and development and, of course, innovation.

Over the course of last week, every Senator had an opportunity to come to the floor and weigh in on this bill with amendments. We made a lot of progress, and as a result I am pleased to say we have a bill that is even better than the one we started with, a truly bipartisan product which will bring our patent system into the 21st century. If passed, this legislation will make the first comprehensive set of reforms to our Nation's patent process in almost 60 years. Sixty years.

A lot has changed since then. The America Invents Act will create a legal framework that reflects current technology and a climate in which innovation can flourish. In doing so, it will unleash the power of our Nation's single most precious resource, the ingenuity of our people. I point out that it will do it without adding a penny to our deficit.

An improved patent process will spark the kind of job creation and business growth our economy needs right now. I know you know that in Delaware—and we certainly know it in Minnesota. Those are not Democratic priorities—the priorities of competitiveness and innovation—and they are not Republican priorities, they are American priorities.

I urge all Senators to support the motion so we can move forward with this important legislation. I thank Senator GRASSLEY for all his work on this bill and Senator LEAHY as well, and all the rest of the Judiciary Committee.

I yield the floor, and we will soon have an update on whether we can yield back the time to start the votes at 5:30.

Mr. GRASSLEY. Mr. President, we are prepared to yield back the balance of time on this side.

Ms. KLOBUCHAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Ms. KLOBUCHAR. I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. KLOBUCHAR. I ask unanimous consent that all remaining time on both sides be yielded back.

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

NOMINATION OF SUE E. MYERSCOUGH

Under the previous order, the nomination of Sue E. Myerscough, of Illinois, to be United States District Judge for the Central District of Illinois is confirmed.

VOTE ON NOMINATION OF JAMES E. SHADID

Ms. KLOBUCHAR. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of James E. Shadid, of Illinois, to be United States District Judge for the Central District of Illinois?

The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from North Carolina (Mrs. HAGAN), the Senator from Vermont (Mr. LEAHY), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH), the Senator from South Carolina (Mr. DEMINT), the Senator from Nevada (Mr. ENSIGN), the Senator from North Dakota (Mr. HOEVEN), the Senator from Georgia (Mr. ISAKSON), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Kentucky (Mr. PAUL).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted ''yea.''

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

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 32 Exe.]

YEAS—89

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

NOT VOTING—11

Conrad	Hatch	Murkowski
DeMint	Hoeven	Paul
Ensign	Isakson	Sanders
Hagan	Leahy	

The nomination was confirmed.

VOTE ON NOMINATION OF ANTHONY J. BATTAGLIA

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Anthony J. Battaglia, of California, to be United States District Judge for the Southern District of California?

The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the next two votes be 10-minute votes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. KLOBUCHAR. 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 clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from North Carolina (Mrs. HAGAN), the Senator from Vermont (Mr. LEAHY), the Senator from Vermont (Mr. SANDERS), and the Senator from Virginia (Mr. WEBB) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nevada (Mr. ENSIGN), the Senator from Utah (Mr. HATCH), the Senator from North Dakota (Mr. HOEVEN), the Senator from Georgia (Mr. ISAKSON), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Kentucky (Mr. PAUL).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted ''yea.''

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

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 33 Exe.]

YEAS—89

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

NOT VOTING—11

Conrad	Hoeven	Paul
Ensign	Isakson	Sanders
Hagan	Leahy	Webb
Hatch	Murkowski	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made en bloc and laid upon the table en bloc.

Under the previous order, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

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

PATENT REFORM ACT OF 2011—Resumed

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 23, the America Invents Act.

Harry Reid, Patrick J. Leahy, Debbie Stabenow, John F. Kerry, Jeanne Shaheen, Christopher A. Coons, Tom Harkin, Mark Begich, Jeff Bingaman, Al Franken, Kay R. Hagan, Michael F. Bennet, Richard Blumenthal, Sheldon Whitehouse, Amy Klobuchar, Bill Nelson, Benjamin L. Cardin, Richard J. Durbin.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mr. LEAHY. Mr. President, today the Senate will take another step toward completing action on the America Invents Act. This is commonsense legislation that will make the first comprehensive reforms to our Nation's patent system in nearly 60 years. The debate on this bill since its introduction 6 years ago has been long, and the compromises have been many. I am confident that the bill before us today makes the needed changes to bring the U.S. Patent and Trademark Office into the 21st century.

The America Invents Act is bipartisan legislation that has resulted from deliberation in both the Senate and House. It has been the topic of more than a dozen hearings and committee meetings in the Senate, and countless hours of meetings and negotiations. I had hoped to complete action on this legislation last week. The additional time has allowed every Senator the opportunity to come to the floor and speak about the important matters encompassed by this bill. We have debated and adopted relevant amendments and debated and rejected other amendments, including some that were not even relevant to this legislation. This is a bill that does not spend a dollar of taxpayer money and does not add to the deficit. It will directly result in millions of dollars being saved, and indirectly in helping unleash American innovation to create jobs and help bolster our economy.

Now is the time to act. Now is the time to vote. Now is the time to move forward with this job-creating bill that will help boost our economy and restore America's competitive edge in the global marketplace.

Modernizing our patent system through the America Invents Act will make America more competitive. It protects innovators and inventors large and small, from the small independent inventor in Middlesex, VT, to cutting-edge manufacturers and innovators in Ohio and California. It will give the Patent and Trademark Office the tools it needs to process and award the patent for what may be the next life-saving device or life-changing invention. And the America Invents Act will do all of this without spending a dollar of taxpayer money. This is a jobs bill that doesn't add a cent to the deficit. Supporters of this legislation come from both sides of the aisle, from every corner of the country, and from every component of the patent community.

This country's first patent was issued to a Vermonter. Thomas Jefferson, the Secretary of State, examined the application, and President George Washington signed it. A lot has changed in the more than 220 years since that first patent was issued. We cannot remain complacent and expect to remain at the forefront of innovation. Enacting the America Invents Act is one way in which we can come together and show the American people that we in Washington are working together with the future of our country in mind.

I commend Austan Goolsbee, the chair of the President's Council of Economic Advisers, for his white board presentation today on the importance of patent reform to help America win the global competition and create jobs. The creation of more than 220,000 jobs in the private sector last month, the creation of 1.5 million jobs over the last 12 months, and the unemployment rate finally being reduced to 8.9 percent are all signs that the efforts we have made over the last 2 years to stave off the worst recession since the Great Depression are paying off and the economic recovery is taking hold. The almost full percent point drop in the unemployment rate over the last three months is the largest decline in unemployment since 1983. Despite interruptions of economic activity in many parts of the country caused by winter weather over the last months and days, despite the extraordinary rise in oil prices, the Dow Jones industrial average has climbed back to over 12,000 from a low point of 6,500. Passage of the America Invents Act should help bolster our economic recovery and keep us on the right path toward business development and job creation.

I urge all Senators to support the cloture motion on the America Invents Act. The Nation's economy, American inventors and innovators, our competitive edge in the global marketplace all will be helped when we pass this important bill.●

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 23, the Patent Reform Act of 2011, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from Vermont (Mr. LEAHY), the Senator from Vermont (Mr. SANDERS), and the Senator from Virginia (Mr. WEBB) are necessarily absent.