chart. What the Senator from Arizona is saying is that you still have to spend 10 percent of your surface transportation money on transportation enhancements, but he is saying the States have to use it on his transportation enhancements. Those are the bike and pedestrian facilities, the bike and pedestrian safety, rails to trails. The bikers are going to be very happy with this. They are the only ones coming out ahead should this be passed.

Now, environmental mitigation in our law is restricted specifically to wildlife, bridges and tunnels, and to stormwater runoff enhancements. Now, stormwater runoff is taken care of anyway; these are the enhancements.

So what this amendment is saying is that we are going to have to spend this 10 percent on bicycles and on various types of wildlife, bridges, and tunnels so that the turtles can get under the highways and not get run over, and that is not what I know the Senator from Arizona wants.

In other words, we are taking the flexibility away from the cities, away from the States, and saying to them: You have to spend your 10 percent, and you have to spend it on these four things. I would just suggest to you that in my State of Oklahoma, these are not the four things on which we would want to spend it. I come down here all the time, and there is this mentality that we have in Washington: No idea is a good idea unless it comes from Washington. Well, in my State of Oklahoma, we have a great highway program. I want them to have the latitude to decide what is really best.

Now, the chairman of the Environment and Public Works Committee, Senator BOXER, and I have disagreed on environmental issues tooth and nail. We have fought with each other more than any two people on the floor of the Senate. She knows I have done everything within my power to do away with all transportation enhancement requirements. I have done this.

If this amendment had eliminated the mandate that States spend 10 percent of their Surface Transportation Program funds on all transportation enhancements, I philosophically would have supported it. If the McCain amendment had said that we want to do away with all transportation enhancements, I would have philosophically supported it. The problem with that is we would not be able to get a highway bill done.

I often say that I have been actually ranked as the most conservative member of the Senate probably more than anyone else, but I have also said I am a big spender in two areas: No. 1 is national defense and No. 2 is infrastructure. That is what I think we are supposed to be doing here—roads and bridges.

I am sure my colleagues will recall that during the debate on the extension of the highway bill last month, Senators BOXER, COBURN, REID, and I worked out an agreement that reforms the Transportation Enhancement Program which would be included in the next highway bill that the EPW Committee will be marking up next month. I hope we will be marking this up next month. These reforms would allow the States to make a determination as to how they want to spend their funds.

To go back to this 10 percent, the idea behind this is this would increase what we are able to do and let the States have the discretion, so they can totally eliminate all enhancements. The States can do that. But they also would be allowed to use the 10 percent of the surface transportation funding on the various programs that are out there having to do with endangered species and the burying beetle and all that. That is where the problems really are.

So I don't think we should mistakenly vote for the McCain amendment and say to the people in this country: You have to spend 10 percent of your surface transportation funds on these four things. And again, the bikers would love the bike trails and all that, but I don't believe that is what we should be doing here.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from Arizona has 2 minutes 55 seconds.

Mr. MCCAIN. Madam President, again, the question is, What do we do with the money? And obviously, when taxpayers are told that, with 146,633 deficient bridges in this country, that we don't need to be spending it on the examples I have provided—I hope it is well understood that if those projects are felt needed by the States and the counties and the elected officials in the States, then they should be able to go ahead with them, but if they don't choose to, they should also have the right not to. It is time some of this kind of stuff stopped.

I hope my colleagues will vote in favor of the amendment.

I yield the remainder of my time.

Mr. INHOFE. I would ask the Chair how much time I have remaining.

The ACTING PRESIDENT pro tempore. No time is remaining.

Mr. INHOFE. I ask unanimous consent that I have 30 seconds remaining.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INHOFE. I only want to say that I agree with everything the Senator from Arizona is saying in terms of the bridges. I have fought for the bridges and highways.

I have tried my best to get rid of all the enhancements—all of them. But to have an amendment that says to my State of Oklahoma: You still have to spend 10 percent of your surface transportation funds, but you have to spend it on bike trails and turtle bridges, I think that is wrong.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF MARK RAYMOND HORNAK TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA

NOMINATION OF ROBERT DAVID MARIANI TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

NOMINATION OF ROBERT N. SCOLA, JR., TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA

The ACTING PRESIDENT pro tempore. Under previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The bill clerk read the nominations of Mark Raymond Hornak, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania, Robert David Mariani, of Pennsylvania, to be United States District Judge for the Middle District of Pennsylvania, and Robert N. Scola, Jr., of Florida, to be United States District Judge for the Southern District of Florida.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 10 minutes of debate, equally divided in the usual form.

Who yields time?

The Senator from Pennsylvania.

Mr. CASEY. Madam President, I rise to speak on both nominees. I will start with Bob Mariani. And I refer to him that way because I have known him a long time, but his full name is Robert David Mariani. Bob Mariani is someone I know to be a person of not just high intellect and ability but also someone with great integrity.

Bob Mariani was born in Scranton, PA—the same city in which I was born. I still live there and so does he. He received his law degree cum laude in 1976 from the Syracuse University School of Law and also received his college education cum laude from Villanova University, graduating within the top 10 percent of his class. He was ranked second within his major field of study as an undergraduate.

Bob Mariani is a well-respected lawyer and advocate in northeastern Pennsylvania. He has received the highest rating—well qualified—from the American Bar Association. He spent 34 years as a civil litigator in Scranton, PA, where he specializes in labor and employment law. Since 2001, he has been the sole shareholder in the law firm that bears his name. He was also the sole proprietor of a similar law office that bears his name from 1993 to the year 2001, and a partner as well in an earlier iteration of that law firm,

Mariani & Greco, from 1979 to 1993. Bob has taught labor law at Penn State University and been an instructor at Penn State's Union Leadership Academy Program, where he taught labor law and collective bargaining.

Bob has received a whole series of commendations and awards that I won't list due to the time we have today, but probably the most important thing I could say about Bob—and I know I might be a little biased because I know him and have great respect for him—is that he is a person who will apply the law; who understands when someone comes before him, they should be accorded basic fairness no matter who they are, no matter what point of view, and no matter where they come from.

I know integrity and commitment to public service—not just of the law but the public service a judge can provide—are the values that will guide Bob Mariani as a judge, and so I am very happy we will be voting on his nomination.

Also today, we will be voting on the confirmation of Mark Raymond Hornak. I have not known Mark as long as I have known Bob Mariani, but I have known him for more than 15 years now. Mark is a native of Homestead, PA—southwestern Pennsylvania.

By way of a quick summary of his educational background, he got his law degree summa cum laude—the highest honors—in 1981 from the University of Pittsburgh Law School, graduating second in his class. He was editor-in-chief of the University of Pittsburgh Law Review. He got his college degree from the University of Pittsburgh as well, and was a dean's list student and member of the honor society there.

His career has been varied and significant as a lawyer and advocate. He has been a partner in the law firm of Buchanan Ingersoll & Rooney since 1982. He has specialized in civil litigation, labor and employment law, media defense and governmental representation, and is a member of the firm's executive committee.

He is the solicitor of the Sports & Exhibition Authority of Pittsburgh and Allegheny County, and also has been very active in his community in Pittsburgh.

He also represents national television, radio, and publishing clients in media litigation, including defamation, first amendment and access issues, and in transactional matters.

Prior to joining the Buchanan Ingersoll & Rooney firm, Mark served as law clerk to the Honorable James M. Sprouse of the United States Court of Appeals for the Fourth Circuit.

Mark also has a long list of honors and achievements that I won't list today, but, again, he is someone who has great integrity and ability and who understands serving on the bench on a Federal district court—whether it is in the Middle District of Pennsylvania, as in Bob Mariani's case, or the Western District of Pennsylvania, as in Mark Hornak's case—is public service, and with it comes the responsibilities and obligations of being a public servant. Both of these candidates understand that—both Bob Mariani and Mark Hornak—and so I am honored to be able to speak today regarding their nominations.

I would urge a ''yes'' vote on both nominations.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Florida.

Mr. NELSON of Florida. Mr. President, we have a judge who will be in front of the Senate, and it is my understanding it has been worked out that there will be a voice vote. I want to thank the leadership of the appropriate committee, the Judiciary Committee, for handling this with dispatch. In a big-growth State such as Florida, where there is such a caseload in the Federal judiciary, when we have a vacancy it needs to be attended to right away.

Fortunately, the two Senators from Florida have tried to take the politics out of the selection of judges by letting the interviewing process, the selection process be done by a panel of prominent citizens called a judicial nominating commission, and they recommended these three to the two Senators. The Senators then interviewed them and let the White House know, and the White House agreed—much to the credit of this White House—that they would select from among those we submitted. Those we submitted are the ones who came out of the judicial nominating commission. Thus was the selection of Judge Robert Scola, whom we will confirm today, and who was nominated in May of this year.

Judge Scola received his bachelor's from Brown University, went to Boston College for law school, and graduated cum laude. He practiced law as a criminal defense attorney representing individuals and corporations in both State and Federal courts and then he spent 6 years working as a prosecutor in the Miami-Dade County State Attorney's office. He was then appointed back in 1995 by the Governor to the Eleventh Judicial Circuit Court bench, where he has sat as a State court judge all the way up until today. He received his well-qualified rating from the American Bar Association.

Certainly Senator RUBIO and I told the White House when we submitted the names from the judicial nominating commission that we agreed with all of these nominees. So with this strong tradition of bipartisan support for our judicial nominees, I bring to the Senate's attention for confirmation Judge Robert Scola.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise for literally 30 seconds, because I failed, when talking about both the Mariani and Hornak nominations, to thank Senator TOOMEY, my colleague from Pennsylvania. We worked together on both these nominees to arrive at a consensus position, and so I am grateful for Senator TOOMEY's help, and grateful for the work of his staff as well.

I yield the floor.

Mr. LEAHY. Mr. President, the Senate will vote today on 3 of the 26 judicial nominations reported favorably by the Judiciary Committee and still awaiting a Senate vote. All three of these nominations, two to Federal district courts in Pennsylvania and one to the Southern District of Florida, were reported unanimously by the Judiciary Committee before the August recess. All three have the support of both Democratic and Republican home State Senators. Two of them are to fill judicial emergency vacancies. Senate Democrats were prepared to have votes on all three nominations 3 months ago when they were first reported to the Senate. I have heard no reason or explanation for why the Republican leadership refused until now to consent to votes on these nominations.

There is also no good reason or explanation for the Republican leadership's continued refusal to vote on the more than two dozen nominations stalled before the Senate. With Republican agreement, we could vote on all of them. Like the three nominations the Senate considers today, 21 of the other judicial nominations pending on the calendar and still being delayed were reported unanimously by the Judiciary Committee. At a time when vacancies on Federal courts throughout the country remain near 90, with over 10 percent Federal judgeships vacant, the delays in considering and confirming these consensus judicial nominees is inexcusable.

The American people need functioning Federal courts with judges, not vacancies. In his recent letters to the Senate majority leader and Republican leader, Bill Robinson, the president of the American Bar Association, highlighted the serious problems created by these excessive vacancies, writing:

> Across the nation, federal courts with high caseloads and longstanding or multiple vacancies have no choice but to delay or temporarily suspend their civil dockets due to Speedy Trial Act requirements. This deprives our federal courts of the capacity to deliver timely justice in civil matters and has real consequences for the financial well-being of businesses and for individual litigants whose lives are put on hold pending resolution of their disputes.

Mr. Robinson is not alone. We recently heard from Justice Scalia, who testified before the Senate Judiciary Committee that the extensive delays in the confirmation process are already having a chilling effect on the ability to attract talented nominees to the Federal bench. Chief Justice Roberts has also described the ''persistent problem of judicial vacancies in critically overworked districts.'' Justice Kennedy has spoken about the threat to the quality of American justice. This is not a partisan issue, but an issue affecting hardworking Americans who are denied justice when their cases are delayed by overburdened courts.

Though it is within the Senate's power to take significant steps to address this problem, refusal by Senate Republicans to consent to voting even on consensus judicial nominations has kept judicial vacancies high for years. The number of judicial vacancies has been near or above 90 for well over 2 years. A recent report by the nonpartisan Congressional Research Service found that we are in the longest period of historically high vacancy rates in the last 35 years. These needless delays do nothing to help solve this serious problem and are damaging to the Federal courts and the American people who depend on them.

More than half of all Americans—almost 170 million—live in districts or circuits that have a judicial vacancy that could be filled today if the Senate Republicans just agreed to vote on the nominations now pending on the Senate calendar. As many as 25 States are served by Federal courts with vacancies that would be filled by these nominations. Millions of Americans across the country are harmed by delays in overburdened courts. The Republican leadership should explain why they will not consent to vote on the qualified consensus candidates nominated to fill these extended judicial vacancies.

Senator GRASSLEY and I have worked together to ensure that each of the 26 nominations on the Senate calendar was fully considered by the Judiciary Committee after a thorough but fair process, including completing our extensive questionnaire and questioning at a hearing. In fact, all the nominations reported by the committee have not only gone through vetting by the committee, but were vetted by the administration. The White House has worked with the home State Senators, Republicans and Democrats, and each of the judicial nominees being delayed from a Senate vote is supported by both home State Senators. The FBI has conducted a thorough background review of each nominee. The ABA's Standing Committee on the Federal Judiciary has conducted a peer review of their professional qualifications. When the nominations are then reported unanimously by the Judiciary Committee, there is no reason for months and months of further delay before they can start serving the American people.

Despite the damaging high vacancies that have persisted throughout President Obama's term, some Republican Senators have tried to excuse their delay in taking up nominations by suggesting that the Senate is doing better than we did during the first 3 years of President Bush's administration. It is true that President Obama is doing better in that he has worked more closely with home State Senators of both parties. As I have noted, all of the judicial nominees pending and being stalled on the Senate Executive Calendar have the support of both home State Senators in every case. That was not true of President Bush and led to many problems.

I have continued the practices I followed as chairman when President Bush was in office. In fact, when the Kansas Senators reversed themselves and opposed a judicial nominee that they had once approved, I honored their change of position and did not proceed to a vote in committee on that nominee.

But it is wrong to suggest that the Senate has achieved better results than we did in 2001 through 2003. As I have pointed out, in the 17 months I chaired the Judiciary Committee in 2001 and 2002, the Senate confirmed 100 of President Bush's Federal circuit and district court nominees. By contrast, after the first 2 years of President Obama's administration, the Senate was only allowed to proceed to confirm 60 of his Federal circuit and district court nominees. Indeed, as 2010 was drawing to a close, Senate Republicans refused to proceed on 19 judicial nominees that had been considered and reported by the Judiciary Committee and forced them to be returned to the President. It has taken the Senate nearly twice as long to confirm the 100th Federal circuit and district court judge nominated by President Obama as we had when President Bush was in the White House.

During the third year of President Bush's administration, the Senate confirmed 68 of his Federal circuit and district court nominees. Indeed, by mid-October 2003, 63 judges had been confirmed. In contrast, this year the Senate has yet to confirm 50 of President Obama's judicial nominees—despite the fact that 26 have been ready for final consideration and approval and remain stalled from confirmation by the Senate.

For those who contend percentages are significant, I note that the Washington Post reported this week that a lower percentage of President Obama's nominees have been confirmed than President Bush's, with only 68 percent of President Obama's Federal circuit and district court nominees confirmed compared to 81 percent of President Bush's.

I think confirmations and vacancy numbers better reflect the reality in our Federal courts and for the American people. It is hard to see how the Senate is supposed to be doing better when it remains so far behind the pace we set in those years. During President Bush's first 4 years, the Senate confirmed a total of 205 Federal circuit and district court judges. As of today, we have almost 100 confirmations of President Obama's circuit and district court nominations to go in order to match that total during the next 12 months. At this juncture in President Bush's administration the Senate had confirmed 163 Federal circuit and district court judges, and the vacancy rate was down to 5 percent, with 46 vacancies. By contrast confirmations of President Obama's Federal circuit and district court nominees total only 109, and judicial vacancies are now nearly twice as high with a vacancy rate of over 10 percent.

This is not the way to make real progress. No resort to percentages of nominees ''processed'' or ''positive action'' by the committee can excuse the lack of real progress by the Senate. In the past, we were able to confirm consensus nominees more promptly, often within days of being reported to the full Senate. They were not forced to languish for months. The American people should not have to wait weeks and months for the Senate to fulfill its constitutional duty and ensure the ability of our Federal courts to provide justice to Americans around the country.

All three of the nominations the Senate will vote on today were reported unanimously by the committee in July. President Obama first nominated Robert Mariani in December 2010 to fill a judicial emergency vacancy in the Middle District of Pennsylvania. Mr. Mariani has been a litigator in private practice for 35 years. For almost 20 years, he has managed his own law firm as a solo practitioner. Mr. Mariani has the bipartisan support of his home State Senators, a Democrat and a Republican. The ABA's Standing Committee on the Federal Judiciary unanimously rated him ''well qualified'' to serve, its highest possible rating.

Mark Hornak is nominated to fill a vacancy in the U.S. District Court for the Western District of Pennsylvania. As with Mr. Mariani, both of Pennsylvania's Senators support Mr. Hornak's nomination, which received the highest possible rating from the ABA's Standing Committee on the Federal Judiciary, unanimously ''well qualified.'' Mr. Hornak has worked in private practice for 30 years in the Pittsburgh office of Buchanan, Ingersoll & Rooney, where he is a member of the firm's executive committee. He has served as a court-approved mediator and special master in the Western District of Pennsylvania, the district to which he is nominated. Following his law school graduation, he served as a law clerk to Judge James Sprouse of the U.S. Court of Appeals for the Fourth Circuit.

We will also vote on the nomination of Judge Robert Scola to fill a judicial emergency vacancy in the Southern District of Florida. For the past 16 years, Judge Scola has served as a State judge in the Eleventh Judicial Circuit of Florida. He has been reelected to that position three times. Judge Scola previously spent 9 years in private practice as a criminal defense attorney, and 6 years as a State prosecutor in Miami-Dade County. The ABA's Standing Committee on the Federal Judiciary unanimously rated Judge Scola ''well qualified'' to serve, its highest rating. Judge Scola has the bipartisan support of his home State Senators, a Democrat and a Republican. The Chief Judge for the Southern District of Florida, Judge Federico Moreno, a President George H.W. Bush

appointee, wrote months ago to the Senate to urge the speedy confirmation of Judge Scola to address his court's overburdened schedule. I am glad we are finally able to consider his nomination today.

I hope that in the weeks ahead we can build on today's progress by considering more of the nearly two dozen well-qualified nominees still awaiting a Senate vote. This is an area where the Senate must come together to address the serious judicial vacancies crisis on Federal courts around the country that has persisted for well over 2 years. We can and must do better for the nearly 170 million Americans being made to suffer by these unnecessary Senate delays.

Mr. GRASSLEY. Mr. President, today the Senate will vote on three more judicial nominations. With these votes, we will have confirmed 14 nominees this month and 52 nominees this year. We continue to achieve great progress in committee as well. Eighty-four percent of the judicial nominees submitted this Congress have been afforded hearings. Only 78 percent of President Bush's nominees had hearings for the comparable time period during his Presidency. We have reported 76 percent of the judicial nominees, compared to only 71 percent of President Bush's nominees. In total, the committee has taken positive action on 83 of the 99 nominees submitted this Congress, or 84 percent. Overall, we have confirmed over 70 percent of President Obama's judicial nominees since he took office.

I will support the confirmation of each of the nominees today. I have a few words to say about each nominee.

Mark Raymond Hornak is nominated to be U.S. district judge for the Western District of Pennsylvania. Mr. Hornak graduated with a B.A. from the University of Pittsburgh in 1978, and with a J.D. from the University of Pittsburgh School of Law in 1981. He began his legal career as a clerk for Judge Sprouse on the Fourth Circuit. Since his clerkship, the nominee has spent his entire career at Buchanan Ingersoll & Rooney where he practices labor and employment law, representing primarily employers and public agencies.

Mr. Hornak received a unanimous ''well qualified'' rating from the American Bar Association Standing Committee on the Federal Judiciary.

Robert David Mariani is nominated to be U.S. district judge for the Middle District of Pennsylvania, a seat deemed to be a judicial emergency. He received his A.B., cum laude, from Villanova University in 1972, and his J.D. from Syracuse University College of Law in 1976. Mr. Mariani began his legal career by practicing labor, employment, commercial, real estate, civil, and criminal law. During this time, Mr. Mariani also served as the Solicitor to the Scranton-Dumore Sewer Authority.

Beginning in 1980, Mr. Mariani dedicated himself to the exclusive practice of labor and employment law. His expertise includes collective bargaining, labor arbitration, and employee pension and benefits law under ERISA and the Internal Revenue Code. Mr. Mariani has practiced before Federal and State courts, the NLRB, the EEOC, and the Pennsylvania Human Rights Campaign. He also serves as counsel to the Northeast Pennsylvania School District Health Trust and the Berks County School District Health Trust. In addition to his practice, Mr. Mariani also serves as an arbitrator, where he resolves complex labor disputes through negotiation.

Mr. Mariani received a unanimous ''well qualified'' rating from the American Bar Association Standing Committee on the Federal Judiciary.

I had some initial concerns regarding Mr. Mariani's nomination. Mr. Mariani has expressed labor policy preferences against at-will employment and in favor of card check for union employees. I asked him about these statements at his hearing and in followup questions. Based on his responses, I am willing to give him the benefit of the doubt that he will be able to be fair and impartial as a judge.

Robert N. Scola is nominated to be U.S. district judge for the Southern District of Florida, another seat deemed to be a judicial emergency. Judge Scola earned his B.A. in 1973 from Stanford University and his J.D. from Boston College of Law in 1980. From 1980 to 1986, Judge Scola served as a prosecutor in State court. He began with misdemeanor cases and finished with prosecuting first degree murder and death penalty cases.

From 1986 to 1995, Judge Scola served as a criminal defense attorney. He practiced solo for most of this time. From 1992 to 1993, he joined two other attorneys in criminal defense. Judge Scola specialized in criminal defense in both State and Federal court.

Governor Lawton Chiles appointed Judge Scola to his current position as a circuit judge for the Eleventh Judicial Circuit of Florida in and for Miami-Dade County in 1995. Since then, the circuit has elected and reelected him without opposition in 1996, 2002, and 2008. He has served in the family division, civil division, and has also served as an appellate judge for county court and administrative law cases.

Judge Scola received a unanimous ''well qualified'' rating from the American Bar Association Standing Committee on the Federal Judiciary.

The PRESIDING OFFICER. Under the previous order, the Hornak and Scola nominations are confirmed.

The question is, Will the Senate advise and consent to the nomination of Robert David Mariani, of Pennsylvania, to be United States District Judge for the Middle District of Pennsylvania?

Mr. CASEY. 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 bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Mr. KOHL) is necessarily absent.

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

The result was announced—yeas 82, nays 17, as follows:

[Rollcall Vote No. 169 Ex.]

YEAS—82

Akaka	Graham	Murkowski
Alexander	Grassley	Murray
Ayotte	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Begich	Hatch	Portman
Bennet	Heller	Pryor
Bingaman	Hoeven	Reed
Blumenthal	Inouye	Reid
Boxer	Isakson	Rockefeller
Brown (MA)	Johanns	Rubio
Brown (OH)	Johnson (SD)	Sanders
Cantwell	Kerry	Schumer
Cardin	Kirk	Sessions
Carper	Klobuchar	Shaheen
Casey	Kyl	Snowe
Chambliss	Landrieu	Stabenow
Coats	Lautenberg	Tester
Cochran	Leahy	Thune
Collins	Levin	Toomey
Conrad	Lieberman	Udall (CO)
Coons	Lugar	Udall (NM)
Corker	Manchin	Warner
Cornyn	McCain	Webb
Crapo	McCaskill	Whitehouse
Durbin	Menendez	Wicker
Feinstein	Merkley	Wyden
Franken	Mikulski	
Gillibrand	Moran	

NAYS—17

Barrasso	Enzi	Paul
Blunt	Hutchison	Risch
Boozman	Inhofe	Roberts
Burr	Johnson (WI)	Shelby
Coburn	Lee	Vitter
DeMint	McConnell	

NOT VOTING—1

Kohl

The nomination was confirmed.

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

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT OF 2012—Continued

AMENDMENT NO. 739

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided between the Senator from Arizona, Mr. MCCAIN, and the Senator from California, Mrs. BOXER, or their designees.

Mrs. BOXER. Mr. President, could we have order?

The PRESIDING OFFICER. I ask for order.

Mrs. BOXER. The reason I asked for order is because this amendment affects each and every one of you and