these counterterrorism programs. These programs are legal, constitutional, and utilized only under the strict oversight of both parties and all three branches of government, including a highly scrutinized judicial process. In the end, these programs rely on the trust of the American people. And with that trust lacking today, I am asking my fellow Members of Congress, as well as the media, to fact-check first before mischaracterizing programs that save lives.

I believe we can—and we must—protect both security and liberty when it comes to counterterrorism efforts, and I believe these programs do just that.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

EXECUTIVE SESSION

NOMINATION OF LUIS FELIPE RESTREPO TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NOMINATION OF KENNETH JOHN GONZALES TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO

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

The legislative clerk read the nominations of Luis Felipe Restrepo, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania and

Kenneth John Gonzales, of New Mexico, to be United States District Judge for the District of New Mexico.

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

The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, I am pleased to rise today to strongly support the confirmation of Kenneth Gonzales for U.S. district judge for the District of New Mexico.

Mr. Gonzales is an exceptional nominee with an impressive range of legal experience and expertise. He was unanimously confirmed by the Senate as the U.S. attorney for the District of New Mexico in 2010. But he is more than just his resume, remarkable as it is. He is also an inspiring American story.

Mr. Gonzales grew up in the Pojoaque Valley in the northern part of our State. He was the first in his family to graduate from college. With the help of scholarships and grants, he received his undergraduate and law degrees from the University of New Mexico, a school that I am proud to call my alma mater.

After graduating he was a law clerk to New Mexico Supreme Court Justice Joseph Baca, and he worked as a legislative assistant for Senator Jeff Bingaman.

He began his career as a Federal prosecutor in the U.S. Attorney's Office for the District of New Mexico in 1999, prosecuting a wide range of Federal offenses, including narcotics and violent crime cases. He holds the rank of major as a judge advocate in the U.S. Army Reserve, which he joined in September 2001. He has provided critical legal assistance to hundreds of active and retired soldiers and spouses, both here and overseas. In 2008 he was called to Active Duty as a part of Operation Enduring Freedom, where he was stationed at Fort Bragg and served as a senior trial counsel.

Mr. Gonzales has been an exemplary U.S. attorney for the District of New Mexico. He oversees a broad array of criminal and civil cases.

I would also like to note that he has made Indian Country a priority in the U.S. Attorney's Office, making a real difference in prosecuting cases of violence against native women and children.

Not surprisingly, his advice and counsel are highly valued. He serves on the Attorney General's Advisory Committees on Native American Issues, on the Southwest Border and Immigration Issues, on the Environmental and Natural Resources Working Group, and is a member of the Tenth Circuit Advisory Council.

He is also a member of the New Mexico Hispanic Bar Association. If confirmed, he will join only 58 other Hispanic active district court judges—less than 10 percent of the country's 677 district court judgeships.

Mr. Gonzales is esteemed for his diverse experience, for his even temperament, and for his integrity. From a young man dreaming of going to college, to his life in public service, his story is one of great determination and commitment. He has shown a reverence for and dedication to the law throughout his career.

I urge his confirmation. I know Ken Gonzales will serve New Mexico well on the Federal bench.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. HEINRICH. Mr. President, I would like to take a few minutes to also speak about the nomination of Kenneth Gonzales to be a Federal district judge for the District of New Mexico.

Ken, as he is known back home to many of us, is truly a standout nominee. I wish I could take credit for his nomination, but that credit belongs to our former U.S. Senator Jeff Bingaman and to our senior Senator TOM UDALL. But I want to thank both of them for putting forward such a great candidate for this position, and I am very pleased to be here today to support him.

Ken has a long and distinguished record of public service, including more than a decade of service in our military. Ken has served as the U.S. attorney for New Mexico since April 2010. His elevation to lead that office followed more than a decade of service there as an assistant U.S. attorney. I would like to highlight at least one of his many accomplishments that I find particularly important.

I think Ken's efforts as U.S. attorney demonstrate not only his character and his intellect but the dedication that he has to serving his home State and making it a better place for all our residents.

Much of New Mexico is Indian Country for which the U.S. attorney has the responsibility to prosecute criminal activity. Ken has taken the initiative to reorganize and focus the U.S. attorney's resources to more effectively combat the higher-than-average rates of violent crime, sexual assault, and sexual abuse that have plagued Indian Country.

This includes creating the first Indian Country Crime Section within any U.S. Attorney Office. This section includes a team of lawyers responsible for pursuing felony offenses on tribal lands. The office is also collaborating with tribal prosecutors to investigate and prosecute domestic violence in more than 20 pueblos and tribes located throughout the State of New Mexico.

This is just one example of Ken's work, but throughout his career Ken has shown a dedication to serving the people of New Mexico. It is the sum of all his efforts and accomplishments that make me believe he will make an outstanding addition to the Federal bench, and I am pleased that today we are at the final step toward getting him here.

The process for getting to the Federal bench is a long road to travel. The Judiciary Committee's leadership from both sides of the aisle takes seriously its responsibility to ensure that every nominee is fit to serve. I want to say a special thanks to Senator LEAHY and Senator GRASSLEY for working together and with Senator UDALL and myself to get Ken through this process.

As the vetting process surely showed, Ken has the knowledge, temperament, and integrity to serve on the Federal bench. I have no doubt that he will distinguish himself there, as he has throughout his entire legal career.

I strongly support his nomination, and I urge all of my colleagues to do the same.

Mr. President, I yield the floor.

• Mr. TOOMEY. Mr. President, I wish to offer my full support for the nomination of Judge Luis Felipe Restrepo to serve as U.S. District Judge for the Eastern District of Pennsylvania.

Before I begin, I wish to take this opportunity to thank Chairman LEAHY and Senator GRASSLEY for helping facilitate Judge Restrepo's confirmation

hearing and Leader REID and Leader MCCONNELL for their assistance in bringing his nomination to the Senate floor.

I would also like to thank Senator CASEY for his collaboration in our bipartisan effort to fill Pennsylvania's judicial vacancies with exceptional candidates. Over the past 2½ years, we have worked together to identify and recommend eight candidates, seven of whom have been confirmed. The people of Pennsylvania value this bipartisan spirit and I am pleased our joint efforts have led to today's consideration of Judge Restrepo.

Judge Restrepo currently serves as a Federal magistrate judge for the U.S. District Court for the Eastern District of Pennsylvania. A native of Columbia, he was raised in Northern Virginia and received his citizenship in 1993. A graduate of the University of Pennsylvania, he went on to earn his J.D. from Tulane School of Law.

Judge Restrepo brings a strong record as an attorney in both the public and private sector, which helps explain why he merited a unanimous ''Well Qualified'' rating from the American Bar Association. After working as a public defender, he then practiced law at the law firm of Krasner & Restrepo, focusing on criminal defense and civil rights litigation. After 13 years in the private sector, Judge Restrepo was selected to be a Federal magistrate judge and has served the public in this capacity for 7 years.

Aside from his legal duties, Judge Restrepo has devoted significant time to his community. In addition to his involvement with the Make-A-Wish Foundation, he established the Police/Barrio project, which focuses on improving the relationship between the Police Department and Latino Community in Philadelphia.

I am very confident that Judge Restrepo's judicial experience, legal acumen, and dedication to public service will serve him well should he be confirmed for the Federal bench. I am pleased to support this highly qualified nominee and I urge my colleagues to vote for his confirmation.●

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. ISAKSON. 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. ISAKSON. I ask permission to speak for 3 minutes as if in morning business.

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

CONGRESSMAN JOHN ROBERT LEWIS

Mr. ISAKSON. Mr. President, I rise proudly today to speak to a resolution that I have submitted in the Senate commending JOHN ROBERT LEWIS, Congressman, from the city of Atlanta, civil rights leader in the 1960s and 1950s, and my personal friend.

In 1954, I was 10 years old in the Atlanta public schools when Brown v. Board of Education was decided in the U.S. Supreme Court. JOHN LEWIS was 4 years older than me. He was born just outside of Pike County, AL, and went to the Pike County, AL, segregated public school. He went on to Fisk University to get a degree in religion and philosophy and volunteered for sit-ins in Nashville to break the first sit-in on lunch counters in the history of that city.

This year marks the 50th anniversary of what is called the Big Six in civil rights. As I am sure the Presiding Officer will remember, it was 50 years ago this August that Martin Luther King led a march in Washington and gave his great speech, ''I Have a Dream'' at the Lincoln Memorial. There were six great civil rights leaders then. There is only one left, and that is JOHN ROBERT LEWIS. He is my friend, he is my compatriot, and our lives have paralleled each other all the way through.

JOHN introduced me when I was first elected to the U.S. House of Representatives, and I was honored for that introduction. This year I joined JOHN on the 50th anniversary of the crossing of the Edmund Pettus Bridge in Selma, AL, the historic march, the bloody march on Bloody Sunday, which turned around the Voting Rights Act, saw to it that every American got equal access to vote, and changed the history of our country.

It is an honor and a privilege for me to honor JOHN today on this 50th anniversary of the crossing of the Edmund Pettus Bridge and honor a career that has been dedicated to liberty and freedom for all Americans.

JOHN recently suffered the loss of his beautiful wife Lillian. She is survived by their son John Miles Lewis. JOHN is a great leader to this day on the floor of the House, a great leader for the State of Georgia, and one with whom I am pleased to serve as Senator.

History has many heroes, as we all know—their pictures and their carvings are all over this Capitol. But none is greater than one who has sacrificed their life for the rights of others and for everyone to enjoy the same rights that everyone else in America has. JOHN LEWIS is such a person. I am honored to recognize him with this resolution.

Mr. President, I yield for the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, on the question of nominations, I attended President Obama's announcement of the nomination to the DC Circuit a couple of weeks ago. I have heard some of my colleagues on the Republican side being very critical of the President for not sending nominations for judicial vacancies to the Senate, even though when he has, some of them have held them up for 6 months to a year before they then vote overwhelmingly for the person. They hold him up and then say: Why don't you send more people? Frankly, a lot of people say: Why should I spend 6 months or a year waiting while they hold me up? Now the President has sent nominees for the multiple vacancies that continue on the DC Circuit. So the same Senators who are complaining that he was not sending up nominees now say he is sending up too many. My friends on the other side of the aisle are saying: You are not sending up enough, but you are sending up too many. I think maybe the American people see the fallacy of that argument.

Having been unfairly criticized in connection with the nomination of Judge Srinivasan, with some Senate Republicans saying: Why didn't you get him up here earlier for a vote, even though Republicans had asked us to delay him, I have learned from that that when cooperating and delaying at their request, I am going to get criticized for delaying, so going forward I will be making every effort to schedule prompt hearings for these impressive nominees, each of whom received the highest possible rating of ''well qualified'' from the nonpartisan ABA Standing Committee on the Federal Judiciary. We have three people with the highest possible rating.

The last time we had someone for the DC Circuit, even though Republicans kept saying: Let's delay, keep delaying—and I did so at their request—and they criticized me for delaying, here we are and we are going forward with them.

Frankly, I voted for a lot of President Bush's nominees. In fact, I would say I voted for 97 or 98 percent of all Republican nominees over 38 years. I voted for more Republican judicial nominees than any Republican presently in the Senate. There is no Republican in the Senate who has voted for more Republican nominees of Republican Presidents, nominees for judgeships, than I have. So I do not need a lecture about holding things up.

I have consulted with the ranking Republican on the committee and informed him that I plan to notice the first hearing for July 10. That gives plenty of time for everybody to read all the nominee's materials. We will be on vacation for the Fourth of July week; they can read it during vacation. That will be 36 days since the nominations and on a slightly slower timeline than we followed for the more recent confirmation of the nominee to the Eighth Circuit. I am delighted to include the nomination of Patricia Millett of Virginia, who should have broad bipartisan support, in our July 10 confirmation hearing.

It is disappointing that the same Republican Senators who said during the George W. Bush administration that the DC Circuit should have 11 filled judgeships and who voted to confirm President Bush's nominees for the 9th, 10th and 11th seats, now that there is a Democratic President of the United States in the White House, they say no,

no, they should not be filled. It seems this President has to be treated differently than the previous Presidents. I am not sure why the difference, but that is what they want. It is disappointing as well that Republican Senators I have helped fill circuit vacancies with nominees from their home states, over opposition from their own Republican Senate caucus, are ready to tow their party's line when it comes to the D.C. Circuit.

Following President Obama's reelection, Senate Republicans are even proposing to eliminate those D.C. Circuit judgeships legislatively. Their claims of concern about the caseloads of the Second and Eleventh Circuits but not the most overburdened Ninth Circuit are difficult to reconcile with their votes for President Bush's D.C. Circuit nominees. As one scholar at the nonpartisan Brookings Institution has said, this ''fooled no one who was paying attention.''

I cannot help but wonder where Senate Republicans' concern about the caseload of the Second Circuit was when they needlessly delayed the confirmation of Gerard Lynch for three months; when they needlessly delayed the confirmation of Raymond Lohier for seven months; when they needlessly delayed the confirmation of Susan Carney for five months; when they unfairly stalled the nomination of Judge Robert Chatigny and then needlessly delayed the confirmation of the next Connecticut nominee, Chris Droney, for four months; or when they needlessly delayed the confirmation of Denny Chin for four months and forced the Majority Leader to file cloture to get a confirmation vote.

I wonder where their concern about the caseload of the Eleventh Circuit was when they needlessly delayed the confirmation of Beverly Martin for four months, or when they needlessly delayed the confirmation of Adalberto Jordan for four months and forced a cloture vote before his confirmation. I am prepared to help alleviate concern about the caseload of the Eleventh Circuit by scheduling a hearing on the nomination of Jill Pryor, a ''well qualified'' nominee from Georgia to the Court, if her home State Senators would return their blue slips indicating that they do not object to her nomination going forward.

The American people are not fooled. Senate Republicans are now playing by a different set of rules. Politifact has looked at their argument that President Obama is trying to ''pack'' the D.C. Circuit, and rated it ''false.'' It goes on to note that the Republican bill to eliminate D.C. Circuit judgeships ''comes closer to the kind of structural meddling typical of court packing than does Obama's approach.'' In the last 30 years, Republican presidents have appointed 15 of the last 19 judges named to the D.C. Circuit. Now that these three vacancies exist during a Democratic presidency, Senate Republicans are trying to use legislation to lock in their partisan advantage, and thwart the will of the American people, who elected Barack Obama. Even conservative columnist Byron York has tweeted: ''It doesn't strike me as 'packing' to nominate candidates to available seats.''

The Washington Post's ''Fact Checker'' blog has also looked at the arguments about the D.C. Circuit's caseload that Senate Republicans are using to justify their attempt to eliminate three seats on that court, and has judged them worthy of two ''Pinocchios,'' meaning: ''Significant omissions and/or exaggerations. Some factual error may be involved but not necessarily. A politician can create a false, misleading impression by playing with words and using legalistic language that means little to ordinary people.''

Senate Republicans should know that their argument about the D.C. Circuit's caseload is misleading. While they claim expertise in the matter because of a hearing they held in 1995, the fact is that their current claims fly in the face of the actual testimony from that hearing. They are fond of citing the testimony of Judge Laurence Silberman, a Reagan appointee, that he felt the 12th seat was not necessary. What Senate Republicans do not mention is that Judge Silberman believed that 11 judgeships was the proper number on that Circuit, and that the notion that the D.C. Circuit should have only nine judges was ''quite farfetched.'' Judge Silberman also said that ''the unique nature of the D.C. Circuit's caseload'' means that it is not directly comparable to the other circuit courts. Even though their own witness contradicted them, 18 years later Senate Republicans continue to make their partisan argument. In addition, we eliminated that twelfth seat years ago.

In its April 5, 2013 letter, the Judicial Conference of the United States, chaired by Chief Justice John Roberts, sent us recommendations ''based on our current caseload needs.'' They did not recommend stripping judgeships from the D.C. Circuit but stated that they should continue at 11. Three are currently vacant. According to the Administrative Office of U.S. Courts, the caseload per active judge for the D.C. Circuit has actually increased by 46 percent since 2005, when the Senate confirmed President Bush's nominee to fill the eleventh seat on the D.C. Circuit. When the Senate confirmed Thomas Griffith—President Bush's nominee to the eleventh seat—in 2005, the confirmation resulted in there being approximately 121 pending cases per active D.C. Circuit judge. According to the most recent data, there are currently 177 pending cases for each active judge on the D.C. Circuit, 46 percent higher.

Further, concerns about low caseloads did not bother Senate Republicans voting this past February to confirm a Tenth Circuit nominee from Oklahoma, giving that Court the lowest number of pending appeals per active judge in the country. It did not bother Senate Republicans voting this past April to confirm an Eighth Circuit nominee from Iowa, giving that Court the lowest number of pending appeals per active judge in the country. Yes, lower than the D.C. Circuit. I do not recall seeing any bills from Senate Republicans to eliminate the Oklahoma and Iowa judgeships.

This falls into a pattern that we have seen from Senate Republicans over the past 20 years. While they had no problem adding a twelfth seat to the D.C. Circuit in 1984, and voting for President Reagan's and President George H.W. Bush's nominees for that seat, they suddenly ''realized'' in 1995, when a Democrat served as President, that the Court did not need that judge. Judge Merrick Garland was finally confirmed in 1997 after President Clinton was reelected but Senate Republicans would not act on his final two nominees to the D.C. Circuit.

In 2002, during the George W. Bush administration, the D.C. Circuit's caseload had dropped to its lowest level in the last 20 years. During that Republican administration, Senate Republicans had no problem voting to confirm President Bush's nominees to the ninth, tenth and eleventh seats. These are the same seats they wish to eliminate now that Barack Obama is President, even though the Court's current caseload is consistent with the average over the past 10 years. Even on its own terms, it is apparent that this argument has nothing to do with caseload, and everything to do with who is President. When Senate Republicans get serious about ensuring our Federal courts are adequately staffed, I am more than happy to work with them on a long-overdue judgeship bill. But this selective concern about the D.C. Circuit, and the fact that in 2008 the minority blocked a Judiciary Committee hearing on ''The Growing Need for Federal Judgeships,'' does not reflect such seriousness.

I urge those Republicans who say first that the President is not moving fast enough and then, when he does move, say he is moving too fast, to reconsider their approach, work with the President, and let's have fair hearings on these three nominees and go forward with them. If we do, I am confident we will agree that they are well-qualified judicial nominees.

RESTREPO AND GONZALES NOMINATIONS

Last week the Senate failed to complete action on one of the three nominations pending for vacancies in the Eastern District of Pennsylvania. Even though Senate Democrats had expedited three of President Bush's nominees to that court, confirming them all by voice vote just 1 day after they had been reported by the Judiciary Committee, Senate Republicans refused to do the same for President Obama's nominees. They refused even though all three had the bipartisan support of their home State Senators and the

unanimous support of all Republicans on the Committee. Two were confirmed last week but one was held back. After waiting 98 days for a vote, Judge Alejandro and Judge Schmehl were confirmed unanimously last week. Today, after another unnecessary delay, the Senate will finally vote on the nomination of Judge Luis Restrepo, more than 100 days after he was voted out of the Judiciary Committee unanimously. When the Senate is finally allowed to act, we will confirm a judge to fill a 4-year vacancy.

The Eastern District of Pennsylvania is a court that needs judges. Even with today's vote, it will remain nearly 20 percent vacant. The Senate should be taking swift action to fill these kinds of vacancies, not delaying for no good reason. This obstruction does a disservice to the people of Pennsylvania, and to all Americans who depend on our Federal courts for justice.

I regret that I must correct the RECORD, again. The recent assertion by Senate Republicans that 99 percent of President Obama's nominees have been confirmed is not accurate. President Obama has nominated 237 individuals to be circuit or district judges, and 195 have been allowed to be confirmed by the Senate. That is 82 percent, not 99 percent. By way of comparison, at the same point in President Bush's second term, June 17 of his fifth year in office, President Bush had nominated four fewer people, but had seen 215 of them confirmed, which is 20 more confirmations. The truth is that 92 percent of President Bush's judicial nominees had been confirmed at the same point, 10 percentage points more than have been allowed President Obama. That is an apples to apples comparison, and it demonstrates the undeniable fact that the Senate has confirmed a lower number and lower percentage of President Obama's nominees than President Bush's nominees at the same time in their presidencies.

I noted at the end of last year, while Senate Republicans were insisting on delaying confirmations of 15 judicial nominees that could and should have taken place then, that we would not likely be allowed to complete work on them until May. That was precisely the Republican plan. So when Senate Republicans now seek to claim credit for their confirmations in President Obama's second term, they are inflating the confirmation statistics. The truth is that only nine confirmations have taken place this year that are not attributable to those nominations Senate Republicans held over from last year and that could and should have taken place last year. To return to the baseball analogy, if a baseball player goes 0-for-9, and then gets a hit, we do not say he is an all-star because he is batting 1.000 in his last at bat. We recognize that he is just 1-for-10, and not a very good hitter. Nor would a fair calculation of hits or home runs allow a player to credit those that occurred in one game or season to the next because it would make his stats look better.

If President Obama's nominees were receiving the same treatment as President Bush's, today's votes would bring us to 215 confirmations, not 197, and vacancies would be far lower. The nonpartisan Congressional Research Service has noted that it will require 31 more district and circuit confirmations this year to match President Bush's 5-year total. Even with the confirmations finally concluded during the first 6 months of this year, Senate Republicans have still not allowed President Obama to match the record of President Bush's first term. Even with an extra 6 months, we are still 10 confirmations behind where we were at the end of 2004.

Luis Restrepo has served as a U.S. Magistrate Judge in the Eastern District of Pennsylvania since 2006. Prior to his appointment to the Federal bench, he was a founding partner of Krasner & Restrepo, a firm that focused on civil rights and criminal defense work. He has also worked as an adjunct professor at Temple University, Beasley School of Law and the University of Pennsylvania Law School. Before co-founding his own law firm, Judge Restrepo was an Assistant Federal Defender for the Eastern District of Pennsylvania, an Assistant Defender for the Defender Association of Philadelphia, and a Law Clerk for the ACLU's National Prison Project. The nonpartisan ABA Standing Committee on the Federal Judiciary has unanimously rated Judge Restrepo ''well qualified.'' He is supported by both his home State Senators, Senator CASEY and Senator TOOMEY.

Kenneth Gonzales has been the United States Attorney for the District of New Mexico since 2010. He served as an Assistant U.S. Attorney in that office for the previous 11 years. Prior to working with the U.S. Attorney's Office, Kenneth Gonzales spent 3 years as a Legislative Assistant to former Senator Jeff Bingaman and 2 years as law clerk to the Honorable Joseph F. Baca of the New Mexico Supreme Court. He also serves in the United States Army Reserve as a Judge Advocate General. Kenneth Gonzales has the support of his home State Senators, Senator TOM UDALL and Senator MARTIN HEINRICH, and was reported unanimously from the Judiciary Committee 2 months ago.

I want the Senate to make real progress on filling judicial vacancies so that the American people have access to justice. In President Bush's first term, half of his consensus district nominees waited 18 days or fewer for a vote, so we know the Senate is capable of swift action on nominations. There is no reason consensus nominees like Judge Restrepo and Kenneth Gonzales should have to wait 2 or 3 months for a vote. The only reason for these delays is because of Republican refusal to allow votes. These nominees deserve better, and the American people deserve better.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I am going to vote for both judges today. But today I want to inform my fellow Senators and American people regarding the facts on judicial nominations. Today, we will confirm two more nominees. I would note that we confirmed two judges just 4 days ago.

After today, the Senate will have confirmed 197 lower court nominees; we have defeated two. That is 197–2. That is an outstanding record. That is a success rate of 99 percent.

And we have been doing that at a fast pace. During the last Congress we confirmed more judges than any Congress since the 103rd Congress, which was 1993–94.

This year, the beginning of President Obama's second term, we have already confirmed more judges than were confirmed in the entire first year of President Bush's second term. Let me emphasize that again—We have already confirmed more nominees this year than we did during the entirety of 2005, the first year of President Bush's second term.

After today, only five article III judges remain on the Executive Calendar—three district nominees and two Circuit nominees.

Two of those were reported out last week, two more about a month ago, and one has been on the calendar for about two months. Yet, somehow Senate Democrats cite this as evidence of obstructionism.

Compare that to the calendar of June 2004, when 30 judicial nominations were on the Calendar—10 Circuit and 20 District. In fact, four of those were from Pennsylvania, as is one of our nominees today. I don't recall any Senate Democrats complaining about how many nominations were piling up on the calendar, nor do I remember protestations from my colleagues on the other side that judicial nominees were moving too slowly.

Last week, when we confirmed two Pennsylvania judges, there were statements made on the floor that we were treating President Obama's nominees very different than those of President Bush. But look at the record. As I said, there were four Pennsylvania nominees on the calendar in June of 2004.

Gene Pratter was nominated in November 2003, had a hearing in the following January, was reported in March, and was confirmed in June.

Lawrence Stengel was nominated in November 2003, had a hearing the following February, was reported in March, and was confirmed in June.

Juan Sanchez was nominated in November, had a hearing the following February, was reported in March, and was confirmed in June.

Those milestones are nearly identical to our Pennsylvania nominee today who was nominated last November. Just like the ones I mentioned, he had a hearing the following February, was reported in March, and now will be confirmed in June.

If we have been unfair to this nominee, as it is now claimed, where was the outcry from Senate Democrats on the Bush nominees I just described? The fact is there is no difference in how this President's nominees are being treated versus how President Bush's nominees were treated.

Remember, now there are only five article III judicial nominees remaining after today's vote. Yet, as I mentioned, in June 2004 there were 30 nominations pending on the calendar. Some of those nominees had been reported out more than a year earlier and most were pending for months. And some of them never got an up or down vote.

The bottom line is that the Senate is processing the President's nominees exceptionally fairly. President Obama certainly is being treated more fairly in the beginning of his second term than Senate Democrats treated President Bush in 2005. It is not clear to me how allowing more votes so far this year than President Bush got in an entire year amounts to ''unprecedented delays and obstruction.'' Yet, that is the complaint we here over and over from the other side.

Last week it was stated that with this President, ''Republicans have never let vacancies get below 72.''

After today's votes there will be 77 vacancies in the federal judiciary. But 52 of those spots are without a nominee. How is it the fault of the Republicans that the President has not sent 52 nominees to the Committee? Obviously, common sense ought to tell you that we can't act on nominees who are not presented to the Senate.

Just one example will illustrate this. Last week the Chairman of the Judiciary Committee singled out the vacancies on the Eastern District of Pennsylvania. We are confirming the third judge to that Court, after the two last week. Four vacancies remain, but there are no nominees pending in the Senate for the Eastern District of Pennsylvania.

It was also stated that the seat we are filling today has been vacant for over 4 years, as if Republicans were to blame for that. The fact is, this seat went vacant on June 8, 2009. President Obama was the President then. He waited over 3 years and 5 months before making a nomination on November 27, 2012. Why did the President make the people of Pennsylvania wait so long? That wasn't the fault of this side of the aisle. Yet now we are accused of obstruction.

So I just wanted to set the record straight—again—before we vote on these nominees. I expect they will both be confirmed and I congratulate them on their confirmations. And as I said at the beginning, I'm going to vote to support these nominees.

Kenneth John Gonzales is nominated to be United States District Court Judge for the District of New Mexico. Upon graduation from the University of New Mexico School of Law in 1994, Mr. Gonzales clerked for Chief Justice Joseph F. Baca of the New Mexico Supreme Court. In 1996 he worked as a legislative assistant to Senator Jeff Bingaman. From 1999 to 2010, Mr. Gonzales served as an Assistant United States Attorney in the U.S. Attorney's Office for the District of New Mexico. His primary responsibility was criminal prosecution including large-scale drug trafficking cases with various Federal agencies and a small number of violent crime cases originating in the Mescalero Apache Reservation. In 2006 Mr. Gonzales transferred to the Albuquerque Violent Crime Section where he prosecuted violent crime occurring on Indian Reservations as well as several bank robbery and firearms-related cases that originated in the Albuquerque area. In 2009 he transferred to the Narcotics section as a designated attorney for the Department of Justice Organized Crime Drug Enforcement Task Force where his work was primarily long-term and complex narcotics trafficking investigations and prosecutions. In 2010 he became the United States Attorney for the District of New Mexico.

Since 2001 Mr. Gonzales has served as a Reserve officer with the United States Army Judge Advocate General's Corps. In November 2008 he was mobilized to active duty and stationed at Fort Bragg, NC with the 18th Airborne Corps where he conducted legal reviews, official responses to Freedom of Information Act requests, Army Regulation 15–6 investigations, and property accountability investigations. Currently he fulfills his annual Reserve requirement as an Adjunct Professor of Criminal Law at the JAG Legal Center & School in Charlottesville, VA.

The American Bar Association's Standing Committee on the Federal Judiciary gave him a ''Qualified'' rating.

Luis Felipe Restrepo is nominated to be United States District Court Judge for the Eastern District of Pennsylvania. Judge Restrepo received his B.A. from the University of Pennsylvania in 1989, and his J.D. from Tulane University Law School in 1986. Upon graduation, he clerked at the ACLU Prison Project in Washington, DC. From 1987 to 1990, he was an assistant defender with the Defender Association of Philadelphia where he represented criminal defendants in State and Federal court. In 1990, he became an assistant federal defender for the Federal Community Defender for the Eastern District of Pennsylvania, appearing at the trial and appellate level.

Judge Restrepo was in private practice with one partner from 1993–2006. There, he focused primarily on criminal defense, including some death penalty cases. He defended clients on retainer and as a court-appointed counsel. While in private practice the majority of Judge Restrepo's civil cases consisted of Section 1983 actions alleging police abuse and mistreatment. Other civil matters included representation in workplace accident, medical malpractice, wrongful death, and fire cases.

Judge Restrepo was appointed to be a United States Magistrate Judge for the Eastern District of Pennsylvania in 2006. As magistrate judge, he manages all aspects of the pre-trial process in civil cases: conducting evidentiary hearings, ruling on non-dispositive motions, and making reports and recommendations regarding dispositive motions.

The American Bar Association's Standing Committee on the Federal Judiciary gave him a ''Well Qualified'' rating.

I yield the floor, and 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.

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

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

Mr. LEAHY. Mr. President, I ask that any time remaining be yielded back.

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

All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Luis Felipe Restrepo, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania?

The nomination was confirmed.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Kenneth John Gonzales, of New Mexico, to be United States District Judge for the District of New Mexico?

Mr. LEAHY. Mr. President, I request 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 bill clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from Iowa (Mr. HARKIN) and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Wyoming (Mr. ENZI), the Senator from Oklahoma (Mr. INHOFE), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Alabama (Mr. SHELBY), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from Louisiana (Mr. VITTER), and the Senator from Mississippi (Mr. WICKER).

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

[Rollcall Vote No. 150 Ex.]

YEAS—89

Alexander	Fischer	Merkley
Ayotte	Flake	Moran
Baldwin	Franken	Murphy
Barrasso	Gillibrand	Murray
Baucus	Graham	Nelson
Begich	Grassley	Paul
Bennet	Hagan	Portman
Blumenthal	Hatch	Pryor
Blunt	Heinrich	Reed
Boozman	Heitkamp	Reid
Boxer	Heller	Risch
Brown	Hirono	Roberts
Burr	Hoeven	Rockefeller
Cantwell	Isakson	Rubio
Cardin	Johanns	Sanders
Carper	Johnson (SD)	Schatz
Casey	Johnson (WI)	Schumer
Chambliss	Kaine	Scott
Chiesa	King	Sessions
Coats	Kirk	Shaheen
Collins	Klobuchar	Stabenow
Coons	Landrieu	Tester
Corker	Leahy	Thune
Cornyn	Lee	Udall (CO)
Cowan	Levin	Udall (NM)
Crapo	Manchin	Warner
Cruz	McCain	Warren
Donnelly	McCaskill	Whitehouse
Durbin	McConnell	Wyden
Feinstein	Menendez	

NOT VOTING—11

Coburn	Inhofe	Toomey
Cochran	Mikulski	Vitter
Enzi	Murkowski	Wicker
Harkin	Shelby	

The nomination was confirmed.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to a period of morning business from now until 6:40 p.m. to allow a colloquy between Senator BROWN and Senator ISAKSON.

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

Mr. REID. When that time is up, I ask unanimous consent to be recognized.

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

The Senator from Georgia.

Mr. ISAKSON. I ask unanimous consent to be recognized along with Senator BROWN of Ohio for up to 15 minutes and to engage in a colloquy.

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

THE CENTERS FOR DISEASE CONTROL

Mr. ISAKSON. Madam President, I am proud to stand here today as a resident of Georgia and its capital city Atlanta, which is the home of the Centers for Disease Control and Prevention in America, a great institution with which Senator BROWN and I are familiar. We want to talk about some of its great achievements today.

CDC is the Nation's health protection agency, but it is really the world's health protection agency. What CDC has done is build a strong national public health and disease detection network for working with State and local agencies, private partners, universities, and communities to stop disease and stop outbreaks.

By way of example, CDC led a multi-State response to last year's fungal meningitis outbreak that resulted in 745 infections and 58 deaths in 20 States. CDC identified and contained dangerous foodborne pathogen outbreaks, such as hepatitis A found in frozen berry blend; salmonella found in the poultry industry; and E. coli found in frozen food products.

CDC puts science into action every day to protect the American people, using breakthroughs such as microbial genomics to find outbreaks sooner, stop them earlier, and prevent them better in environmental hazards, biosecurity threats, and national disaster. CDC provided direct support within hours of Superstorm Sandy to the devastated northeast last year. We need to be able to be ready for this year's hurricane system as it deals with other public threats.

The CDC provides crucial information on the status of health risks to the American people. With data it helps determine the best options for preventing illness and reducing medical costs. At a time when the U.S. Government is not looked upon with a lot of favor by the American people, I think it is very interesting to note that a recent Gallup poll identified the CDC as the most trusted Federal Government agency with the American people. I think that is something to which we owe a tip of the hat.

Mr. BROWN. I thank Senator ISAKSON. I am so appreciative of the work the Senator has done with the Centers for Disease Control in his home State of Georgia. There is no Federal agency that is quite like the CDC in this country or across the world.

Our Nation's fiscal health cannot be strengthened at the expense of our Nation's public health. In the 21st century it is easy to overlook this country's public health safety net. Too often we take for granted that our children are not being crippled by polio or dying from whooping cough because we have immunizations. We take for granted that we have stronger teeth and less tooth decay because of water fluoridation in many of our communities. We take for granted that few people in this country now die of infectious diseases such as cholera and tuberculosis because we have made the kind of remarkable progress we have in sanitation, in hygiene, antibiotics, and disease surveillance. We take these advancements for granted because for over six decades the CDC has been doing an extraordinary job of ensuring Americans have basic health protections.

The CDC's work, along with that of other public health advocates and researchers, is credited with increasing the average American's life expectancy over the last many decades, increasing the average American's life expectancy by 25 years—25 years, a quarter of a century longer because of our investment in public health.

The CDC's reach and responsibility, as intimated by Senator ISAKSON, is not limited by our country's borders. Due to globalization it matters a great deal how other countries respond to health threats. The CDC plays an essential role in helping its international partners react to these threats.

The CDC is the gold standard, the global leader in disease prevention and public health preparedness. Other nations follow our lead. Yet the CDC's leadership is not guaranteed. Even with its topnotch facilities and world-class staff, the CDC faces challenges to this continued leadership. The CDC's base budget authority is at its lowest level in a decade.

The fiscal year 2013 budget is about $600 million below its fiscal year 2012 level. This reduction undercuts the health security of all Americans, even those who never once think of the existence of the Centers for Disease Control. The reduction in the CDC budget has harmful, immediate, and long-term consequences across the United States and around the world. This reduction affects the ability of our State and local health departments to provide on-the-ground services.

As my friend from Georgia explained during his discussion of the deadly fungal meningitis outbreak, funding the CDC is critical to the foundation of our public health. When we invest in CDC, we invest in the health of families in Lorain, OH, and Cuyahoga Falls, OH. When we invest in CDC, we support programs such as the Epidemiology Laboratory Capacity Program which addresses infectious disease threats.

When we invest in the CDC, we ensure that our State and local health departments on the frontlines are able to detect the first signs of outbreak. Without this critical funding, we leave ourselves vulnerable to the initial spread of health threats, such as fungal meningitis and emerging new diseases such as the MERS coronavirus and the novel H7N9 avian flu virus, which we read about. Unfortunately, public health departments across the Nation have already lost thousands of jobs and will lose more if our support of CDC continues to dwindle.

Before turning it back over to Senator ISAKSON, I would like to emphasize a point he made. The CDC responds to long-term health threats as well as to urgent immediate health dangers. These threats don't make the headlines. So much of CDC's work you never hear about, you never read about