

appeared in the Congressional Record of September 20, 2010.

PN2268 ARMY nominations (6) beginning DIANE J. BOESE, and ending PHILIP N. WASYLINA, which nominations were received by the Senate and appeared in the Congressional Record of September 29, 2010.

PN2319 ARMY nomination of Robert C. Dorman, which was received by the Senate and appeared in the Congressional Record of November 17, 2010.

PN2320 ARMY nomination of David A. Niemiec, which was received by the Senate and appeared in the Congressional Record of November 17, 2010.

PN2321 ARMY nomination of William L. Vanasse, which was received by the Senate and appeared in the Congressional Record of November 17, 2010.

PN2322 ARMY nomination of George A. Carpenter, which was received by the Senate and appeared in the Congressional Record of November 17, 2010.

PN2323 ARMY nomination of Susan A. Castorina, which was received by the Senate and appeared in the Congressional Record of November 17, 2010.

PN2324 ARMY nominations (2) beginning THERESA C. COWGER, and ending MARIE N. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of November 17, 2010.

PN2325 ARMY nominations (2) beginning PAULA S. OLIVER, and ending GARY D. RIGGS, which nominations were received by the Senate and appeared in the Congressional Record of November 17, 2010.

PN2326 ARMY nominations (4) beginning JOSEPH C. CARVER, and ending GARY L. PAULSON, which nominations were received by the Senate and appeared in the Congressional Record of November 17, 2010.

PN2327 ARMY nomination of John E. Johnson, II, which was received by the Senate and appeared in the Congressional Record of November 17, 2010.

PN2328 ARMY nomination of Andrew S. Dreier, which was received by the Senate and appeared in the Congressional Record of November 17, 2010.

PN2329 ARMY nominations (5) beginning KEVIN D. ELLSON, and ending STEVEN J. OLSON, which nominations were received by the Senate and appeared in the Congressional Record of November 17, 2010.

PN2330 ARMY nominations (9) beginning PHILLIP R. GLICK, and ending WILLIAM G. SUVER, which nominations were received by the Senate and appeared in the Congressional Record of November 17, 2010.

PN2331 ARMY nominations (62) beginning KEVIN ACOSTA, and ending ROBERT K. YIM, which nominations were received by the Senate and appeared in the Congressional Record of November 17, 2010.

PN2332 ARMY nominations (125) beginning MARY E. ABRAMS, and ending D002043, which nominations were received by the Senate and appeared in the Congressional Record of November 17, 2010.

PN2333 ARMY nominations (157) beginning TIMOTHY P. ALBERS, and ending G001187, which nominations were received by the Senate and appeared in the Congressional Record of November 17, 2010.

PN2334 ARMY nominations (194) beginning ELLEN J. ABBOTT, and ending MICHAEL W. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of November 17, 2010.

PN2335 ARMY nominations (226) beginning JOHN C. ALLRED, and ending D001821, which nominations were received by the Senate and appeared in the Congressional Record of November 17, 2010.

PN2336 ARMY nominations (266) beginning JOHN W. AARSEN, and ending LOREN T. ZWEIG, which nominations were received by

the Senate and appeared in the Congressional Record of November 17, 2010.

PN2337 ARMY nominations (5) beginning JOHN G. FELTZ, and ending LOUIS W. WILHAM, which nominations were received by the Senate and appeared in the Congressional Record of November 17, 2010.

PN2360 ARMY nomination of Kathleen M. Flocke, which was received by the Senate and appeared in the Congressional Record of November 18, 2010.

PN2361 ARMY nomination of Gary A. Vroegindewey, which was received by the Senate and appeared in the Congressional Record of November 18, 2010.

PN2362 ARMY nominations (5) beginning CRAIG S. BROOKS, and ending BENNIE W. SWINK, which nominations were received by the Senate and appeared in the Congressional Record of November 18, 2010.

#### IN THE FOREIGN SERVICE

PN2025 FOREIGN SERVICE nominations (228) beginning Connor Cherer, and ending Bernadette Regina Zielinski, which nominations were received by the Senate and appeared in the Congressional Record of July 21, 2010.

PN2214 FOREIGN SERVICE nominations (94) beginning Heather M. Rogers, and ending Stephanie L. Woodard, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2215 FOREIGN SERVICE nominations (25) beginning Joseph Farinella, and ending Joseph C. Williams, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2265 FOREIGN SERVICE nominations (150) beginning Patricia A. Butenis, and ending Keith A. Swinehart, which nominations were received by the Senate and appeared in the Congressional Record of September 29, 2010.

PN2298 FOREIGN SERVICE nominations (137) beginning Louis John Pintor, and ending Thomas F. Gray, Jr., which nominations were received by the Senate and appeared in the Congressional Record of November 17, 2010.

PN2299 FOREIGN SERVICE nominations (266) beginning Alan Hallman, and ending Richard G. Simpson, which nominations were received by the Senate and appeared in the Congressional Record of November 17, 2010.

PN2300 FOREIGN SERVICE nominations (2) beginning Lloyd S. Harbert, and ending Daryl A. Brehm, which nominations were received by the Senate and appeared in the Congressional Record of November 17, 2010.

PN2354 FOREIGN SERVICE nominations (3) beginning James Franklin Jeffrey, and ending Earl A. Wayne, which nominations were received by the Senate and appeared in the Congressional Record of November 18, 2010.

#### IN THE MARINE CORPS

PN2363 MARINE CORPS nominations (6) beginning BRANDON M. BOLLING, and ending WYETH M. TOWLE, which nominations were received by the Senate and appeared in the Congressional Record of November 18, 2010.

#### IN THE NAVY

PN2269 NAVY nominations (2) beginning PATRICK C. DANIELS, and ending THOMAS L. EDLER, which nominations were received by the Senate and appeared in the Congressional Record of September 29, 2010.

PN2291 NAVY nomination of Matthew R. Fomby, which was received by the Senate and appeared in the Congressional Record of November 15, 2010.

PN2292 NAVY nomination of Ronny L. Jackson, which was received by the Senate

and appeared in the Congressional Record of November 15, 2010.

PN2338 NAVY nomination of Frederick G. Panico, which was received by the Senate and appeared in the Congressional Record of November 17, 2010.

PN2339 NAVY nominations (3) beginning DANIEL J. TRAUB, and ending WAYNE M. BURR, which nominations were received by the Senate and appeared in the Congressional Record of November 17, 2010.

PN2364 NAVY nominations (43) beginning AUNTOWHAN M. ANDREWS, and ending CHRISTOPHER W. WOLFF, which nominations were received by the Senate and appeared in the Congressional Record of November 18, 2010.

PN2365 NAVY nominations (7) beginning MATTHEW A. MCQUEEN, and ending CHARLES E. VARSOGEA, which nominations were received by the Senate and appeared in the Congressional Record of November 18, 2010.

PN2391 NAVY nomination of Brian L. Beatty, which was received by the Senate and appeared in the Congressional Record of December 8, 2010.

PN2392 NAVY nomination of Jon C. Cannon, which was received by the Senate and appeared in the Congressional Record of December 8, 2010.

#### NOMINATIONS DISCHARGED

Mr. BAYH. Madam President, I ask unanimous consent that the Judiciary Committee be discharged en bloc from the following nominations: PN 2350 and PN 2351; that the Senate then proceed en bloc to the nominations; that the nominations be confirmed en bloc and the motions to reconsider be laid upon the table; that any statements relating to the nominations be printed in the RECORD and the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed are as follows:

#### DEPARTMENT OF JUSTICE

Russel Edwin Burger, of Oregon, to be United States Marshal for the District of Oregon for the term of four years.

Charles Edward Andrews, of Alabama, to be United States Marshal for the Southern District of Alabama for the term of four years.

Mr. BAYH. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of the following nomination, PN 2374, and the Senate proceed to the nomination; that the nomination be confirmed, the motion to reconsider be laid upon the table; that any statements related to the nomination be printed in the RECORD, and the President be immediately notified of the Senate's action.

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

The nomination considered and confirmed is as follows:

Christopher R. Thyer, of Arkansas, to be United States Attorney for the Eastern District of Arkansas for the term of four years.

#### EXECUTIVE CALENDAR

Mr. BAYH. I ask unanimous consent that the Senate proceed to the immediate consideration of the following

nominations en bloc: Calendar Nos. 616, 617, 618, 619, and 620; that the nominations be confirmed en bloc; the motions to reconsider be laid upon the table with no intervening action or debate, en bloc; that no further motions be in order; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

The nominations considered and confirmed are as follows:

#### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Jacqueline A. Berrien, of New York, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2014.

Chai Rachel Feldblum, of Maryland, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2013.

P. David Lopez, of Arizona, to be General Counsel of the Equal Employment Opportunity Commission for a term of four years.

Victoria A. Lipnic, of Virginia, to be a Member of the Equal Employment Opportunity Commission for the remainder of the term expiring July 1, 2010.

Victoria A. Lipnic, of Virginia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2015.

#### NOMINATION OF LOUIS BUTLER

Mr. KOHL. Madam President, I am deeply disappointed that the Senate has failed to vote on Louis Butler's nomination to the district court for the Western District of Wisconsin. The partisan bickering that has prevented a debate and vote on several district court nominees is a stark reversal of Senate tradition and practice.

Justice Butler is exceptionally well qualified for the Federal bench. By dint of hard work and perseverance, Justice Butler rose from humble beginnings to be an accomplished lawyer, advocate, trial court judge, Wisconsin Supreme Court justice, and professor. Few nominees have such a strong record of public service. Justice Butler's career has been distinguished by the years he has spent fulfilling the Constitution's guarantee of an attorney and fair trial for all Americans, rich and poor alike. He cut his teeth as a young lawyer representing defendants who could not afford legal representation. As a trial court judge, he earned a reputation for being a tough but fair jurist and was recognized as a top Milwaukee judge.

Justice Butler was the first African American to sit on the Wisconsin Supreme Court and he served there with distinction for 4 years. During his time on the court, he participated in hundreds of cases, many of which were decided by a unanimous or near-unanimous court. He proved himself to be a hard-working, thoughtful and consensus-building justice.

We ask our judges to make the most difficult decisions in the closest cases, neither an easy nor simple task. Over the course of Justice Butler's tenure as a trial judge and a State supreme court

justice, he has faithfully carried out this duty by following the law with the impartiality, integrity and respect that we demand of a judge. Justice Butler has an impressive legal background that would serve our Federal bench well. Indeed he is a very fine man. He is deeply committed to the law, to his community, and to his family.

Justice Butler's nomination proves once again that the process we use in Wisconsin to choose Federal judges and U.S. attorneys ensures excellence. The Wisconsin Federal Nominating Commission has been used to select Federal judges and U.S. attorneys in Wisconsin for 30 years. Through a great deal of cooperation and careful consideration, and by keeping politics to a minimum, we always find highly qualified candidates like Justice Butler.

I believe that Justice Butler would make a fine addition to the Federal bench, and I regret that he and other district court nominees have not been given the up-or-down votes that they deserve.

#### NOMINATIONS OF GOODWIN LIU AND EDWARD CHEN

Mrs. FEINSTEIN. Madam President, I rise today to discuss two promising Asian-American judicial nominees from my State of California who have been denied simple, straightforward up-or-down votes on the floor of this body for what I believe are very spurious reasons.

Goodwin Liu is associate dean and professor of law at the University of California, Berkeley, Boalt Hall School of Law. He has a truly outstanding record as a great legal mind:

Phi Beta Kappa from Stanford and co-president of the Student Body; a Rhodes Scholar at Oxford; a J.D. from Yale Law School and an editor on the Yale Law Journal; judicial clerkships on the D.C. Circuit and the U.S. Supreme Court; recipient of both the Education Law Association's Award for Distinguished Scholarship and the University of California at Berkeley's highest award for teaching.

Recognizing his brilliance, President Obama chose Professor Liu for a seat on the Court of Appeals for the Ninth Circuit.

I have met personally with Goodwin Liu on several occasions, including a 4-hour discussion. I had him to my home for dinner. His status as a first-rate legal mind is undeniable.

And his support for this nomination is legion:

Justice Ruth Bader Ginsburg, former judge and Solicitor General Ken Starr, leading conservative lawyer Clint Bolick, California Correctional Peace Officers Association, 34 former prosecutors, Numerous education leaders, including former Secretary of Education Richard Riley and Joel Klein, the Chancellor of the New York City schools, and Numerous representatives of the Asian-American community.

One set of support was particularly impressive to me. In the only time that I have seen the serving president and

two former presidents of a major university write in support of a nominee or issue, the three most recent presidents of Stanford University, John Hennessy, Gerhard Casper, and Donald Kennedy, wrote to support Professor Liu's nomination, saying, in part:

Goodwin Liu as a student, scholar, and trustee has epitomized the goal of Stanford's founders, which was "to promote the public welfare by exercising an influence on behalf of humanity and civilization, teaching the blessings of liberty regulated by law, and inculcating love and reverence for the great principles of government as derived from the inalienable rights of man to life, liberty and the pursuit of happiness." We highly recommend Goodwin Liu for the honor and responsibility of serving on the United States Court of Appeals for the Ninth Circuit.

I admit that some of Professor Liu's writing have been questioned by conservatives. It is true that Goodwin Liu would not be a conservative judge. However, I do not believe that he would be an activist judge.

As I have watched debates over the judiciary in my eighteen years in the Senate, the perception of "judicial activism" is for the party on the other side. Many believe that this current Supreme Court under Chief Justice Roberts is one of the more activist courts ever. It is indisputable that it has overturned many precedents that had stood for decades.

Goodwin Liu deserves to have a fair up-or-down vote, as other controversial circuit court nominees have received. If a senator opposes his nomination, let them vote against him. That is what we are here for—to cast our votes yea or nay, up or down. But don't let Professor Liu die on the calendar, without even having the courage to give him a vote.

Even worse in many ways is the similar treatment that Magistrate Judge Edward Chen has received. I recommended Judge Chen for a judgeship in the Northern District of California. If confirmed, he would be the first judge of Chinese descent to serve in this district, with its notable Chinese heritage.

This would not be a novel role for Judge Chen: for the past 9 years, he has served as a magistrate judge on this same court. And his service there has been impeccable, and apparently unsailable: he has written more than 350 published opinions in that time, and there has not been an objection to a single one of them.

But opponents of his nomination are hanging their hat on one quote from him, taken out of context.

One of the darkest chapters in this country's history was the wholesale internment of Japanese-Americans during World War II. The Supreme Court upheld this heinous practice in the notorious case of *Korematsu v. United States*. In 1988, Congress passed and President Reagan signed the Civil Liberties Act and issued a formal apology for the internment. Before serving as a magistrate judge, Ed Chen represented the name party in that case, Fred