

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	Hoeben	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