

Korematsu, in his successful effort to overturn his conviction for defying the internment order.

In 2005, Judge Chen attended Mr. Korematsu's funeral, and spoke about it a month later to law students. The line that critics have seized upon came from this speech, where Judge Chen said that, while listening to the congregation sing "America the Beautiful" at the funeral, he sometimes had "Feelings of ambivalence and cynicism when confronted with appeals to patriotism—sometimes I cannot help but feel that there are too much [sic] injustice and too many inequalities that prevent far too many Americans from enjoying the beauty extolled in that anthem."

But the critics omit what Chen said right after that quotation:

Yet I was moved to tears at Fred's memorial. Why? In part, Fred was a living example of the patriotism embodied in the song. Korematsu demonstrated that patriotism not by waving an American flag, but by trying to vindicate the values and principles that are embodied in that flag: freedom, justice and equality under the law. . . . I was also moved not only because "America the Beautiful" echoed what I saw [in] Fred. It was also because the song described the America that Fred envision[ed]. The America whose promised beauty he sought to fulfill, an America true to its founding principles.

Judge Chen didn't object to singing "America the Beautiful"—he was moved to tears by it.

Judge Chen's nomination enjoys widespread support, with extensive support from the law enforcement community, including: San Francisco Deputy Sheriffs' Association, Northern Alliance of Law Enforcement, which represents 20 different law enforcement associations in Northern California, Peace Officers Research Association of California, 11 former Federal prosecutors for the Northern District of California and former San Francisco Chief of Police Anthony Ribera.

And the list goes on.

He also has widespread support from the bar, including the Bar Association of San Francisco, Hispanic National Bar Association, and many others.

Yet despite this support, his nomination has been subjected to repeated, exceptional delay and obstruction, even being returned to the President during congressional recesses.

The day was when district court nominees supported by both home State Senators with extensive law enforcement and legal community support were confirmed routinely. It is time now to end this delay and obstruction, give Ed Chen the fair up-or-down vote he so richly deserves, and confirm this well-proven, qualified nominee to the Federal district court.

#### NOMINATION OF BERYL HOWELL

Mr. LEAHY. I want to say a few words about one of the highly qualified nominees belatedly confirmed by the Senate today. Beryl Howell has been

confirmed to fill a vacancy on the District Court for the District of Columbia. Many of us on the Judiciary Committee remember her from the 10 years she served as my general counsel and as one of the most effective members of our Judiciary Committee staff. With her background as a highly decorated Federal prosecutor, she worked on issues ranging from criminal justice and national security, to the Digital Millennium Copyright Act, the Anti-Cybersquatting Consumer Protection Act, and the No Electronic Theft Act. She worked on the National Information Infrastructure Protection Act and the computer fraud and abuse statute, and on important oversight matters including the Judiciary Committee's bipartisan hearings on Ruby Ridge that led to improvements at the Federal Bureau of Investigation, FBI. She also played important roles in electronic freedom of information initiatives, which earned her induction into the Freedom of Information Act Hall of Fame.

When I had the chance to introduce Ms. Howell to the committee at her hearing in July, I discussed her impressive background before she joined the committee staff. She grew up in a proud military family. She was awarded her undergraduate degree with honors in philosophy from Bryn Mawr College in Pennsylvania, and earned her law degree at Columbia University School of Law, where she was a Harlan Fiske Stone Scholar. She clerked for Judge Dickinson Debevoise on the U.S. District Court for the District of New Jersey.

Having worked as a student assistant in a U.S. Attorney's Office, she joined the U.S. Attorney's Office for the Eastern District of New York in 1987, working there almost 6 years, rising to be the Deputy Chief of the Narcotics Section. Her grand jury investigations and prosecutions included complex public corruption, narcotics, and money laundering cases.

Descriptions of her cases read like crime novels. She successfully prosecuted the leadership of a Chinatown gang, called the Flying Dragons, for heroin trafficking, and extradited the head of the gang after he fled to Hong Kong. She successfully prosecuted a group of Colombian drug dealers and arrested the gang members just as they were packing almost \$20 million in cash from narcotics proceeds into a hidden compartment of a truck to smuggle it out of the country. Then some of these defendants attempted a prison escape by bribing officials, and she successfully prosecuted the perpetrators of the escape plan. She also handled the successful investigation and prosecution of over 20 corrupt New York City building inspectors engaged in extortion.

Ms. Howell's work was recognized by her twice being awarded the U.S. Attorney Special Achievement Award for Sustained Superior Performance, by commendations from the FBI, DEA,

and the New York City Department of Investigation, and ultimately by the prestigious Attorney General's Director's Award for Superior Performance. I always felt lucky to have hired her.

Ms. Howell's career since she left us 7 years ago has been equally impressive. She established the Washington, DC, office of a consulting and technical services firm specializing in digital forensics, computer fraud, and abuse investigations as the Executive Managing Director and general counsel of Stroz Friedberg. While in the private sector, she received the FBI Director's Award for her work assisting in a Government cyber-extortion investigation.

Ms. Howell has twice been confirmed by the Senate to serve as a member of the bipartisan U.S. Sentencing Commission, to which she was appointed by President Bush. She contributed to the Sentencing Commission report that led to our breakthrough this year with Senate passage of historic legislation that Senator DURBIN crafted to end sentencing disparities, the Fair Sentencing Act.

She and her husband have raised their three children in the District and are long-time citizens here. That involvement, her public service background, and her steadfast commitment to justice make her an ideal nominee. I commend President Obama for choosing to nominate her. I thank the committee for acting to favorably report her nomination unanimously in September. I am glad the Senate has now followed suit and confirmed her unanimously to serve all the people of the District of Columbia fairly and impartially as a U.S. district court judge.

Mr. MCCONNELL. Madam President, I am pleased the Senate in this Congress was able to make good progress on filling judicial vacancies, especially those vacancies that the Democratic majority unfortunately and sometimes inexplicably failed to fill during the last 2 years of the Bush Administration.

The progress we have made is especially noteworthy given the demands placed upon the Judiciary Committee by having to process not one, but two, Supreme Court nominations. The Sotomayor and Kagan nominations together took approximately 6 months of the Committee's time. Nevertheless, the Senate was able to confirm a total of 60 lower court nominations in this Congress, including 19 nominations while the Kagan nomination was pending. By comparison, the last time the Senate had to process two Supreme Court nominations in the same Congress, which were the Roberts and Alito nominations during the 109th Congress, the Senate was able to fill only 51 lower court judicial vacancies, and it confirmed far fewer lower court nominations while the Roberts and Alito nominations were pending.

This Congress was also able to fill some long-standing vacancies, especially on our courts of appeals. At the end of the Bush administration, there

were 15 judicial emergencies; this Congress was able to fill 10 of those 15 judicial emergencies, including numerous judicial emergencies on our circuit courts. The Fourth Circuit is illustrative of the commitment of Senate Republicans to work in a bipartisan fashion to this end.

At the end of the last Congress, the Fourth Circuit was almost one-third vacant, despite the fact that President Bush had nominated outstanding candidates for these positions. These nominees enjoyed strong home State support, including some with strong bipartisan, home-state support. Yet our Democratic friends refused to move these nominations. By contrast, this Congress put partisanship aside and filled all four of these vacancies, giving badly-needed relief to a long suffering Federal circuit.

We could have made more progress still. But unfortunately, the President failed to put forth, and the Democratic Majority failed to move, nominations for the vast majority of the current federal vacancies. Specifically, the President has failed to even nominate individuals for most of the current district court vacancies, putting forth only 34 nominations, even though there are 76 vacancies. And of those district court nominations he has put forth, 18 of them remain in the Democratic-controlled Judiciary Committee. The story is similar for our circuit courts: there are 16 vacancies there, but the White House has failed to even nominate candidates for seven of those vacancies. And of those circuit court nominations he has made, 6 remain in the Judiciary Committee. All told, of the current vacancies on our Federal courts 80 percent of these seats remain vacant because the President either has not nominated anyone, or our Democratic colleagues have not processed the ones he has nominated.

Which brings us to the judicial nominations remaining on the Senate floor. Four of these nominations are very controversial. Their statements, writings, and records show a willingness to put their own views ahead of the dictates of the law and the Constitution. As a result, Senate Republicans are not prepared to consent to their confirmation, or to a process that will facilitate their confirmation.

The remaining 15 nominations pending on the Senate floor were not reported out of the Judiciary Committee until the waning days of this Congress. This is unfortunate. Most of these nominations are to fill vacancies that have existed for years; in some cases, for 2 or 3 years, or even longer. I do not know why these nominations were not reported out of the Judiciary Committee until December. While we were worked diligently in the lameduck session to fill numerous judicial vacancies—confirming 19 judicial nominees total—we were not able to process the remaining 15 nominations that the committee approved late in this year.

But our record of confirming judicial nominations in this lameduck Congress

certainly compares favorably to the progress that was made on judicial nominations in other lameduck Congresses. In the lameduck session of the last Congress, the Senate did not confirm any judicial nominees. Thirty judicial nominations were not acted upon in that session, despite the urgent need for judges on places like the Fourth Circuit. In the lameduck session of the Congress before that, our Democratic colleagues did not consent to confirming any judicial nominees; the one judicial nomination that occurred in the lameduck session of the 109th Congress was achieved by the Republican majority filing cloture on a nominee. Cloture was invoked on that nomination by a vote of 93 to 0, and he was confirmed. But 38 other judicial nominations were not acted upon in that Congress, including 15 who were ripe for action on the Senate floor. In the lameduck session of the 108th Congress, only 3 nominations were confirmed, all to the district court. Almost two dozen judicial nominations were not acted upon in that lameduck session, including several who were pending on the Senate floor. In fact, the last time a Senate confirmed as many judicial nominations in a lameduck session of Congress as were confirmed in the lameduck session of this Congress was in 2002, when 20 judicial nominees were confirmed at the end of the 107th Congress.

I am hopeful we can continue to work in a bipartisan fashion in the next Congress on judicial nominations and that the President will join us in that effort by not nominating or re-nominating judicial nominees who show a willingness to follow their own beliefs, rather than the requirements of the law.

Mr. LEAHY. Madam President, as the 111th Congress draws to a close, Senate Republicans have finally consented to consider half of the judicial nominations that have been pending on the Senate's Executive Calendar, some for nearly a year, awaiting a final Senate vote. We began with 38 judicial nominees to be considered and the Senate is being prevented from voting on 19. These are all superbly qualified nominees, most were reported with bipartisan support and many unanimously. Thirteen of these nominations on which we are not being allowed to vote are to fill judicial emergency vacancies, as determined by the non-partisan Administrative Office of the U.S. Courts. Yet for month after month, many of these nominations have been stalled, just languishing before the Senate as Senate Republicans refused to consent to moving forward. Congress will adjourn for the year without completing its work on these nominations.

Senate Republicans' strategy of delaying and blocking judicial nominations across the board has led to judicial vacancies nearly doubling over the last 2 years. Vacancies remain at nearly 100 with more than 40 judicial emergencies. The Republican leadership was

unmoved by pleas from the President, the Attorney General, two Supreme Court Justices, the President of the American Bar Association, the Federal Bar Association, retired Federal judges, current chief judges and Federal prosecutors calling on the Senate to address the growing vacancies crisis. They disregarded the pleas to end the senseless delays and needless blockade of consensus nominations and to vote whether to confirm the nominations sent forward by the Senate Judiciary Committee to fill the vacancies in the Federal courts.

Each of the judicial nominations now before the Senate will upon adjournment be returned to the President, the vacancy will remain, and the confirmation process will have to start over next year. Just a few years ago Senate Republicans were united in demanding that every nomination reported by the Senate Judiciary Committee to the Senate deserved a vote. They argued that was our constitutional duty. Well, the Constitution has not been amended. The only thing that has changed is that the American people changed Presidents.

In 2001 and 2002, the first 2 years of the Bush administration, the Senate Judiciary Committee reported 100 judicial nominees of President Bush. I was the chairman. We did not adjourn in 2002 until we had given a vote to every one of those 100 nominees and confirmed them. I did not support all of them but I did not prevent those votes. I worked to fill the vacancies on the Federal courts. That was with a Democratic majority in the Senate. All 100 were considered before the end of the 107th Congress, including two controversial circuit court nominations reported and then confirmed during the lameduck session in 2002, after the mid-term elections.

This Congress the Senate Judiciary Committee held hearings, considered and was able to favorably report 80 nominees to Federal circuit and district court vacancies. Only 60 have been allowed Senate votes. This is a historically low number and percentage for the first two years of a new Presidency. Last year only 12 Federal circuit and district court judges were confirmed. It was the lowest number in more than 50 years. This year the Senate has been allowed to consider fewer than 50 judicial nominees. That has led to the lowest confirmation total for the first 2 years of a new Presidency in 35 years. And this is taking place during a period when Federal judicial vacancies have doubled.

By nearly every measure—the number of nominees confirmed, the percentage of nominees confirmed, the pace of nominees being considered on the floor, the skyrocketing vacancy numbers—the results are dismal. During the first 2 years of the Bush administration, Democrats in the Senate worked to consider and confirm 100 judicial nominees. During the first two years of the Obama administration,

Senate Republicans have limited Federal circuit and district court confirmations to 60. They were delayed on average six times longer than it took President Bush's judicial nominees to be considered by the Senate.

Senate Republicans have returned to the strategy they used during the Clinton administration, when they pocket filibustered more than 60 of his judicial nominations, leading to a vacancy crisis. Their years of refusing to proceed on President Clinton's nominations led Chief Justice William Rehnquist, a conservative appointed by Republican Presidents, to chastise them for failing to address the needs of the Federal judiciary. In those days, Federal judicial vacancies rose to more than 110 by the end of the Clinton administration, a historically high vacancy number. Current across the board delays eventuated in 111 Federal court vacancies this year.

When Democrats regained the Senate majority halfway into President Bush's first year in office, we reported and confirmed 100 judicial nominees during the 17 months I served as chairman of the Judiciary Committee in the 107th Congress. We continued to work cooperatively to make progress on nominations whether in the majority or the minority for the rest of President Bush's administration. As a result, overall judicial vacancies were reduced during the Bush years from more than 10 percent to less than four percent. During the Bush years, the Federal court vacancies were reduced from 110 to 34 and Federal circuit court vacancies were reduced from a high of 32 down to single digits.

This progress has not continued once the American people elected President Obama. Senate Republicans have returned to the strategy of across-the-board delays and obstruction of the President's judicial nominations, again leading to skyrocketing vacancies. Last year the Senate confirmed only 12 Federal circuit and district court judges, the lowest total in 50 years. This year we confirmed less than 50 more Federal circuit and district judges. That has led to the lowest confirmation total for the first 2 years of a new Presidency in 35 years. We are not even keeping up with retirements and attrition. As a result, judicial vacancies rose again over 110 again this year.

The Senate's Republican leadership seems determined to end the Congress as it began it, obstructing President Obama's judicial nominations. In November 2009, the Senate confirmed Judge David Hamilton of Indiana to the Seventh Circuit after rejecting a Republican filibuster of President Obama's first judicial nomination. Judge Hamilton was no radical. He had the support of the Senate's senior Republican, the senior Senator from Indiana. He had served nearly 15 years on the Federal bench. Rather than welcome the nomination as an effort by President Obama to step away from the

ideological battles of the past, Senate Republicans ignored Senator LUGAR's support, distorting Judge Hamilton's record and filibustering his nomination. Republican Senators who had recently pledged never to filibuster a judicial nominee and those who had said they would do so only under extraordinary circumstances reversed themselves and joined the partisan filibuster. Republican Senators who just a few years earlier had proclaimed such filibusters unconstitutional also joined. They abandoned all they had said and filibustered a preacher's son and fine judge who was known to and supported by his respected Republican home State Senator.

In filibustering President Obama's first judicial nomination, Senate Republicans also ignored the standard they had set in a letter they sent to President Obama before he had made a single judicial nomination. In that letter, they threatened to filibuster any nomination made without consultation. Despite the fact that President Obama has reached across the aisle to consult, as he did with Senator LUGAR of Indiana, Senate Republicans have filibustered and delayed judicial nominations virtually across the board.

Delays and obstruction of Senate consideration has attended virtually all of well-qualified judicial nominees. Contrary to their statements during the Bush administration that every judicial nomination reported by the Senate Judiciary Committee was entitled to an up-or-down vote, Senate Republicans have refused consent for up-or-down votes on nominee after nominee. Since the filibuster of Judge Hamilton, they have required the Majority Leader to file cloture on other highly qualified circuit court nominees, indeed on a quarter of the 16 circuit court nominees the Senate has been allowed to consider.

No Senator could claim the circumstances surrounding the filibusters of President Obama's circuit court nominations to be extraordinary. Republicans filibustered the nomination of Judge Barbara Keenan, a nominee with nearly 30 years of judicial experience, and the first woman to hold a number of important judicial roles in Virginia. She was then confirmed 99-0 as the first woman from Virginia to serve on the Fourth Circuit Court of Appeals. They filibustered the nomination of Judge Thomas Vanaskie, whose 16 years of a experience as a Federal district court judge in Pennsylvania are now being put to good use on the Third Circuit. They filibustered Judge Denny Chin of the Second Circuit, who also had 16 years of experience as a Federal district court judge. He is now the only active Asian Pacific American judge to serve on a Federal appellate court, and his nomination was confirmed unanimously.

Senate Republicans' tactics reached a new low as they obstructed consideration of district court nominations. The blockade of these nominations is a

dramatic departure from the traditional practice of considering district court nominations expeditiously and with deference to home state Senators. Among these nominations were Louis Butler of Wisconsin, Edward Chen of California, and John McConnell of Rhode Island. These nominees were reported by the Committee several times with strong support from their home State Senators who know the nominees and the needs of the courts in their States best. All three were pending for months on the Senate Calendar. In fact, Justice Butler and Judge Chen were first reported by the Judiciary Committee over a year ago. Obstruction of these district court nominations is unprecedented.

Since 1945, the Judiciary Committee has reported more than 2,100 district court nominees to the Senate. Out of these 2,100 nominees, only 5 have been reported by party-line votes, and 4 of the 5 occurred in this Congress. Less than 20 of the 2,100 nominees faced any opposition in Committee. Since 1949, cloture motions have been filed on only three district court nominations. All three nominations were confirmed, and in fact two of the cloture petitions were withdrawn. This year Republican opposition to the Butler, Chen and McConnell nominations would have required clotures on all three, meaning that in 1 year they would have matched the number of cloture motions filed on district court nominees over the past 62 years.

These nominees are outstanding Americans who do us a great service by their willingness to serve on our Federal courts. Justice Louis Butler, Jr., was nominated to fill an emergency vacancy on the U.S. District Court for the Western District of Wisconsin. He has 16 years of judicial experience at the municipal and State court level and was the first African American to serve on the Wisconsin Supreme Court. He has the strong support of both of his home State Senators and he earned the highest possible rating, unanimously well qualified, from the Standing Committee on the Federal Judiciary of the American Bar Association, ABA.

Judge Edward Chen was nominated to fill an emergency vacancy on the U.S. District Court for the Northern District of California. He has served that court as a Magistrate Judge for the last nine years and has accrued an impeccable record of fairness and impartiality. He would have been only the second Asian American to serve as a Federal Judge in the 150-year history of that District. He was also the first Asian American to serve the District as a Magistrate Judge. Judge Chen earned the highest possible rating, unanimously well qualified, from the ABA's Standing Committee on the Federal Judiciary, and he has the strong support of both of his home State Senators.

Jack McConnell was nominated to serve as a Federal district court judge in Rhode Island. With more than 25

years of experience as a lawyer in private practice, Mr. McConnell has the strong support of both Senators from Rhode Island. Individuals and organizations from across the political spectrum in that state have called for Mr. McConnell's confirmation. The Providence

Journal endorsed his nomination by saying that he "in his legal work and community leadership has shown that he has the legal intelligence, character, compassion, and independence to be a distinguished jurist." A two-thirds majority of the Judiciary Committee, including Senator GRAHAM, voted to favorably report Mr. McConnell's nomination for confirmation.

The Senate should also have been able to have a debate and a vote on the nomination of Goodwin Liu of California to the Ninth Circuit Court of Appeals. He is a professor at the University of California, Berkeley, School of Law, and was nominated by President Obama to fill an emergency vacancy on the Ninth Circuit. An acclaimed scholar and a nationally recognized expert on constitutional law and educational law and policy, Professor Liu earned the highest possible rating, unanimously well qualified, from the ABA's Standing Committee on the Federal Judiciary. He is a former Supreme Court clerk and a Rhodes Scholar who would be only the second, active Asian Pacific American judge to serve on a Federal appellate court. Both of Professor Liu's home state Senators support his nomination.

The conservative, Republican-appointed Chief Judge of the Ninth Circuit to which Professor Liu has been nominated has written the Senate to inform us of crushing caseloads and the urgent need for new judges. Justice Anthony Kennedy this August warned the Ninth Circuit Judicial Conference about the threat posed by skyrocketing judicial vacancies in California and throughout the country. He noted that, "if judicial excellence is cast upon a sea of congressional indifference, the rule of law is imperiled."

Rather than following a partisan playbook, I wish Republican Senators had listened to the cross-section of people and organizations from across the political spectrum that have written in strong support of Professor Liu's qualifications to serve on the Ninth Circuit. These former prosecutors and judges, presidents of universities, renowned academics, distinguished practitioners, advocacy groups, and district attorneys believe Professor Liu would make an excellent Federal judge. So do I.

I reviewed the record of each of these nominees targeted for Republican opposition and carefully considered their character, background, and qualifications. I believe they each would have been confirmed by the Senate. That they will not be conservative activist judges should not disqualify them from consideration by the Senate or from serving on the Federal bench.

In addition to these nominees, there has been a destructive tact in which

Senate Republicans have systematically delayed votes on consensus nominations. The length of time nominations were stalled before a final Senate vote is the product of that systematic delay. The fact is that nominations have taken on average six times as long before final Senate consideration after being reported from the Judiciary Committee, when comparing the confirmations in the first two years of the Bush and Obama administrations. Several consensus nominations that were eventually confirmed unanimously required cloture petitions to be filed just to be considered. Other evidence is the fact that more than a dozen consensus judicial nominations that have been through the entire process are being denied a final vote as the Senate adjourns. I know of no precedent for this. Indeed, in the lame duck session at the end of President Bush's second year in office, we proceeded to report and confirm controversial circuit court nominees. That the Senate is not being allowed to consider consensus nominees awaiting a final vote is a shame and an unnecessary burden on them and their families and for the courts and people they would serve.

It is a travesty that all of the well-qualified nominees favorably reported by the Judiciary Committee could not be confirmed before this Congress adjourns. That is what we did when we confirmed 100 judicial nominees of President Bush in 2001 and 2002. All 100 of the nominees reported favorably by the Judiciary Committee received Senate votes and were confirmed, all 100. They include 20 during the lameduck session that year and circuit court nominees reported after the election. This year even consensus nominees are not being allowed to be considered.

When the Senate returns for the 112th Congress I hope that all Senators will learn from the mounting judicial vacancies and failure to make progress in this Congress. I hope that we can follow a path toward restoring the Senate's longstanding traditions of expeditiously considering nominations and reject the obstruction that blocked progress. We must do better to address the needs of the Federal courts and the American people who depend on them for justice.

#### LEGISLATIVE SESSION

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

#### ORDER FOR ADJOURNMENT SINE DIE

Mr. BAYH. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn sine die under the provisions of H. Con. Res. 336.

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

#### ORDERS FOR WEDNESDAY, JANUARY 5, 2011

Mr. BAYH. Madam President, I further ask unanimous consent that when the Senate returns on Wednesday, January 5, at 12 noon, following the prayer and pledge and following the presentation of the certificates of election and the swearing in of elected Members, and the required live quorum, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that there then be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

#### PROGRAM

Mr. BAYH. Madam President, there will be a live quorum at 12 noon on Wednesday, January 5, to convene the 112th Congress. Senators are encouraged to report to the floor at that time.

#### ADJOURNMENT SINE DIE

Mr. BAYH. Madam President, if there is no further business to come before the Senate—let me say it has been a pleasure serving with you—I wish everyone here Godspeed and a Merry Christmas, and I ask unanimous consent that the Senate adjourn under the previous order.

There being no objection, the Senate, at 8:03 p.m., adjourned sine die.

#### NOMINATIONS

Executive nomination received by the Senate:

##### NATIONAL COUNCIL ON THE ARTS

AGNES GUND, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS.

#### NOMINATIONS RETURNED TO THE PRESIDENT

The following nominations transmitted by the President of the United States to the Senate during the second session of the 111th Congress, and upon which no action was had at the time of the sine die adjournment of the Senate, failed of confirmation under the provisions of rule XXXI, paragraph 6, of the Standing Rules of the Senate.

##### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

JONATHAN ANDREW HATFIELD, OF VIRGINIA, TO BE INSPECTOR GENERAL, CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

RICHARD CHRISTMAN, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 6, 2012.

JANE D. HARTLEY, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2014.

MARGUERITE W. KONDRACKE, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING JUNE 10, 2014.

MATTHEW FRANCIS MCCABE, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE