

met fierce public opposition, and every time they have tried to come up with a way to get around that fierce public opposition. It has become a vicious cycle: the harder Democrats try to get around the public, the more repellent their proposals become and the more egregious their efforts become to get them through anyway.

We watched last summer as they forced their partisan health care bill through the committees. We watched as they tried to sell it to the public as something other than what it was. We watched as they wrote the final bill behind closed doors, then wheeled and dealt to get the last few votes they needed to squeeze it through both Chambers on a party-line vote. We saw the "Cornhusker kickback," the "Louisiana purchase," "Gator Aid," and all the rest. But as ugly as all this was, as distasteful as all these deals have been, they were child's play—child's play—compared to the scheme they have been cooking up over in the House just this week.

The plan Speaker PELOSI has hatched for getting this bill through is to try to pull the wool over the eyes of the public, and it is jaw-dropping—it is jaw-dropping—in its audacity. Here is their plan: Speaker PELOSI can't get enough of her Democratic majority to vote for the Senate version of the bill, so she and her allies have concocted a way to pass it without actually casting a vote on it. They are concocting a way to pass it without actually casting a vote on it—the so-called Slaughter solution in which the Senate bill is "deemed" to have passed. This way, they will claim they never voted for it, even though they will vote to send it to the President for his signature.

This "scheme and deem" approach has never been tried on a bill of this scope, according to today's Washington Post. This is how they will try to keep their fingerprints off a bill that forces taxpayers to cover the cost of abortions, cuts Medicare by \$½ trillion, raises taxes by \$½ trillion, raises insurance premiums, creates a brand new government entitlement program at a time when the entitlement programs we already have are on the verge of bankruptcy, and vastly expands the cost and reach of the Federal Government in Washington at a time when most Americans think government is already entirely too big.

As Speaker PELOSI put it, "Nobody wants to vote for the Senate bill." But anyone who believes they can send this bill to the President without being tarred by it is absolutely delusional. Anybody who thinks this is a good strategy isn't thinking clearly. They are too close to the situation. They don't realize this strategy is the only thing for which they or this Congress will be remembered. Anyone who endorses this strategy will be forever remembered for trying to claim they didn't vote for something they did. They will be forever remembered by claiming they didn't vote for some-

thing they did vote for. It will go down as one of the most extraordinary legislative sleights of hand in history. Make no mistake, this will be a career-defining and a Congress-defining vote. Make no mistake, this will be a career-defining and a Congress-defining vote.

Most of the time, the verdict of history is hard to predict. In this case, it is not. Anyone who endorses this strategy will be remembered for it. On the other hand, anyone who decides in a moment of clarity that they shouldn't, that they should resist this strategy, will be remembered for standing up to party leadership that lost its way.

Democratic leaders continue to advance the false argument that this effort is somehow akin to certain legislative efforts of the past. There is no comparison. First of all, the good programs they are referring to were far more modest. They enjoyed broad support from both parties in Congress. Most importantly, they enjoyed broad support of the American people.

By contrast, there is no bipartisan consensus about this bill in Congress. It aims to reshape no less than one-sixth of our entire economy at a moment when our economy is already suffering and our existing debts threaten to drown us in a sea of red ink. Most importantly, Americans overwhelmingly oppose it. If you need any evidence of that, look no further than today's Washington Post, which calls this process unseemly, or the Cincinnati Enquirer, which calls it disgusting. Look no further than the President's own pollster, who is telling the White House that the chicanery the Democrats have used to advance this measure is a serious problem.

This entire effort has been a travesty, but the latest solution to give House Members a way out by telling them they can pretend they didn't vote for something they will, in fact, be voting for has sealed its fate. The latest solution to give House Members a way out by telling them they can pretend they didn't vote for something they will, in fact, vote for has sealed the fate of this legislation with the American public.

It is time for rank-and-file Democrats to pull the fire alarm—pull the fire alarm—and save the American people from this latest scheme and this unpopular bill. The process has been tainted. It is time to end the vicious cycle, start over, cleanse the process, and work on the step-by-step reforms the American people really want. It is time to recognize that constituents are not obstacles—constituents are not obstacles—to overcome with schemes and sweetheart deals. Fortunately, it is not too late.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each, and the time from 10:30 a.m. until 12:30 p.m. shall be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

Mr. McCONNELL. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Virginia is recognized.

#### EXECUTIVE NOMINATIONS

Mr. WARNER. Madam President, there are many reasons why the Senate is known as one of the world's greatest deliberative bodies. This Chamber has seen some of the most important debates and votes since the beginning of our Republic. As a freshman Senator—I know my colleague, the Presiding Officer, is also a freshman Senator and soon we will be joined by a series of freshman Senators and my good friend, the Senator from Illinois, is here as well—I think we have all been struck by how much history has been made in this very Chamber.

I am reminded, as we saw last evening some of the exchanges between the majority leader and the Republican leader, there is still an awful lot that I at least feel, as a newcomer, I have to learn. But one thing has become clear to me since being sworn in a little over a year ago. Some of the very safeguards that were created to make this a serious and responsible deliberative body have been abused in a way that damages this institution. In some instances, this abuse also runs contrary to our national interest.

This became very clear to me several weeks ago during the nomination and voting on Justice Barbara Keenan. Senator JIM WEBB, my colleague, and I had the honor of nominating Virginia Supreme Court Justice Barbara Milano Keenan to the Federal Appeals Court for the Fourth Circuit. She is one of the most highly regarded jurists in Virginia. She received a unanimously "well qualified" rating from the ABA. She was reported by the Judiciary Committee unanimously last October, and then her nomination ground to a halt, first for weeks and then for months. In fact, her nomination was filibustered, if you can call it that. I recall in school thinking the filibuster

was something that was only going to be used on rare occasions of issues of national concern to make sure minority rights were protected.

Justice Keenan was filibustered, in effect, because one Senator placed a hold on her. Consequently, cloture had to be filed. That was despite the strong endorsement Justice Keenan had received from our new Republican Governor, Governor McDonnell. I appreciate his support of Justice Keenan.

A funny thing happened when we forced the vote both on cloture and the nomination: She was confirmed unanimously. Filibustering a nominee who gets a unanimous vote, something is not right with that. That is not the way this body is supposed to work.

This experience was truly an eye-opener for me. I see dozens of executive branch nominees caught up in this web. My understanding is, right now, in the second week of March, literally the Obama administration has 64 nominees pending. These are nominees where, despite overwhelming committee votes, they have languished on the calendar for months, often because one Senator has a completely different gripe about a completely unrelated issue.

The Presiding Officer knows, she and I were both Governors, we were both CEOs. I think it is incredibly important, whether you are a Governor, whether you are a CEO of a private company, and particularly if you are the President of this great country, you ought to be able to have your management team in place, clearly, 14 months after the inauguration of President Obama.

I certainly do not believe the Senate should be a rubberstamp for nominees. Far from it. In cases where there is legitimate disagreement about qualifications of any particular nominee, I am all for having a debate and then a straight up-or-down vote. But that has not been the case. It has not been the case with Justice Keenan, and I am going to cite one other individual today, and I know my other colleagues are going to be citing others.

The individual I wish to talk about is Michael Mundaca. He has been nominated by President Obama to be Assistant Secretary of the Treasury for Tax Policy—a very important job in crafting tax and revenue policies. He is both highly qualified and well respected, having worked previously at high levels of the Treasury Department and in the international tax department of Ernst and Young. He has a law degree from UC Berkeley School of Law and was executive editor of the California Law Review.

As I understand it, Mr. Mundaca's nomination was approved overwhelmingly, 19 to 4, in the Senate Finance Committee before Christmas. Since then, he has been denied a vote in this body, not over any substantive concerns. If there is a concern about Mr. Mundaca's qualifications, a Senator ought to come and make that case, and we ought to have a debate. No, that is

not the reason. It is because one Senator or group of Senators has decided to try to leverage this nomination to some other end. To me, that is simply not fair.

This morning—I see my colleagues starting to arrive—many Senators who are relatively new to the body will take to the floor. We are the new guys and gals, the freshmen and the sophomores. Maybe we do not understand all the rules and traditions. We basically spent our first year trying to learn those rules and traditions.

But one of the issues that has united us in all coming here this morning is because the nomination process is broken, and we are asking all our colleagues—Republicans and Democrats—to come together, not as partisans but as Americans.

In the last four Presidential terms, there have been two Democrats and two Republicans holding the White House. I am confident we would be here regardless of who occupies the White House because a President deserves his or her management team to be in place 14 months after inauguration. If there are problems with their nominees, they ought to be debated and brought to the floor and discussed, not simply left in limbo. We need to start doing our job and start voting up or down on these nominees who are languishing on the Senate calendar.

I see my colleague who is much more experienced than this freshman, my good friend, the Senator from Rhode Island. I now yield 4 minutes to my friend, Senator WHITEHOUSE.

Mr. WHITEHOUSE. Madam President, I thank the Senator.

The last 2 years have seen the American economy on the brink of collapse, battered by an economic maelstrom not seen since the Great Depression and now slowly—too slowly—recovering its strength. President Obama's Recovery Act led the way, and we have seen its benefits over the last year with job losses slowing significantly. He inherited an economy losing, I think, 700,000 jobs a month, and it is now back to nearly break even.

An essential element of this recovery has been encouraging thriving export markets. Last week, President Obama laid out his plan to double exports in 5 years, an initiative which could create up to 2 million jobs. As the President said: "In a time when millions of Americans are out of work, boosting our exports is a short-term imperative."

But for international trade to function, our government must participate fully in international trade negotiations, advocating fair and open trading rules that allow American businesses to compete and export.

Yet a single Senator, the Republican Senator from Kentucky, has blocked the President's nominees for two key trade positions—nominees who cleared the committee with strong, positive votes. Michael Punke, nominated as Deputy Trade Representative to Gene-

va, and Islam Siddiqui, nominated to be Chief Agricultural Negotiator, deserve an up-or-down vote in the Senate.

In this economic crisis, why in the world would a Senator hold up such important appointments for our exports and for our economy, hobbling this administration's ability to fully participate in international trade talks?

The Senator from Kentucky has told us why: to try to force U.S. Trade Representative Ron Kirk to file a complaint regarding Canada's recently passed antismoking law. Yes, believe it or not, the Senator from Kentucky is blocking the appointment of critical U.S. international trade officials to try to force the administration to put pressure on Canada to change its antismoking law.

I am sure the tobacco industry is important in the Senator's home State, and protecting home State jobs is important. But hampering our ability to negotiate our trade agreements in this time of economic distress is not the way to do it. The Senator's hold is particularly ironic and unproductive, since trade officials, such as these nominees, are the ones charged with negotiating resolutions to trade issues such as the one that appears to motivate the Senator from Kentucky. Ambassador Kirk recently commented that the absence of these officials is having a significant impact and indicated the situation is causing some countries to question our commitment to serious trade talks. "We would be greatly advantaged not only just from the manpower and intellectual strength these two individuals bring, but I think it would help us regain some of our credibility," is what Ambassador Kirk said.

Let's be clear. The Senator from Kentucky has said he does not have any objection to these nominees. He is only blocking the nominations as leverage against the President and Ambassador Kirk. That is pure obstructionism.

It is these kinds of political power plays—one Senator actually had 70 nominees on hold—that lead to such cynicism in the country about our ability to work together and get things done. When a Senator blocks basic governmental action—action that all agree is of national importance—for purely parochial and political reasons, the public rightly wonders what is going on.

If the Senator from Kentucky disagrees with the Canadian Legislature, fine, he should voice that disagreement publicly and try to persuade the President of the merits of his point of view. He is welcome to do that. Instead, he has chosen to add to the obstructionist tactics that are poisoning this Chamber and preventing the Government of the United States from doing its business. That may serve the immediate political goals of his party, but it is wrong for our country and it is wrong for all Americans who depend on an effective U.S. Government. I urge the Senator from Kentucky to release his holds.

I yield the floor back to Senator WARNER from Virginia.

Mr. WARNER. Madam President, I appreciate the comments of Senator WHITEHOUSE and his pointing out one more example of a qualified nominee who needs to be voted on up or down.

I now call upon my friend and colleague from Illinois, Senator BURRIS.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. BURRIS. Madam President, I thank my colleague from Virginia and the distinguished Senator from Rhode Island. It is a pleasure for me to join in this very important discussion in the Senate.

I am proud to join my Democratic colleagues on the floor this morning to discuss some of the obstructionism we have seen from the other side on a number of Presidential nominations. It is the duty of this Senate to provide advice and consent on more than 2,000 government officials appointed by the President of the United States. These individuals range from Cabinet level officers to agency administrators, ambassadors, Federal judges, and more. They are tasked with leading important agencies and offices such as the Transportation Security Administration, our diplomatic missions around the world, and various law enforcement organizations.

These nominees generally make it through committee on near-unanimous bipartisan votes. They are extremely dedicated public servants who stand ready to defend our national security, advance our shared interests, and carry out the important work of the American people. But when these nominations come out of the committee, they invariably hit a roadblock. They hit a stone wall. They are stalled the moment they come to the Senate floor. That is because my Republican friends are holding up dozens of these nominations.

Scores of important offices remain vacant because of the same partisan tactics of distraction and delay that we have seen time and time again from the other side. It is not that my Republican colleagues have any problems with the qualifications of the nominees themselves. They enjoy bipartisan support in committee. They carry the high esteem of both Democrats and Republicans. When we are finally able to break the filibuster and have an up-or-down vote, these individuals are almost always confirmed unanimously, as the judge from Senator WARNER's State of Virginia was, with a vote of 99 to 0. It was senseless for that nomination to be held up for that long.

But thanks to the same old political games, it is difficult to get cloture on these nominations so we can get a floor vote in the first place. The same Republican Senators who vote in favor of these nominees in committee—the same Senators who later support them on the floor—try to keep us from moving forward as a full Senate. This is obstructionism at its worst. This is pure

politics at the expense of the American taxpayers.

This is a waste of our time and effort, and the American people deserve better. They sent us to Washington to solve big problems—to create jobs, to reform health care, to strengthen our educational system. But my Republican friends are not interested in working together to confront these challenges. Instead, they drag their feet on noncontroversial things such as Presidential nominations in hopes of scoring political points. They bring this body to a standstill just so they can advance a partisan agenda. Meanwhile, dozens of important Federal agencies are without leadership at the highest levels. Thousands of government employees are working without the public servants who have been appointed to lead them—all because of Republican political games.

So I would ask my good friends from the other side of the aisle to abandon these tactics of distraction and delay. Let's have a substantial debate about the issues, not an argument over procedure. Let's stop wasting time and start working together to solve the problems we face. In the meantime, let's confirm these nominees so they can take up their appointed offices and begin to serve the American people.

I yield the floor to the distinguished Senator from New Hampshire.

The PRESIDING OFFICER (Mr. WARNER). The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am here to join my colleagues from the freshman and sophomore classes to point out the obstruction that we are seeing from the other side of the aisle in holding up these executive branch nominees. It is unfortunate, with so many challenges facing this country, that we have to be on the floor of the Senate today talking about obstructionism rather than talking about what we can do to address the real issues facing this country.

One of those important issues has to do with how we get this economy going again. Ninety-five percent of the world's consumers live outside of the United States; and for American companies to grow and expand, to create jobs, we have to increase exports of goods and services. That is the simple reality.

There are several actions we need to take to help American companies compete overseas. Tomorrow, for example, I am going to be back on the Senate floor talking about what we can do to strengthen the Small Business Administration's export lending and promotion services. Certainly another thing we need to do is to protect the interests of American companies and workers in the trade arena.

As we have already heard from Senator WHITEHOUSE, that is why it is unconscionable that the confirmation of President Obama's nominee to be Ambassador to the World Trade Organization, Michael Punke, is being held up by a single Senator.

Senator TESTER came to the floor last week to ask Senator BUNNING to stop blocking Mr. Punke's confirmation. Now, after reading yesterday's New York Times, I felt compelled to also speak about the hold on this confirmation. Yesterday's story in the paper reported on China's aggressive filing of complaints with the WTO. In the last 12 months, China filed more complaints with the WTO than any other country, even though it is cleaning the clock of every country on the planet, including the United States, when it comes to trade.

China racked up a nearly \$200 billion trade surplus with the rest of the world last year. Its trade imbalance with the United States is 4 to 1. Yet the top position of the United States at the WTO—you guessed it, the position that Mr. Punke has been nominated for—is being held up, is still vacant because there is one Senator who is unhappy with Canada's tobacco law.

That is right. As Senator WHITEHOUSE has already told us, the hold on Mr. Punke has nothing to do with whether he is qualified to be ambassador to the WTO. His confirmation was unanimously recommended by the Finance Committee 3 months ago. No, this critical post remains vacant because one Senator—Senator BUNNING—is angry that Canada banned flavored cigarettes as a way to combat teen smoking.

I certainly understand the tobacco industry fears the Canadian law will be interpreted broadly to ban American-blend cigarettes. But blocking the confirmation of our WTO ambassador over this issue at this time, when expanding exports is critical to our economic recovery, is counterproductive, and it is an abuse of Senate rules. The point has now been made. So now is the time for Senator BUNNING to lift this hold so we can confirm Mr. Punke and we can get this critical position filled and make sure that American businesses have a level playing field when it comes to exports.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I am proud to join my colleagues in the freshman and sophomore classes today to highlight a recurring problem in the Senate—the Republican holds on the confirmations of crucial executive branch nominees. These are not controversial people, as you will hear from what I am going to tell you from my part of the story today and what you have heard from some of my colleagues.

As a former prosecutor and the manager of a prosecutor's office of more than 400 people, I know from personal experience how important it is to have a strong leadership team in place. Only with a strong leadership team can an executive implement his or her vision. In our current economy, a vision for increased trade and export promotion is particularly important, and the President has one.

Earlier this year, he announced a plan, widely supported by CEOs of large and small corporations, to double American exports overseas in the next 5 years. Export promotion is a topic that is of special interest to me, as I chair the Subcommittee on Competitiveness, Innovation and Export Promotion.

I truly believe if we are to move this economy again, we have a world of opportunity out there. Ninety-five percent of the world's customers are outside of our borders. This is a different world with growing buying power in countries such as India and China, where instead of just importing goods we can be making stuff again; we can be sending it out so that customers in these other countries can be buying it.

Look at the numbers. A diversified base of customers helps a business weather the economic ups and downs. According to research, businesses that export grow 1.3 percent faster—and they are nearly 8.5 percent more likely to stay in business—than companies that don't export. These are the facts. So it is hard to believe, when we have a laser focus on the economy right now, when that is all I hear about from the people of my State, that my friends on the other side of the aisle are holding up the President's nominees for positions that promote American exports abroad. It makes absolutely no sense.

Right now, Republican holds are blocking votes on the confirmations of Michael Punke, nominated to be Deputy U.S. Trade Representative, and "Isi" Siddiqui, nominated to be Chief Agricultural Negotiator. These nominees have five decades of experience in international trade between the two of them, including extensive private sector and government work. They work with Democrats and they work with Republicans. They just want to get this economy moving again. But our friends on the other side of the aisle are placing holds on them at the very time when we all know this is the direction in which we need to move. These are exactly the type of people who could help expand American agricultural and small business exports and grow our economy.

These two nominees have been fully vetted and received strong bipartisan support in their Finance Committee hearings. They were recommended by the Finance Committee to the full Senate by a vote of 23 to 0—including the affirmative vote of the Senator who has since placed a hold on Mr. Punke. No one would believe this. The reason for the hold? The Senator in question wants Mr. Punke to commit to forcing Canada to repeal parts of an antismoking law passed by the Canadian Parliament.

So we have people in Rhode Island, in Illinois, in Minnesota, in New Hampshire who are looking for jobs, and they know that a key part of this is to increase exports to be able to sell our goods to other countries. Yet these guys are placing a hold on the very

people who can get this work done because they are concerned about a law passed by the Canadian Parliament. It is too good to be true but, sadly, it is true.

Holding these nominees in limbo has dire consequences for our ability to promote American products abroad. Our international partners actually use the absence of Mr. Punke and Dr. Siddiqui as an excuse to stall progress on serious negotiations. You know what they say. They say: You don't have your guys in place. You don't have your people in place, so we are not negotiating with you, America.

Blocking these nominees gives cover to other nations that want to keep the United States from getting fair market access in the global trading system for American agriculture, manufacturing, and services.

A coalition of 42 food and agricultural groups wrote Senators REID and MCCONNELL in January to call for quick approval. They said: U.S. food and agricultural exports are under assault in many markets with trading partners erecting even more barriers in recent months. It has to stop.

In the United States, we further export promotion policy through a variety of different executive agencies, and Republicans aren't just holding up USTR reps, they are also holding up Eric Hirschhorn, the nominee to head up the Bureau of Industry and Security at the Commerce Department. This is the division at Commerce that screens exports to make sure national security, economic security, cyber-security, and homeland security standards are upheld when we export sensitive technologies.

The head of this bureau engages in strategic dialogues with high-level government officials from key transshipment countries such as Malaysia, Singapore, Hong Kong, and the United Arab Emirates in order to prevent sensitive technologies from being diverted to China, Iran, and North Korea. Leaving this position unfilled sends a negative message to the domestic exporting community, to our allied governments, and it hurts our security. Why would we want to leave this position unfilled?

Mr. Hirschhorn has spent more than 30 years involved in issues related to export control. As an author of numerous articles and "The Export Control and Embargo Handbook," which is widely recognized as the leading text on the issue, Hirschhorn displays an unparalleled understanding of the importance of export control systems and work.

These are a few examples of the pivotal positions being held up by our colleagues on the other side of the aisle. If you are going to talk the talk about moving this economy, about exports, about trade, about getting our goods out there, building things again, then you should walk the walk. You should not be holding up Siddiqui and Punke and Hirschhorn. These are non-controversial people. Nobody watching

C-SPAN has ever heard of them before. They are not in the middle of some controversial mess. They are trying to get our country moving again. That is what this is about. For people who are trying to get jobs, trying to move this country, they need people in place in the government to help them. Take those holds off, get this moving, put these people in place.

I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Oregon is recognized.

Mr. MERKLEY. Madam President, I rise today to decry the attack of my Republican colleagues on the executive branch of the United States of America. The Constitution, which we are sworn to uphold, calls for a balance of power between three branches of government—the executive branch, the legislative branch, and the judicial branch. In it, it gives us a certain ability to test the fitness of high appointees to the executive branch. That is the advise and consent clause of the Constitution.

The Constitution does not have a delay and obstruct clause. It has an advise and consent clause. That means we have the responsibility, on a timely basis, to review high appointees to the executive branch and give our opinion. If we vote a person down, then indeed that nomination does not go forward.

What we have here is not a sincere application of advise and consent. We have a systematic effort underway to undermine the credibility and the capability of the President's team here in America.

This is a list of nominations that is being held up. This is not one nomination here and one nomination there. These are dozens and dozens of key appointees who will make the executive branch operate. Let's look at some of these. The Federal Election Commission, the Department of Energy, the Small Business Administration, the National Labor Relations Board, the Legal Services Corporation, the Department of Homeland Security, the Army, the Executive Office of the President, the Amtrak Board of Directors, the National Transportation Safety Board, the Equal Employment Opportunity Commission, the Farm Credit Administration, the Department of Commerce, the Department of Housing and Urban Development, the Department of the Treasury, the Department of Health, the Department of Veterans Affairs, the Department of State, the Department of Energy, the Nuclear Regulatory Commission, the National Council on Disability, the Tennessee Valley Authority.

Fellow Americans, I think you get the picture that this is a list in a systematic effort to undermine the ability of the executive branch to do its job. If we simply look back at the nominations on which we have had to file cloture and hold a vote in this Chamber, two-thirds of those nominees have passed by more than 70 of this body.

Many of them had 80 or 90 votes because there was no sincere objection to this individual, be it he or she, in a number of these departments. But it was a systematic effort to delay the capability of the executive branch of the United States of America. That is unacceptable. We are not empowered as a Chamber, in this Constitution, to delay and obstruct and prevent the executive branch from doing its job.

I call upon my Republican colleagues who are conducting this attack on the President and his team to honor their constitutional responsibilities to advise and consent, to take this list and if there are a couple of key nominees that you have serious concerns about, then indeed let's have that debate here on the floor. But these dozens need to be set free to do their job. That is how the balance of powers is envisioned in the Constitution.

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

Mr. CASEY. Mr. President, I rise this morning to raise questions about why the Republicans in the Senate are holding up a number of nominations. We have heard some of that articulated this morning by a number of our colleagues. I have a specific example of what this kind of obstruction leads to. It is with regard to a circuit court nomination, in this case a judge in the Middle District of Pennsylvania. This is someone I have known a long time, someone I have known to be not only capable to do the job a U.S. Court of Appeals judge must do, but also someone who has demonstrated his ability on the district court for many years. The person I am speaking of is Judge Thomas I. Vanaskie, who has been nominated for a position on the Third Circuit Court of Appeals, which covers Pennsylvania, New Jersey, Delaware, and the Virgin Islands.

As I said, I have known him a long time. He is someone who has been a legal scholar, someone who has a long and distinguished career on the Federal bench as well as a career as an advocate when he was practicing law.

I ask unanimous consent a fuller statement of his record and résumé be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### BIOGRAPHY

Judge Vanaskie's biography highlights both his scholarly and professional accomplishments and the high esteem in which he is held by his colleagues in the legal profession. He graduated magna cum laude from Lycoming College in Williamsport, Pennsylvania, where he was also an honorable mention All-American football player, a first team Academic All-American, the college's outstanding male student athlete, and the recipient of the highest award given to a graduating student.

At Dickinson School of Law, from which he graduated cum laude in 1978, Judge Vanaskie served as an editor of the Law Review and received the M. Vashti Burr award, a scholarship given by the faculty to the student deemed "most deserving".

After graduating, Judge Vanaskie served as a law clerk for Judge William J. Nealon, Chief Judge of the U.S. District Court for the Middle District of Pennsylvania.

Judge Vanaskie practiced law for two highly regarded Pennsylvania firms before his appointment to the U.S. District Court for the Middle District of Pennsylvania in 1994.

He became the Middle District's Chief Judge in 1999 and completed his seven-year term in 2006.

He was appointed by Chief Justice Rehnquist to the Information Technology Committee of the Judicial Conference of the United States where he served as Chair for three years. He has also participated in several working groups of the Administrative Office of the United States Courts, mostly recently on the Future of District CM/ECF Working Group, tasked with determining the design and development of the next generation of the federal judiciary's electronic case filing program.

He is an adjunct professor at the Dickinson School of Law and has also been active in civic and charitable efforts in his hometown of Scranton.

#### ACCOLADES

Lawyers who have appeared before Judge Vanaskie have expressed tremendous respect for his intellectual rigor and the disciplined attention he brings to the matters before him.

One attorney who has tried over a dozen cases before Judge Vanaskie has described him as "objective, fair, analytical, dispassionate, extraordinarily careful, and very respectful of appellate authority." This same practitioner said that he has not always agreed with Judge Vanaskie's decisions, but he has always felt that his rulings reflected what the Judge considered to be the most appropriate result, and the result that he was obligated to impose under the law.

U.S. District Judge William J. Nealon, for whom Judge Vanaskie clerked has described him as "superbly qualified . . . He's outstanding . . . He's brilliant. He's objective. And he's tireless . . ."

Judge Vanaskie recognizes that for many citizens, his decisions will be the final word on their claims. He treats people with respect and honors their right to be heard. His deep understanding of and respect for the law will serve him well in ruling on cases and authoring opinions that will be influential in the Third Circuit and beyond.

#### CAREER HIGHLIGHTS

In 2008, Judge Vanaskie presided over the first known court appearance of aging mobster Bill D'Elia where he pleaded guilty to two federal felonies. He later sentenced "Big Billy" to serve in federal prison.

Late last year, Judge Vanaskie sentenced the former Superintendent of the Pittston Area School District to 13 months in federal prison and a \$15,000 fine for accepting \$5,000 cash in kickbacks from a contractor he supported in obtaining a contract with the school district. The case is part of an ongoing investigation by the FBI and the IRS and is being prosecuted by a team of federal prosecutors.

He ruled that the government could not deport Sameh Khouzam, a native of Egypt and a Christian, because the State Department did not review Egyptian diplomatic assurances that Khouzam would not be tortured upon his return. "The fact that this matter implicates the foreign affairs of the United States does not insulate the executive branch action from judicial review," the Judge wrote. "Not even the president of the United States has the authority to sacrifice . . . the right to be free from torture . . ."

He presided over the trial and sentencing of an Old Forge man who spent more than

\$413,000 that he stole from victims of an investment scam. "You stole these people's money," said the Judge. "I can't sugarcoat it."

Mr. CASEY. Judge Vanaskie graduated with high honors from Lycoming College and was an honorable mention All-American football player there. He attended the Dickinson School of Law in Pennsylvania, graduated with honors in 1978, was editor of the Law Review, clerked for Judge William Nealon, who was then the Chief Judge for the Middle District of Pennsylvania. Judge Vanaskie went on to have a distinguished career as a lawyer. He got to the Middle District Court, the U.S. Middle District of Pennsylvania in 1994, became the Chief Judge, just like Judge Nealon, the judge he served. Judge Vanaskie became the Middle District's Chief Judge in 1999 and his 7-year term as Chief Judge was completed in 1996.

He was appointed by Chief Justice Rehnquist to the Information Technology Committee of the Judicial Conference of the United States, where he served as Chair for 3 years.

I will submit for the RECORD, as I mentioned before, what many people have said about him in addition to his record. I will read one of those at this moment. Judge Nealon, someone who has been on the District Court of Pennsylvania, the Middle District, for more than a generation, since 1962—here is what that judge said about Judge Vanaskie. He said:

He is superbly qualified, he is outstanding, he is brilliant, he is objective and he is tireless.

There is not much more you could say that would be higher praise than that from not only a colleague but someone who has had decades of experience presiding over complex matters in the district courts.

In my own judgment, Judge Vanaskie demonstrated, when he was on the district court, the kind of legal acumen and scholarship and commitment to the rule of law that made him stand out on the district court. I know I personally have experience with that; I appeared before him. I remember in particular trying a case in front of him. He is someone I knew very well for many years, someone I had great respect for, but also someone I knew personally. Despite that personal connection, I do remember him ruling against me on a number of objections. That alone is testament to his integrity. It is widely shared.

When you consider all of that legal experience, unquestioned ability on the district court, unquestioned ability to handle very complex matters that prepared him to serve on the Third Circuit Court of Appeals and that he was voted out of committee close to unanimously—I think there were three votes against him. I will doublecheck this, but I think the vote was 16 to 3. I will make sure we check that for the RECORD.

Having said all that, I cannot understand why our friends on the other side

of the aisle would want to hold up someone who has such a brilliant record, who is committed to being and has already demonstrated a commitment to be a fair-minded judge, someone who will set aside their personal points of view, their personal biases, to rule on matters that come before the U.S. Court of Appeals for the Third Circuit. It does not make much sense when you consider the support he has received. But it seems, as on so many of these nominations, the impediment here is not a set of questions, not a set of unresolved issues. The impediment is too many Senators on the other side of the aisle who want to use the nomination process to achieve political objectives. That, in my judgment, is what is happening.

What they should do for the American people is set aside those political objectives and get people confirmed, just as they would hope that their nominees, people they support under a Republican President, would be confirmed.

This is just one example, but I think a very telling example, of what our friends are doing when they hold up a judge who has that kind of record of service, of commitment to justice and the rule of law. I think it speaks volumes about what is happening in the Senate on nominations.

I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Minnesota is recognized.

Mr. FRANKEN. Mr. President, I rise today to speak about the gridlock in the Senate and the effect it has on our ability to do our jobs as legislators. If you talk to the average person on the street, he or she will probably tell you that Americans are pretty frustrated with their government right now. People think government does not work and that politicians care more about fighting with each other than they do about helping American families.

Some days I can hardly blame the people who hold this opinion. We are now in the second year of President Obama's administration and we have only just begun to fill the spots in the executive and judicial branches because of filibusters, holds, and other procedural tactics that have delayed an extraordinary number of people. We had no Under Secretary for Domestic Finance at the Treasury Department despite the fact that our country has just experienced arguably the worst economic crisis since the Great Depression. We have no Assistant Secretary for Legislation at the Department of Health and Human Services. You would think when we have been considering health care reform legislation in the past year, it might be helpful to confirm an Assistant Secretary for Legislation at the Department of Health and Human Services.

There are so few members of the National Labor Relations Board, the Supreme Court is currently deciding whether the NLRB's current decisions

have any legal standing, yet we have failed to confirm a single one of President Obama's three nominees.

In one of the most egregious examples of obstructionism, the Senate failed to vote on the appointment of the first nominee for Transportation Security Administration Chief, the person charged with keeping our Nation's airlines safe. In the interim, a terrorist tried to attack Northwest flight 253. Perhaps unsurprisingly, the nominee eventually withdrew himself from consideration, saying he was "obstructed by political ideology."

I have said it before and I will say it again: I have no problem with standing on principle. Our first President, George Washington, supposedly once said we pour House legislation into the senatorial saucer to cool it. Whether or not that story is true, the Senate has long served as the cooling Chamber, the place where reason and thoughtful debate occur in our Congress. The filibuster is a key tool for the way the minority can stand up to a majority that is acting irrationally in the heat of the moment. So I have no problems with my colleagues threatening to filibuster nominees or legislation that they actually oppose.

That is what the Founders intended. The Senate has an important role to play in giving the President its advice and consent on nominations. I take that role very seriously. But too often my colleagues filibuster nominees they actually support in an effort to extract other promises or just to slow the Senate down.

In February, the Senate finally confirmed the noncontroversial administrator of the General Services Administration after 9 months. The vote was 94 to 2. Similarly this month, my colleagues forced a cloture vote, they forced a cloture vote to approve a judicial nominee for the Fourth Circuit Court of Appeals. She was then confirmed unanimously, 99 to 0.

Yet we are forced to vote for a filibuster. That is nuts. This is a perversion of the filibuster and a perversion of the role of the Senate. It used to be the filibuster was reserved for matters of great principle. Today it has become a way to play out the clock. Some of my colleagues seem more interested in using every procedural method possible to keep the Senate from doing anything then they are in creating jobs or helping Americans struggling in a difficult economy.

They seem to actually want the government to fail. Why else delay things you actually agree with? No wonder Americans are frustrated with the government. It is time for this to stop. It is time for the Senate to stop playing politics or pursuing personal agendas and start approving well-qualified nominees without forcing unnecessary delay.

For our government to function the way it is supposed to, it needs to have personnel. Let's give the executive branch and the judicial branch the peo-

ple they need so we can help government function in the way it is supposed to and reassure Americans that government does work for them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I rise, along with my colleagues this morning, to draw attention to the growing dysfunction exacted on this institution's ability to confirm both judicial and executive branch nominees.

Having served five terms in the House of Representatives, I have come to expect a certain amount of political revelry and combat. While I was honored to serve in the House, and I have fond memories of the often raucous debates there, I had high expectations that the Senate would truly be a place of deliberation and bipartisan goodwill.

Of late, however, it seems the worst political gamesmanship has infiltrated the Senate. Perhaps the proverb "the grass is always greener on the other side" applies here, but I do have to tell you, I think the level of gridlock we have faced in the last year is unprecedented.

We have seen roadblock after roadblock as we have tried to exercise one of the most basic functions of the Senate, that of making sure we have a full complement of Federal judges and ensuring the departments and agencies of the sitting administration are filled with competent public servants.

In contrast, by this date during President Bush's first term in office, the Senate, with a Democratic majority, had confirmed twice as many circuit and district court nominations. The obstruction of present judicial nominees is all the more galling when you note that they were reported by the Judiciary Committee without dissent.

Two weeks ago today, we were forced to invoke cloture on Barbara Milano Keenan to be U.S. circuit judge. Her nomination was held up for months. We finally had to say enough is enough and shut off the filibuster. When we finally voted on cloture, it was invoked 99 to 0, meaning not a single Senator was willing to stand and oppose the nominee.

You know in your State, Mr. President, this is the kind of superficial partisanship the American people are fed up with. In addition to judicial nominees, President Obama's executive branch appointments have suffered from a similar kind of gamesmanship. One would be hard-pressed to find one single department in this administration whose work has not been interrupted by phony delays.

Let me give you an example. After having invoked cloture and overcome a filibuster on Martha Johnson to be the Director of the General Services Administration, not a single Senator was willing to stand in opposition to the nominee. Cloture was invoked and she was confirmed by a 96-to-0 margin.

I know partisanship is rampant in this town, but the American people deserve to know what is happening in the

Senate. We are reaching a heightened level of imprudence, the kind George Washington warned us about in his farewell address in 1796.

In outlaying the principle we first all have an obligation to govern, Washington stated, "All obstructions to the execution of the national laws [ . . . ] with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities are destructive of this fundamental principle."

As I close, the American people know this town causes grown men and women to bicker and fight like children. Children have an excuse, they are children. We are not. We can do better, and I urge my colleagues to set aside their partisan differences, end this gridlock, and begin working together for the good of the American people.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN.) The Senator from North Carolina.

Mrs. HAGAN. I thank the Senator from Colorado for yielding.

I am joining my freshman colleagues on the floor to express my amazement at the difficulty this body is having conducting even the simplest legislative functions.

When I came to Washington last year from the North Carolina State Senate, I was certainly under no illusions that the process here would be lightening fast. In fact, I believe strongly we should take the time to make reasoned judgments about legislative and executive branch and judicial nominees. The American people are better served when we take the time to make the best decisions.

But there is a difference between taking time for reasoned judgment and impeding progress for the sole purpose of delay. There currently are 67 executive branch nominations awaiting action by the full Senate. Every one of these has been approved by the committee of jurisdiction, many having been approved unanimously. Thirty-one of those sixty-seven nominees were approved in committee last year and have been waiting for months for action by the full Senate.

One individual awaiting action by the Senate, Michael Punke, has been nominated to be our ambassador to the World Trade Organization. He was approved unanimously by the Senate Finance Committee in December.

As my colleagues know, the member countries of the WTO are currently engaged in a round of trade talks that could have enormous implications for American workers and industries. Would it not make sense to have the best possible American representation at those talks? Should we not want someone there who is advocating forcefully on behalf of our American workers, producers, and businesses?

It has been reported the delay in considering this particular nomination is connected to a concern one Senator has regarding a recent tobacco law passed

in the Canadian Parliament. Well, I represent the largest tobacco State in the country. I will be honest, I understand the concerns of my fellow tobacco-State Senator regarding this legislation.

But I guess I have not been here long enough to understand how concerns with Canadian tobacco legislation lead you to the conclusion that you should prevent the United States from being represented in international trade negotiations. How are we supposed to address our issues with Canada and all trading partners when our seat at the table is empty? That is just one example. The calendar is full of nominees who deserve a vote.

In fact, there are two judicial nominees on the calendar from North Carolina who would be easily confirmed should they come up with for a vote, Jim Wynn and Al Diaz, nominees for the Fourth Circuit Court of Appeals. They were both approved by the Senate Judiciary Committee in January. But truth be told, we have not just been waiting since January, we have been waiting since 1994.

There has been an opening for a North Carolina judge on the Fourth Circuit since 1994. Partisan politics has gotten in the way of filling that vacancy time and again. Finally, we have not one but two qualified judges, supported by both myself and Senator BURR. Let's bring them up for a vote.

The government cannot function without qualified appointees in place. Let's stop the delays and bring these nominees up for a vote so they can get on with the business of the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, I rise to call on the Senate to do something the rest of the American people are doing, our job. Most of President Obama's nominees to the executive branch and our Federal courts are not even remotely controversial. The country needs them on the job, and their responsibilities, their careers, and the stress on their families should not be caused by holds and other pointless delays.

We face serious challenges as a nation. Unemployment and underemployment rates are unacceptably high. Our courts have unprecedented backlogs. We are fighting two wars and have the persistent threat of terror that casts a shadow over our security.

We need a functioning Federal Government. The American people expect this. Yet some in this body are too tied up in "politics as usual" to get our government working again. Rather than making sure we get the government up and running by allowing our votes on key administration nominees, the Senate is mired in perpetual stalling, failing to perform its constitutional responsibility to advise and consent. Qualified people nominated to hold key positions in the administra-

tion are languishing in the Senate because of procedural abuses. These should end.

I have introduced a resolution which would help address some of these abuses. My resolution would bring holds by one Senator outside the shadows, time limit them, and place requirements that, after 2 days, holds must be bipartisan to continue.

These commonsense improvements ought not be necessary. But in today's Senate, unfortunately, they are. I fully support scrutinizing all positions requiring confirmation. In fact, that is why my suggested resolution actually says, if you have bipartisan support—and there might be a reason to look at it other than just pure politics—I think we should look at it.

But useless delay is not getting us anywhere. I am not asking for a rubberstamp from anyone. But a desire to assert leverage over the administration or a desire to frustrate the government's efforts to work for the American people is unacceptable for holding up nominees.

Too often we have seen nominees held for months only to be confirmed by overwhelming margins. Judge Barbara Keenan was recently confirmed to the Fourth Circuit Court of Appeals by the breathtakingly close vote of 99 to 0. This was after her nomination was held up for 4 months following approval by the Judiciary Committee.

There are currently 16 other judicial nominees who, similar to Judge Keenan, have cleared the Senate Judiciary Committee and are awaiting floor time. Unfortunately, they are subject to partisan and meritless delays. The result is, our district and appellate courts will continue to be backlogged and justice will not be served in communities all across the United States of America.

Judicial nominations have a sad history of partisanship in recent years. The delays and games that have replaced the Senate's role to advise and consent have now bled into all executive branch nominations at unprecedented levels.

Just last month, the media reported 80 nominees were being held up by one Senator. These holds included the Under Secretary for Military Readiness and top officials at the Departments of State and Homeland Security. These holds were unrelated to the actual nominee and solely concerned parochial and political interests. Our national security should never be subjugated to one Senator's politics.

We also had the President's nomination to the Transportation Security Administration tied up and ultimately withdrawn because of partisan bickering unrelated to his responsibilities to secure our airports. This is unacceptable. Does it no longer matter whether there is someone at the helm of the agencies responsible for securing our airports?

How is this acceptable behavior in the Senate? It would not be acceptable

behavior around my kitchen table. If it is not acceptable there, it should not be acceptable here. There are too many examples of qualified, noncontroversial nominees, such as Martha Johnson, the GSA Administrator with impeccable qualifications whose nomination was held for 9 months. Yet she was confirmed by a 96-to-0 vote once the hold on her nomination was removed.

These nominations are being blocked even though they have broad bipartisan support.

I urge my colleagues to remove their holds on noncontroversial administration nominees and allow confirmation votes.

I yield the floor.

Mr. WARNER. I thank my colleague from Colorado.

Mr. LEAHY. Mr. President, many Senators are speaking on the Senate floor today about the Republican delays and obstruction of President Obama's nominations to fill critical posts throughout the executive branch.

Republicans have engaged in a partisan effort to block scores of nominations, preventing up-or-down votes in the Senate. This Republican effort has prevented the Senate from considering well-qualified public servants like Professor Chris Schroeder, who was first nominated by President Obama on June 4, 2009. He appeared before the Senate Judiciary Committee last June, and was reported favorably in July by voice vote, with no dissent. His nomination then languished on the Senate's Executive Calendar for nearly 5 months. Not a single Republican explained the reason for the delay.

Republican Senators objected to carrying over Professor Schroeder's nomination into the new session. It was returned to the President with no action. President Obama nominated Professor Schroeder again this year, and again his nomination was reported by the Judiciary Committee with Republican support. An esteemed scholar and public servant who has served with distinction on the staff of the Senate Judiciary Committee and in the Justice Department, Professor Schroeder has support across the political spectrum.

We treated President Bush's nominations to run the Office of Legal Policy much more fairly than Republicans are treating President Obama's, confirming all four nominees to lead that office quickly. We confirmed President Bush's first nominee to that post by a vote of 96 to 1 just 1 month after he was nominated, and only a week after his nomination was reported by the Judiciary Committee. In contrast Professor Schroeder's nomination has been pending since last June. It is time for an up-or-down vote on his nomination.

In addition to the many executive branch nominees currently stalled on the Senate calendar, there are 18 judicial nominees that have been reported favorably by the Judiciary Committee—most of them unanimously—who await Senate consideration. That is more nominees than the total of

President Obama's circuit and district court nominees—17—that have been confirmed since he took office. This sorry state of affairs is the result of a Republican strategy to stall, obstruct, and delay that has existed throughout President Obama's time in office. The casualties of this effort are the American people who seek justice in our increasingly overburdened Federal courts.

By this date during President Bush's first term, the Senate had confirmed 41 Federal circuit and district court nominations. That was a tumultuous period in which Senate Democrats worked hard to make progress with a staunchly partisan Republican President. It included the period of the 9/11 attacks and the anthrax attacks upon the Senate. In contrast, the Senate has confirmed just 17 Federal and circuit court nominees—just 17—during President Obama's first term.

We are currently on pace to confirm fewer than 30 Federal circuit and district court nominees during this Congress, which would be easily the lowest in memory. That number stands in sad contrast to the 100 judges we confirmed when I chaired the Judiciary Committee for 17 months during President Bush's first term. When we were reviewing the judicial nominees of a President of the other party, and one who consulted across the aisle far less than President Obama has, we confirmed 100 judges in just 17 months. President Obama is in his 14th month and Senate Republicans have allowed only 17 Federal circuit and district court judges to be confirmed. We are 24 behind the pace we set in 2001 and 2002.

The Judiciary Committee has favorably reported 35 of President Obama's Federal circuit and district court nominees to the Senate for final consideration and confirmation. Eighteen of those nominees are still awaiting a vote by the Senate. The Senate can more than double the total number of judicial nominations it has confirmed by considering the other judicial nominees already before the Senate awaiting final action. We should do that now, without more delay, without additional obstruction. There are another five judicial nominations set to be reported by the Judiciary Committee this week. They will bring the total awaiting final action by the Senate to 23. Confirming them without unnecessary delay would put us back on track.

While Republican Senators stall, judicial vacancies continue to skyrocket. Vacancies have already grown to more than 100, undoing years of our hard work repairing the damage done by Republican pocket filibusters of President Clinton's judicial nominees. When I chaired the Judiciary Committee during President Bush's last year in office, we reduced judicial vacancies to as low as 34, even though it was a presidential election year. When President Bush left office, we had reduced vacancies in 9 of the 13 Federal circuits. As matters stand today, judicial vacancies have

spiked and are being left unfilled. We started 2010 with the highest number of vacancies on article III courts since 1994, when the vacancies created by the last comprehensive judgeship bill were still being filled.

More than 30 of the vacancies on our Federal courts today are classified as "judicial emergencies." This is another reversal of our hard work during the Bush administration when we reduced judicial emergencies by more than half. Those vacancies have now increased dramatically, encumbering judges across the country with overloaded dockets and preventing ordinary Americans from seeking justice in our overburdened Federal courts. This is wrong. We owe it to the American people to do better.

President Obama deserves praise for working closely with home State Senators, whether Democratic or Republican, to identify and select well-qualified nominees to fill vacancies on the Federal bench. Yet Senate Republicans delay and obstruct even nominees chosen after consultation with Republican home State Senators. President Obama has worked closely with home State Republican Senators, but Senate Republicans have still chosen to treat his nominees badly. Last year, President Obama sent 33 Federal circuit and district court nominations to the Senate, but the Senate confirmed only 12 of them, the fewest judicial nominees confirmed in the first year of a Presidency in more than 50 years.

Senate Republicans unsuccessfully filibustered the nomination of Judge David Hamilton of Indiana to the Seventh Circuit, despite support for his nomination from the senior Republican in the Senate, DICK LUGAR of Indiana. Republicans delayed for months Senate consideration of Judge Beverly Martin of Georgia to the Eleventh Circuit despite the endorsement of both her Republican home State Senators. When Republicans finally agreed to consider her nomination on January 20, she was confirmed unanimously. Whether Jeffrey Viken or Roberto Lange of South Dakota, who were supported by Senator THUNE, or Charlene Edwards Honeywell of Florida, who was supported by Senators Martinez and LEMIEUX, virtually all of President Obama's nominees have been denied prompt Senate action by Republican objections.

I noted when the Senate considered the nominations of Judge Christina Reiss of Vermont and Mr. Abdul Kallon of Alabama relatively promptly that they should serve as the model for Senate action. Sadly, they are the exception rather than the model. They show what the Senate could do, but does not. Time and again, noncontroversial nominees are delayed. When the Senate does finally consider them, they are confirmed overwhelmingly.

In December, I made several statements in this Chamber about the need for progress on the nominees reported by the Senate Judiciary Committee. I

also spoke repeatedly to Senate leaders on both sides of the aisle and made the following proposal: Agree to immediate votes on those judicial nominees that are reported by the Senate Judiciary Committee without dissent, and agree to time agreements to debate and vote on the others. I have recently reiterated my proposal and urged Senate Republicans to reconsider their strategy of obstruction. There is no justification for these nominations to be dragged out week after week, month after month.

The last time the Senate considered judicial nominations was weeks ago. Indeed, on March 2, the Republican filibuster and obstruction of the nomination of Justice Barbara Keenan of Virginia to be a Fourth Circuit Judge had to be ended by invoking cloture. Senate Republicans would not agree to debate and vote on her nomination and the majority leader was required to proceed through a time consuming procedure to end the obstruction. The votes to end debate and on her confirmation were both 99 to 0. That nomination had been reported in October. So after more than 4 months of stalling, there was no justification, explanation or basis for the delay. That is wrong. That was the 17th filibuster of President Obama's nominations.

The 18 judicial nominees awaiting Senate consideration are: Jane Stranch of Tennessee, nominated to the Sixth Circuit; Judge Thomas Vanaskie of Pennsylvania, nominated to the Third Circuit; Judge Denny Chin of New York, nominated to the Second Circuit; Justice Rogeriee Thompson of Rhode Island, nominated to the First Circuit; Judge James Wynn of North Carolina, nominated to the Fourth Circuit; Judge Albert Diaz of North Carolina, nominated to the Fourth Circuit; Judge Edward Chen, nominated to the Northern District of California; Justice Louis Butler, nominated to the Western District of Wisconsin; Nancy Freudenthal, nominated to the District of Wyoming; Denzil Marshall, nominated to the Eastern District of Arkansas; Benita Pearson, nominated to the Northern District of Ohio; Timothy Black, nominated to the Southern District of Ohio; Gloria M. Navarro, nominated to the District of Nevada; Audrey G. Fleissig, nominated to the Eastern District of Missouri; Lucy H. Koh, nominated to the Northern District of California; Jon E. DeGuilio, nominated to the Northern District of Indiana; Tanya Walton Pratt, nominated to the Southern District of Indiana; and Jane Magnus-Stinson, nominated to the Southern District of Indiana. Twelve of the 18 were reported from the Senate Judiciary Committee without opposition; one had a single negative vote. The stalling and obstruction should end and these nominations should be considered by the Senate and voted upon without further delay. When they are, they, too, will be confirmed overwhelmingly.

I also want to highlight my concern about the new standard the Republican

minority is applying to many of President Obama's district court nominees. Democrats never used this standard with President Bush's nominees, whether we were in the majority or the minority. In 8 years, the Judiciary Committee reported only a single Bush district court nomination by a party-line vote. That was the controversial nomination of Leon Holmes, who was opposed not because of some litmus test, but because of his strident, intemperate, and insensitive public statements over the years. During President Obama's short time in office, not one, not two, but three district court nominees have been reported on a party-line vote as Senate Republicans look for any reason to oppose every nomination. I hope this new standard does not become the rule for Senate Republicans.

Of the 17 Federal circuit and district court judges confirmed, 14 have been confirmed unanimously. That is right. The delay and obstruction is so baseless that when votes are finally taken, they are overwhelmingly in favor and most often unanimous. There have been only a handful of votes cast against just three of President Obama's nominees to the Federal circuit and district courts. One of those, Judge Gerry Lynch of the Second Circuit, garnered only three negative votes, and 94 votes in favor. Judge Andre Davis of Maryland was stalled for months and then confirmed with 72 votes in favor. Judge David Hamilton was filibustered in a failed effort to prevent an up or down vote.

So why all the obstruction and delay? It is part of a partisan pattern. Even when they cannot say "no," Republicans nonetheless demand that the Senate go slow. The practice is continuing. There have already been 17 filibusters of President Obama's nominees. That is the same number of Federal circuit and district nominees the Senate has confirmed during the entirety of the Obama administration. And that comparison does not include the many other nominees who were delayed or who are being denied up-or-down votes by Senate Republicans refusing to agree to time agreements to consider even noncontroversial nominees.

I urge Senate Republicans to reconsider their destructive strategy and to work with us to provide final consideration without further delay to the 18 judicial nominees on the Senate Executive Calendar awaiting final action. We can make real progress if they will join with us and we work together.

The PRESIDING OFFICER. The Senator from Virginia.

#### EXTENSION OF MORNING BUSINESS

Mr. WARNER. I thank my colleague from Colorado. I ask unanimous consent that 7 minutes of morning business be added to each side and at the end of that time, the Senate stand in

recess as provided for under the previous order. I thank my colleagues on the other side for their courtesy.

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

The Senator from Alaska.

Mr. President, I am pleased to join my colleagues on the floor today to discuss what none of us are the least bit happy to see happening in the U.S. Senate.

We were sent here by the people of our States to get work done. This means passing legislation and overseeing the work of Federal agencies.

It is difficult, if not impossible, for Federal agencies to do the work Congress and the American people want them to do if they spend months—in some cases, years—leaderless. It is impossible for them to do their work if they can hope that a momentary peace will break out in the Senate to allow for confirmation of the presidential designee for their respective agency.

As Senators, we are endowed with a constitutional responsibility to lend our advice and consent to the men and women a President nominates to run agencies and parts of agencies.

Career civil servants can do a lot. We would be lost without them. But they do not have the authority, or the accountability to Congress and the American people to accomplish what a President selects them to do.

Yet many of our colleagues on the other side of the aisle would deny President Obama any of his nominees. I believe a President—the current President or any future President with whom I am lucky enough to serve—is due a great deal of deference in his or her selections for Senate-confirmable positions.

For our Republican colleagues, it would seem there is a belief that the Federal Government should just not function, certainly any government led by President Obama.

We have seen the slow-walking, the indefinite—and indefensible—holds on nominations for crucial national security positions. Only when Armed Services Chairman LEVIN took the unusual step of embarrassing colleagues who were placing a hold for their home State politics did a number of important nominees get reported out of our committee.

There is still a hold by one of our Republican colleagues—unbelievable as it may seem—on the promotion of an Army general while our Nation is involved in two wars.

But the problem and the cynicism of Republican obstructionism is seen nowhere as obviously as in the judiciary. There are currently 103 Federal judge vacancies.

Several nominees reported out of the Judiciary Committee have been denied votes in the Senate by Republican obstructionism for almost 200 days. In some cases the judicial seat to be filled has been vacant for years.

It is clear that—even if they are in denial about who was elected in 2008—