approach to this crisis is the Republican alternative that we will get a vote on tomorrow.

Our bill would return American offshore production to where it was before this administration locked it up, require Federal bureaucrats to process permits—to make a decision one way or the other: process the permit, make a decision one way or the other—rather than sitting on the permits. And it would improve offshore safety. Our plan not only acknowledges the importance of increasing domestic production, it does something about it, while ensuring environmental safety.

If President Obama and his party are serious about lowering gas prices, making us less dependent on foreign oil, and creating the thousands of jobs that American exploration is proven to produce, they would embrace our plan and stop pretending to care about a crisis they have done so much to create and, their latest public relations efforts notwithstanding, continue to ignore.

NATIONAL POLICE WEEK 2011

Mr. MCCONNELL. Madam President, this week we commemorate National Police Week 2011, and honor the service and sacrifice of the many men and women in Federal, State, and local law enforcement across America.

Washington welcomes thousands of police officers who come to celebrate National Police Week. They will honor their fallen fellow officers and rededicate themselves to their mission of serving and protecting their neighbors and their communities.

Among the visitors are hundreds of officers from my home State of Kentucky. I wish to personally welcome them to the Nation's Capital and express my gratitude to them for bravely laying their lives on the line to protect towns small and large all across the Commonwealth.

Approximately 900,000 peace officers are serving today across our country. Every year, between 140 and 160 of them are tragically killed in the line of duty, and 2011 is already proving to be a difficult year as 69 law enforcement officers nationwide have been lost in the line of duty so far, compared with 59 at this point a year ago. To recognize those peace officers who have lost their lives in the line of duty, and their loved ones, I was pleased to cosponsor a resolution designating May 14, 2011, as National Police Survivors Day. This resolution, which passed the Senate unanimously, calls on the Nation to honor the families of fallen law enforcement officers and to pay respect to the courageous men and women who have made the ultimate sacrifice while serving to keep our communities safe.

In my State, in the town of Richmond, the Kentucky Law Enforcement Memorial Monument stands as a permanent reminder of the high cost of protecting the peace. At a solemn ceremony last week, 24 names were added to its rolls, bringing the total to 485.

I know my colleagues will join me in saying the Senate has the deepest admiration and respect for police officers in every community across America. We recognize theirs is both an honorable job and a dangerous one. They bravely risk their lives for ours. America appreciates everything they do, and America is grateful to them and to their families.

I have here a list of 24 names that were added to the Kentucky Law Enforcement Memorial Monument this year. I ask unanimous consent that the names of those heroes be printed in the RECORD.

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

2011 HISTORICAL ADDITIONS TO THE KENTUCKY LAW ENFORCEMENT MEMORIAL MONUMENT

Officer Bryan J. Durman
Lexington Division of Police
End of Watch: April 29, 2010

Chief Jerry Lee
Frankfort Police Department
End of Watch: September 18, 1882

City Marshal Ambrose Wilson
Sadieville Police Department
End of Watch: October 13, 1883

City Marshal Jesse Offut
Franklin Police Department
End of Watch: August 19, 1884

Sheriff Henry H. Winters
Hickman County Sheriff's Office
End of Watch: December 31, 1887

Constable W. F. Deskins
Magoffin County
End of Watch: January 3, 1893

Officer John Horan
Louisville Police Department
End of Watch: November 15, 1900

Deputy Nicholas J. Bodkin
Kenton County Sheriff's Office
End of Watch: November 13, 1902

Deputy Bert Casteel
Laurel County Sheriff's Office
End of Watch: March 21, 1903

Constable William M. Shelton
Clinton County
End of Watch: April 17, 1904

Deputy James F. Day
Letcher County Sheriff's Office
End of Watch: May 29, 1904

Constable J. Martin Wright
Letcher County
End of Watch: August 24, 1916

Deputy Walker Deal
Pike County Sheriff's Office
End of Watch: January 10, 1921

Officer William O. Barkley
Georgetown Police Department
End of Watch: April 11, 1922

Deputy Foster Messer
Knox County Sheriff's Office
End of Watch: November 23, 1923

Jailer Charles A. West
Knox County Sheriff's Office
End of Watch: November 23, 1923

Chief James V. Gross
Lynch Police Department
End of Watch: April 1, 1924

Sheriff James O. West
Fulton County Sheriff's Office
End of Watch: April 11, 1925

Captain William H. Poore
Paducah Police Department
End of Watch: November 29, 1928

Town Marshal J. Wes Perkins
Williamsburg Police Department
End of Watch: February 24, 1930

Sheriff John F. Cable
Pike County Sheriff's Office
End of Watch: October 2, 1940

Chief Pryor Martin
Eminence Police Department
End of Watch: February 25, 1951

Chief Ronnie C. Carter
Carrollton Police Department
End of Watch: April 8, 1969

Sheriff William R. Wimsett, Sr.
Nelson County Sheriff's Office
End of Watch: May 6, 1972

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. MCCONNELL. 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.

RESERVATION OF LEADER TIME

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

EXECUTIVE SESSION

NOMINATION OF SUSAN L. CARNEY TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination.

The legislative clerk read the nomination of Susan L. Carney, of Connecticut, to be United States Circuit Judge for the Second Circuit.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 2 hours of debate equally divided and controlled between the Senator from Vermont, Mr. LEAHY, and the Senator from Iowa, Mr. GRASSLEY, or their designees.

Mr. MCCONNELL. Madam President, I suggest the absence of a quorum, and I ask that the time be charged equally to both sides.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BLUMENTHAL. 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.

Mr. BLUMENTHAL. Madam President, I rise today to voice my strong support for the nomination of Susan Carney to serve as an appeals court judge on the Second Circuit Court of Appeals, one of our most distinguished

appeals court panels among the Federal circuits. I hope the Senate will move swiftly to confirm her to fill one of the open seats on this critically important court.

Ms. Carney has truly impressive credentials for appointment to the Federal bench. She graduated cum laude from Harvard College in 1973 and magna cum laude from the Harvard Law School in 1977. She then went on to clerk for Judge Levin Campbell on the Court of Appeals for the First Circuit.

She currently serves as deputy general counsel for Yale University, one of the country's great institutions of higher learning, and previously served as an associate general counsel for Yale. In her capacity at Yale, she advises the university on a wide range of legal issues, some of them complex and challenging, relating to intellectual property, international transactions, and commercial matters.

Ms. Carney's time at Yale has exposed her to a broad array, a diverse swath of Federal law, giving her a breadth of experience that truly qualifies her to serve on the Second Circuit, which handles Federal appeals on legal issues arising within New York, Vermont, and Connecticut. In various matters, Ms. Carney has advised Yale in reaching very successful results, and that experience will serve her well on the bench. Her experience as an advocate has given her a perspective that will give her the kinds of qualities—a respect for other advocates who come before the court, a respect for the legal principles at stake, for the factual findings of courts below—and of all the considerations that are so critically important to ability and integrity on the Federal court of appeals.

She spent 17 years working as a private practice attorney in Washington, DC, and Boston, and there, too, she represented a wide array of clients on major issues, including, for example, the Major League Baseball Players Association and a Tennessee union that stopped work due to its employees' exposure to uranium. In the Tennessee court, the NLRB determined that striking employees could not be replaced, and the DC Circuit issued a similarly posited verdict.

As impressive as her commercial and private litigation is is her commitment to pro bono public service work. She engaged in such work throughout her time as a lawyer, offering free legal counsel to pro bono clients and even volunteering as a tutor. Her commitment to the community as well as appropriate legal representation for all clients demonstrates a real respect for the legal system and the fairness, the fundamental fairness of the legal system that I believe should be and is broadly shared by members of the Federal bench.

Her nomination comes at a particularly pressing and challenging time for the Second Circuit. The vacancy she is slated to fill has been designated as a ''judicial emergency.'' The vacancy has existed since October 10, 2009. There are two open seats from Connecticut on this court, which is currently more than 15 percent understaffed. So the arrival of Susan Carney to the Second Circuit will have immediate impacts. It will help immediately to address the understaffing problem and the work burden that has accumulated as a result of it. It will ensure that this caseload can be addressed quickly and efficiently.

We hear in this body the famous saying that ''justice delayed is justice denied.'' Truly, it is often justice denied if it is delayed. In practical circumstances, people have a right to their day in court, which includes a day in the court of appeals. In the Federal courts, that appeal is generally one of right, it is not discretionary, and to deprive people of that right is truly a denial of justice.

I have been impressed since I came to the Senate by the good faith that has been shown by both sides in working to address this growing judicial vacancy issue. Some have thought it an epidemic. In many circuits, it has been characterized as a ''judicial emergency,'' and it has been spurred by respected figures from across the spectrum, from Chief Justice Roberts to Attorney General Holder. The Senate has been moving very responsively and responsibly to address this issue.

I am hopeful that this nomination of Susan Carney and others that will follow, as some have preceded it, will lead to a new era in addressing the judicial vacancy problem throughout our Federal courts. The American people expect us to work together, just as they expect the courts to give them justice. So far, I have been encouraged to see Members of both parties working in the Senate to act expeditiously on these nominations, some of them very long delayed. I hope the Senate will continue this trend with the swift confirmation of Susan Carney to the Second Circuit.

BIG OIL PROFITS

On the issue of emergencies, I would like to address a second topic.

Over the last decade, what we have seen is a pattern of rising profits on the part of oil companies. The emergency for consumers is one of rising prices now.

I believe we have an obligation to ensure fundamental fairness in our Tax Code by eliminating, in effect, the tax subsidies and loopholes and giveaways that are such an offense to the justice and fairness of our system.

In spite of the big five oil companies earning more than $1 trillion in profits, they have enjoyed tens of millions of dollars in taxpayer subsidies, which are unconscionable, they are unacceptable, and they must end.

That is the purpose of the legislation we are going to consider later today. I strongly support it in the interest of consumers, but, more importantly, in the interest of taxpayers and to repair a part of our deficit.

While families and businesses in Connecticut are paying more than $4.25 a gallon, putting a strain on all of our family budgets, the big oil companies continue to rake in record profits and continue to enjoy subsidies that put a dent in our fiscal situation. The companies made over $30 billion in profits in the first quarter of this year alone, representing a 50-percent increase in profits from last year.

The long and short of this debate is, big oil doesn't need these subsidies. They don't need the help of American taxpayers to do exploration or any of the other activities that are involved in producing the profits they enjoy so abundantly.

Ending these subsidies, despite claims to the contrary, will not increase prices at the pump and, instead, will provide for basic fairness so Americans no longer have to pay for these giveaways and tax breaks to some of the most profitable companies in the world.

People in my home State of Connecticut and across the country remain concerned about reducing our debt and deficit. We cannot do it if we have this plethora of subsidies and giveaways and breaks going to special interests and corporations, such as Big Oil, which simply don't need it.

Ordinary Americans, in Connecticut and elsewhere, are struggling to stay in their homes, find jobs, keep their families together and they regard these subsidies as offensive to fundamental fairness and they are right.

I urge this body to act later today in eliminating those loopholes and subsidies.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, it is my understanding that I have 10 minutes as in morning business. I ask unanimous consent to use that time now.

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

Mr. INHOFE. Madam President, we are going to be voting on a bill this afternoon to dramatically increase taxes on America's oil and gas companies. I only suggest that it is not going to pass. I can recall when the Senator from Vermont, just a few months ago, had a bill that would have done essentially the same thing—pass tax increases on these oil and gas companies. I remember coming to the floor at that time and giving my argument against it. It ended up that we voted on it, and we had 61 votes against it, so it worked out that about 30 were for it.

Afterward—and I have to say this about Senator SANDERS—Senator SANDERS said that was probably one of the healthiest and honest debates he had seen during the years he has been in the Senate. I agreed with that. The idea that we can somehow tax these people and accomplish something—let me just say that the Congressional Research Service—and when I talk about

CRS, it is nonpartisan and nobody argues with them.

We in the United States have the largest recoverable reserves of oil, gas, and coal of any country in the world. There is no reason we cannot be completely independent of the Middle East. All we have to do is explore our own resources—oil, gas, and coal.

This same Congressional Research Service has looked at the issues and told us that raising taxes on energy companies will do two things—decrease supply and increase our dependence on foreign countries. In other words, this vote we are going to have this afternoon, if it were successful, would decrease the supply and increase our dependence upon the Middle East.

In addition to the CRS, let's go back to the 1970s, under the Carter administration, when we had the windfall profits tax. The same exact thing happened. It decreased supply and increased our dependence on foreign competition. The interesting point is—and my wife is not the only one complaining about the price of gas, but she is certainly loud and clear in that position—nobody is saying that by increasing the taxes, with the vote we are going to have on oil and gas companies this afternoon, somehow that will have the effect of lowering prices at the pump. It will raise them. In fact, I think several Members have come down—Senator MENENDEZ, the sponsor of the legislation, said:

Nobody has made the claim that this bill is about reducing gas prices.

If it is not about reducing gas prices, then what is it for? The answer to that is, they say—as the Senator from Connecticut just stated, this is going to be something that is going to be reducing the deficit. Our problem is, President Obama and his Democratic support in the House and Senate—in the first 2 years, they had a large majority in the House and the Senate—in his 3 years of the budget, they have increased the deficit and budget by over $5 trillion. I can remember coming to the floor of the Senate during the Clinton years, in 1995, saying this is outrageous. This was a $1.5 trillion budget. That was to run the entire United States. This last budget by President Obama was an increase of $1.65 trillion—just the deficit. Let's do our math. That is 365 days a year, and it works out to be $4 billion a day.

We have a President and his majority giving us a $4 billion-a-day deficit, and this says it is going to cut the deficit by $2 billion. So we can tax all these oil companies to come up with enough money to reduce the deficit just by $2 billion. That is worth one-half day's deficit of this administration. I know the majority of people understand that, and they will not be duped into doing that.

By the way, I have to say that fortifying me was this morning's editorial in USA Today. They talk about how ludicrous this idea is that we can increase taxes on oil and gas companies. They say it is an example of the sort of political gamesmanship that substitutes for serious deficit reduction. It says:

But the initiative is also government at its arbitrary worst, further complicating the tax code by singling out five companies—ExxonMobil, Chevron, ConocoPhillips, Shell, and BP—for special taxes not paid by smaller energy concerns. . . .

So we have a little class warfare going along with it. Only yesterday, the same USA Today was criticizing me in their editorial policy because I don't want to pass a cap and trade—a tax increase. The same paper that yesterday was critical of a position I have taken is now strongly in favor of the position I have taken in avoiding any additional taxes on the energy companies or anybody else.

The last thing I will say—because I will stay within my timeframe is that people say if we want to do something about the deficit—and that is what they are saying they are doing—this is one-half day's deficit if they pass these tax increases, which they will not—they say there are only two ways to handle the debt; one is to decrease spending and another is to increase taxes.

I suggest there is a third way. That way is to go after all these regulations we currently are operating under as a result of this administration. We are talking about cap-and-trade regulations, greenhouse gas regulations, boiler MACT regulations, ozone, which could create over 600 nonattainment areas, and the cost of that is $90 billion. If we add all the costs of all these different regulations—greenhouse gas, $300 billion to $400 billion; ozone, $60 billion to $90 billion; boiler MACT, $1 billion; and utility MACT, $184 billion—when we add that, it is $1 trillion. If we take the $1 trillion, that is 7 percent of the $14 trillion that we would say the GDP would amount to.

CRS says that for every 1 percent increase in economic activity or increase in GDP, that translates into revenue of $50 billion. This is 7 percent, so that would be $350 billion. If we want to go after the deficit, deficit spending, and the debt, go after the regulations too. But to think we can tax oil and gas companies and somehow come up with $2 billion to reduce the deficit, that is just one day's deficit under the Obama administration. This body is not going to pass that.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I congratulate the Senator from Oklahoma for making an obvious and compelling point, which is that the problem is high gasoline prices. Why is the Democratic solution to raise them more? That is all their tax would do.

The Republican plan for dealing with high gasoline prices is to find more American energy and use less. The Democratic plan seems to be to find less and tax more. That is not going to solve the problem. We need to use less. We agree with that.

There are a variety of ways to do that: through conservation and electric cars, which I favor, and finding research for crops—for alternative fuels from crops we don't need. More important, we need to find more American energy and natural gas offshore, on Federal lands, and in Alaska. That will not completely solve the problem of high gasoline prices, but it will help. If less oil from Libya is a factor in raising gasoline prices, more oil from the United States would be a factor in lowering gasoline prices. We are, after all, the third largest producer of oil in the world.

I thank the Senator from Oklahoma for an excellent point. The Democratic proposal is to find less American energy and to tax more.

NLRB AND BOEING

Madam President, I wish to speak about the events of the last few weeks that have followed the decision by the National Labor Relations Board general counsel to file a complaint against the Boeing Company, alleging basically that the fact that they are expanding their production of airliners at a new plant in South Carolina, which is a right-to-work State, is prima facie evidence of an unfair labor practice. This would, in effect, establish for the first time since the Taft-Hartley Act was passed in 1947, the idea that it is against the Federal law for a company that is producing in a union State to move or expand its facilities in a right-to-work State, of which there are 22.

We are talking about the first new plant in 40 years to build large airplanes. The Boeing Company builds most of its planes in Washington State. It is the Nation's largest exporter. It has 170,000 employees around the world, and 155,000 of them are employees in the United States. These are good jobs.

But at the Senate Health, Education, and Labor Committee hearing on Thursday, the general counsel of Boeing said the company expects to lose their appeal of the general counsel's complaint when it is heard before an administrative judge on June 14. Then they expect to lose the appeal of that decision to the National Labor Relations Board because the company assumes that the general counsel is following the same view of the law that the President's appointees on the NLRB are following. However, then Boeing expects to win the case when it goes to the U.S. court of appeals or, perhaps, even to the Supreme Court. But it will take 2 to 5 years for all that to happen.

I ask, what happens to American jobs in the meantime? Well, first, this complaint against Boeing will slow the number of good, new jobs into my State of Tennessee, which has a 9-percent unemployment rate, and it has had that for 2 years. I have watched our State grow over the last 30 years,

from the time I was Governor. We had a hearing last week that Senator HARKIN called, chairman of the Health, Education, and Labor Committee, about middle-class incomes. What I said at the hearing was that the effect on middle-class income in Tennessee—the State I know the most about—is that 30 years ago we were the third poorest State. Because the auto industry chose to come to our State, partly because it was a central location in the population market and because it is a right-to-work State with a different sort of labor environment in it than other States—because the auto industry came to Tennessee, middle incomes have gone up.

One-third of the manufacturing jobs in our State are now auto jobs. Nissan is there. General Motors is there. Volkswagen just came there. Hundreds of suppliers have come to Tennessee. They like the environment. They like the road system. They like the central location. But they like the right-to-work law.

Suddenly any supplier or any manufacturer who wants to create a new facility in 1 of the 22 right-to-work States, including Tennessee, according to the National Labor Relations Board counsel, is going to have to think twice because that company, which could be a small company, may not want to spend 2 to 5 years before the National Labor Relations Board. I think this counsel knew exactly what he was doing. He was trying to freeze job expansion in the United States at a time when we need job expansion the most.

There is an unintended consequence to this. If jobs cannot move into Tennessee and other right-to-work States because of the Boeing complaint, they may not move into the States that do not have a right-to-work law. Why is that? According to Jim McNerney, the CEO of Boeing:

> An unintended consequence of the Boeing complaint [is that] forward thinking CEOs also would be reluctant to place new plants in unionized States—lest they be forever restricted from placing future plants across the country.

If you want to put a plant in, say, Michigan, which is a unionized State, you might not do that because under the general counsel of the NLRB's rule of law, you then could not move to South Carolina or Tennessee or Arkansas or any other State with a right-to-work law.

If you cannot go to a unionized State, and if you cannot go to a right-to-work State, then where do you go if you want to make things? You go overseas. This action by the NLRB general counsel is the single most important action I can imagine that would make it more difficult to create good, new jobs in Tennessee and would make it more likely that manufacturing jobs would go overseas.

The President of the United States asked the chief executive of Boeing, Mr. McNerney, to chair the President's Export Council. I presume what President Obama would like for Mr. McNerney to do is to export airplanes, not export jobs. But what the NLRB ruling will do is cause the export of jobs, not the export of airplanes.

Boeing has 170,000 employees. About 90 percent of them are in the United States. But Boeing sells its airplanes everywhere in the world, and Boeing can make its airplanes anywhere in the world. There may be other countries that come to Boeing and to other manufacturers in the United States and say: We want you to make in our country what you sell in our country. After this NLRB decision, they may be more tempted to do that.

Fortunately, there are other trends suggesting that manufacturing companies around the world may be more likely in the next few years to make here what they sell in the United States. That is what President Carter said to the Governors 30 years ago: Governors, go to Japan. Persuade them to make in the United States what they sell in the United States. Off I went to Tokyo. I asked Nissan to come to Tennessee, as most States. They chose us because of our central location and right-to-work law, just as other auto jobs have done that. Nissan tells me soon 85 percent of what they sell in the United States will be made in the United States. Thirty years ago they were making almost none of what they sold in the United States in the United States. They were making it in Japan. We were worried then Japan was going to take us over. That has changed. Now they are making here what they sell here.

The Economist article this week says there may be a manufacturing renaissance coming. What is happening in China where they are making things today is a lot like what happened in Japan 30 years ago. As China becomes more prosperous, wages will go up. As Japan became more prosperous 30 years ago, wages went up. In the auto industry, where wages only constitute maybe 20 percent of the total cost of what a supplier may have to spend to make a part for a Volkswagen assembly plant, wages get to be less important.

People look at other things. Manufacturing would look at a variety of actions by a government before the manufacturer decides where to make the airplane or where to make the car or where to make the appliance that might be sold in a country.

They are going to have plenty of incentives naturally to make a lot of products in the United States because the country that produces 25 percent of all the money in the world, which we do, is going to be buying a lot of stuff unless we do our best to throw a big wet blanket on making here what we sell here, which is precisely what this administration has been doing.

We have a high corporate income tax. Give the President the credit. He said maybe we want to change that. We should because it makes it better for manufacturers to make products overseas.

The health care law takes profits away from companies that they might use to create new jobs here. I have had heads of restaurant companies tell me they are not going to invest anymore in the United States because the health care taxes take away all of their profits. Regulations make credit harder to get, and regulations drive up energy and gasoline prices. All of this makes it harder to make here what manufacturers sell here.

Now we have a regulation from the National Labor Relations Board that may have the effect of law for 2 to 5 years that says it is prima facie evidence of an unfair labor practice if a company that is producing in a union State expands or moves to a right-to-work State. This is an assault on every middle-income Tennessean and on millions of middle-income Americans who have manufacturing jobs—certainly, everyone in the 22 right-to-work States. But as the Boeing chief executive said, it could be just as much of a disincentive to a State such as Michigan or Illinois or some other State that does not have a right-to-work law because why would you put a plant in Michigan if later you would not be allowed to put it in Tennessee?

If General Motors has plants in both right-to-work and non-right-to-work States, we are going to make it more difficult for General Motors to expand in America. Where are they going to expand? They can expand overseas. They can be making there what they sell there instead of making it here.

Some of my friends on the other side of the aisle like to talk about outsourcing jobs. This is the mother of all outsourcing jobs plan—the idea that it is prima facie evidence for a company that expands in a right-to-work State, that is an unfair labor practice.

For the next 2 to 5 years, we have the unhealthy situation for jobs that any manufacturer who wants to expand will have to think twice about expanding in a right-to-work State and then think at least once about coming in the first place to a State that does not have a right-to-work law. The only other option I can see for those jobs is to make them overseas. That will not only slow job growth in the United States where we desperately need it, but it will be speeding up the sending of American jobs overseas.

Madam President, I ask unanimous consent to have printed in the RECORD two articles—one by George Will this week on the South Carolina Boeing plant and the action of the National Labor Relations Board complaint, and the second, an article from the Economist magazine.

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

[From The Economist, May 12, 2011]

MULTINATIONAL MANUFACTURERS—MOVING BACK TO AMERICA

THE DWINDLING ALLURE OF BUILDING FACTORIES OFFSHORE

''When clients are considering opening another manufacturing plant in China, I've started to urge them to consider alternative locations,'' says Hal Sirkin of the Boston Consulting Group (BCG). ''Have they thought about Vietnam, say? Or maybe [they could] even try Made in USA?'' When clients are American firms looking to build factories to serve American customers, Mr. Sirkin is increasingly likely to suggest they stay at home, not for patriotic reasons but because the economics of globalisation are changing fast.

Labour arbitrage—taking advantage of lower wages abroad, especially in poor countries—has never been the only force pushing multinationals to locate offshore, but it has certainly played a big part. Now, however, as emerging economies boom, wages there are rising. Pay for factory workers in China, for example, soared by 69% between 2005 and 2010. So the gains from labour arbitrage are starting to shrink, in some cases to the point of irrelevance, according to a new study by BCG.

''Sometime around 2015, manufacturers will be indifferent between locating in America or China for production for consumption in America,'' says Mr. Sirkin. That calculation assumes that wage growth will continue at around 17% a year in China but remain relatively slow in America, and that productivity growth will continue on current trends in both countries. It also assumes a modest appreciation of the yuan against the dollar.

The year 2015 is not far off. Factories take time to build, and can carry on cranking out widgets for years. So firms planning today for production tomorrow are increasingly looking close to home. BCG lists several examples of companies that have already brought plants and jobs back to America. Caterpillar, a maker of vehicles that dig, pull or plough, is shifting some of its excavator production from abroad to Texas. Sauder, an American furniture-maker, is moving production back home from low-wage countries. NCR has returned production of cash machines to Georgia (the American state, not the country that is occasionally invaded by Russia). Wham-O last year restored half of its Frisbee and Hula Hoop production to America from China and Mexico.

BCG predicts a ''manufacturing renaissance'' in America. There are reasons to be sceptical. The surge of manufacturing output in the past year or so has largely been about recovering ground lost during the downturn. Moreover, some of the new factories in America have been wooed by subsidies that may soon dry up. But still, the new economics of labour arbitrage will make a difference.

Rather than a stampede of plants coming home, ''higher wages in China may cause some firms that were going to scale back in the U.S. to keep their options open by continuing to operate a plant in America,'' says Gary Pisano of Harvard Business School. The announcement on May 10th by General Motors (GM) that it will invest $2 billion to add up to 4,000 jobs at 17 American plants supports Mr. Pisano's point. GM is probably not creating many new jobs but keeping in America jobs that it might otherwise have exported.

Even if wages in China explode, some multinationals will find it hard to bring many jobs back to America, argues Mr. Pisano. In some areas, such as consumer electronics, America no longer has the necessary supplier base or infrastructure. Firms did not realise when they shifted operations to low-wage countries that some moves ''would be almost irreversible'', says Mr Pisano.

Many multinationals will continue to build most of their new factories in emerging markets, not to export stuff back home but because that is where demand is growing fastest. And companies from other rich countries will probably continue to enjoy the opportunity for labour arbitrage for longer than American ones, says Mr. Sirkin. Their labour costs are higher than America's and will remain so unless the euro falls sharply against the yuan.

THERE'S NO PLACE LIKE HOME

The opportunity for labour arbitrage is disappearing fastest in basic manufacturing and in China. Other sectors and countries are less affected. As Pankaj Ghemawat, the author of ''World 3.0'', points out, despite rapidly rising wages in India, its software and back-office offshoring industry is likely to retain its cost advantage for the foreseeable future, not least because of its rapid productivity growth.

Nonetheless, a growing number of multinationals, especially from rich countries, are starting to see the benefits of keeping more of their operations close to home. For many products, labour is a small and diminishing fraction of total costs. And long, complex supply chains turn out to be riskier than many firms realised. When oil prices soar, transport grows dearer. When an epidemic such as SARS hits Asia or when an earthquake hits Japan, supply chains are disrupted. ''There has been a definite shortening of supply chains, especially of those that had 30 or 40 processing steps,'' says Mr. Ghemawat.

Firms are also trying to reduce their inventory costs. Importing from China to the United States may require a company to hold 100 days of inventory. That burden can be handily reduced if the goods are made nearer home (though that could be in Mexico rather than in America).

Companies are thinking in more sophisticated ways about their supply chains. Bosses no longer assume that they should always make things in the country with the lowest wages. Increasingly, it makes sense to make things in a variety of places, including America.

[May 13, 2011]

THE DREAMLINER NIGHTMARE

(By George Will)

NORTH CHARLESTON, S.C.—This summer, the huge Boeing assembly plant here will begin producing 787 Dreamliners—up to three a month, priced at $185 million apiece. It will, unless the National Labor Relations Board, controlled by Democrats and encouraged by Barack Obama's reverberating silence, gets its way.

Last month—17 months after Boeing announced plans to build here and with the $2 billion plant nearing completion—the NLRB, collaborating with the International Association of Machinists and Aerospace Workers (IAM), charged that Boeing's decision violated the rights of its unionized workers in Washington state, where some Dreamliners are assembled and still will be even after the plant here is operational. The NLRB has read a 76-year-old statute (the 1935 Wagner Act) perversely, disregarded almost half a century of NLRB and Supreme Court rulings, and patently misrepresented statements by Boeing officials.

South Carolina is one of 22—so far—right-to-work states, where workers cannot be compelled to join a union. When in September 2009, Boeing's South Carolina workers—fuselage sections of 787s already are built here—voted to end their representation by IAM, the union did not accuse Boeing of pre-vote misbehavior. Now, however, the NLRB seeks to establish the principle that moving businesses to such states from non-right-to-work states constitutes prima facie evidence of ''unfair labor practices,'' including intimidation and coercion of labor. This principle would be a powerful incentive for new companies to locate only in right-to-work states.

The NLRB complaint fictitiously says Boeing has decided to ''remove'' or ''transfer'' work from Washington. Actually, Boeing has so far added more than 2,000 workers in Washington, where planned production—seven 787s a month, full capacity for that facility—will not be reduced. Besides, how can locating a new plant here violate the rights of IAM members whose collective bargaining agreement with Boeing gives the company the right to locate new production facilities where it deems best?

The NLRB says that Boeing has come here ''because'' IAM strikes have disrupted production and ''to discourage'' future strikes.

Since 1995, IAM has stopped Boeing's production in three of five labor negotiations, including a 58-day walkout in 2008 that cost the company $1.8 billion and a diminished reputation with customers.

The NLRB uses meretricious editing of Boeing officials' remarks to falsely suggest that anti-union animus motivated the company to locate some production in a right-to-work state. Anyway, it is settled law that companies can consider past strikes when making business decisions to diminish the risk of future disruptions.

The economy is mired in a sluggish recovery. But the destructive—and self-destructive—Obama administration is trying to debilitate the world's largest aerospace corporation and the nation's leading exporter, which has 155,000 U.S. employees and whose 738 million shares are held by individual and institutional investors, mutual funds and retirement accounts. Why? Organized labor, primarily and increasingly confined to government workers, cannot convince private-sector workers that it adds more value to their lives than it subtracts with dues and work rules that damage productivity. Hence unions' reliance on government coercion where persuasion has failed.

The NLRB's complaint is not a conscientious administration of the law; it is intimidation of business leaders who contemplate locating operations in right-to-work states. Labor loathes Section 14(b) of the 1947 Taft-Hartley Act, which allows states to pass right-to-work laws that forbid compulsory unionization. But 11 Democratic senators represent 10 of the right-to-work states: Mark Pryor (Arkansas), Bill Nelson (Florida), Tom Harkin (Iowa), Mary Landrieu (Louisiana), Ben Nelson (Nebraska), Harry Reid (Nevada), Kay Hagan (North Carolina), Kent Conrad (North Dakota), Tim Johnson (South Dakota), and Jim Webb and Mark Warner (Virginia). Do they support the Obama administration's attempt to cripple their states' economic attractiveness?

The NLRB's attack on Boeing illustrates the Obama administration's penchant for lawlessness displayed when, disregarding bankruptcy law, it traduced the rights of Chrysler's secured creditors. Now the NLRB is suing Arizona and South Dakota because they recently, and by large majorities, passed constitutional amendments guaranteeing the right to secret ballots in unionization elections—ballots that complicate coercion by union organizers.

Just as uncompetitive companies try to become wards of the government (beneficiaries

of subsidies, tariffs, import quotas), unions unable to compete for workers' allegiance solicit government compulsion to fill their ranks. The NLRB's reckless attempt to break a great corporation, and by extension all businesses, to government's saddle—never mind the collateral damage to the economy—is emblematic of the Obama administration's willingness to sacrifice the economy on the altar of politics.

[From the Wall Street Journal, May 11, 2011]

BOEING IS PRO-GROWTH, NOT ANTI-UNION

(By Jim McNerney)

Deep into the recent recession, Boeing decided to invest more than $1 billion in a new factory in South Carolina. Surging global demand for our innovative, new 787 Dreamliner exceeded what we could build on one production line and we needed to open another.

This was good news for Boeing and for the economy. The new jetliner assembly plant would be the first one built in the U.S. in 40 years. It would create new American jobs at a time when most employers are hunkered down. It would expand the domestic footprint of the nation's leading exporter and make it more competitive against emerging plane makers from China, Russia and elsewhere. And it would bring hope to a state burdened by double-digit unemployment—with the construction phase alone estimated to create more than 9,000 total jobs.

Eighteen months later, a North Charleston swamp has been transformed into a state-of-the-art, green-energy powered, 1.2 million square-foot airplane assembly plant. One thousand new workers are hired and being trained to start building planes in July.

It is an American industrial success story by every measure. With 9% unemployment nationwide, we need more of them—and soon.

Yet the National Labor Relations Board (NLRB) believes it was a mistake and that our actions were unlawful. It claims we improperly transferred existing work, and that our decision reflected ''animus'' and constituted ''retaliation'' against union-represented employees in Washington state. Its remedy: Reverse course, Boeing, and build the assembly line where we tell you to build it.

The NLRB is wrong and has far overreached its authority. Its action is a fundamental assault on the capitalist principles that have sustained America's competitiveness since it became the world's largest economy nearly 140 years ago. We've made a rational, legal business decision about the allocation of our capital and the placement of new work within the U.S. We're confident the federal courts will reject the claim, but only after a significant and unnecessary expense to taxpayers.

More worrisome, though, are the potential implications of such brazen regulatory activism on the U.S. manufacturing base and long-term job creation. The NLRB's overreach could accelerate the overseas flight of good, middle-class American jobs.

Contrary to the NLRB's claim, our decision to expand in South Carolina resulted from an objective analysis of the same factors we use in every site selection. We considered locations in several states but narrowed the choice to either North Charleston (where sections of the 787 are built already) or Everett, Wash., which won the initial 787 assembly line in 2003.

Our union contracts expressly permit us to locate new work at our discretion. However, we viewed Everett as an attractive option and engaged voluntarily in talks with union officials to see if we could make the business case work. Among the considerations we sought were a long-term ''no-strike clause'' that would ensure production stability for our customers, and a wage and benefit growth trajectory that would help in our cost battle against Airbus and other state-sponsored competitors.

Despite months of effort, no agreement was reached. Union leaders couldn't meet expectations on our key issues, and we couldn't accept their demands that we remain neutral in all union-organizing campaigns and essentially guarantee to build every future Boeing airplane in the Puget Sound area. In October 2009, we made the Charleston selection.

Important to our case is the basic fact that no existing work is being transferred to South Carolina, and not a single union member in Washington has been adversely affected by this decision. In fact, we've since added more than 2,000 union jobs there, and the hiring continues. The 787 production line in Everett has a planned capacity of seven airplanes per month. The line in Charleston will build three additional airplanes to reach our 10-per-month capacity plan. Production of the new U.S. Air Force aerial refueling tanker will sustain and grow union jobs in Everett, too.

Before and after the selection, we spoke openly to employees and investors about our competitive realities and the business considerations of the decision. The NLRB now is selectively quoting and mischaracterizing those comments in an attempt to bolster its case. This is a distressing signal from one arm of the government when others are pushing for greater openness and transparency in corporate decision making.

It is no secret that over the years Boeing and union leaders have struggled to find the right way to work together. I don't blame that all on the union, or all on the company. Both sides are working to improve that dynamic, which is also a top concern for customers. Virgin Atlantic founder Richard Branson put it this way following the 2008 machinists' strike that shut down assembly for eight weeks: ''If union leaders and management can't get their act together to avoid strikes, we're not going to come back here again. We're already thinking, 'Would we ever risk putting another order with Boeing?' It's that serious.''

Despite the ups-and-downs, we hold no animus toward union members, and we have never sought to threaten or punish them for exercising their rights, as the NLRB claims. To the contrary, union members are part of our company's fabric and key to our success. About 40% of our 155,000 U.S. employees are represented by unions—a ratio unchanged since 2003.

Nor are we making a mass exodus to right-to-work states that forbid compulsory union membership. We have a sizable presence in 34 states; half are unionized and half are right-to-work. We make decisions on work placement based on business principles—not out of emotion or spite. For example, last year we added new manufacturing facilities in Illinois and Montana. One work force is union-represented, the other is not. Both decisions made business sense.

The world the NLRB wants to create with its complaint would effectively prevent all companies from placing new plants in right-to-work states if they have existing plants in unionized states. But as an unintended consequence, forward-thinking CEOs also would be reluctant to place new plants in unionized states—lest they be forever restricted from placing future plants elsewhere across the country.

U.S. tax and regulatory policies already make it more attractive for many companies to build new manufacturing capacity overseas. That's something the administration has said it wants to change and is taking steps to address. It appears that message hasn't made it to the front offices of the NLRB.

Mr. ALEXANDER. Madam President, I yield the floor and 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. ALEXANDER. 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.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the quorum call time be equally divided.

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

Mr. ALEXANDER. 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. LIEBERMAN. 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.

Mr. LIEBERMAN. Madam President, I rise to offer my full support for Susan Carney of my State of Connecticut, who is the President's nominee, now approved by the Judiciary Committee, to serve on a very important circuit court—the U.S. Court of Appeals for the Second Circuit.

Susan Carney's legal education and long career of public service will make her a valuable addition to the Federal bench. I thank President Obama for his decision to nominate Ms. Carney, and I urge my colleagues across party lines to confirm her nomination when it comes to a vote in a short while today.

Ms. Carney, as a matter of record, was quickly reported out of the Judiciary Committee with a bipartisan vote of 15 to 3 on February 17 of this year. This, in fact, was the second time her nomination had been reported out of the committee with broad bipartisan support. If confirmed, Susan Carney will fill one of two judicial vacancies on the second circuit—vacancies which the Administrative Office of the U.S. Courts has declared to be emergency vacancies. As I have said, she has been thoroughly vetted twice by the Judiciary Committee and earned bipartisan support both times.

I would like to take a moment to provide some background on the nominee's credentials. Susan Carney has a very diverse background, both in private practice, working for the Peace Corps, and most recently serving as the deputy general counsel at Yale University. For the past 12 years, she has served in that position. As Yale's President Richard Levin put it:

Susan Carney has served the University with insight, intelligence, and superb legal skills.

He added that she has never failed to be guided by what he referred to as her ''firm ethical compass.''

In her capacity as general counsel, Ms. Carney was the second highest legal officer at Yale—which is of course not just a great educational and research institution but has an operating budget of more than $2 billion annually, more than 12,000 employees, and more than 11,000 students. So there was a lot of legal work to do there.

Ms. Carney's portfolio included a lot of complicated areas covered by Federal law, including scientific research, intellectual property, and health care. She also managed other legal elements of Yale's transactions with institutions throughout this country and the world.

Ms. Carney served as a law clerk to Judge Levin Hicks Campbell on the U.S. Court of Appeals for the First Circuit before entering private practice. She has been admitted to practice in seven courts, including the U.S. Supreme Court, the U.S. Court of Appeals for the First Circuit, and the U.S. Court of Appeals for the Ninth Circuit. She is a member of three different bars: the Massachusetts bar, the District of Columbia bar, and the Connecticut bar, and has also served on the board of directors of the National Association of College & University Attorneys.

This is a superbly qualified individual with a broad background in a host of different legal fields which she will bring to the bench. I think most significant of all—and she obviously impressed both parties on the Judiciary Committee—she is balanced, she is openminded, and she will adjudicate according to what President Levin called ''her firm ethical and moral compass.'' Therefore I hope there will be a strong vote of support to send Susan Carney to the Second Circuit Court of Appeals where she will serve the cause of justice in America very well indeed.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TESTER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Mr. President, I come to the floor to address my colleagues and the public on the nomination of Susan Carney, nominated to the Second Circuit, and which we will soon vote. Today's vote marks the 24th judicial confirmation this year and the 16th for a seat designated as a judicial emergency. This also marks the fourth vacancy to the Second Circuit that has been filled by an Obama nominee.

Over the past 2 weeks, nominations-related work has taken up the vast majority of the Senate's time. In fact, after today, we will have confirmed seven judges in just 9 days. Last week alone, we had a cloture vote on the nominee to be Deputy Attorney General, debate and votes on three district court nominees, and two Judiciary Committee markups. This year, the committee has reported 51 percent of President Obama's nominees. Yet it seems the more we work with the majority on filling vacancies, the more complaints we hear. Furthermore, as we work together to confirm consensus nominees, we are met with the majority's insistence that we turn to controversial nominees. So I wish to address some of the complaints we have heard.

I think about the American Constitution Society blog and some of my colleagues in the Senate who say we are not moving fast enough on President Obama's nominees. I wish to point out to them that is intellectually dishonest. They may be ignorant about some of the statistics that involve the nominees we have approved so far versus what has been done in other administrations, but I wish to show that it is an outright, flat lie that we are not processing nominees fast enough. Given the pace of activity in our committee and on the floor, there is no credibility to the arguments that we are not moving fast enough.

Last week, it was stated that the Senate is well behind on President Obama's nominations, so I would like to provide perspective on that assertion. For comparable time periods, we have processed and confirmed a greater percentage of President Obama's nominees. When we complete the vote we are going to have in about 30 minutes, we will have confirmed 33 percent of President Obama's nominees nominated this year. That compares to only 28 percent of President Bush's nominees confirmed in a comparable time period.

Furthermore, President Obama's nominees are moving much faster through the committee process. President Obama's circuit court nominees have waited only, on average, 72 days from nomination to hearing. President Bush's had to wait, on average, 275 days during his first term. For his entire Presidency, that average was almost 247 days. President Obama's district court nominees are also faring better, waiting, on average, only 70 days for their hearings. President Bush's district court nominees had an average wait of closer to 100 days during his first term, and an average of 120 days throughout his entire Presidency.

These statistics, and our continued action to move on consensus nominees, refutes the argument made by those who continue to falsely claim there is a systematic delay and partisan obstruction of judicial nominees by Republicans in the Senate. I hope those who continue to make dishonest comments take note of the statistics I just gave.

Today, we are going to vote on the nomination of Susan Carney, and this will be for a U.S. circuit judge for the Second Circuit. Ms. Carney received her A.B., cum laude, from Harvard University in 1973 and her juris doctorate, magna cum laude, from Harvard Law School in 1977. Upon graduation from law school, she clerked for Judge Campbell on the First Circuit and then entered private practice. After 8 years of private practice, Ms. Carney was self-employed for the next 6 years, engaged in contract legal work and consulting. In 1994, the nominee returned to legal practice as a counsel to Bredhoff & Kaiser here in Washington, DC. In 1996, she moved to the Peace Corps, where she served as Associate General Counsel for 2 years. In 1998, she joined the general counsel's office at Yale University, where she has been the deputy general counsel for the past 9 years.

My concern with Ms. Carney's nomination is her lack of experience. She has no judicial experience and has limited litigation experience. She has never authored any scholarly legal works of note, and much of her work product provided to the committee consists of presentations about various legal issues faced by research universities.

Her qualifications for the court of appeals and, indeed, the reason for the President's decision to nominate her to the Second Circuit remains somewhat of a mystery. According to her questionnaire, Ms. Carney appeared in court occasionally over the course of her career, and the word ''occasionally'' is her own. She has never tried a case to verdict, judgment, or final decision—an absence she explains by saying that she ''spent [her] law career as an appellate lawyer and in-house counsel.'' Her questionnaire suggests she has never argued a case in any appellate court.

During her most recent legal job, Ms. Carney has focused largely on contractual issues such as scientific research partnerships between academic researchers and for-profit industry, international partnerships involving Yale, and intellectual property ownership issues. Her questionnaire reveals no litigation experience in the last 15 years of her career, and it is unclear how her position with Yale University might have prepared her for the Federal judicial appointment, much less one on the court of appeals.

The American Bar Association Standing Committee on the Federal Judiciary gave her the rating ''substantial majority qualified, minority not qualified.'' Even though the reasons behind the ratings are not released, I suspect the ''not qualified'' rating stems from her lack of litigation experience.

This nominee does not have the concrete judicial experience I favor. I know others share this view. The Judiciary Committee reported this nominee by a vote of 15 to 3, with three Republicans in opposition, not including this Senator. I take their views seriously and fully understand why Senators would not support this nomination.

Nevertheless, with little enthusiasm for her nomination, I will give her the benefit of the doubt and support the nominee.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, today, the Senate finally considers the nomination of Susan Carney of Connecticut to fill a judicial emergency vacancy on the Court of Appeals for the Second Circuit. Ms. Carney has twice been considered by the Judiciary Committee and has twice been reported with strong bipartisan support, first last year and again in February. The majority of the Republicans on the Judiciary Committee have twice joined in supporting this nomination. I expect that she will be confirmed with significant bipartisan support.

This is one of several judicial nominations that the minority refused to consider, despite being favorably reported by the Judiciary Committee last year. Hers will be the 16th nomination confirmed this year that could and, in my view, should have been considered last year. That is right: Of the 24 judicial nominations the Senate will have considered and confirmed this year, including Ms. Carney, almost 70 percent were delayed from last year. We have only been able to confirm eight judicial nominees who had hearings and were reported for the first time this year. So when some say we are taking ''positive action'' on large percentages of nominees, what this shows is how many unobjectionable nominees were stalled last year by objections from the minority.

This is only the third circuit court nomination the Senate has been allowed to consider all year. There are several others awaiting final Senate action. Caitlin Halligan is an outstanding nominee to the DC Circuit. Bernice Donald of Tennessee has the support of her home State Republican Senators, and should be confirmed promptly to the Sixth Circuit. Henry Floyd of South Carolina has the support of his home State Republican Senators and should not be delayed from serving on the Fourth Circuit. The circuit nominee stalled the longest is Professor Goodwin Liu of California. He is nominated to the Ninth Circuit and is strongly supported by his home State Senators. He is qualified and will make an outstanding judge. He is brilliant and understands the role of a judge. He has been reported three times by the Senate Judiciary Committee. The stalling on his nomination should end. The Senate should vote and confirm Goodwin Liu.

Susan Carney, currently the deputy general counsel of Yale University, has a career of distinguished service. After graduating with honors from Harvard College and Harvard Law School, Ms. Carney clerked for Judge Levin H. Campbell of the Court of Appeals for the First Circuit. She then spent 17 years in private practice, obtaining significant appellate litigation experience, before becoming the associate general counsel of the Peace Corps. Ms. Carney has spent the last 13 years in the Office of the General Counsel at Yale University, and is now Yale's second highest ranking legal officer.

Ms. Carney's nomination has the strong support of both of her home State Senators, Senator LIEBERMAN and Senator BLUMENTHAL, along with the Federal Judiciary Committee of the Connecticut Bar Association and the New York City Bar Association's Committee on the Judiciary. Ms. Carney's nomination also had the strong support of Mr. Dodd, the distinguished former Senator from Connecticut. Before he retired from the Senate, Senator Dodd introduced Ms. Carney to the Judiciary Committee at her nomination hearing. He said of Ms. Carney:

> Throughout her career, Susan Carney has developed a professional versatility and breadth of legal knowledge well suited to serve on the Second Circuit Court of Appeals. And perhaps even more important, I believe she has exhibited the kind of temperament and unflinching respect for the rule of law that are absolutely critical components, in my view, of serving on the Federal courts.

It is no surprise that Ms. Carney's nomination has received such strong bipartisan support on the Judiciary Committee. The Senate should have been able to debate and vote on her nomination before Senator Dodd left the Senate. I am pleased we are finally going to vote on it today.

I am sorry that another outstanding nominee from Connecticut, Judge Robert Chatigny, was also prevented by the minority from receiving consideration and a vote by the Senate. After he was favorably reported last year, Senate Republicans refused to agree to a debate and vote on his nomination, and insisted on returning it to the President without Senate consideration. He is a fine judge whose record was distorted in their opposition to him. That was a shame.

I thank the majority and Republican leaders for agreeing to schedule the vote on Ms. Carney's nomination today. The Senate's agreement to debate and vote on long-delayed nominations like that of Ms. Carney and of Judge Edward Chen of the Northern District of California last week show that the delays that have slowed our progress on nominations are unnecessary. With the breakthrough earlier this month when 11 Republicans joined in ending the filibuster against another long-stalled nomination, that of Judge Jack McConnell of Rhode Island, we have begun to make progress and, in fact, take ''positive action'' or judicial nominations held up for months by the minority. With vacancies still totaling almost 90 on Federal courts throughout the country, with another dozen future vacancies on the horizon, we need to do more to ensure that the Federal judiciary has the resources it needs to fulfill its constitutional role.

Including Ms. Carney's nomination, there are 15 judicial nominations on the Senate Executive Calendar, more than half of which have been ready for final Senate action for weeks and, in some cases, many months. I thank the Judiciary Committee's ranking member, Senator GRASSLEY, for working with me to consider nominations in the Judiciary Committee. We have a fair but thorough process, including reviewing extensive background material on each nominee, and giving all Senators on the committee, Democratic and Republican, the opportunity to ask the nominees questions at a live hearing and following the hearing in writing. All of these nominees which the committee reported to the Senate have a strong commitment to the rule of law and a demonstrated faithfulness to the Constitution. All have the support of their home State Senators, both Republican and Democratic. They should not be delayed for weeks and months needlessly after being so thoroughly and fairly considered by the Judiciary Committee.

Our ability to make progress regarding nominations has been hampered by the creation of what I consider to be misplaced controversies about many nominees' records. I hope no Senator cites one such invented controversy as a basis for opposing Ms. Carney's nomination. In the time that the Senate has been prevented from voting on Ms. Carney's nomination, some on the far right have made baseless allegations about Ms. Carney. Their false claim is that Ms. Carney engaged in a coverup after another Yale administrator had erroneously confirmed to a Korean institution that a prospective hire earned a Ph.D. from Yale. In fact, the opposite is true. It was Ms. Carney who informed the Korean institution that Yale had erred. I hope no Senator is taken in by this smear campaign against a good nominee.

Concerns that Ms. Carney lacks sufficient experience to be an appellate judge are also misplaced. She has been a lawyer for 30 years and has a wealth of experience, including, as I mentioned, 17 years in private practice with experience in appellate litigation. I have, nonetheless, heard this purported concern raised by the handful of Republican Senators who oppose Ms. Carney's confirmation. I believe that Ms. Carney's wide range of experience as a lawyer in private practice and as deputy general counsel of one of the world's leading educational and research institutions—one with an annual budget that exceeds $2 billion—have prepared her well to serve on the Second Circuit. Along with Connecticut and New York, it is Vermont that is served by the circuit court to which Ms. Carney has been nominated.

All Senators from States within the Second Circuit support her confirmation. I also note that I did not hear Republican Senators raise any concerns about lack of judicial experience when President Bush nominated, and the Senate confirmed, 24 nominees to circuit courts with no prior judicial experience, and a number with little trial litigation experience.

Even as some Republicans have opposed this nominee by saying that she does not have sufficient litigation experience, Republican Senators have recently tried to twist nominees' litigation experience against them. Their partisan attacks are not consistent. When a nominee has extensive experience and is a successful trial lawyer, they complain that the nominee has too much experience and will be biased by it.

Republicans opposed Judge McConnell of Rhode Island because he was an excellent trial lawyer. They opposed Judge Chen of California despite his 10 years as a fair and impartial Federal judge magistrate and disregarded his judicial record. The Republican opposition to President Obama's judicial nominees has been anything but consistent. Now some will turn around and oppose Ms. Carney, a nominee with more than 30 years of legal experience, by saying she has not had sufficient experience as a trial advocate.

This reminds me of the story of the mother who sent her son two neckties as gifts. When she visited, the son picked her up at the airport dutifully wearing one of the ties, only to hear his mother complain: ''What's the matter? Don't you like the other tie?''

Let us turn away from such double standards and return to the longstanding Senate practice of judging nominees on their merits, not based on caricatures. Our ability to finally reach a time agreement and have a vote on the nomination of Susan Carney is a welcome sign of progress. We still have a long way to go to do as well as we did during President Bush's first term, when we confirmed 205 of his judicial nominations. We confirmed 100 of those judicial nominations during the 17 months I was chairman during President Bush's first 2 years in office. So far, well into President Obama's third year in office, the Senate has only been allowed to consider 84 of President Obama's Federal circuit and district court nominees, well short of 205. We need to work together to ensure that the Federal judiciary has the judges it needs to provide justice to Americans in courts throughout the country.

I congratulate Ms. Carney and her family on her confirmation today.

Mr. President, I yield the floor and suggest the absence of a quorum, and ask unanimous consent that the time be charged equally to both sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CRAPO. Mr. President, I yield back all time.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Susan L. Carney, of Connecticut, to be U.S. Circuit Judge for the Second Circuit?

Mr. CRAPO. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

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

The result was announced—yeas 71, nays 28, as follows:

[Rollcall Vote No. 71 Ex.]

YEAS—71

Akaka	Gillibrand	Merkley
Alexander	Graham	Mikulski
Ayotte	Grassley	Murkowski
Baucus	Hagan	Murray
Begich	Harkin	Nelson (NE)
Bennet	Hatch	Nelson (FL)
Bingaman	Hutchison	Portman
Blumenthal	Inouye	Pryor
Boxer	Johnson (SD)	Reed
Brown (MA)	Kerry	Reid
Brown (OH)	Kirk	Rockefeller
Cantwell	Klobuchar	Schumer
Cardin	Kohl	Shaheen
Carper	Kyl	Snowe
Casey	Landrieu	Stabenow
Cochran	Lautenberg	Tester
Collins	Leahy	Toomey
Conrad	Levin	Udall (CO)
Coons	Lieberman	Udall (NM)
Corker	Lugar	Warner
Cornyn	Manchin	Webb
Durbin	McCain	Whitehouse
Feinstein	McCaskill	Wyden
Franken	Menendez	

NAYS—28

Barrasso	Heller	Risch
Blunt	Hoeven	Roberts
Boozman	Inhofe	Rubio
Burr	Isakson	Sessions
Chambliss	Johanns	Shelby
Coats	Johnson (WI)	Thune
Coburn	Lee	Vitter
Crapo	McConnell	Wicker
DeMint	Moran	
Enzi	Paul	

NOT VOTING—1

Sanders

The nomination was confirmed.

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

LEGISLATIVE SESSION

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

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:47 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

CLOSE BIG OIL TAX LOOPHOLES ACT—MOTION TO PROCEED

Mr. REID. Mr. President, under the previous order, I move to proceed to Calendar No. 42, S. 940.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to the bill (S. 940) to reduce the Federal budget deficit by closing big oil tax loopholes, and for other purposes.

OFFSHORE PRODUCTION AND SAFETY ACT OF 2011—MOTION TO PROCEED

Mr. REID. Mr. President, under the previous order, I move to proceed to Calendar No. 43, S. 953.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to the bill (S. 953) to authorize the conduct of certain lease sales in the Outer Continental Shelf, to amend the Outer Continental Shelf Lands Act to modify the requirements for exploration, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will be 4 hours of debate equally divided prior to the vote on the motion to proceed to S. 940.

The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise to follow on the majority leader's bringing this legislation to the floor, which I am privileged to sponsor with a whole host of my colleagues, and really to speak out for taxpayers and against continuing to provide subsidies to multibillion-dollar big oil companies. We are talking about the big five. We are not talking about any other entity, just the big five.

A positive vote on my bill presents a simple choice for everyone in this Chamber: Are you on the side of working class families or are you on the side of Big Oil? There are lots of ways to cut the deficit. Many of our colleagues, particularly in the other body, want to end Medicare and cut student loan programs. What I and my cosponsors want to do is end wasteful oil tax breaks for a wealthy industry that does not need them.

Clearly, we all need to tighten our belts to help address the deficit—all of us—even the oil companies. We all know oil companies are among the largest, most profitable companies in the world, but sometimes it is hard to understand the true scale of their wealth. So this chart is a simple attempt to give some perspective.

The median income in the United States is about $50,000. ExxonMobil, just one of these big five, is projected to earn in profits $42.6 billion this year—$42.6 billion. Now, it is impossible to show this disparity on a chart,