

most vulnerable among us, we should focus right now on cutting out wasteful subsidies to huge companies that do not need it. That is what this bill does.

I also want to talk about the high prices families are paying for gas in my home State and across the country. I was recently at home with Senator CANTWELL, and we had the opportunity to meet with some local small business owners who talked about the impact these skyrocketing prices of oil and gas were having on their businesses. They are hurting. These small business owners are already struggling to keep their doors open in these tough economic times. Every time prices go up at the pump, they are pushed one step closer to the edge.

That is why I believe as a country we need to move away from our dependence on foreign oil and toward a more secure clean energy future. It is why I called for a crackdown on the speculation that is part of what pushes up gas prices and why I was so disappointed that the House Republican budget slashed funding for the Commodity Futures Trading Commission. That is the very agency that is charged with protecting consumers from the excessive speculation in the markets.

I think that gets to a big difference between our two parties today. Democrats are here fighting to rein in the deficit by ending the wasteful subsidies that the biggest oil companies are getting from the American taxpayer; Republicans are fighting to cripple the agency that is charged with protecting middle-class families from being ripped off and preyed upon. These are two additional approaches to tackling the deficit. I am going to keep fighting to make sure middle-class families are protected.

I urge our colleagues to support this legislation that will put taxpayers and the middle class ahead of Big Oil. It will end the wasteful giveaways to oil companies and use that money to pay down the deficit in a responsible way. So I, too, wish to thank Senators MENENDEZ, MCCASKILL, TESTER, and BROWN for their great work on this issue, and I hope we can finally put this to rest and save taxpayers \$21 billion over the next 10 years.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, how much time remains?

The PRESIDING OFFICER. Two minutes 10 seconds.

Mr. MENENDEZ. Mr. President, the American people understand this bill. They understand that if working families must sacrifice to help lower the deficit, then so should the most wealthy and powerful industry in the country. If Big Oil wants to lower gasoline prices, they would put a lot less money in their stock buybacks or their multimillion dollar CEO salaries and a lot more in producing oil or they could use some of their enormous profits to lower prices. But I guess in that world greed is good.

While the American people understand this bill—it is clear for them what it does—many on the other side of the aisle simply do not. Because this is such a simple, commonsense idea, they have made up arguments just to get through this debate.

One of my colleagues said it would raise the deficit. Only in Washington—only in Washington—could that comment actually be made when the Joint Tax Committee has clearly made it known this would lower the deficit by \$21 billion. It would lower the deficit by \$21 billion, not raise it.

Another argument I have heard is that this bill will somehow raise gas prices. That argument is absurd. With the big five oil companies poised to make \$144 billion in profits this year alone, it means Big Oil would simply have to settle for \$142 billion in profits this year to pay their fair share of dealing with the deficit, and they wouldn't have to raise gas prices 1 cent. That is what the Congressional Research Service independently decided, as well as the Joint Tax Committee.

I have also heard the argument Big Oil actually pays more taxes than other companies. That is not true for multiple reasons. ExxonMobil's effective tax rate is actually lower than the average American family's rate. They pay far higher taxes abroad than they do here, so there is no competitive disadvantage, and we have the lowest royalty rates in the world.

We have rarely seen in this body a more stark contrast and a more obvious choice. American families are sitting around the kitchen table trying to figure out how to make ends meet within the constraints of their own family budgets. We are simply asking Big Oil—making \$144 billion—to do their fair share. That is what this vote is all about.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—52

Akaka	Durbin	Lieberman
Baucus	Feinstein	Manchin
Bennet	Franken	McCaskill
Bingaman	Gillibrand	Menendez
Blumenthal	Hagan	Merkley
Boxer	Harkin	Mikulski
Brown (OH)	Inouye	Murray
Cantwell	Johnson (SD)	Nelson (FL)
Cardin	Kerry	Pryor
Carper	Klobuchar	Reed
Casey	Kohl	Reid
Collins	Lautenberg	Rockefeller
Conrad	Leahy	Sanders
Coons	Levin	Schumer

Shaheen	Udall (CO)	Whitehouse
Snowe	Udall (NM)	Wyden
Stabenow	Warner	
Tester	Webb	

NAYS—48

Alexander	Enzi	McCain
Ayotte	Graham	McConnell
Barrasso	Grassley	Moran
Begich	Hatch	Murkowski
Blunt	Heller	Nelson (NE)
Boozman	Hoeben	Paul
Brown (MA)	Hutchison	Portman
Burr	Inhofe	Risch
Chambliss	Isakson	Roberts
Coats	Johanns	Rubio
Coburn	Johnson (WI)	Sessions
Cochran	Kirk	Shelby
Corker	Kyl	Thune
Cornyn	Landrieu	Toomey
Crapo	Lee	Vitter
DeMint	Lugar	Wicker

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 48. Under the previous order, requiring 60 votes for the adoption of this motion, the motion is withdrawn.

The majority leader.

NOMINATION OF GOODWIN LIU

Mr. REID. Mr. President, several years ago we faced a confirmation crisis in the Senate. The majority at the time, the Republicans, were frustrated with the inefficient way the Senate was performing our constitutional duty of confirming Presidential nominees.

Many of my colleagues on the other side of the aisle passionately argued that all judicial nominees deserve an up-or-down vote on the Senate floor. In their frustration, they threatened to dramatically change the purpose of the Senate and the minority protections for which it was designed. That would have, in a manner of speaking, blown up the institution. That is why it was known as the nuclear option.

In the heat of this battle, several courageous Senators, Democrats and Republicans, agreed to a standard that would preserve the traditions of this great body, the Senate. They ensured the Senate could still provide the President its advice and consent, as the Constitution requires.

The agreement was significant but very simple. It was this: Except in extraordinary circumstances, those nominated to be Federal judges would get an up-or-down vote. The minority would not stand in the way of that vote. The agreement was grounded in common sense.

So far, in most cases, both sides have generally upheld that agreement. The nomination about to be before us, however, is not one of those cases, and that is the nomination of Goodwin Liu.

Goodwin Liu is an extremely well-qualified public servant and an impressive legal scholar. He was a Rhodes Scholar and clerked in the U.S. Supreme Court, which is something just a small percentage of graduates from law school have the opportunity to ever do; that is, to be a Supreme Court clerk. Goodwin Liu served as an associate dean at the California Berkeley School of Law and is still a professor there. He has done a significant amount of pro

bono work. He even helped launch AmeriCorps. On top of that, he has lived the American dream. He is a highly successful son of immigrants.

I think President Obama was wise to appoint him to the Ninth Circuit. So do a lot of Democrats and so do a lot of Republicans.

Ken Starr—infamous as far as the Democrats go, the former White House special prosecutor—called Liu, who served in the Clinton administration, “a person of great intellect, accomplishment, and integrity.”

Former Republican Congressman Bob Barr, an extremely conservative former Federal prosecutor, also reviewed Liu’s writings. He came away impressed with, as he said, “his commitment to the Constitution and to a fair criminal justice system.”

One of President Bush’s former White House lawyers said Liu’s views “fall well within the legal mainstream.”

I could go on with more quotes from lawyers and legislators from the right and left and Independents, but we get the picture. Right, left, center—they think very highly of this good man.

Everyone agrees Goodwin Liu’s nomination is far from the “extraordinary circumstance” that would warrant a filibuster. The only extraordinary things about Liu are his experience, his accomplishments, and his integrity.

He should be confirmed. At the very least, he should undoubtedly deserve an up-or-down vote.

But Senate Republicans have already forgotten the lessons of the nuclear option. Today they are threatening to block this highly qualified nominee from confirmation. Vacancies on the Federal bench delay justice for citizens seeking the help of our judicial system, and it isn’t fair to leave in limbo well-qualified nominees.

So I am forced now to file cloture in order to ensure Goodwin Liu gets the vote he deserves. It is regrettable it has come to this.

As I file cloture, I remind my Republican colleagues once again that public servants are not political pawns. Goodwin Liu has dedicated his life to justice and fairness. As we consider his nomination, we owe someone of his caliber those same considerations.

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#### EXECUTIVE SESSION

#### NOMINATION OF GOODWIN LIU TO BE A U.S. CIRCUIT JUDGE FOR THE NINTH CIRCUIT

Mr. REID. Mr. President, I ask unanimous consent to proceed to executive session to Calendar No. 80, the nomination of Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit.

The PRESIDING OFFICER. Is there objection? Without objection, the clerk will report.

The legislative clerk read the nomination of Goodwin Liu, of California, to be a United States Circuit Judge for the Ninth Circuit.

#### CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk with respect to the nomination.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit.

Harry Reid, Patrick J. Leahy, Charles E. Schumer, Richard Blumenthal, Daniel K. Akaka, Al Franken, Richard J. Durbin, Sheldon Whitehouse, Dianne Feinstein, Jeff Merkley, Christopher A. Coons, Mark Begich, Amy Klobuchar, Barbara Boxer, Jack Reed, Debbie Stabenow, Sherrod Brown.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

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#### LEGISLATIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that the Senate resume legislative session.

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

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#### MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate proceed to a period of morning business for debate only, with Senators permitted to speak for up to 10 minutes each.

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

The Senator from Ohio.

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#### TRADE ADJUSTMENT ASSISTANCE

Mr. BROWN of Ohio. Mr. President, yesterday the White House announced it will not submit three pending free-trade agreements, FTAs, with South Korea, Colombia, and Panama until Congress reaches a deal on reauthorizing the trade adjustment assistance for workers programs, the so-called TAA. I applaud President Obama for putting the workers first before we do these trade agreements.

The trade agreements are very controversial, as they always are. The promises are always that they will create jobs, and they rarely do. They usually result in a decrease in jobs. Yet too often Congress jettisons the safety net to protect those workers who lose their jobs because of these agreements. That is why I applaud President Obama for making this one clear. He will not send these trade agreements to Congress until Congress has sent to his desk—not talked about it, not debated it, not passed one committee or one House, but sent to his desk—trade adjustment assistance expansion.

As my colleagues know, since we let this program expire in February because of Republican objections, Senator CASEY and I went to the floor day after day in December and then again in February as Republicans continued to object just to continuing trade adjustment assistance as we had begun in the Recovery Act 2 years earlier.

So what happened? Because of these Republican objections, we shut out service workers and we shut out manufacturing workers who had lost their jobs to countries with which we do not have a free-trade agreement. So when workers lost their jobs because of outsourcing of jobs to China or India, those workers couldn’t get trade adjustment assistance until the Recovery Act, so they could get it in 2009 and in 2010. Because of Republican objections to continuation of that, they can’t get it now.

Also, people who lost their jobs that were in the service industries experienced this same kind of deadline on their eligibility.

Since Congress made reforms to TAA in 2009, more than 185,000 additional trade-affected workers became eligible for training under the TAA for Workers Program.

In 2010 alone, more than 227,000 workers participated in the TAA program, receiving training for jobs that employers are looking to fill. These are people who want to work. They lost their jobs because of a trade agreement. They can prove they lost their jobs because of a trade agreement. A company shuts down in Elery, OH, and goes to Mexico; a company shuts down in Steubenville, OH, and goes to New Delhi; a company shuts down in Lima, OH, and goes to Shanghai. When you can prove that, as you can in many cases, those workers should be eligible for assistance from the government to get trained to get back to work.

The program also, of course, receives strong support from businesses that know a skilled workforce is critical to their economic competitiveness.

But just 11 days ago—because of these Republican objections and because the TAA language was truncated—but just 11 days ago, the Labor Department denied the first three petitions filed by groups of workers seeking TAA assistance under pre-2009 TAA rules, including three workers in Uniontown, OH. The reason: They are service workers.

In addition, the enhanced health coverage tax credit program also expired in February. HCTC helps trade-affected workers purchase private health insurance coverage to replace the employer-sponsored coverage they lost. It also helps those retirees who lose their benefits when the company for which they worked goes bankrupt.

The HCTC prevents tens of thousands of Americans from falling into the ranks of the uninsured. But right now, if we do not act, we are simply giving these workers the cold shoulder.

So I applaud the administration for saying, yesterday, we will pass no more