

the Chair be authorized to appoint conferees on the part of the Senate with a ratio agreed to with the concurrence of both leaders.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I don't know why everything we do has to be a fight—not a disagreement, a fight. This bill was brought up on February 7, and we have been spending the better part of a month dealing with contraception—by the way, an amendment I had to offer because they wouldn't bring it up so we could vote on it.

My math says this agreement that has been suggested by the Republican leader calls for 34 amendments. I understand and I appreciate that some of them are related to what is in this bill—some of them are. As I indicated earlier, we have been dealing with contraception. There are amendments dealing with clean water standards and clean air standards. Nothing in this bill should deal with America having to breathe more mercury, more lead, and then, just for good measure, how about some arsenic? That has nothing to do with the highway bill.

As I said before, the amendment I looked at from my friend from Louisiana calls for drilling for oil anyplace there is water. Next they will be going to Lake Mead outside Las Vegas. We are producing more domestic oil now than in decades. The President has opened areas in Alaska that have never been opened before.

Why can't we just invoke cloture on this bill and move forward on it? It is not easy to get to conference—we know that—but we could go to conference. The House is doing its best to come up with a bill. They are struggling hard.

On the first day of April, it will be April Fools' Day for a lot of people in America because we will lose almost 800,000 jobs on April 1. It will be a real April Fools' Day. So if we can't move forward on this—why can't we get seven Republicans to break from the pack over here and say that not everything we do has to be an arm-wrestling contest?

I appreciate that we at least have something in writing. I appreciate that. I will take a look at it, but I object.

The PRESIDING OFFICER. Objection is heard.

The Republican leader.

Mr. MCCONNELL. Mr. President, not to continue to debate much further, but I would point out that there are demands for amendments on both sides here. We are very close to getting an agreement. I think a “no” vote on cloture is not the end of this bill but the beginning. It gives us an opportunity to go on and wrap up discussions that have been going on entirely too long, it seems to me, and I know the majority leader has been frustrated by it, and so

have I. But we are very close to getting agreement on a list of amendments, and we should be able to finish this bill by the end of the week.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I am, for lack of a better word, disappointed. These amendments are going to do nothing to advance the work product of almost 3 million Americans—none of them.

We should invoke cloture. I ask my Republican colleagues: Break this impasse. Do something that is good for the American people. Invoke cloture and stop the filibuster—another one.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The bill 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 Reid amendment No. 1761 to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

Harry Reid, Barbara Boxer, Christopher A. Coons, Robert P. Casey, Jr., Tom Harkin, Mark Udall, Richard Blumenthal, Debbie Stabenow, Patrick J. Leahy, Herb Kohl, Frank R. Lautenberg, Max Baucus, Tom Udall, Kent Conrad, Robert Menendez, Kirsten E. Gillibrand, Jeff Bingaman.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1761, offered by the Senator from Nevada, Mr. REID, to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH) and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY) would vote “yea.”

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Nevada (Mr. HELLER).

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

The yeas and nays resulted—yeas 52, nays 44, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—52

Akaka	Brown (MA)	Collins
Baucus	Brown (OH)	Conrad
Bennet	Cantwell	Coons
Bingaman	Cardin	Durbin
Blumenthal	Carper	Feinstein
Boxer	Casey	Franken

Gillibrand	Manchin	Schumer
Hagan	McCaskill	Shaheen
Harkin	Menendez	Stabenow
Inouye	Merkley	Tester
Johnson (SD)	Mikulski	Udall (CO)
Kerry	Murray	Udall (NM)
Klobuchar	Nelson (NE)	Warner
Kohl	Nelson (FL)	Webb
Landrieu	Pryor	Whitehouse
Lautenberg	Reed	Wyden
Levin	Rockefeller	
Lieberman	Sanders	

NAYS—44

Alexander	Graham	Murkowski
Ayotte	Grassley	Paul
Barrasso	Hatch	Portman
Blunt	Hoeven	Reid
Boozman	Hutchison	Risch
Burr	Inhofe	Roberts
Chambliss	Isakson	Rubio
Coats	Johanns	Sessions
Coburn	Johnson (WI)	Shelby
Cochran	Kyl	Snowe
Corker	Lee	Thune
Cornyn	Lugar	Toomey
Crapo	McCain	Vitter
DeMint	McConnell	Wicker
Enzi	Moran	

NOT VOTING—4

Begich	Kirk
Heller	Leahy

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on the Reid amendment.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote with respect to the underlying bill be vitiated.

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

Mr. REID. I thank the Chair.

RECESS

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

Thereupon, the Senate, at 12:54 p.m., recessed and reassembled at 2:15 p.m. when called to order by the Presiding Officer (Mr. WEBB).

EXECUTIVE SESSION

NOMINATION OF MARY ELIZABETH PHILLIPS TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI

NOMINATION OF THOMAS OWEN RICE TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WASHINGTON

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk read the nominations of Mary Elizabeth Phillips, of Missouri, to be United States District Judge for the Western District of Missouri, and Thomas Owen Rice, of Washington, to be United States District

Judge for the Eastern District of Washington.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes for debate equally divided in the usual form.

Mr. LEAHY. Mr. President, today the Senate will vote on the confirmation of two highly qualified, consensus nominees to the Federal bench: Mary Elizabeth Phillips to the U.S. District Court for the Western District of Missouri and Thomas Owen Rice to the U.S. District Court for the Eastern District of Washington. I thank the majority leader for pressing for these votes. These are nominees who were reported unanimously by the Senate Judiciary Committee last October, almost 5 months ago. They are both supported by their home State Senators, Democrats and Republicans, as are all of the judicial nominations of this President been who have been voted on by the Senate Judiciary Committee.

Last month the majority leader had to file cloture petitions to end a 4-month and 2-day filibuster of the confirmation of Judge Adalberto Jordan of Florida and to end the 5 month filibuster of the nomination of Jesse Furman, a former counselor to Attorney General Mukasey. The majority leader should not have had to file cloture petitions for the Senate to vote on these outstanding judicial nominees. Senate Republicans have filibustered nine of President Obama's judicial nominations despite the fact that he has reached out to both Republican and Democratic home State Senators and nominated qualified, ideologically moderate men and women to fill vacancies on our Federal courts.

From the start of President Obama's term, Republican Senators have applied a double standard to this President's nominees. Last week, at a meeting of the Judiciary Committee, the Senator from Utah conceded that a "new standard" is being applied to President Obama's nominations. Senate Republicans have chosen to depart dramatically from the long tradition of deference on district court nominees to the home State Senators. Instead, an unprecedented number of President Obama's highly qualified district court nominees have been targeted for opposition and obstruction.

The nominations the Senate considers today did not receive a single negative vote in the Judiciary Committee. Still, they have been stalled from confirmation for almost 5 months. It is good that Senate Republicans are finally allowing them to be considered. But we need to do much more. These are only 2 of the 14 remaining judicial nominations voted on by the Judiciary Committee last year that have been stalled by Senate Republicans for months. They all should have been considered and confirmed last December. President Obama's nominees are being treated differently than those of any President, Democratic or Republican, before him.

Of those 14 judicial nominations still on the calendar from last year, none are the kind of divisive ideological nominees that should lead to the kinds of delay we have seen, let alone filibusters. President Obama should be praised by Republicans and Democrats for making consensus picks like his two nominations to fill vacancies on Federal Circuit courts, Stephanie Dawn Thacker of West Virginia, nominated to the Fourth Circuit, and Judge Jacqueline Nguyen of California, nominated to fill one of the many judicial emergency vacancies on the Ninth Circuit. Ms. Thacker, an experienced litigator and prosecutor, has the strong support of her home State Senators, Senators ROCKEFELLER and MANCHIN. Judge Nguyen, whose family fled to the United States in 1975 after the fall of South Vietnam, was confirmed unanimously to the district court in 2009 and would become the first Asian Pacific American woman to serve on a U.S. court of appeals. Both were reported unanimously by the Judiciary Committee last year, and both should be considered and confirmed by the Senate without additional damaging delays.

With 1 out of nearly every 10 Federal judgeships vacant, the Senate should be acting on all of the judicial nominations approved by the Senate Judiciary Committee but that Republican objections are stalling from final action. Regrettably, delay and obstruction have stalled action on President Obama's judicial nominees since the beginning of his administration. After the first year of President Obama's first term, only 12 Federal circuit and district court judges were confirmed, the lowest total in 50 years. Senate Republicans allowed the Senate to confirm only 48 circuit and district court nominations the next year. That set a modern record for fewest judicial nominations confirmed during a President's first 2 years in office, the lowest in 35 years. As a result, judicial vacancies rose again over 110 and stayed around 90 for the longest period of historically high vacancies in 35 years. This is in stark contrast to the 100 confirmations that I oversaw during the last 17 months of President Bush's first 2 years in office. That action led to a significant reduction in judicial vacancies.

The truth is that the actions of Senate Republicans in stalling judicial nominations during President Obama's administration has led to what the Congressional Research Service documented as the longest period of historically high judicial vacancy rates in modern times. At the end of President Obama's second year and again at the end of last year, Senate Republicans opted to obstruct final confirmation votes on consensus judicial nominees for no good reason. Last year it took us until June to make up the ground we lost when Senate Republicans refused to complete action on judicial nominees at the end of 2010. This year the Senate started with 19 judicial nomi-

nees pending on the Senate's calendar, all but 1 of them reported with significant bipartisan support, and 16 of them unanimously. To date, the Senate has only been allowed to work its way through five. This means that it could again be summer before the Senate is allowed to work its way through the judicial nominees who could, and should, have been confirmed the year before.

The result of the Senate Republicans' obstruction is that the ability of our Federal courts to provide justice to Americans around the country is compromised. Millions of Americans, who are in overburdened districts and circuits, experience unnecessary delays in having their cases resolved. One hundred and thirty million Americans live in districts or circuits that have a judicial vacancy that could be filled today if Senate Republicans would just agree to vote on the nominations now pending on the Senate calendar. It is wrong to delay votes on these qualified, consensus judicial nominees.

Our courts need qualified Federal judges, not vacancies, if they are to reduce the excessive wait times that burden litigants seeking their day in court. It is unacceptable for hard-working Americans who turn to their courts for justice to suffer unnecessary delays. When an injured plaintiff sues to help cover the cost of his or her medical expenses, that plaintiff should not have to wait 3 years before a judge hears the case. When two small business owners disagree over a contract, they should not have to wait years for a court to resolve their dispute.

In his "2010 Year-End Report on the Federal Judiciary," Chief Justice Roberts rightly called attention to the problem of overburdened courts across the country. Unfortunately, the unprecedented obstruction of consensus judicial nominations by Senate Republicans who dramatically departed from the Senate's longstanding tradition of regularly considering consensus, non-controversial nominations, marked a new chapter in what Chief Justice Roberts calls the "persistent problem" of filling judicial vacancies.

If Republican Senators were concerned about ensuring that our courts have the judges they need to administer justice for the American people, they would not have refused consent for the Senate to consider these consensus judicial nominees. The obstruction reminds me of the Republican pocket filibusters that blocked more than 60 of President Clinton's judicial nominations from Senate consideration.

When I became chairman in 2001 and made the committee blue slip process public for the first time and worked to confirm 100 judicial nominees of a conservative Republican President in 17 months, I hoped we were past these partisan tactics. I am disappointed that, after working for more than a decade to restore transparency and fairness to the process of considering

judicial nominations, we see the Senate Republicans again using obstruction to block progress at filling judicial vacancies.

I wish that the Republican Senators who came to the Senate and the Senate Judiciary Committee in 2003 and decried what they characterized as a broken judicial confirmation process would acknowledge the 100 confirmations in 17 months that we accomplished in 2001 and 2002 when President Bush was not consulting closely with home State Senators and, instead, insisted on sending the Senate ideological nominees. I have done my part to fix and to improve the process.

By contrast, those Republicans who deemed filibusters unconstitutional and demanded up-or-down votes for every judicial nominee just a few years ago have now filibustered nine of President Obama's judicial nominees. What happened to their principle that a partisan minority should not be allowed to frustrate the will of the majority? They used to say that judicial nominees "should not be required to serve an indefinite period of time in the stocks as targets for these special interest groups that attack them on a regular basis." Now these same Republican Senators obstruct votes on qualified, consensus nominees and allow reputations to be savaged without good cause.

In 2005, the so-called Gang of 14 adopted a standard for filibusters that require "exceptional circumstances." That standard was abandoned by Republicans who filibustered the nomination of Caitlin Halligan last year. The Washington Times' banner headline on December 7, 2011, noted what had long been apparent to me: "GOP Ends Truce on Judicial Hopefuls."

It is wrong to dismiss the delays resulting from the Senate Republicans' obstruction as merely political tit for tat. These are new and damaging tactics that Senate Republicans have devised. The standard had been that non-controversial judicial nominees reported by the Judiciary Committee were confirmed by the Senate before the end of the year. That is the standard we should have followed in 2010 and 2011, but Senate Republicans did not. Senate Republicans set a new and destructive standard to hold up qualified, consensus judicial nominees for no good reason. A New York Times editorial from January 4, 2011, refers to Senate Republicans' "refusal to give prompt consideration to noncontroversial nominees" a "terrible precedent." In a column last week, the president of the American Bar Association reiterated the call for a "sustained, concerted and bipartisan effort" to "make meaningful progress toward filling vacancies on the federal bench.

While consensus judicial nominations are stalled without a final vote by the Senate, millions of Americans across the country are being harmed by delays. The American people and our Federal courts cannot afford these un-

necessary and damaging delays. As the ABA president noted last week:

Backlogs mean justice delayed in cases involving protection of individual rights, advancement of business interests, compensation of injured victims and enforcement of federal laws.

Longstanding vacancies on courts with staggering caseloads impede access to the courts. They create strains that, if not eased, threaten to reduce the quality of our justice system. They erode confidence in the courts' ability to uphold constitutional rights and render fair and timely decisions.

Delay at the federal courts puts people's lives on hold while they wait for their cases to be resolved. Businesses face uncertainty and costly holdups, preventing them from investing and creating jobs. In sum, judicial vacancies kill jobs.

Justice delayed, as the famous maxim goes, is justice denied. It's bad for business, it's unfair to individuals, and it slows government enforcement actions, which ultimately costs taxpayers money.

The Senate remains far behind where we should be in considering President Obama's judicial nominations. The Senate had confirmed a lower percentage of President Obama's judicial nominees than those of any President in the last 35 years. The Senate has confirmed just over 70 percent of President Obama's circuit and district nominees, with more than one in four not confirmed. In stark contrast, the Senate confirmed nearly 87 percent of President George W. Bush's nominees, nearly 9 out of every 10 nominees he sent to the Senate over two terms.

The Senate remains well behind the pace set during President Bush's first term. By the end of President Bush's first term, the Senate had confirmed 205 district and circuit nominees. To date now in the fourth year of President Obama's first term, the Senate has confirmed only 129 district and circuit nominees. By this date in 2004, the Senate had confirmed 170 district and circuit nominees. Today the total is more than 40 confirmations shy of the mark.

Another way to think about this is that during President Bush's first term, the Senate confirmed the 130th nominee to our circuit and district courts in early June of his third year in office. Here we are, approaching the spring of President Obama's fourth year, nearly 9 months later, and we are just reaching that milestone—9 months later. It has taken us far too long to reach this point. That is why the judicial vacancy rate remains nearly double what it was at this point in the Bush administration.

Today we can finally confirm these two highly qualified, consensus nominees. Mary Elizabeth Phillips has been nominated to the U.S. District Court for the Western District of Missouri. Ms. Phillips is the first woman to serve as the U.S. attorney for the Western District of Missouri. Her nomination has the bipartisan support of both of her home State Senators, Democratic Senator CLAIRE MCCASKILL and Republican Senator ROY BLUNT. Ms. Phillips previously worked in private practice

and as a local prosecutor Jackson County, MO. The ABA's Standing Committee on the Federal Judiciary unanimously rated her "well qualified" to serve on the U.S. District Court, its highest possible rating.

Thomas Owen Rice has been nominated to the U.S. District Court for the Eastern District of Washington. Currently the first assistant U.S. attorney in the Eastern District of Washington, Mr. Rice has spent his entire career in public service as a Federal prosecutor, including as chief of the Criminal Division in the Eastern District of Washington. Both of Washington's Senators Senators MURRAY and CANTWELL—support Mr. Rice's nomination. Both of these nominations were reported by the Judiciary Committee by voice vote with no dissent nearly 5 months ago in October 2011.

I thank the majority leader for his efforts to break through the Republicans' obstructionist tactics. Last Tuesday, several other Democratic Senators also came before the Senate to talk about the need for more action to fill the judicial vacancies that have remained historically high for far too long. I thank Senators DURBIN, SCHUMER, FEINSTEIN, COONS, CARDIN, and KLOBUCHAR for their involvement and their thoughtful statements.

Last Thursday, we had a discussion before the Judiciary Committee, as well. I commended Senator COBURN for the statement he made at that time in which he called upon Senators to step back and return to the practice of moving forward on consensus nominees and that we need to build bridges instead of burn them.

It is important that we confirm these two nominees so they can serve the people of Missouri and Washington, but we need to do much more. The Senate needs to proceed without delay to consider all 20 of the judicial nominees currently before it and to promptly consider those being sent to the Senate by the Judiciary Committee. That is how we can fulfill our responsibilities to the American people. That is how we can begin to restore the American's people's confidence in this institution.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. 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. DURBIN. Mr. President, I yield back any pending time on the first nomination.

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

Mr. DURBIN. Mr. President, I ask unanimous consent that there be 2 minutes of debate between the two votes equally divided and controlled between the two leaders or their designees.

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

Mr. DURBIN. 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, Will the Senate advise and consent to the nomination of Mary Elizabeth Phillips, of Missouri, to be United States District Court Judge for the Western District of Missouri.

The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Nevada (Mr. HELLER).

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

The result was announced—yeas 95, nays 2, as follows:

[Rollcall Vote No. 26 Ex.]

YEAS—95

Akaka	Gillibrand	Murkowski
Alexander	Graham	Murray
Ayotte	Grassley	Nelson (NE)
Barrasso	Hagan	Nelson (FL)
Baucus	Harkin	Paul
Bennet	Hatch	Portman
Bingaman	Hoeven	Pryor
Blumenthal	Hutchison	Reed
Blunt	Inhofe	Reid
Boozman	Inouye	Risch
Boxer	Isakson	Roberts
Brown (MA)	Johanns	Rockefeller
Brown (OH)	Johnson (SD)	Rubio
Burr	Johnson (WI)	Sanders
Cantwell	Kerry	Schumer
Cardin	Klobuchar	Sessions
Carper	Kohl	Shaheen
Casey	Kyl	Shelby
Chambliss	Landrieu	Snowe
Coats	Lautenberg	Stabenow
Coburn	Leahy	Tester
Cochran	Levin	Thune
Collins	Lieberman	Toomey
Conrad	Lugar	Udall (CO)
Coons	Manchin	Udall (NM)
Corker	McCain	Vitter
Cornyn	McCaskill	Warner
Crapo	McConnell	Webb
Durbin	Menendez	Whitehouse
Enzi	Merkley	Wicker
Feinstein	Mikulski	Wyden
Franken	Moran	

NAYS—2

DeMint Lee

NOT VOTING—3

Begich Heller Kirk

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote on the Rice nomination.

The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I rise to support the nomination of Thomas Rice to the U.S. District Court for the Eastern District of Washington. He is one of our State's rising legal stars and has left his mark defending the community in which he was born. For nearly 25 years he served in the U.S. Attorney's Office in eastern Washington, and in that time he success-

fully prosecuted a variety of criminal cases to protect our eastern Washington communities. He has wide support from his peers and numerous accolades.

I hope my colleagues will support his nomination, making Gonzaga University, his alma mater, Spokane, and the State of Washington proud of his nomination.

The PRESIDING OFFICER. Is there further debate? If not, the question is, Will the Senate advise and consent to the nomination of Thomas Owen Rice, of Washington, to be United States District Judge for the Eastern District of Washington?

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Nevada (Mr. HELLER).

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

The result was announced—yeas 93, nays 4, as follows:

[Rollcall Vote No. 27 Ex.]

YEAS—93

Akaka	Gillibrand	Murkowski
Alexander	Graham	Murray
Ayotte	Grassley	Nelson (NE)
Barrasso	Hagan	Nelson (FL)
Baucus	Harkin	Paul
Bennet	Hatch	Portman
Bingaman	Hoeven	Pryor
Blumenthal	Hutchison	Reed
Blunt	Inhofe	Reid
Boozman	Inouye	Risch
Boxer	Johanns	Roberts
Brown (MA)	Johnson (SD)	Rockefeller
Brown (OH)	Johnson (WI)	Rubio
Burr	Kerry	Sanders
Cantwell	Klobuchar	Schumer
Cardin	Kohl	Sessions
Carper	Kyl	Shaheen
Casey	Landrieu	Shelby
Coats	Lautenberg	Snowe
Coburn	Leahy	Stabenow
Cochran	Levin	Tester
Collins	Lieberman	Thune
Conrad	Lugar	Toomey
Coons	Manchin	Udall (CO)
Corker	McCain	Udall (NM)
Cornyn	McCaskill	Vitter
Crapo	McConnell	Warner
Durbin	Menendez	Webb
Enzi	Merkley	Whitehouse
Feinstein	Mikulski	Wicker
Franken	Moran	Wyden

NAYS—4

Chambliss Isakson
DeMint Lee

NOT VOTING—3

Begich Heller Kirk

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table. The President will immediately be notified of the Senate's action, and the Senate will resume legislative session.

The Senator from New Jersey.

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY—Continued

The PRESIDING OFFICER. The Senator from New Jersey.

REMEMBERING CONGRESSMAN DONALD PAYNE

Mr. LAUTENBERG. Mr. President, I rise to pay tribute to a long-time friend from New Jersey. It is a sad day for all of us from New Jersey who knew Congressman DONALD PAYNE from north New Jersey, and I pay tribute to my colleague who died this morning after a battle with colon cancer.

Congressman PAYNE was the first African American from New Jersey to be elected to Congress. He was a trailblazer and a fine leader, one of the finest our State has ever known. For more than two decades, Congressman PAYNE served New Jersey with distinction, but the whole world benefitted from his leadership. He was a proud son of Newark and became an expert on foreign relations and led efforts to restore democracy and human rights around the world, including places as far away from one another as northern Ireland and Sudan. President Clinton chose Congressman PAYNE to accompany him on his historic tour of Africa in 1998.

The Congressman also worked hard. He secured more than \$100 million to treat victims of malaria, tuberculosis, HIV and AIDS, and stopped the spread of these diseases in Africa's poorest nations.

Three years ago, against the State Department's advice, Congressman PAYNE went to Somalia to see the turmoil there for himself, narrowly escaping with his life when insurgents launched a mortar attack near his airplane when he was leaving.

The Congressman also helped with passage of a resolution declaring the killings in Darfur as genocide and raising global awareness of these travesties.

At home Congressman PAYNE was a tireless advocate for his constituents. He brought significant economic development to counties in New Jersey, including Essex, Hudson, and Union. He was a former schoolteacher and was a leader on education. He worked hard to close the achievement gap, with making college more affordable and bringing more equity to school funding. Congressman DONALD PAYNE was a man of conscience and conviction.

I knew him for many years, and I was always struck by his soft-spoken demeanor, and that kind of made him a rarity in politics. But Congressman PAYNE knew he didn't need to raise his voice; his ideas were powerful enough. The Congressman put it best when he said: "There is a lot of dignity in being able to achieve things without having to create rapture."

As I mentioned, DONALD PAYNE was a teacher in the Newark public schools, and Newark was a poverty-stricken city. His mission was to inspire young people to use education in their lives to