

more than a month to come within sight of the completion of this bill. I am pleased that we are on track to dispense with the remaining amendments and vote on final passage during today's business.

I am hopeful the House will act immediately to pass this bipartisan compromise rather than pursue what we have all read about—an extreme, ideological bill they were considering last month. It failed every test, including the test of their own caucus. The Republican caucus said: No, we cannot do this.

The highway bill is important to the Democratic Members and Republican Members of the House, as it is to Democratic and Republican Members of the Senate. I would hope the Speaker understands it is not good for this country to have a situation where he tries to pass everything with a majority of the majority. What that means is the Republicans have a majority in the House—and I served in the House, and that is not how things were done with Bob Michel, who was the Republican leader at the time, Tip O'Neill, who was the Democratic leader at the time, and Jim Wright thereafter. Bob Michel worked with both of them to get legislation done. What they tried to do was get to the magic number of 218—that is the majority in the House—and they got those votes from Democrats and Republicans. So I hope my friend the Speaker won't just try to get this surface transportation bill done with Republicans. Let the Democrats voice their opinion as to what should happen. That is the way we should do it. Passing a bipartisan transportation bill the President can sign would be a victory for both parties and our country.

The Senate's pressing business doesn't end with completion of this bill. We have a small business jobs bill that was passed overwhelmingly by the House and is supported by President Obama. Last night I had a conversation on the floor publicly with the Republican whip, Senator KYL of Arizona, and we talked about the need to get this done. We are going to move forward on this expeditiously. There are always bumps in the road. I hope there will be very few bumps in the road.

I have not had an opportunity to talk to my friend the Republican leader, but I was told this morning that the ranking member of the Banking Committee, my friend from Alabama, Senator SHELBY, has indicated he wants to make some improvements in the bill we received from the House. I suggest he work with Senator JOHNSON. If they can do something on a bipartisan basis and do it quickly, I will be happy to take a look at it, but we need to move forward. I think you kind of get the message when there are about 390 votes for a bill and 20 against it, so I think we have to move forward.

The one thing I am going to do is have a perfecting amendment prepared that will allow us to move forward on reauthorizing the Ex-Im Bank. I hope

we can do that. It is something that is broadly supported, and the business community thinks it is extremely important. As I mentioned last night, Mr. McNerney, the head of Boeing, said it is a tremendously important bill for the airline industry, which is so important to the economy of our country. It is not only important to the airline industry, it is important to other segments of our industrial base. It is an important piece of legislation, and I hope we can add that to the small business jobs bill. If we can't, I understand, but it would be a shame to miss the opportunity to do that.

We are interested in this IPO bill that has been supported by the House and the President of the United States. I am convinced it will spur small business growth. It will not create the jobs we have on the highway bill, but it is good for job growth. It will bring more capital into the business world, and we have needed that for several years now. It would streamline the way companies sell stock. I look forward to working with my friend the Republican leader to finalize a path forward on this bipartisan legislation.

In the coming days, the Senate must also consider postal reform legislation, reauthorization of the Violence Against Women Act, cybersecurity, and additional measures to create jobs and improve our economy. The only thing preventing the Senate from moving quickly to tackle these items, including the bipartisan small business jobs bill, is what we have had this whole Congress: obstructionism by my friends the Republicans. They have forced the Senate to wait weeks on unrelated amendments to this bill, this bipartisan surface transportation bill. I hope they are not going to hold up progress on the small business jobs bill. I am confident they will not. I really hope that is the case.

#### JUDICIAL NOMINATIONS

Mr. REID. Mr. President, yesterday I filed cloture on 17 consensus judicial nominations. I have worked with the Republicans for months to find a way forward for a timely confirmation for many of these nominees, including some who have been waiting for up-or-down votes since October. Yesterday I had a visual aid—and I will show it during the caucus today—to show what happened in the Clinton years, the Bush years, and the Obama years. It is so clear what has happened. And it really doesn't fully represent what happened because in the Clinton years we had dozens and dozens of nominees who were what we called pocket-vetoed—they just wouldn't hold hearings on them. But with the length of time the judges were reported out of committee—Clinton, a few days; Bush, a few days; and, of course, now we are talking about many months with the Obama nominations—that is not fair. They should all be entitled to an up-or-down vote, especially when they came

out of the committee so overwhelmingly, with rare exception. There is no reason we should eat up even 1 day of precious time the Senate has to pass these commonsense measures when we can do it so quickly.

President Obama's judicial nominees have waited five or six times longer than President Bush's nominations for confirmation, and that time has increased and is not going down. The Senate once confirmed 18 of President Bush's nominations in a single day. There is no justification for obstruction on matters that ought to be routine. There is too much to do. The Senate simply doesn't have the luxury to waste any more time.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### HOUSE PASSED JOBS BILL

Mr. MCCONNELL. Mr. President, later today the Senate is likely to finish the highway bill, and once we do—I listened carefully to the majority leader's remarks—once we finish the highway bill, we ought to immediately turn to the bipartisan jobs bill that passed the House last Thursday. The vote was 390 to 23. Let me say that again. The vote in the House was 390 to 23. The President also indicated that he would sign the House bill. So it strikes me that with the jobs emergency we have in this country with 8.3 percent unemployment—many more millions of Americans having given up trying to get in the workforce—the thing to do is to pocket this broad bipartisan bill and try to create jobs immediately.

I heard my friend the majority leader indicate that he wants to have a different version of it, to kind of recraft it. All that will do is slow down the process and make it more difficult to get this important jobs legislation to the President's desk rapidly. So I hope the majority leader will reconsider whether we need to kind of reinvent the wheel here. This is already a broadly supported bipartisan bill that the President has said he will sign as soon as we send it to him. I don't know why in the Senate we would want to make something that ought to be pretty simple extraordinarily complicated.

The Democratic-controlled Senate turns to something contentious instead of doing something that almost all of us agree on—certainly in the House—and the President agrees on that would focus on jobs and actually do some good. The American people think we have spent a lot of time spinning our wheels around here. Rather than trying to sort of manufacture gridlock and create the illusion of conflict where none should exist, why don't we demonstrate that we can actually get something done together? In a moment when millions of Americans are looking for work and millions more are

struggling with the high price of gas, we have the opportunity to really do something together right now. As soon as we finish this highway bill, we can take up this jobs bill and send a small but important signal to job creators and innovators that we want to help make it easier for them to hire.

Later today we will have another chance to move forward on the Keystone Pipeline. Despite the President's continued stubborn opposition to it, we will have another vote offered by Senator PAT ROBERTS.

The House-passed jobs bill isn't just important for what it does but for what it also represents. It is a rare and welcomed signal that lawmakers in Washington still value the risk-takers and the entrepreneurs who have always been so vital to our Nation's greatness. After 3 years of policies that undermine free enterprise through the picking of winners and losers, this legislation sends an entirely different signal. It is a welcome step back in the right direction.

By clearing away redtape, it should encourage the kind of entrepreneurship that not only leads to new pockets of industry and the jobs that come with them but which also helps people fulfill their dreams—and without adding to the deficit. This bill doesn't add anything to the Federal deficit.

This is precisely what we should be doing right here in Washington. It is the message we should send. We don't need fewer Apples or Microsofts or Facebooks; we need more of them. We need them for the value they add to our lives, the edge they give us in the world economy, the jobs they provide to hundreds of thousands of American workers, and for the satisfaction they bring to those who help turn them from an idea into a reality.

So let's send this important signal that we still believe in opportunity, we still believe in innovation, and that when a common good is in sight—when we can see a common good right before us—we can still work together to actually achieve it.

This is so crucial that I want to renew what my colleague JON KYL did last night, which is to offer a unanimous consent request—I have told the majority leader I am going to do this—to turn to this important piece of bipartisan legislation, passed overwhelmingly in the House and supported by the President of the United States, immediately after we finish the highway bill.

Let me say again, there is no purpose served by manufacturing controversy here in the Senate—manufacturing controversy when none should exist. We have an important piece of jobs legislation passed overwhelmingly in the House, supported by the President. The highway bill will clear here later this afternoon or tomorrow. I think most Senators would rather be working on that which the American people believe would actually help create jobs than to see the Senate embroiled in an-

other controversy which I fear my good friend the majority leader is seeking to precipitate as soon as the highway bill is concluded.

UNANIMOUS CONSENT REQUEST—H.R. 3606

I ask unanimous consent, notwithstanding any other rule of the Senate, that immediately following the disposition of the pending transportation bill, the Senate proceed to the consideration of H.R. 3606, a bill received from the House, which would increase American job creation and economic growth by improving access to public capital markets for emerging growth companies; I further ask unanimous consent that the bill remain the pending business to the exclusion of all other business until disposed of.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Mr. President, reserving the right to object, I know when people talk, they are always afraid people aren't listening. Maybe my friend the Republican leader's intention was diverted from my presentation this morning.

There is nothing to fight about. I just said we are going to move to this bill as quickly as we can. I said I have heard that the ranking member of the Banking Committee wants to take a look at this. I encourage him to do so and to talk to Senator JOHNSON. I said we are going to have an opportunity to vote on a perfecting amendment—something I thought everyone wanted; Republicans want it, Democrats want it, the business community wants it, the workers of this country need it—to reauthorize the Ex-Im Bank which goes out of business at the end of May. That will slow this bill up maybe a half an hour—one-half hour.

I have said many times, if we are going to have a fight, make it over something worthwhile. There is nothing to fight about here. We are going to move to this as quickly as we can. We know that under the rules of the Senate, we have to vote on 17 judges who have been held up, one of those back to October of last year. So I would be happy to get rid of all of those judges, to have them approved, and move to this bill. We are going to move this bill as quickly as possible.

My friend the Republican leader spoke volumes when he said this is a small but important bill. We realize that. Those are his words. This is an IPO bill dealing with initial public offerings. We have heard for months and months that small businesses can't find capital to do the things they need to do. This bill is a step in that direction. I support it. My caucus will support it. So I tell everyone within the sound of my voice: We are going to move to this bill as quickly as we can.

I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. MCCONNELL. Mr. President, not to continue the debate interminably, but it is a question of priorities. We can agree that we ought to pass this

jobs bill. Certainly if it were called up, it would be open for amendment and the majority leader could offer the Ex-Im Bank amendment if he chose, and other Senators could as well. But it is a question of priorities: Do we want to have a big fight in the Senate over procedure—and we have had some procedural differences which I will address not right now but later—relating to the confirmation of judges, which is the responsibility of the Senate under the Constitution of the United States, or do we want to turn immediately to a jobs bill that we overwhelmingly agree to, as the majority leader has conceded in his remarks?

It is a question of priorities. Do we want to have the Senate in a big fight over procedure after we finish the highway bill or do we want to turn to an overwhelmingly bipartisan jobs bill supported by the President and passed by the House? It is a question of priorities. What do we want to do next for the American people?

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I am stunned by a controversy over nothing. Under the rules of the Senate, we filed cloture, because there has been stalling and obstruction on the lives of 17 people. I didn't file on the appellate judges, only trial judges. Each one of these men and women's lives has been brought to a standstill. They have the opportunity of a lifetime to be able to become a Federal trial court judge. They shouldn't have to wait until October. I say to my friend: We can approve these judges in 1 minute. Let's do that. It is not fair to say the lives of these 17 men and women are unimportant and put it over until some later time.

We have no problem with the IPO bill we got from the House. How could we? It got 390 votes in the House. The President of the United States supports it. We support it. We want to get this done and we will do it as quickly as we can. It may not be 10 minutes from now or 24 hours from now, but we are going to move to it as quickly as we can, and we can move to it very quickly. As soon as we finish this highway bill, we could move to those judges, get that issue disposed of, and then move to this. It might take an hour after the highway bill, but that is about all.

Mr. LEAHY. Will the Senator yield to me on that point?

Mr. REID. I would be happy to yield.

Mr. LEAHY. Mr. President, when we talk about what the American people want, I am sure the majority leader—and I ask him this as a question—is aware that there are 160 million Americans who are in judicial districts where there are vacancies, because even though they have gone through the Senate Judiciary Committee, the majority leader has been blocked from bringing them to the floor, so that 160 million Americans were denied a chance for justice, denied a chance to go to court? I ask the leader, was that

also one of the considerations he had on moving forward with these judges?

Mr. REID. I say to the chairman of the Judiciary Committee—and I mentioned this yesterday at some length and I believe the Presiding Officer was here when I did that—more than half of the people in America today are living in areas where there has been declared a judicial emergency. Nevada is one of them. We have courts where these judges are overwhelmed with work. I said yesterday I don't want these judges to act as if they were night court judges dealing with traffic cases. As I said yesterday, these judges deal with what we used to refer to when I practiced law as: "What are you trying to do, make a Federal case out of it?" They said that because there is no finer law dispensing anyplace in the world than in our Federal court system. And we can't do that when these men and women are overwhelmed with work.

The circuit court level is one thing. It is too bad they are overwhelmed with work. But on the trial court level, they are dealing with everyday problems that people have, including accidents, antitrust cases, businesses having gone bankrupt, and all the other things the Federal court has jurisdiction over.

My friend is absolutely right. We should not only be concerned about the 17 people who have been selected by the President of the United States to be a judge after having gotten a signoff from the Republican Senator in their State. I should have talked not only about them individually but what they represent, and that is trying to do something about the emergencies that exist for more than half of Americans.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. McCONNELL. Mr. President, I think that colloquy underscores my point. My friends on the other side are concerned that the jobs of 17 individuals may be delayed for a few months. I doubt if any of them is unemployed at the moment. It is highly unlikely that any of these individuals will not be confirmed in an orderly process as we have been engaged in this year.

The issue is a question of priorities. What is more important, getting these 17 individuals into a job a little bit quicker than the majority has experienced so far or turning to a measure overwhelmingly supported by Republicans and Democrats in the House and supported by the President of the United States and that might create, in the very near future, hundreds of thousands of jobs? So it is a question of priorities. That is why I say this is a manufactured dispute.

I will have much more to say, in great detail, about the judges issue. But for the moment, the point is this, quite simply: What are our priorities? Do we want to pass an overwhelmingly bipartisan jobs bill the President supports as soon as possible—certainly open for any amendment the majority leader might seek to offer—or do we

want to create a controversy over judges who are almost never denied confirmation when we have been confirming judges all along?

I don't know that there is much point to continuing this discussion any longer this morning. I will have a lot more to say about how we ended up in a situation where the majority leader is seeking to manufacture a crisis that shouldn't—a conflict or a crisis that doesn't exist.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Here is my idea. I have a great idea. My friend the Republican leader said these judges are all going to be approved anyway, so I have an idea. Let's go to this IPO bill immediately after we finish the highway bill, with the agreement that we will dispose of these judges immediately after that. That sounds good to me. I am happy to do that. How about that? Before my friend leaves, how about a deal on that? As soon as we finish this highway bill, we will move to the IPO bill, and as soon as we finish that and get it out of the Senate, we will then have up-or-down votes on those 17 judges. This does not include an agreement on the appellate judges. We will deal with those at a subsequent time. How about that?

Mr. McCONNELL. I am sorry.

Mr. REID. I will say again to my friend, I would hope that what we could do is when we finish the highway bill, go to the IPO bill, and then as soon as we finish that have an up-or-down vote on these judges. I would be happy to work in any reasonable fashion.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. McCONNELL. We have been discussing—this is not the best time for the debate on the judges, but the point is this: We have been processing judges. It is highly unlikely any of these district judges are not going to be confirmed. We have done a number of them this year. We have done seven this year. District judges are almost never defeated.

This is a very transparent attempt to try to slam-dunk the minority and make them look as though they are obstructing things they aren't obstructing. We object to that. We don't think that meets the standard of civility that should be expected in the Senate. So any effort to make the minority look bad or to slam-dunk them that is sort of manufactured, as this is, is going to, of course, be greeted with resistance. It could be that that is precisely what my friend the majority leader has in mind, to try to make the Senate look as though it is embroiled in controversy where no controversy exists.

So my suggestion is why don't we do first things first. First things first. And it strikes me that an overwhelming bipartisan jobs bill clearing the House would be something the American people would applaud. It is supported by the President. Why don't we take that

up? The majority leader or any of us can offer any amendments we think are appropriate and move it toward passage, because that is the kind of thing people expect of us.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. It is obvious that the jobs bill has nothing to do with the holding up of these judges as has been articulated by my friend. It is a question of stalling things, as has happened all this Congress. As indicated, more than half the American people are in areas where there are judicial emergencies. It is important we get this dispensation of justice done, and do it quickly.

The controversy on the IPO bill does not exist. There is not any. I would suggest to my friend, though, we have very many things left to do. The postal service; we do not want it to go broke. We have the Violence Against Women Act we need to get done. We have all these judges, of course. We have cybersecurity. So if we move—and I am going to move quickly—to this IPO bill, I cannot imagine why we would need any amendments.

I indicated that out of my right as majority leader, I can offer a perfecting amendment, and that would be to find out if the body feels strongly about what they have said publicly: that the Ex-Im Bank should be part of the bill. That would hold the bill up for one vote, about 15 minutes.

But in addition to that, we are not going to have a knockdown, drag-out on the IPO. If everybody loves the House bill so much, that is what we will vote on.

You have heard the expression: fill the tree. We will fill the tree and go to the IPO bill. If everybody loves it so much, we should get it to the President's desk as fast as we can.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

#### JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, I listened with interest to the colloquy between my two friends, the distinguished majority and minority leaders. It is almost—and I think the American people see it as almost—a kabuki dance because the fact is, the majority leader is right to seek votes on these district court nominees. He seeks to secure Senate votes for 17 highly qualified Federal district court nominations favorably reported by the Judiciary Committee. They are being blocked by Senate Republicans.

I wish we could find a way to stop these damaging filibusters. They are totally unprecedented. It is greatly damaging the most respected court system in the world: our Federal court system. That means Americans are not getting the justice without delay they are entitled to. We must work together to ensure that the Federal courts have the judges they need to provide justice for all Americans without needless delay.