

Redtape, I repeat, should no longer keep responsible homeowners from refinancing their homes and restoring their futures.

There are some who advocate a do-nothing policy. There is nothing we can do to help. They couldn't be more wrong. Here is one example. My Nevada offices have posted several foreclosure workshops. More than 2,000 people have taken the opportunity to sit down and face their lenders—often for the first time. Several thousand more have gotten help from caseworkers in my office. Caseworkers and owners have worked together literally to save homes from the auction block. I am hosting another workshop in Las Vegas this Saturday.

We can't help everyone, but we must do more to help those we can. It is time for more Federal action. It is time to give homeowners in every State the tools they need to hold on to their homes and to hold on to the American Dream.

RECOGNITION OF THE MINORITY LEADER

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

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

PAYROLL TAX CUT

Mr. McCONNELL. Mr. President, I want to make a couple of observations this morning about the bipartisan support that exists for extending a payroll tax holiday. I will start with the obvious: Republicans strongly support extending this tax cut for the rest of the year. Americans have suffered long enough as a result of this President's economic policies. They do not need to suffer more because of his failure to turn the economy around 3 years into his administration.

But the fact is any solution requires both sides to engage in good-faith negotiations. When my friend, the majority leader of the Senate, comes to the floor and says that Republicans in Congress are only willing to extend this tax cut if they are allowed to poison Americans' drinking water, then I think it is pretty safe to say it is time for fewer partisan attacks and more efforts to finish the job.

When a tax hike that has been rejected repeatedly by Members of both parties over the past year is the opening bid in a negotiation, I think it is safe to say that Democrats are more interested in scoring political points

than in scoring a tax cut that millions of middle-class Americans are counting on.

When the majority leader of the Senate suddenly announces he is working on a proposal of his own to extend this tax cut, even as the conference committee is in the midst of negotiating a bipartisan solution that everybody can support, I think it is pretty obvious where the problem lies. It is with the Democratic majority and a President who we thought were elected to lead.

I think most Americans would expect that at a moment such as this, when a solution to a pressing problem is sought, the majority party bears the responsibility to find it. It is worth noting that in the House, the majority party did its work and passed a 1-year extension. Yet all we get from the Democratic majority in the Senate are exaggerated claims, ad hominem attacks, and false accusations aimed at delaying a solution rather than achieving one.

So I would remind my friend the majority leader that the particular piece of legislation he railed against yesterday as an effort to poison people has broad bipartisan support, including 12 Democratic cosponsors here in the Senate—and rightly so in the midst of a jobs crisis. We should seize every opportunity we have to help job creators at a time when more than 13 million Americans are looking for work and can't find it.

The only thing controversial about this proposal—the only thing controversial about this proposal—is the idea of opposing it.

I would also remind the majority leader that the Federal pay freeze received more than 300 votes in the House, and that he himself already agreed to spending cuts during negotiations this past fall that would cover the cost of extending this payroll tax cut for the remainder of the year.

So let us allow the conferees to finish their work and get this payroll tax cut extended for the rest of the year. That is what Republicans want. That is what the President says he wants. And there is no reason we shouldn't be able to get this done. The Democratic majority of the Senate should be leading that effort, not rooting for its failure.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided, the Republicans controlling the first 30 minutes, and the majority controlling the next 30 minutes.

Mr. McCONNELL. Mr. 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.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Vermont.

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

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

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, I see the distinguished Senator from Oklahoma and I know he is waiting to go and I appreciate his courtesy that I might go first. Let me speak in my capacity as chair of the Judiciary Committee.

Two weeks ago, when the Senate confirmed only 1 of the 19 judicial nominations on which votes were delayed from last year, I urged Senate Republicans to join with Democrats and take long overdue steps to remedy the serious vacancies crisis on Federal courts throughout the country. Nearly 1 out of every 10 Federal judgeships is vacant. Nonetheless, Senate Republicans refuse to consent to votes on consensus nominees who could fill many of those vacancies without further delay. These are well-qualified judicial nominees who were reported unanimously by the Judiciary Committee many months ago; there has been no explanation for the delay in their confirmation. During the last 2 months, Senate Republicans have consented to votes on only 2 of the 23 judicial nominees ready for final Senate action.

Of the 19 judicial nominations now awaiting a final vote by the Senate, 16 were reported by the Judiciary Committee with the support of every Senator on the Committee, Democratic and Republican. No Senator can or should have any reason to oppose these nominees in the Senate. But, month after month and year after year, Senate Republicans find new reasons and new tactics to delay confirmation of consensus judicial nominees for no good reason. I have never seen anything like this. These delays are a disservice to the American people. They prevent the Senate from fulfilling its constitutional duty. And they are damaging to the ability of our Federal courts to provide justice to Americans around the country.

Regrettably, the last 2 weeks evidences more of the same, a continuation of the delaying tactics we have seen for years, as Senate Republicans continue their across-the-board obstruction of President Obama's judicial nominations. For the second year in a row, Senate Republicans refused to consent to votes on judicial nominations before the end of the Senate's session in December. At the end of 2011, they again refused to follow Senate's traditional, longstanding practice of

voting to confirm consensus nominations before the end of the Senate session, a practice followed by Democrats and Republicans with Presidents Reagan, George H.W. Bush, Clinton and George W. Bush.

Their tactics have worked, to the detriment of the Federal courts and the American people. By nearly any measure we are well behind where we should be. Three years into President Obama's first term, the Senate has 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. This is in stark contrast to the nearly 87 percent of President George W. Bush's nominees who were confirmed, nearly nine out of every 10 nominees he sent to the Senate.

We remain well behind the pace set by the Senate during President Bush's first term. By this date in President Bush's first term, the Senate had confirmed 170 Federal circuit and district court nominations on the way to 205, and had lowered judicial vacancies to 46. By the time Americans went to the polls in November 2004, we had reduced vacancies to 28 nationwide, the lowest level in the last 20 years. In contrast, the Senate has confirmed only 125 of President Obama's district and circuit nominees, and judicial vacancies remain over 85. The vacancy rate is double what it was at this point in the Bush administration.

I wonder when I hear some Republican Senators claim credit for progress on nominations and point to what they like to call "positive action"—how they can ignore the 19 judicial nominations being blocked for no reason. I wonder how they can claim progress for the American people when judicial vacancies remain well above 80 more than 3 years into President Obama's first term. In this setting, after years of delay and lack of real progress, it is troubling to hear Senate Republicans already talking about how they plan to resort to the Thurmond Rule to shut down all judicial confirmations for the rest of the year. Their obstruction has already resulted in the Senate having confirmed 45 fewer judicial nominations after 3 years of the Obama administration than after 3 years of the Bush administration. We still have a long way to go to catch up and to lower judicial vacancies before anyone talks about a confirmation shutdown.

I wish Senate Republicans would abandon their rhetoric and do as Senate Democrats did when we worked to confirm 100 of President Bush's judicial nominees in 17 months. In fact, we continued to work to reduce judicial vacancies by considering and confirming President Bush's judicial nominations late into the Presidential election years of 2004 and 2008, reducing the vacancy rates in those years to their lowest levels in decades.

The cost of this across the board Republican obstruction is borne by the American people. More than half of all Americans, nearly 160 million, live in districts or circuits that have a judicial vacancy that could be filled today if Senate Republicans just agreed to vote on the nominations that have been reported favorably by the Judiciary Committee. It is wrong to delay votes on these qualified, consensus judicial nominees. The Senate should fill these numerous, extended judicial vacancies, not delay final action for no good reason.

The result of the Senate Republicans' inaction is that the people of New York, California, West Virginia, Florida, Nebraska, Missouri, Washington, Utah, the District of Columbia, Nevada, Louisiana, and Texas are without the judges they need. The result is that judicial emergency vacancies in Florida, Utah, California, Nevada and Texas remain unfilled.

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 seek their day in Federal court to suffer unnecessary delays. When an injured plaintiff sues to help cover the cost of medical expenses, that plaintiff should not have to wait for 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. With one in 10 Federal judgeships currently vacant, the Senate should have come together to remedy the serious judicial vacancies crisis on Federal courts around the country.

This Republican obstruction began long before President Obama's recent recess appointment of a handful of Executive branch nominees needed for the Consumer Financial Protection Bureau and the National Labor Relations Board to function. Indeed, despite 3 years of delays and across the board obstruction of his judicial nominations, President Obama has not recess appointed a single judicial nominee. That is something President Bush did, not President Obama. Senate Democrats that year consented to consider noncontroversial judicial nominations, confirming a total of 205 circuit and district court nominations in President Bush's first term and lowering judicial vacancies dramatically. In fact, the Senate proceeded to an up or down vote and confirmed 1 of the judicial nominees President Bush had recess appointed, William Pryor to the Eleventh Circuit.

Senate Republicans have been blocking votes on 18 of the President's judicial nominees since last year. Eight of the judicial nominations Republicans are blocking were reported unanimously by the Judiciary Committee in September and October last year. Another 5 nominations were reported in November, and 4 in December. All of

these judicial nominations could and should have been considered by the Senate last year. Indeed, when Republicans held up scores of nominees in December, including these judicial nominees, they did so to "punish" the administration for not assuring them that the President would not use his recess appointment power. That delay, now of more than 2 months, has already taken a measure of revenge. They continue to hurt the country by engaging in more obstruction and delay now to seek a double measure of retaliation.

Instead of exacerbating the conflict, Senate Republicans should reconsider their tactics and moderate their use of filibusters and stalling. This President has reached out to work with Senators from both parties with respect to judicial nominations. Every one of the 19 judicial nominations awaiting final Senate action has the support of his or her home State Senators, Republican as well as Democratic. There is no excuse for continued stalling of President Obama's consensus judicial nominees. The courts and the country cannot afford another year of across the board delays of President Obama's judicial nominations. I urge votes on Jesse Furman for the Southern District of New York, Cathy Bencivengo for the Southern District of California, Gina Groh for the Northern District of West Virginia, Margo Brodie for the Southern District of New York, Adalberto Jordan for the Eleventh Circuit, Beth Phillips for the Western District of Missouri, Thomas Rice for the Eastern District of Washington, David Nuffer for the District of Utah, Stephanie Thacker for the Fourth Circuit, Michael Fitzgerald for the Central District of California, Ronnie Abrams for the Southern District of New York, Rudolph Contreras for the District of Washington DC, Susie Morgan for the Eastern District of Louisiana, Jacqueline Nguyen for the Ninth Circuit, Gregg Costa for the Southern District of Texas, David Guaderrama for the Western District of Texas, and Brian Wimes for the Eastern and Western Districts of Missouri.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

ORDER OF PROCEDURE

Mr. INHOFE. Mr. President, I see the junior Senator from Connecticut in the Chamber. If he wishes to speak, it is my understanding this is Democratic time now. If he wishes to go before me, that is perfectly all right. I ask unanimous consent that at the conclusion of his remarks I be recognized in morning business because I do want to talk about the transportation bill that is coming up.

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

The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I thank the distinguished Senator from