

Hoeven	McConnell	Scott
Inhofe	Moran	Sessions
Isakson	Paul	Shelby
Johanns	Portman	Thune
Johnson (WI)	Risch	Toomey
Lee	Roberts	Vitter
McCain	Rubio	Wicker

## NOT VOTING—11

Burr	Cruz	Rockefeller
Chambliss	Kirk	Udall (CO)
Coburn	Landrieu	Udall (NM)
Cochran	Leahy	

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 36.

The motion is agreed to.

#### NOMINATION OF LYDIA KAY GRIGGSBY TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant bill clerk read the nomination of Lydia Kay Griggsby, of Maryland, to be a Judge of the United States Court of Federal Claims.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business for debate only until 1:45 p.m., with the time equally divided in the usual form.

The Senator from Pennsylvania.

#### LEESON NOMINATION

Mr. TOOMEY. Mr. President, I rise this morning to offer my support for a gentleman for whom cloture was just invoked. We are going to have the confirmation vote this afternoon. I am talking about Mr. Joseph Leeson from Pennsylvania. He has been nominated to serve as a U.S. district judge for the Eastern District of Pennsylvania.

I wish to start by thanking Chairman LEAHY and Ranking Member GRASSLEY for facilitating and moving his candidacy through the process, through the committee, and Senator REID and Senator MCCONNELL, our respective leaders, for bringing the nomination to the Senate floor. I appreciate that co-operation.

I should also point out that I am very grateful for the cooperation of my colleague Senator CASEY. Senator CASEY and I have spent a lot of time and energy making sure we fill the vacancies that occur on the Federal bench in Pennsylvania with absolutely the most qualified, terrific Pennsylvanians, and we have been blessed that so many wonderful Pennsylvanians have offered to serve in this role, to make this sacrifice for public service. In the 4 years I have been in the Senate, Senator CASEY and I have confirmed 13 district judges. We placed a judge in the Reading courthouse in Berks County, which had been vacant for 3 years; placed a judge in the Easton courthouse, which had been vacant for 10 years; and when Mr. Leeson is hopefully confirmed this afternoon, that will bring our total to 14.

I look forward to Joseph Leeson's speedy confirmation, and here is why. He is going to be a great Federal judge. Joe Leeson is a graduate from Catholic University, where he got his law degree. I have known Joseph Leeson certainly by his reputation for a very long time. He is a very well-respected attorney in Allentown, PA, and my family and I live just outside Allentown and have for a long time.

Joe Leeson is a partner in Leeson & Leeson. He has very extensive trial experience. He has counseled people in accidents and injury cases. He has represented legislators and mayors. His practice includes litigation, municipal law, nonprofit, and religious law. Across the board he has a very diverse portfolio.

He has also had a long and distinguished commitment to public service. Joe Leeson has served as the Bethlehem city solicitor, as a member of the Bethlehem city council, and on the administrative board of the Pennsylvania Catholic Conference.

If confirmed, he will sit in the Allentown courthouse, and we need a Federal judge in the Allentown courthouse. We have an outstanding judge there now, but we need another because the size of the Lehigh Valley region requires that. It will be terrific to have a second Federal judge in the Allentown courthouse for what I think will be the first time.

Mr. President, I will conclude by saying there is no question in my mind that Mr. Leeson has the experience, the acumen, the temperament, and the integrity to be an outstanding Federal judge. He will be a great addition to the bench, and I urge all my colleagues to support his confirmation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

#### DIVIDED GOVERNMENT

Mr. CORNYN. Mr. President, I wish to make some very brief remarks about divided government.

Since 1981, there have been more than 25 years in which one party controlled the White House while the other party controlled at least one Chamber of the Congress. By comparison, there have been fewer than 9 years in which one party controlled both the Presidency and all of Congress. So as we can see, divided government has been the norm and unified government—single-party government—the exception.

The truth is I suspect the American people like divided government because they realize it is another layer of checks and balances on what happens up here in Washington, DC, which are very important to making sure we get things done right and give it the kind of deliberation and thoughtful consideration they deserve, particularly if we are talking about legislating for a country of about 320 million people or so.

It also forces us to do something that maybe isn't our first instinct; that is, rather than to insist on our way, it forces us to build consensus, which is actually a good thing when we are talking about the American people.

So what has it given us in the recent past? It has given us a Republican President and a Democratic House that worked together on Social Security reform in 1983 and tax reform in 1986. Several years ago it was another Republican President and a fully Democratic Congress that worked together on landmark disability and environmental laws. In the mid-1990s, it was a Democratic President and a Republican Congress that worked together on welfare reform and balanced the budget.

This is what can happen when we have divided government and the willingness of the President and the Congress to work together to try to solve problems. We can actually do hard things—things that we could never do with a purely one-party government or the other.

Then in 2001 a Republican President and Democratic Senate worked together on education reform—No Child Left Behind. I still remember when former Governor Bush—then-President Bush as the 43rd President—worked together with Teddy Kennedy, the liberal lion of the Senate, on No Child Left Behind. It raised more than a few eyebrows back home in Texas, but that demonstrated what can happen when one side of the aisle and the other side of the aisle try to work together in the best interests of the American people.

Here is the short of it: Divided government does not translate into gridlock. It doesn't have to. It can, but it doesn't have to. We actually have another choice. Each of the four Presidents who came directly before President Obama found it possible to sign major bipartisan legislation despite having serious philosophical differences with Members of the opposing party.

I remember a conversation I had recently with one of my colleagues who was just reelected to the Senate and he is, let's say, from the other end of the political spectrum from me. He made the obvious point: I am not going to change who I am, I am not going to change what I believe in, but I am going to look for ways to legislate in the Senate.

I thought he stated it very well: I am not going to change who I am as a conservative. I am not going to do something which I would view to be unprincipled in order to get an outcome. But I do think that leaves an awful lot of room for us to work together to try to legislate in the center.

My impression is—from the Presiding Officer and others I have talked to and chatted with and seeing their reported comments—there is a big appetite on both sides of the aisle to make this place work again. I think if there is a single message that I heard from November 4, in this last election, it is

that people do not want their government to not function. They may want it to function more or less or in some areas and not the others, but they don't want it to be dysfunctional. Indeed, that makes common sense.

What remains an open question is what path the President is going to choose—whether he is actually going to work with the Republican majorities in the House and the Senate. I was somewhat encouraged the President had a meeting yesterday with the incoming majority leader Senator MCCONNELL. It was reported to me they talked about things they thought they could work on together. But we have sort of been led down this pathway before with happy talk, and then the actions did not follow the rhetoric.

Unfortunately, I think the President started off on a bad foot after this election on November 4 by issuing this Executive action order. I realize it is very controversial and we can be frustrated at times with the slow pace of actually getting things done around here. But I have expressed myself previously, and I will say it again: I think the President made a serious mistake in doing it the way he did.

No. 1, I don't think he has the authority to do it, something he himself said he didn't have 22 times in published comments, but it poisons the well at a time when I think there was a lot of hope that maybe we could turn this place around.

It is not just my view; it is the view of a number of my Democratic colleagues too. For example, after the President's Executive action on immigration, the senior Senator from Louisiana said:

We are all frustrated with our broken immigration system, but the way forward is not unilateral action by the President.

I agree with that comment.

Her sentiments were also echoed by the junior Senator from Indiana, who believes President Obama should not be making what he called "significant policy changes" on his own.

The senior Senator from Missouri said similarly, "How this is coming about makes me uncomfortable, and I think it probably makes most Missourians uncomfortable."

The reason they feel uncomfortable is that the President's Executive order represents a direct affront to the constitutional separation of powers. Even if you agree on the substance of what he did, which itself is controversial, how he did it was a direct affront to our Constitution and the separation of powers, and it is unsustainable. It provokes a response from Congress when it feels left out, and, in fact, the President is going to need Congress to work with him to fix our broken immigration system because Congress remains the possessor of the power of the purse.

The Senator from Maine put it this way. He said:

The Framers knew what they were doing, and it doesn't say if the president gets frustrated and Congress doesn't act, he gets to

do what he thinks is important for the country [on his own].

So this is not a partisan issue in the sense that Republicans and Democrats see the world through entirely different lenses. Plenty of Democrats understand that the President's action has made it significantly harder for us to get off on the right foot in the new year on a number of issues we already agree on by and large.

The junior Senator from North Dakota said the immigration order "could poison any hope of compromise or bipartisanship in the new Senate before it's even started." I agree with the sentiment. I hope she is wrong, and I hope we can prove that wrong by saying we are not going to give up and we are not going to let what the President does determine what we do. We have to do our job and we have to function, and then we are going to have to work with the President hopefully to try to move the country forward in a number of these areas.

I hope we can find a way to stop the President from acting on his own and to recommit ourselves to the rule of law and particularly the Constitution and get about the job of addressing our country's biggest challenges, such as those outlined in the comments from the senior Senator from New York, Mr. SCHUMER, who gave a very noteworthy speech at the National Press Club recently. He mentioned issues we should be focused on, such as the needs of the middle class, stagnant wages, mass underemployment, and widespread pessimism about the future of the American dream. The last thing we need is a protracted constitutional crisis, and that is really an unfortunate distraction from what we ought to be doing together.

If we recognize these challenges and the message that was sent on November 4, we ought to be working together to address them. Because of this crisis, it will be more difficult, but we cannot give up. We need to work together to overhaul our job-training programs and give American workers relief from the burden of government that does not work in their best interests. It will be more difficult for us to pass pro-growth tax and regulatory reforms, and it will be more difficult for us to do what we need to do to shore up and sustain Social Security and Medicare before they go bankrupt. We have reached this point because of yet another manufactured crisis—a crisis that was completely and totally unnecessary.

I can only hope the President will decide to reverse his desire to do everything unilaterally and to work on a more sensible course—one where he appreciates the possibilities of divided government. Based on the examples I gave earlier, there certainly is reason for hope that divided government can work and address some of our urgent needs. Unfortunately, given his record, it is hard to be optimistic, but I am an optimist by nature, and hope springs eternal.

I yield the floor.

The PRESIDING OFFICER (Ms. BALDWIN). The Senator from Delaware. Mr. COONS. Madam President, I ask unanimous consent to enter into a colloquy with my colleague, the Senator from New Hampshire.

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

#### MANUFACTURING SKILLS ACT

Mr. COONS. Madam President, I come to the floor this morning with my colleague from New Hampshire, Senator KELLY AYOTTE, to talk about what we can do together to invest in America's 21st-century manufacturing workforce. As the Presiding Officer well knows, manufacturing is one of the great areas of opportunity for meaningful bipartisan cooperation that will move our country, our economy, and our working families forward.

Although so many issues here these days seem to fall on partisan lines, Senator AYOTTE and I are here today because we have come together on a bipartisan bill called the Manufacturing Skills Act. The bill has one simple goal, which we share: to spur reforms in manufacturing skills training across our country. That is it. Our bill would create a competitive grant program to help local and State governments design and implement manufacturing job-training reforms that fit their own unique local economic needs. Once proposals come in, a Federal interagency partnership would award the five strongest State proposals and the five strongest local government proposals with funding for 3 years to implement their targeted reforms to improve their manufacturing skills training. The funding doesn't all come from the Federal Government, either. Something Senator AYOTTE and I share enthusiasm for is getting leverage for Federal investment. The local and State government must match Federal support one-to-one.

We are focusing on manufacturing specifically because it plays such a vital role in building communities and strengthening our middle class. Last year, in fact, manufacturing contributed more than \$2 trillion to our Nation's economy. In many ways manufacturing has long been the foundation of our economy. As we know, manufacturing jobs are high-quality jobs. They pay more in wages and benefits. Manufacturing is highly innovative. It is the area that invests the most in R&D of any private sector component. Over the last 3 years manufacturing has started coming back steadily and rapidly, with more than 700,000 new manufacturing jobs created in our country.

This is all good news, and I am convinced the United States is poised to really compete in the manufacturing economy of this century. But we still face key challenges in the job market for manufacturing. There are manufacturers whom I have visited with up and down my State and whom we have