was passed last August–September, and the President's budget is the dotted line.

So if we look at what is occurring over the 10-year period, we are starting at $15 trillion in debt today. Where does it end up? It ends up at $26 trillion in debt under the Budget Control Act that saved $2 trillion, supposedly. I guess that would have reduced the total debt from $13.5 trillion to $11.5 trillion. We have made some progress. We all knew that wasn't nearly enough, but it was at least a step. Our Democratic colleagues didn't want to cut any more money, so that was the number reached last year and we agreed we needed to come back and do some more work.

The President's budget, which claims to reduce the growth in our debt by $4 trillion, actually only reduces the growth in debt less than $300 billion, from 11.5 to 11.2. That is not enough. We have had expert after expert tell us we need $4 trillion to $5 trillion to $6 trillion. Many believe we ought to put this country on a path to a balanced budget and stay there, as I do. We can do that. So the numbers I would say, $273 billion, only alters this red line by the slightest amount, not nearly enough to make a difference in the financial markets, not nearly enough to create confidence in the business community the United States has a plan for its future that will work.

Furthermore, the President's plan does not provide any noticeable effective effort to do something about Medicare, Social Security, Medicaid—these programs that are moving every year gradually and inexorably out of control, into default, and will endanger those programs for future generations. I think that is a serious criticism we should make.

Finally, I would note the interest on the debt. What do we pay on the interest of the debt? This year this Nation, in 2012, will pay $225 billion in interest on the debt. That is almost half the entire defense budget. But under the plan submitted by the President—and these numbers I am quoting from are in the President's own budget, and I am simply restating the numbers his Office of Management and Budget have determined. Interest in 2022, 10 years from now, will be $850 billion, from $225 billion to $850 billion. The increase in interest alone exceeds the defense budget; $850 billion exceeds any item, including Social Security and Medicare, in our budget today and certainly exceeds the defense budget.

It would be the fastest growing item in the entire budget because when we run up debt and we go from $15 trillion gross debt to $26 trillion gross debt—and we have extraordinarily low interest rates today. They will not hold. Some think they are going up more than the President estimates in his account. But when we add the interest changes and the large amount of additional debt added, it goes from 225 to 850, crowding out spending for a host of programs that we are going to have to deal with. Where are we going to find this 500 billion? By the way, this is 1 year's interest payment, not 10 years. In 1 year we will be paying $850 billion.

So we take that $500 billion a year and run it on for 10 years and we are talking about $5.7 trillion in interest to be paid over 10 years. What about the next 10 years when it is running $1 trillion a year in interest as we age and our entitlement programs continue to go into default?

Mr. John Hinderaker, an analyst and blogger, has suggested that this whole debt we are seeing today and this claim of $4 trillion in savings is why we should never have had the secret negotiations all year. The President has asserted all year that he had a plan to save $4 trillion. I guess this is it. What does it do? Nothing. Does it change the debt course? No. It leads us on a course that is unacceptable. It does not deal with the surging entitlements that indeed count for over half of the spending already in the United States of America. Entitlements like Medicare, Medicaid, Social Security are already nearly 60 percent of the Federal Government's spending. How can we control spending if we don't even talk about those programs? And they are growing faster. The only thing growing faster is the interest on the debt. So we have a deep and serious challenge to bring those programs under control.

I would just close by saying that our debt course has not been altered. Our debt course is unsustainable. We now are moving to $26 trillion in debt. I remember last year when the Chairman of the Fed, Mr. Bernanke, testified before the committee and said something to this effect: You see those projections of your spending and debt trajectory? And in the outyears, you have these projections and what it is going to be like. Basically, he said: You are not going to get there because you are going to have a debt crisis before that happens, before those years pass.

Mr. Erskine Bowles, the man chosen by President Obama to head the deficit commission, with Alan Simpson, they signed a written statement to the Budget Committee last year, and they said: The course we are on will lead America to the most predictable financial crisis in our history.

So we can clearly see the path we are on. It is a path to financial crisis. We have to realize we cannot continue to put this off, and I find it deeply disappointing that the President of the United States, in his fourth year in office, lays out a plan that does nothing to improve the financial status of our country, does nothing to talk and deal seriously with our entitlement programs.

Indeed, what he has indicated is that anybody else in Congress, whether it is Congressman RYAN in the House Budget Committee or Members of this Senate who have the temerity to make any suggestions about containing and saving Social Security and Medicare, will be attacked by him.

So not only is he not proposing a plan that would help the situation, he is lying in wait to politically go after anybody who seriously proposes changes that can put America on a sound debt course. I don't think that is acceptable. I am deeply disappointed in the budget. I wish it would have been so much better because I truly believe he could have had support from Congress to do some things of a historic nature. They were discussed in some of these secret committee meetings but never came to fruition.

Mr. President, I thank the Chair. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF ADALBERTO JOSE JORDAN TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT

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

The legislative clerk read the nomination of Adalberto Jose Jordan, of Florida, to be United States Circuit Judge for the Eleventh Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour for debate, equally divided, in the usual form.

Mr. LEAHY. Mr. President, I ask unanimous consent that the time be divided in such a way that the time will run out at 5:30 but divided equally between now and then, between myself or my designee and the Republican leader or his designee.

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

Mr. LEAHY. Mr. President, it pains me, in a way, to have to come and talk about this. This is the eighth time the majority leader has had to file a cloture motion to overcome yet another Republican filibuster of one of President Obama's superbly qualified judicial nominees. I have been here during the time of President Ford, President Carter, President Reagan, President George H.W. Bush, President Clinton, President George W. Bush, and now President Obama. I have been here when the Senate was in Republican

control and when it was in Democratic control. Never during all that time have I seen anything where the majority leader has had to file so many cloture motions on superbly qualified judicial nominees, whether it is a Republican or Democratic President.

The nominee we have before us is a former Federal prosecutor and current Federal District Court judge in the Southern District of Florida. Judge Adalberto Jordan is the kind of nominee who in the past would have been confirmed without delay. It probably would have been done on a voice vote shortly after having come out of our committee, rather than having to wait 4 months for Senators to consent to proceed on his nomination.

This nomination has the strong and committed support of the senior Senator from Florida, Mr. NELSON, as well as that of Mr. RUBIO, the other Senator from Florida. Not only does he have the support of the two Senators, one a Democratic Senator the other a Republican, but the distinguished Presiding Officer will recall that when we voted on him last October, every single Republican and every single Democrat on the Judiciary Committee voted for him. He came out unanimously. It would be a little bit strange if any of those Senators now switched their votes because there is nothing different today than there was back in October of last fall.

When he was nominated to the District Court by President Clinton in 1999, even while Senate Republicans were pocket filibustering more than 60 of President Clinton's judicial nominees, Judge Jordan was confirmed without delay. It was an overwhelming vote: 93 to 1. Any of us in elective office would like to have had margins such as that.

The needless delay in Judge Jordan's nomination is the latest example of the tactics that have all but paralyzed the Senate confirmation process. They are actually damaging our Federal courts. It should not take 4 months and a cloture motion, which is hard to schedule because of all the other things we have to do, just to proceed to a nomination such as that of Judge Jordan to fill a judicial emergency.

This is not just filling a normal vacancy, it is a judicial emergency on the Eleventh Circuit. This good judge has already demonstrated as a Federal prosecutor and as a district judge his qualities. They need him on the Eleventh Circuit.

It should not take many more months and more cloture motions before the Senate finally votes on the nearly 20 other superbly qualified judicial nominees who have been stalled by Senate Republicans for months while vacancies continue to plague our American courts and delay justice for the American people. At all these courts where they are bottlenecked because there is no judge, the people who have cases in those courts do not say: I am a Republican or I am a Democrat, they say I have an important case to be heard. Why won't the Senate confirm the judge who has been nominated?

On every single one of the judges that are being stalled, every single Democratic Senator has agreed long ago to a vote. The objection on every single one of these judges being held up is because of Republican objections.

Let's talk about Judge Jordan for a moment, why he is so exceptional. When he is confirmed, he will be the first Cuban-born judge to serve on the U.S. Court of Appeals for the Eleventh Circuit, which encompasses Florida, Georgia and Alabama. Born in Havana, Cuba, Judge Jordan immigrated to the United States at age six. He went on to graduate summa cum laude from the University of Miami law school. Following law school, he clerked for Judge Thomas Clark on the U.S. Court of Appeals for the Eleventh Circuit, the Court to which he is nominated, and Justice Sandra Day O'Connor on the U.S. Supreme Court. He then became a Federal prosecutor in the Southern District of Florida, where he served as Deputy Chief and then Chief of the Appellate Division. Judge Jordan has also been a professor. Since 1990, he has taught at his alma mater, the University of Miami School of Law, as well as the Florida International University College of Law.

It is no surprise that the ABA's Standing Committee on the Federal Judiciary unanimously rated Judge Jordan ''well qualified'' to serve on the Eleventh Circuit, the highest possible rating from its nonpartisan peer review. Everybody should be down here cheering and supporting this nomination. He should be commended and supported, not filibustered and obstructed. Judge Jordan is a consensus nominee. What has the Senate come to, if somebody such as this man has to go through and overcome a filibuster to be confirmed? At this moment, ''Moses the Lawgiver'' would have a hard time being confirmed.

I say this because this judge is the kind of consensus nominee I have been urging Senate Republicans to stop stalling. He represents the kind of consensus nominees this President has sent the Senate who have been needlessly and harmfully stalled in the Senate for months and months for no good reason. It needs to stop. Last Thursday, Professor Carl Tobias wrote: ''Most troubling has been Republican refusal to vote on noncontroversial, strong nominees—inaction that conflicts with a venerable Senate tradition. When the chamber has eventually voted on nominees, the Senate has overwhelmingly approved many.'' I expect Judge Jordan to be confirmed with a strong, bipartisan vote, as well. There is no justification for delaying this action over the last 4 months while a judicial emergency vacancy has gone unfilled. There is no justifiable reason for forcing the majority leader to file cloture for the Senate to hold a vote on this qualified consensus nominee. There is no justification for Senate Republicans' refusal to hold votes on nearly 20 Senate nominees who also remain stalled waiting for a vote.

The filibuster of Judge Jordan is just the current example of Senate Republicans' delaying tactics with respect to President Obama's qualified consensus nominees.

Let me give you a little history and a few facts. As we enter the fourth year of President Obama's administration, we are far behind the pace set by the Senate during President George W. Bush's first term. By the end of 2004, the Senate in those 48 months confirmed 205 district and circuit nominees. One hundred of them were confirmed during the 17 months that I was chairman of the Judiciary Committee. I moved President Bush's judges notwithstanding the fact that 60 of President Clinton's judges had been pocket filibustered. I wanted to change that for the good of the Federal judiciary. I wanted to restore respect in the Senate as well as the Federal judiciary, but now we have gone back to the same old Republican obstructionism.

The Senate has confirmed only 126 of President Obama's district and circuit nominees, nowhere near the pace there was for President Bush. That leaves 86 judicial vacancies. In fact, the vacancy rate is likely to remain twice what it was in 2004. But I would suggest to this body that the slow pace of confirmation of President Obama's judicial nominees is no accident. It is the result of deliberate obstruction and delays. For the second year in a row, the Senate Republican leadership ignored long-established precedent and refused to schedule any votes before the December recess on the nearly 20 consensus judicial nominees who had been favorably reported by the Judiciary Committee. Here we are in the middle of February, fighting to hold a vote on 1 of the 19 nominees who should have been confirmed last year. Fifteen of the nominees stalled by Senate Republicans were reported with the unanimous support of their home state Senators and every Republican and every Democrat on the Senate Judiciary Committee.

During President Bush's administration, Republican Senators insisted that filibusters of judicial nominees were unconstitutional. They threatened the ''nuclear option'' in 2005 to guarantee up-or-down votes for each of President Bush's judicial nominees. Many of them said they would never, ever support the filibuster of a judicial nomination—never. Well, that never lasted. Once President Obama, a Democratic President, came in, the Senate Republicans reversed course. They filibustered President Obama's very first judicial nomination, that of Judge David Hamilton of Indiana, a widely-respected 15-year veteran of the Federal bench who had the support of the most senior and longest-serving Republican in the Senate, Senator LUGAR. The Senate rejected that filibuster and

Judge Hamilton was fortunately confirmed. The same Senators who had said solemnly on the floor of the Senate that they would never filibuster a judicial nomination—oh well, we have a new Democratic President, now we ought to filibuster. Come on. You wonder why people are concerned about those who represent them.

In fact, that first filibuster portended what was going to happen, and the partisan delays and opposition have continued. Senate Republicans have required cloture votes even for nominees who ultimately were confirmed unanimously when the Senate finally overcame those filibusters and voted on their nomination. So it was with Judge Barbara Keenan of the Fourth Circuit, who was confirmed 99–0 when the filibuster of her nomination finally ended in 2010, and Judge Denny Chin of the Second Circuit, an outstanding nominee with 16 years judicial experience, who was ultimately confirmed 98–0 when the Republican filibuster was overcome after four months of needless delays.

Regrettably, Senate Republicans have successfully filibustered the nominations of Goodwin Liu and Caitlin Halligan. I have warned that Senate Republicans have imposed a new standard that threatened to make confirmation of any nominee to the D.C. Circuit virtually impossible in the future. At the time, The Washington Post noted: ''GOP senators are grasping at straws to block Ms. Halligan's ascension, perhaps in hopes of preserving the vacancy for a Republican president to fill.'' I urged Senate Republicans to stop playing politics with the D.C. Circuit, and to allow an up-or-down vote on Ms. Halligan after more than 15 months of delay. Regrettably, the nomination of such a highly-qualified public servant, who had the support of law enforcement, appellate advocates, former Supreme Court clerks, academics and practitioners from across the political spectrum, was prevented from an up or down vote.

But I would also say that aside from the gamesmanship involved, this obstruction hurts the whole country. There are currently 86 judicial vacancies across the country. That means nearly 1 out of every 10 Federal judgeships is vacant. The vacancy rate is nearly double what it had been reduced to by this point in the Bush administration when Democrats, showing unprecedented speed, cooperated to bring judicial vacancies down to 46.

It is the American people who pay the price for the Senate's unnecessary and harmful delay in confirming judges to our Federal courts. It is unacceptable for hardworking Americans who are seeking their day in court to find one in 10 of those courts vacant. When an injured plaintiff sues to help cover the cost of medical expenses, that plaintiff should not have to wait for years before a judge hears his or her 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 18 more judicial nominees stalled and cloture motions being required for consensus nominees, the Senate is failing in its responsibility, harming our Federal courts and ultimately hurting the American people. If you are one of the people seeking justice in a Federal court—and here is a sign saying: Closed; nobody at home—when you imagine this happening, is it any wonder that only 10 percent of the American people view Congress favorably? Actually with this kind of activity, I am surprised it gets up to 10 percent. I am wondering whether my friends on the other side of the aisle, the Senate Republicans, are intent on bringing the approval rating even lower, into single digits.

Some Senate Republicans are now seeking to excuse these months of delay by blaming President Obama for forcing them to do it. They point to President Obama's recent recess appointments of a Director for the Consumer Financial Protection Bureau and members of the National Labor Relations Board. Of course, those appointments were made a few weeks ago, long after the delay of Judge Jordan's nomination began. Moreover, the President took his action because Senate Republicans had refused to vote on those executive nominations and were intent on rendering the government agencies unable to enforce the law and carry out their critical work on behalf of the American people. Some Senate Republicans are doubling down on their obstruction in response. They are apparently extending their blockage against nominees beyond executive branch nominees to these much-needed judicial nominees. This needless obstruction accentuates the burdens on our Federal courts and delays in justice to the American people. We can ill afford these additional delays and protest votes. The Senate needs, instead, to come together to address the needs of hardworking Americans around the country.

Judge Adalberto Jose Jordan is precisely the kind of qualified consensus nominee we need. He is the kind of person we all will say, when the press asks, this is the kind of nominee we need; this would help our country and our judicial system if we had this kind of nominee. But then we filibuster.

When introducing Judge Jordan to the Senate Judiciary Committee last October, Senator RUBIO praised the nominee's knowledge of the law, experience, participation in community, stating that ''he looks forward to [Judge Jordan's] appointment.'' I certainly believe what Senator RUBIO said. I find him to be very truthful in these things. The day we reported him out of the committee unanimously, every single Democratic Senator in this Chamber was ready to go forward with the vote. The only place we had objections was on the Republican side, and that has gone on for 4 months.

I hope we get this cloture vote and the Senate is finally allowed to vote to confirm this nomination. Again, I urge Senate Republicans to stop the destructive delays that plague the confirmation process. The American people deserve Federal courts ready to serve them, not empty benches, not long delays, not partisan games.

I yield the floor. I suggest the absence of a quorum, and I ask consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. 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. NELSON of Florida. Mr. President, I wish to speak today, along with my colleague from Florida, Senator RUBIO, about the nomination of Judge Adalberto Jordan. A lot of our folks refer to him as Judge Jordan. He has been nominated to the Eleventh Circuit Court of Appeals. At this time, when we have a very sizable judicial vacancy rate with a lot of these judicial positions empty, we need to get them filled with qualified judges who are going to rule and rule expeditiously. Confirming Judge Jordan to the Eleventh Circuit, which is one of the busiest in the country, is going to be a good step forward in filling the need for all of these judges.

We have in Florida a long history of bipartisan support for our judicial nominees. That is especially so with my colleague MARCO RUBIO, as we participate with our judicial nominating commission, which the two of us appoint, and they screen and interview the applicants for the vacancies on the district court. As a result, we have nominees who come to us who have already been screened, and it takes the politics out of it. In the case of Judge Jordan, it is a continuation of that bipartisan support even though he did not go through that process. He was selected by the President and is a sitting Federal judge who has an excellent record, and thus we see the bipartisan support.

Judge Jordan received his undergraduate and his law degrees from the University of Miami. After law school, he clerked for Judge Thomas Clark on the Eleventh Circuit. Then he moved on to become a clerk for Justice Sandra Day O'Connor. He continued his legal career in private practice at Steel, Hector & Davis and then became an assistant U.S. attorney in the appellate division of the Southern District of Florida. He began his judicial career in 1999 as a U.S. district court judge for the Southern District of Florida, where he still sits.

Based on his experience, Judge Jordan is extremely qualified for this position. Once confirmed, he will become

the first Hispanic judge on the Eleventh Circuit Court. So I urge our colleagues to confirm this nominee without further delay.

I am pleased to be joined by my colleague, Senator RUBIO, from the State of Florida.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, I thank Senator NELSON for that introduction.

The first thing we have to decide is how to pronounce his last name. Everyone knows whom we are talking about. He has an extraordinary reputation in our community.

I have a few things I wish to add. I have a bias because I also graduated from the University of Miami School of Law, where I have both my law degree and my student loan, so I am grateful to them for that.

He was only 37 years old when he was appointed to the bench. It says a lot that over the years he has garnered a reputation for being fair but also for his intellect. He is highly regarded for his intellect. One will find in legal circles particularly in south Florida that Judge Jordan is somebody for whom people have a tremendous amount of respect, not just for his fairness but for his intellect, his ability to understand complex legal issues. His background is one that would lead a person to that conclusion. He was the chief of the appellate division in the Office of the U.S. Attorney for the Southern District, which is extremely busy, one of the busiest districts in the country for the Justice Department. As Senator NELSON has already pointed out, he spent a year clerking on the U.S. Supreme Court. He also clerked with the Eleventh Circuit, where he now seeks to return and hopefully will return today as one of its judges.

Let me say a couple of things about the Eleventh Circuit. It has two current vacancies—one in Florida and one in Georgia. It is the busiest per judge in the entire country. They have caseloads that range in cases from Florida, Georgia, and Alabama. They include death penalty appeals. It is so overwhelming that they routinely invite judges from other circuits to hear its cases. So it is critically important that we fill these vacancies, and that is hopefully what we will do today.

There are a couple more points I wish to make about the judge. He continues to be very involved in our community, both through his family and as an individual. He teaches courses at both the University of Miami School of Law and at the Florida International College of Law, which is a new school that started operations a few years ago.

He is an integral part of my community. I can tell my colleagues on both sides of the aisle that, being from south Florida, running in the same circles in which he has run in terms of the legal community, he is highly respected. I think as a nation we are fortunate to have someone such as Judge Jordan, who is willing to bypass the many comforts of private practice and serve his country in a role such as this. I hope that as a body we will confirm him in an overwhelming and bipartisan fashion.

With that, I thank the Chair for this opportunity, and 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. GRASSLEY. 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. GRASSLEY. Mr. President, we are considering the nomination of Judge Jordan to be a U.S. circuit judge for the Eleventh Circuit. He is going to fill the vacancy that has been created by Judge Susan Black taking senior status.

Looking back, I think the Senate accomplished much last year, passing legislation and confirming a significant number of judicial and executive nominations. I would note that even the majority leader recognized we have done a good job on nominations and have accomplished quite a bit as well.

We could have confirmed more nominees had the President indicated he would respect the practice and precedent on recess appointments. He would not give the Senate that assurance, so a number of nominations could not be confirmed and now remain on the Executive Calendar. As it turned out, the President went on to violate the practice and precedent.

I wish to remind my colleagues and those who might be listening that the Constitution outlines two ways in which the President may make appointments: One is with the advice and consent of the Senate; the other is he may make temporary appointments when a vacancy in one of those offices happens when the Senate is in recess. Given that the Senate was not in recess, it seems clear to me that advice and consent was required but not obtained by the President.

It is for the Senate to determine its own rules and procedures, including designation of when it is in recess, within the constraints of the constitutional provisions found in article I. Consequently, this is not a matter within the purview of the executive branch. In other words, under the Constitution of the United States, the President is in no position to tell the Senate when we adjourn and when we do not adjourn.

These so-called recess appointments break a longstanding tradition. They violate precedents followed as recently as 2008 under President Bush.

This is a matter of concern to my Republican colleagues, as it should be for all Senators. In fact, I am quite puzzled and disappointed by the silence from the other side. This is more than just a policy issue or disagreement on a particular nominee. The underlying concern is a power grab by the President. I would think all Senators would rise to defend the prerogatives of the Senate and the constitutional principles which have been violated by the President. In other words, if the Constitution of the United States says the Senate determines when we are in adjournment, how does the President get the power to do that?

When a President thinks he can do anything the Constitution does not expressly prohibit, the danger arises that his advisers will feel pressure to say the Constitution does not stand in the way.

At that point, a President is no longer a constitutional figure with limited powers, as the Founders intended. Quite to the contrary, the President looks more and more like a King the Constitution was designed to replace. You remember George III, I hope.

Generally, I am willing to give the President's nominees the benefit of the doubt when the nominee on the surface meets the requirements I have previously outlined. But as I have indicated over the past few weeks, we are not operating under normal circumstances. The atmosphere the President has created with his disregard for constitutional principles has made it difficult to give his nominees any benefit of the doubt.

Despite the conditions the President has created, the committee is moving forward with hearings and with markups. As we see, we continue to have floor votes and confirmations. We are making progress.

This will be President Obama's 26th circuit nominee whom we have confirmed. That means over 62 percent of the President's circuit judge nominees have been confirmed. This is the same pace of confirmation for President Bush's circuit nominees at a comparable point in his first term.

Furthermore, President Obama's nominees are moving through the process at a quicker pace. The average time for President Obama's circuit nominees to be confirmed is about 140 days. For President Bush, the average time was quite longer, at 350 days—more than twice as long.

With regard to judicial vacancies, I would note progress has been made. We have made significant reductions in the vacancy rate. I hear some mistakenly state that the vacancy rate is at historic highs. The claim is not true. I would point out that the current vacancy rate is about where it was at the beginning of the Presidency of George W. Bush. In terms of historical highs, I would like to remind my colleagues of some history. When George H.W. Bush assumed the Presidency, the vacancy rate was around 5 percent. During his term, the Democratic majority in the Senate let the vacancy rate rise to 16 percent—nearly double what it is today.

Those who continue to complain about vacancy rate should also be reminded that for more than half the vacancies, the President has failed to even submit a nomination to the Senate. This has been a pattern throughout this administration. This is the case even for vacancies designated as judicial emergencies. Nineteen of those thirty-three emergency vacancies have no nominee. Furthermore, President Obama is significantly behind in the number of nominations he has made. So it is no surprise he would be a little behind in the confirmations as well. In other words, if the President wants the Senate to move faster, send the nominations up here.

I would like to say a few words about the nominee we will be voting on today. Judge Jordan presently serves as a U.S. district judge for the Southern District of Florida. He was appointed to that court byPresident Clinton in 1999, and was confirmed by the Senate later that year.

He received a bachelor of arts from the University of Miami in 1984, his juris doctorate from the University of Miami School of Law in 1987.

Upon graduating from law school, the nominee clerked for Thomas A. Clark of the U.S. Court of Appeals for the Eleventh Circuit and then for Supreme Court Justice Sandra Day O'Connor. He then began his legal career as an associate attorney with Steel Hector & Davis where he handled first amendment matters and commercial litigation cases.

In 1994, he became an assistant U.S. attorney in the appellate division of the U.S. Attorney's Office for the Southern District of Florida. He was made deputy chief of the division in 1996, and chief in 1998. The nominee also worked as an adjunct professor of law at the University of Miami School of Law since 1990. He has taught many courses, including a death penalty seminar, federal courts, a judicial inherent power seminar, and a Federal criminal practice seminar.

Since becoming a district judge in 1999, he has presided over nearly 200 cases and has sat by designation frequently on the Eleventh Circuit Court of Appeals.

The American Bar Association Standing Committee on the Federal Judiciary has rated this nominee with a unanimous ''Well Qualified'' rating. I concur in that rating and will support the nomination.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the cloture motion having been presented under rule XXII, the clerk will report the motion.

The assistant 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 the debate on the nomination of Adalberto Jose Jordan, of Florida, to be United States Circuit Judge for the Eleventh Circuit:

Harry Reid, Joe Manchin III, Sherrod Brown, Tom Udall, Patty Murray, Mark Begich, Herb Kohl, Bill Nelson, Frank R. Lautenberg, Jeanne Shaheen, Richard Blumenthal, Benjamin L. Cardin, Chris Coons, Dianne Feinstein, Patrick J. Leahy, Richard J. Durbin, Joseph I. Lieberman, Charles E. Schumer

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 the nomination of Adalberto Jose Jordan, of Florida, to be U.S. Circuit Judge for the Eleventh Circuit shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH), the Senator from South Carolina (Mr. DEMINT), the Senator from Illinois (Mr. KIRK), and the Senator from Texas (Mrs. HUTCHISON).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted ''yea'' and the Senator from South Carolina (Mr. DEMINT) would have voted ''nay.''

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

The yeas and nays resulted—yeas 89, nays 5, as follows:

[Rollcall Vote No. 18 Ex.]

YEAS—89

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

NAYS—5

Blunt	Paul	Vitter
Lee	Toomey	

NOT VOTING—6

DeMint	Hutchison	Landrieu
Hatch	Kirk	Lieberman

The motion was agreed to.

The PRESIDING OFFICER. On this vote, the yeas are 89, the nays are 5. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Vermont.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. LEAHY. Madam President, I ask unanimous consent that the Senate resume legislative session and proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each; further, that the time postcloture count during morning business and any recess or adjournment of the Senate.

The PRESIDING OFFICER. Is there objection? The Senator from Florida.

Mr. NELSON of Florida. Reserving the right to object, and obviously I am not going to object, but I want to say to the Senate that this is an example—89 to 5—that debate has been cut off on a nomination that has the bipartisan support of Senator RUBIO and myself of a judge from Florida. One Senator was holding up the works in that he would not agree to the consent that you dismiss the 30 hours of debate. That is now causing us to delay this action. Is it any wonder, I ask the distinguished chairman of the Judiciary Committee, that we cannot get things done around here when we see this kind of action even given this kind of bipartisan support of a judge?

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I have been here for 37 years. I could not agree more with the distinguished senior Senator from Florida. He notes that 4 months ago, when Judge Adelberto Jordan came out of the Senate Judiciary Committee with every single Republican and every single Democrat voting for him, after the work done by the distinguished senior Senator from Florida and his colleague from Florida, the Senator from Florida, Mr. NELSON, made a commitment that every single Democrat would vote for this Cuban American immediately. Four months later, having had the cloture vote the Senator from Florida just mentioned—there was overwhelming support for him—he is still being held up. This is beneath the Senate of the United States of America. I agree with the Senator from Florida.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, do we have a unanimous consent request pending after the vote?