

reason we are slow in filling those bankruptcy spots is, of course, we need more bankruptcy judges, but the bankruptcy judges are chosen by our Federal judiciary, trial court judges. They have other work to do. They are so overwhelmed with work to do.

People who have businesses that they have problems dealing with because of Federal laws need to go to court and have those issues redressed. There could be injuries suffered that only the Federal system can relieve them of their responsibilities, such as discrimination because of age, gender, anti-trust cases, business rearranging.

Mr. President, you have heard the expression "What are you trying to do, make a Federal case out of it?" The reason people say that is the Federal court system is the place you go to be treated fairly. When I practiced law, I had great respect for the State court system, but it was in the minor leagues compared to when I had to go across the street to the Federal court—a much different setting.

One out of every 10 Federal judgeships is now standing vacant. Americans can no longer rely on fair and speedy trials. The courts where Social Security cases are heard, appeals are heard, and discrimination suits are tried—I went through the whole list—simply do not have enough judges to handle the cases brought before them. In these courts, our Federal judges are being forced to limit their time on the cases they have. We don't want these Federal courts to be like traffic court judges. They have different responsibilities. We want people to say: What are you trying to do, make a Federal case out of this? We want that to mean something. And families and businesses typically wait for years before their civil cases are heard.

There are some problems Congress can't solve, but this is not one of those problems. I repeat: This is not one of those problems.

The Senate could act tomorrow to put highly qualified judges on the Federal bench, judges who are supported by both Democrats and Republicans.

The Senate could act tomorrow to ease the backlog of cases, lighten the load of overworked judges, and shorten the time it takes to see justice done in our great country.

The Senate could act tomorrow to confirm 22 judges currently ready to serve but awaiting Senate action. These are 22 qualified, consensus nominees. The overwhelming majority of them received unanimous support from the Judiciary Committee. They have the support of the Republican Senators from their home States. Eleven of these nominees would fill vacancies designated as judicial emergencies. I will soon announce cloture on all of these to bring to a stop the filibuster being conducted on these good men and women who want to serve. We are going to file on the 17th. Eleven of these people whom we are trying to get confirmed are nominees from judicial

emergency States. Yet the Republicans refuse to allow us to vote on these qualified judicial nominees. Republicans have prevented the Senate from doing its constitutional duty, and that is what it is. The House doesn't have to deal with this because our Constitution says it is the obligation of the Senate to confirm or reject the nominations the President sends to us. We should have up-or-down votes on these.

The kinds of qualified consensus nominees that in years past would have been confirmed in days or weeks now languish for months and months with no action. There are judges on this list who go back to November of last year, not because we couldn't have done it—these could be confirmed in a matter of minutes. The vote should be routine.

There should not be a fight that delays action on important jobs measures. Creating jobs is the Senate's No. 1 priority. Republican obstructionism is the only thing standing in the way of moving forward with additional work to get our economy back on track. Unfortunately, Republicans have forced our hand. What else can we do? Their endless obstructionism has created a judicial emergency in this country time and time again. At the end of last year, the Senate Republicans refused to allow votes on even one of the 14 judicial nominees awaiting confirmation last year, breaking with the Senate's longstanding tradition of clearing the calendar of consensus nominees at the end of a session. Each of these nominees was well qualified and had bipartisan support.

President Obama's judicial nominations have waited an average of five times longer to be confirmed than those of President Bush. Look at this chart. These are days. President Clinton's were confirmed in a matter of about 5 or 6 days; President Bush's, 21 or 22 days. President Obama's are still skyrocketing. It is really unfair. It is unfair. It is not only unfair to the system, but it is unfair to these nominees. They are all well qualified. They received nearly unanimous support. They are all lawyers having to hold their practice back, waiting to see what is going to happen here. These are lifetime appointments. That is what the Founding Fathers established.

The long waits have nothing to do with the qualifications of these nominations. As I have indicated, after waiting months for the Senate to act on these judges, they are often confirmed almost unanimously. What does that say? It says that the wait is dilatory. It is delay for delay's sake. As we know, my friend the Republican leader said his No. 1 goal in this Congress is to defeat President Obama, and this is part of it.

President Thomas Jefferson said:

When one undertakes to administer justice, it must be with an even hand, and by rule; what is done for one must be done for everyone in equal degree.

When we have judicial emergencies all over this country affecting 160 mil-

lion people, what President Jefferson said doesn't work. President Jefferson's principle is as true in America's court system as it is anyplace in America, and it should be true in the Senate. One qualified consensus judicial nominee ought to be treated like another regardless of political party and regardless of who is President, quite frankly.

With the courts already in crisis, the Republicans could not have chosen a worse time to play politics with the confirmation process. So today I regret that I have to file cloture on a package of 17 district court judges. I hope we can move through these. I hope people are not going to be doing more dilatory tactics. If cloture is invoked, people have a right under our rules to hold up the next judge in line for 30 hours. That will show what this is all about. It will show that it is an effort to embarrass the President and not take into consideration 160 million people who don't have the ability to have their cases tried in an orderly manner.

The motion to end a filibuster only applies to district court judges and trial judges. So I hope Republicans won't continue to filibuster appellate judges, our circuit court judges. That would be wrong. We would have no alternative but to take action with that. There is a lesser number of those, but they are very important positions.

We have so much work to do in this body. We must complete action on that extremely important Transportation bill which will either save or create 2.8 million jobs. I will work with our Republican leader and finalize a path forward on a bipartisan small business jobs bill the House passed by a very large margin last week. We must consider postal reform legislation, cybersecurity legislation. We have gas prices we have to deal with, the reauthorization of the Violence Against Women Act, and other issues that are important to our country.

It is unfortunate that we had to move forward on something that is so glaringly wrong. Look at this. These are stats. These are not going to change. President Clinton's are not going to change. Whatever happened, happened. This is not going to change. Whatever happened, happened. Here, this number keeps going up. You can go back to a couple of judges in November, December, January, February, March. We are up to 5 months with some of these judges.

I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. 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.

RESERVATION OF LEADER TIME

Mr. REID. Would the Chair announce the business of the day.

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, there will now be a period of morning business until 4 p.m. with Senators permitted to speak therein for up to 10 minutes each.

The Senator from North Carolina.

ORDER OF PROCEDURE

Mr. BURR. Mr. President, I ask unanimous consent to speak in morning business for up to 40 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATURAL GAS IN AMERICA

Mr. BURR. Mr. President, I thank the majority leader for his leadership on an amendment to the Transportation bill, the Menendez-Reid-Burr amendment. For short title purposes, it is called the NAT GAS bill. This is not a new bill. It is not a difficult bill to understand. It is a game changer as it relates to our energy policy in this country and, more importantly, the economic security of our country.

I wish to take these 40 minutes to walk through the bill. But before I do that, it is essential to say to my colleagues and to their staffs and to the American people: If for some reason you believe that in the next 18 months in America we are going to have massive tax reform—lower rates, no deductions, no credits, no subsidies—then I want you to do me a favor. Turn off your TV. Leave the gallery. I will never convince you this is the right move. In fact, if I believed we were going to do comprehensive tax reform, I would not be on this floor. I would not be offering this amendment. But the truth is, there is nobody in America who believes that is going to happen.

Let me say this to all of my colleagues, their staffs, and to the American people: If you believe some miraculous thing is going to happen and there is going to be peace in the Middle East—no civil wars, no nuclear advancements, no threats—then turn off your TV. Leave the gallery. I will never convince you nor would I be here today if I thought that was going to happen.

The truth is that as policymakers we are charged with doing things based upon the landscape and the framework we have in front of us. Today, in the absence of this body acting—the Congress of the United States—the American people will get exactly what they have gotten: escalation of energy costs; that is, to fill their cars, to fill their trucks, to heat their houses. It is felt through the increased costs of the busi-

nesses for which they work. This is about personal security. This is about the livelihood of every American.

Let me just say now, if you are still with me—if you haven't turned off the tube or left the gallery—the single most important reason we should do this is our national security. Our national security is vital to this country.

Let me just stop and pose a question to my colleagues: Who controls today our access to and our cost of energy? It is not us. In many cases it is people around the world who don't even like us who control whether we are going to have access to oil or what the cost is going to be. Today 70 percent of our oil is imported. So we have 30 percent that we have some ability to control and to access, but for 70 percent of it we are at the whims of other people. We are at the whims of the market. They don't like us, and they don't care what we pay. And, I might say, many of those countries use the dollars we send them to fund terrorism—to fund the very people we run into on the battlefield in Afghanistan, Iraq, and around the world. They aren't concerned with our economy. They aren't concerned with the future of our country or the future of our children. It is not a very comforting situation to rely on for our energy, especially with 70 percent reliance on what they have.

Let me suggest this requires U.S. dollars to be spent and U.S. lives to be put on the line to make sure that day in and day out this country has access to that 70 percent reliance on black gold. Look at the gulf: ships, sailors, marines, aircraft, all in the gulf to make sure somebody doesn't shut down the Strait of Hormuz; to make sure we have access to that oil. It certainly doesn't cap what we pay at the pump or the taxes we pay to assure that when we need it, it is going to be there.

Some claim speculators are the whole problem with the oil industry. I will admit I think around the edges—a couple of cents a gallon—it is speculation; futures traders probably do have a little bit of impact. But it is not significant, and speculators don't control our access to it. Our reliance on foreign oil is what judges whether we have access to it or not. We must admit our access today is a national security threat.

No. 2: Economic security. The Presiding Officer and I know a word that is called LIHEAP, which is the low-income heating program for seniors across this country and for individuals who can't afford home heating oil. We will spend \$5.1 billion this year to subsidize home heating fuel. This entire NAT GAS bill—which is a game changer relative to the cost of not just home heating fuel but diesel and gasoline—costs a little over \$3 billion, and the taxpayers aren't on the hook for one penny of it. I will get to that a little bit later.

The U.S. economy is starting to recover. We have seen signs not in every community and not in every sector of

our economy, but we see signs that it is moving in the right direction. But there is one common thread that all economists agree on: If energy costs go up, we stand the chance of cutting off that recovery. We stand the chance of freezing or increasing unemployment at above the rates they are today. How quickly we recover, how quickly Americans are hired, how quickly unemployment goes down, how this affects our balance of trade—we haven't even talked about the individual family budget.

Think of what a typical family is faced with today—the cost on a weekly basis to fill up that vehicle. Many families have accepted jobs not close to where they live but where jobs are available. They drive from one community to another. Some drive from one State to another because that is where the job is. We have had no increase in wages, we all know that, but we have seen food prices and gas prices and energy prices go up. Here is an opportunity for us to have a real impact on the family budget in America without charging the American people one penny to have us do it.

In my opinion, we should have started new exploration decades ago. Had we explored for oil and natural gas—onshore, offshore—had we built pipelines, we might not have this problem right now. For those who say we shouldn't do it now because it will be 10 years down the road before we feel the effects, we had this same debate 10 years ago, and we had it 18 years ago when I got to the House of Representatives. Today we are still talking about the same thing. The only thing that has changed is the price of energy in America.

I believe we ought to focus on America and North America, and we ought to tap those resources in a safe and environmentally friendly way, which is, in fact, where technology allows us to go today.

My third goal of this bill is energy security. This year we voted against pipelines. They would have provided some security. We have reduced some foreign demand, not much. Today we are reducing exploration; we are not increasing exploration at home. Who pays the bill? The American people. It is real simple. It is just passing through and pretty soon we get used to \$3.76, which is the national average. In some places in the country it is over \$4. But 3 years ago the price of gas was \$1.86.

I was rated as the seventh most conservative Member of the Senate. This year I bought a hybrid. I bought a hybrid because I was tired of paying people money who hate us. I was tired of paying an exorbitant amount for gasoline. I would personally do anything I could to make sure I reduced my consumption and my cost. But the only way I can affect every American family is to come to this floor and to change the policies we have in this country in a way that nobody is slighted, nobody is cheated, nobody loses.