fund. Let's be serious. Do you want to bet the reputation of the Republican Party that the polluters are the ones we should count on here? Because that is what you are doing. For what? To protect market share for the polluters. That is your upside. The reputation of the party hangs in the balance and your upside is market share for polluters.

Look, I am willing to do a carbon pollution fee that sets the market in balance and returns every single dollar to the American people. No new agencies; no new taxes; no bigger government; every dollar back; a balanced market with the costs included in the price the way they are supposed to be, which will make better energy choices, increase jobs, and prevent pollution.

Yes, that does mean less market share for the polluters as new technologies emerge—that is actually the point—but every single dollar back in Americans' pockets. By the way, three-quarters of the American people believe climate change is real and that we need to do something about it.

You may have a question for me: Why do you care? Why do you, SHELDON WHITEHOUSE, Democrat of Rhode Island, care if we Republicans run off the climate cliff like a bunch of proverbial lemmings and disgrace ourselves?

I will tell you why. We are stuck in this together. We are stuck in this together.

When cyclones tear up Oklahoma, hurricanes swamp Alabama, and wildfires scorch Texas, you come to us, the rest of the country, for billions of dollars to recover. The damage your polluters and deniers are doing doesn't just hit Oklahoma, Alabama, and Texas; it hits Rhode Island with floods and storms, it hits Oregon with acidified seas, and it hits Montana with dying forests. Like it or not, we are in this together. You drag America with you to your fate.

I want this future: I want a Republican Party that has returned to its senses, is strong, and is a worthy adversary in a strong America that has done right by its people and the world. That is what I want. I don't want this future. I don't want a Republican Party disgraced, that lets its extremists run it off the cliff. I don't want America suffering from grave, economic, environmental, and diplomatic damage because we failed, because we didn't wake up and do our duty for our people, and because we didn't lead the world.

I do not want that future, but that is where we are headed. I will keep reaching out and calling out, ever hopeful you will wake up before it is too late, both for you and for the rest of us.

I yield the floor, 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.

Ms. STABENOW. I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. STABENOW. Before we move on to other business this evening in the Senate, I would like to encourage all of our Senators to submit whatever amendments they have so we can begin to work through them. We want to work diligently through the amendments and be able to move, obviously, as quickly as possible within reason to be able to put together votes. We would ask all of our colleagues, if they do have amendments, to let us know what they are and to file them as soon as possible so we can begin working on those amendments.

I believe Senator COCHRAN and I are both in agreement. We are anxious to get going and are looking forward to working with colleagues to vote on and dispose of amendments.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. I am pleased to join the distinguished chairman.

I urge Senators who do have amendments to come to the floor and offer those amendments so we can proceed to complete action on this bill in a reasonable amount of time. We don't want to cut everybody off. Everybody has a right to be heard on whatever subject they wish to bring before the Senate.

We do have some Senators whom we know have amendments that are relevant to the issue before us. We are hopeful we can consider all of them and give them the kind of attention they deserve.

Ms. STABENOW. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. BALDWIN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

NOMINATION OF SHERI POLSTER CHAPPELL TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA

NOMINATION OF MICHAEL J. MCSHANE TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF OREGON

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

The legislative clerk read the nominations of Sheri Polster Chappell, of Florida, to be United States District Judge for the Middle District of Florida, and Michael J. McShane, of Oregon, to be United States District Judge for the District of Oregon.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate equally divided in the usual form.

The Senator from Connecticut.

GUN VIOLENCE

Mr. MURPHY. Madam President, it has now been almost 6 months since the horrible shooting in my State of Connecticut at Sandy Hook Elementary where 20 6- and 7-year-old children lost their lives, and another 6 adults, who were protecting them, perished as well.

We all believed we were going to do something about it here on the floor of the Senate. We thought we were going to come to our senses and finally realize it is in part the laws of this Nation that allow for this kind of senseless killing, whether it be in mass numbers in places such as Sandy Hook or Aurora or Tucson or at the Sikh temple in the State of the Presiding Officer or in just the everyday, average gun violence that has become background noise to this Nation.

It is not just about bad people doing bad things; it is also about the laws of this Nation that have allowed for this to happen because we don't have background checks on every gun purchase so that criminals do not get guns. We still allow for dangerous military-style weapons, such as the AR–15 and 100-round drums of ammunition to be carried on the streets of this country. We don't even have a Federal law saying it is illegal to traffic in guns, taking them out of gun shows and gun stores and then going out and selling them on the streets as straw purchasers to people who shouldn't have bought them in the first place. We had 55 votes in the Senate to do something about that, but we didn't have 60 votes, which is the law of the land here these days.

I have promised to come down here every week and do something rather simple, which is to tell the stories of the dozens of people who are killed every single day by guns, because it is their stories that will eventually move this place to action. I know this place has enough empathy, enough compassion to not be so callous as to allow month after month to go by and do nothing about the 4,243 people, as of today, since Newtown who have died in this country at the hands of gun violence.

Let me cite that number again. Since the massacre at Sandy Hook, where 28 people died, including the gunman and his mother, 4,243 people have died due to gun violence.

I want to spend the next couple of minutes before we get back to the debate on these nominations telling the stories of a few of these people.

On May 15, 2013, about a week ago, five different people were shot in Detroit. Halfway through May and there have been 73 shootings in Detroit, MI. Ten people have been killed, with 8 of the shooting victims being 17 years old or younger.

On that day, May 15, five people were shot. A 24-year-old man opened fire

after a pretty simple verbal altercation on the street. What happened, apparently, was that one parent of one child told the other kids to go home for some reason. Something had happened at their house. That youth returned to the house with some of his family members, including the 24-year-old man who got so upset over this simple altercation about a mom asking some kids to leave her house that he opened fire, killing Allmeter Walls and wounding the others.

It was a pretty bloody 24-hour period in Detroit, where 12 people were shot on that day from 6 a.m. on Wednesday until 6 a.m. on Thursday. There were 73 shootings halfway through May in 1 city alone.

On May 15 as well, Newark police said that an 18-year-old high school student, a senior, at Weequahic High School in Newark, NJ, was killed. He had signed himself out of school because he wasn't feeling well, and he was shot.

Councilman Ras Baraka, who is also the principal of another high school, said: ''We are outgunned and outmanned here on the street.'' There are so many guns on the streets of Newark that principals and law enforcement feel outgunned and outmanned.

Of the young student who was killed, one of his friends said: ''He was a good kid. When he was little, we used to play pool and video games around here.''

In Bridgeport, CT, just before sunrise on Mother's Day, police found 22-year-old Robert Rivera dead in his car from perhaps a dozen bullet wounds. ''He was one in a million,'' a friend said. ''No one will ever be like him.'' Chino was his nickname. He was a good kid. His friend said, ''The good die young here.'' He was 22 years old and was killed in a spray of bullets in his car in Bridgeport, CT.

These are the ones we don't hear that much about because they are in the local papers. But we know there are also these mass killings as well, and before I yield the floor, I want to talk about a handful of victims from the State of the Presiding Officer who were killed at a Sikh temple when someone walked in, in August 2012, and opened fire, because people should know who these victims are as well. There are victims of everyday gun violence, but we have had a string of mass shootings in this country which will not end until we do something about it.

Paramjit Kaur lived for her children. She spent 11 hours a day, 6 days a week in production at a medical devices firm in order to provide for her children. She was praying inside the temple when she learned of the active shooter outside the temple. Instead of being afraid, she showed great courage, bowed down and prayed one last time before she was shot.

Satwant Singh Kaleka was the founder and president of that Sikh temple. He worked 18 hours a day at his family's gas station to provide for his family. His hard work as a small businessman paid off and he acquired eight stations by the end of his career. His attempts to thwart the gunman with a small dull knife gave the group of women, including his mother, a chance to escape.

Suveg Singh Khattra, a former dairy farmer in northern India, came to the United States for a better life. He was a humble and loving man who was a constant presence at the temple. He was a man of habit, waking every morning at 4:30 a.m. to watch a live broadcast from India and engage in readings from the holy book. He died at 84.

Prakash Singh was a pious man with a great sense of humor. He stayed in the priest quarters in the temple, and was excited about the fact he was about to get an apartment outside the temple. They were due to move into their new home at the end of August, a few weeks after he was killed.

Then the two brothers, Ranjit and Sita Singh. They were brothers and Sikh priests who left their families behind to move to Oak Creek for a better life. Ranjit was the more outgoing of the two. His responsibility was to take care of every visitor who came through those doors. But his younger brother Sita was just as fun loving and would wake up every morning at 5 a.m. to read the Sikh holy book. His specialty was to make sure everyone who walked into that temple had enough to eat.

All perished at that Sikh temple. These things are going to happen again. There is going to be another mass atrocity. And there will continue to be these shootings in Detroit and Bridgeport and Newark if we don't do something about it on this floor. I know we have important business, whether it be the farm bill this week or our hopeful attempt at passing immigration reform, but as soon as that is done, hopefully, we will get to come back to this issue of gun violence, because if we don't these everyday urban stories will mount and there will be another mass shooting somewhere across this country.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Madam President, I would say to my colleague from Connecticut: Amen.

And I would say to my colleague from Oregon: Thank you for your courtesy in letting me go ahead, in light of the fact we have a Federal judge coming up for a vote at 5:30.

I am very grateful to the Judiciary Committee—to both the Democrats and the Republicans—in allowing us to vote, and I urgently implore we confirm Judge Sheri Polster Chappell to the United States District Court for the Middle District of Florida.

While I rise to speak in favor of Judge Chappell, I want to express my concern for the growing partisanship that is dragging down our efforts to fill these judicial vacancies across the Nation. In the past we have had qualified consensus judicial nominees who would be confirmed in weeks, if not in days. Unfortunately, even the judicial nominees who have the support of both Senators from the State—and sometimes, as is the case of Florida where we have the Republican Senator, Senator RUBIO, and myself, the Democratic Senator—we are still finding the judges are being held up. We are experiencing waiting months for an up-or-down vote only to then have them confirmed overwhelmingly.

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

Mr. NELSON. Of course, I yield to the distinguished chairman of the committee.

Mr. LEAHY. I would say to my dear friend, the senior Senator from Florida, I share his frustration. We put these judges through the Senate Judiciary Committee often with a unanimous vote and then they wait here months and months to get a vote on the floor. As the distinguished Senator from Florida noted, that vote is then virtually unanimous.

This effort where if somebody is nominated by President Obama they must be blocked, even if it is somebody everyone supports, is totally unfair to the President, it is completely unfair to the country, but it is devastating to the judiciary because good men and women are not going to be willing to take nominations or appointments to be a Federal judge if they think they are going to wait month after month after month or even a year before they go on the bench.

I appreciate the statement of the distinguished senior Senator from Florida and I share his frustration.

Mr. NELSON. I thank the chairman of the Judiciary Committee. A good example—this isn't even a Federal district judge, this is court of appeals—we confirmed the judge 94 to 5, when we finally got a vote. That was Judge Adalberto Jordan, the first Cuban-American-born judge, from Miami, to serve on the U.S. court of appeals. The Eleventh Circuit is one of the busiest circuits in the country. It encompasses the Southeastern United States. He was unanimously reported out of the Judiciary Committee, but he was blocked by a filibuster of judicial nominees after 4 months of waiting on the Executive Calendar.

Obviously, with a vote of 94 to 5, he was eminently qualified. He was not controversial. He had the support of Senator RUBIO and myself, a unanimous vote in the Judiciary Committee. Yet his nomination was filibustered.

In addition, highly qualified district court judge nominees are facing the same partisan delays. Obviously, these nominees ought to get confirmed without the needless obstacles, facing potential cloture motions, just to receive an up-or-down vote. I am told the majority leader has had to file cloture on as many as 20 of the Federal district

court nominees since 2009. It is an indication that we are clearly going in the wrong direction in this Senate.

I will give one other example. Here the judge we are about to confirm—and before the chairman came in I thanked him profusely, and the Republicans on the Judiciary Committee, for bringing Judge Chappell up for a vote today. There is no controversy over Judge Chappell. She has the support of Senator RUBIO and myself. She was voted out of the Judiciary Committee twice unanimously. It is a judicial vacancy emergency declared in the Middle District of Florida.

She is waiting. Today is the 329th day.

She was originally nominated during the 112th Congress, but it has taken 329 days to get us to this point today.

Judge Chappell earned her Bachelor of Arts degree at the University of Wisconsin and her juris doctor at Nova Southeastern University. Judge Chappell is serving as a United States Magistrate Judge for the Middle District of Florida, where she has been since 2003.

Prior to which she served as a county court judge in the Twentieth Judicial Circuit of Florida and she began her legal career as prosecutor in Fort Myers. Judge Chappell has also been an active member of the community. She has served on the Florida Prosecuting Attorneys Association, the Domestic Violence Task Force, and the truancy board. Judge Chappell is a true public servant and she will make a fine district court judge.

As of May 20, 2013, according to the United States Administrative Office of the Courts, there are 34 judicial emergency vacancies across this Nation. Florida is home to four empty benches—two in the middle district of Florida and two in the southern district of Florida. In total there are 84 judicial vacancies waiting to be filled and 28 nominees stuck in the pipeline waiting for confirmation. These delays in filling vacancies mean that courts are overburdened. It also means that our citizens are seeing their day in court delayed.

The public is concerned as these delays are further exacerbating the problem facing the courts. In fact, these delays are a scathing indictment of the lack of cooperation and growing partisan nature of process for confirming judicial nominations. These delays undermine the public trust and are illustrative of the stranglehold that partisanship has on Washington and on the rest of the country.

We cannot have that. It is time to confirm Judge Polster Chappell and move with purpose on the rest of these nominations so we can get our courts fully staffed and the judicial system working how it is supposed to.

I again thank the Judiciary Committee for bringing up Judge Chappell, but it cannot keep going on like this. I hope we are going to see some reform and movement quickly.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Today the Senate will finally be allowed to vote on the nominations of Judge Sheri Chappell and Judge Michael McShane. For Judge Chappell in particular, this day is long overdue. She was nominated almost a year ago, and was one of the 11 nominees who Senate Republicans refused to vote on before the end of the last Congress. They delayed her confirmation even though she had the support of every single Republican on the Judiciary Committee, and the bipartisan support of her home state Senators, Senator NELSON and Senator RUBIO. They delayed her confirmation even though she is nominated to fill a judicial emergency vacancy that has been vacant for over 400 days. When I say that President Obama's qualified, consensus nominees have faced unprecedented levels of delay and obstruction, this is precisely what I have been talking about.

Even the Wall Street Journal has taken notice. In an article last week, Gerald Seib wrote that the obstruction even of consensus district court nominees is an example of ''the Senate's inability to pull out of partisan ruts and get beyond an epidemic of filibusters.'' While only a few years ago Senate Republicans insisted that filibusters of judicial nominees were unconstitutional, or that they should be reserved for ''extraordinary circumstances,'' this article notes that they ''decided in recent years that it is acceptable to mount filibusters not only in exceptional cases but to stop even the most routine business.'' I ask unanimous consent that this article be printed in the RECORD at the conclusion of my statement.

Senate Republicans claim that they have blocked only two of President Obama's nominees, but they are not being fair in that characterization. They blocked nominees like Robert Chatigny and Louis Butler by refusing to allow the Senate to vote on them. They blocked nominees like Victoria Nourse, Arvo Mikkanen, and Elissa Cadish by refusing to return blue slips. They even blocked Steve Six by rescinding the blue slips after the nominee had already had a hearing. This reminds me of the way they pocket filibustered dozens of President Clinton's nominees. While as Chairman I have protected the rights of home State Senators, that right does not extend to allowing them to shirk responsibility for it. In all, President Obama has had a significantly lower percentage of his circuit and district nominees confirmed at this point in his time in office than President Bush did at the same point in his presidency.

Senate Republicans who take such pride in the number of nominees being confirmed this year ignore how many, like Judge Chappell, were needlessly delayed from confirmation last year and what they have done during the last 4 years. That is why even after the 17 confirmations this year, we remain nearly 20 confirmations behind the pace we set for President Bush's circuit and district nominees, and vacancies remain nearly twice as high as they were at this point during President Bush's second term. For all their self-congratulatory statements they cannot refute the following: We are not even keeping up with attrition. Vacancies have increased, not decreased, since the start of this year. President Obama's judicial nominees have faced unprecedented delays and obstruction by Senate Republicans. We have yet to finish the work that could and should have been completed last year. There are still a dozen judicial nominees being denied confirmation.

A recent report by the nonpartisan Congressional Research Service compares the whole of President Obama's first term to the whole of President Bush's first term, and the contrast could not be more clear. The median Senate floor wait time for President Obama's district nominees was 5 times longer than for President Bush's. President Obama's circuit nominees faced even longer delays, and their median wait time was 7.3 times longer than for President Bush's circuit nominees. The comparison is even worse if we look just at nominees who were reported and confirmed unanimously. President Bush's unanimously confirmed circuit nominees had a median wait time of just 14 days. Compare that to the 130.5 days for President Obama's unanimous nominees. That is more than 9 times longer. Even the nonpartisan CRS calls this a ''notable change.'' There is no good reason for such unprecedented delays, but those are the facts.

The confirmations in the last few months do not change the reality of what has happened over the last four years. If a baseball player goes 0-for-9, and then gets a hit, we do not say he is an all-star because he is batting 1.000 in his last at bat. We recognize that he is just 1-for-10, and not a very good hitter.

So while I welcome the confirmations this year, I note both that 13 of the 17 could and should have been confirmed last year and that there are another dozen nominees pending before the Senate, including two who also could have been confirmed last year. We can and must do more for Americans who look to our courts for justice. They deserve better than long delays and empty courtrooms. With 10 percent of our Federal bench vacant, and a backlog of nominees on the Senate Executive Calendar, it is clear that the Senate is not doing what it should on nominations.

It is also ridiculous to complain that the Senate does not have nominees when Mark Barnett, Claire Kelly, Sheri Chappell, Michael McShane, Nitza Quinones Alejandro, Luis Restrepo, Jeffrey Schmehl, Kenneth Gonzales, Gregory Phillips, Sri Srinivasan, Ray Chen, and Jennifer Dorsey are awaiting confirmation.

In addition, Senate Republicans need to take responsibility for not working

with the President to fill vacancies. It is disingenuous of Republican Senators not to work with President Obama to pick nominees and then blame the President for the lack of nominees. I was interested to hear one Senate Republican argue that if Senators do not get recommendations in ''expeditiously enough,'' the President ''has the prerogative to nominate someone and then we have the responsibility to act on it.'' Before President Obama had made a single judicial nomination, all Senate Republicans sent him a letter threatening to filibuster his nominees if he did not consult Republican home state Senators. So the recent statement was either a complete reversal in position, or baiting a trap to then block any nominees the President sends to us.

Some Republican Senators have been willing to work with the President to find nominees in their States. We recently received nominations for district court vacancies in Alabama and Tennessee, and I hope to schedule those nominees for hearings soon. In Pennsylvania, the Republican Senator is now working with Senator CASEY to find nominees that they both support. In fact, three such nominees are pending before the Senate now, and they would fill three of the six current vacancies in the Eastern District of Pennsylvania. The nominees have been pending before the Senate for over 2 months after being reported unanimously, and I hope Senate Republicans will allow us to complete action on them before the Memorial Day recess.

I remain deeply concerned about the impact of sequestration on our Federal courts and our legal system. After 4 years in which Senate Republicans have forced our courts to operate shorthanded, with 10 percent or more of judgeships vacant, these harsh spending cuts are the last thing we should be doing. I continue to hear from judges and other members of the legal community about the damage of sequestration.

The Judicial Conference, whose presiding officer is Chief Justice Roberts, wrote last week to request emergency funding for fiscal 2013 in order to ''address critical needs resulting from sequestration cuts.'' These indiscriminate cuts have left our Federal judiciary ''confronting an unprecedented fiscal crisis that could seriously compromise the Constitutional mission of the United States courts.'' Members of the bar have written in support of this request, stating that ''budget cuts have forced diminished court staffing, court closures, compromised security, and lengthy trial delays.'' They rightly note that ''it is people's lives that are adversely changed'' by these unnecessary cuts. I ask unanimous consent that both letters be printed in the RECORD at the conclusion of my statement. I hope Senators read these letters and take these concerns seriously, and that we can come together to meet our responsibilities to our coequal branch and to the 310 million Americans we all serve.

Judge Sheri Polster Chappell is nominated to a judicial emergency vacancy on the U.S. District Court for the Middle District of Florida, where she has been serving since 2003 as a Federal Magistrate Judge. Prior to her appointment to the Federal bench, she worked as a Lee County Court Judge, as an Assistant State Attorney in the Twentieth Judicial Circuit of Florida, where she was the first female county office head, and as an instructor at the Southwest Florida Criminal Justice Academy. Judge Chappell was reported unanimously last year and again 2 months ago. The Middle District of Florida has a second judicial emergency vacancy, and it is unfortunate that the Senate is not being allowed to consider the nominee to that seat, as well. Judge Brian Davis received unanimously the ABA Standing Committee on the Federal Judiciary's highest rating of ''well qualified,'' and was reported favorably almost 1 year ago.

Judge Michael McShane is nominated to a judicial emergency vacancy on the U.S. District Court for the District of Oregon. Currently a Circuit Court Judge on the Multnomah County Circuit Court, Judge McShane has served as a State court judge for over 15 years. He previously served as a Circuit Judge Pro Tem on the Multnomah County Circuit Court. Prior to becoming a judge, Judge McShane spent his entire 9-year legal career as a trial attorney in the Metropolitan Public Defender's Office in Portland, OR. Judge McShane has the support of his home State Senators, Senator WYDEN and Senator MERKLEY, and was reported unanimously by the Judiciary Committee over 2 months ago.

Senate Republicans have a long way to go to match the record of cooperation on consensus nominees that Senate Democrats established during the Bush administration. After today's votes, 10 more judicial nominees remain pending, and all but one were reported unanimously. All Senate Democrats are ready to vote on each of them to allow them to get to work for the American people. We can make real progress for our Federal courts and the American people if Senate Republicans are willing to join us.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 14, 2013]

OPEN JUDGESHIPS SHOW D.C. DYSFUNCTION

(By Gerald F. Seib)

Jill Pryor of Georgia and Rosemary Marquez of Arizona aren't exactly household names, but they share a distinction with national importance: Both have been waiting exactly 689 days for the Senate to act on their nominations to become federal judges.

Yet they aren't even the most extreme examples of Washington's inability to perform one of its most basic functions, filling the federal judiciary across the land. All told, 85 federal judgeships sit vacant, meaning some 10% of the federal judiciary is empty—and this at a time when those who run the court system think there actually should be new judicial posts created because of an escalating workload.

Openings on two of the nation's most important federal appeals courts—the Ninth Circuit in the West and the D.C. Circuit in Washington—have been unfilled since 2005.

There is no current nominee for either seat, not since President Barack Obama's choice for the D.C. slot gave up in frustration after Republican filibusters put her nomination in limbo for 2½ years.

The Obama administration must shoulder some blame for this predicament. It has been slower than its predecessors to vet and nominate judicial candidates.

But the lion's share of the blame lies with the Senate, a body that's becoming an embarrassment to itself and that increasingly infects the rest of government with its paralysis.

Traditionally, the first step in the process of picking federal judicial nominees is for senators to recommend to the White House candidates to fill vacancies in their home states; the process slows when home-state senators of different parties can't agree.

Senators then can quietly decline to endorse a nominee, or put an unpublicized ''hold'' on nominees they disapprove of, or can stop a nomination by simply threatening a filibuster.

In today's partisan environment, all those tactics are at work.

''There always was a bit of back and forth between the parties on nominations generally, and judicial nominations specifically,'' says Caroline Fredrickson, a former Senate aide and now president of the American Constitution Society, a left-leaning organization that tracks judicial nominations. ''But it's become so extreme that I think we are in a completely different situation now.''

This problem persists even though the Senate has confirmed more than a dozen judges in the past couple of months. That progress has served mostly to keep the number of vacancies below 100; judges still aren't being confirmed fast enough to keep up with the rate of attrition as older judges retire.

In recent days, more attention has been devoted to the Senate's unwillingness to confirm Obama administration nominations for senior executive-branch positions, including Thomas Perez as labor secretary and Gina McCarthy as Environmental Protection Agency administrator. Republican senators have buried the nominees with written questions and refused to show up for committee votes on them.

Yet the backlog of judicial vacancies is a more long-standing problem and a better illustration of the Senate's inability to pull out of partisan ruts and get beyond an epidemic of filibusters.

Both parties know that, while cabinet secretaries come and go, federal judges stay on the scene for years, even decades. So the party out of power is reluctant to let a president fill the judiciary with nominees of his political persuasion, if leaving the positions unfilled creates at least the chance that the opposition party will be able to put a judge of its liking into place a few years hence.

This political temptation wouldn't matter so much if senators hadn't also decided in recent years that it is acceptable to mount filibusters not only in exceptional cases but to stop even the most routine business.

Thus, the country now is in the bizarre position of having a chief justice, John Roberts, on the Supreme Court for almost eight years—while his previous position on the D.C. Circuit Court of Appeals has sat empty for the entire time.

This problem has been building for years. A recent study by the nonpartisan Congressional Research Service shows that even

noncontroversial judicial appointments—those that ultimately got bipartisan support and easily passed the Senate—are having to wait longer for confirmation across the past four presidencies of both parties.

As Republicans note, Democrats set the stage for today's problems by filibustering George W. Bush's judicial nominees. Now the problem has grown worse in the Obama years, as Republicans turn the tables and bottle up Democratic nominations.

The study found that 35.7% of George W. Bush's noncontroversial circuit-court nominees had to wait more than 200 days for confirmation—up from 22.2% for Bill Clinton. During the Obama presidency, that percentage has soared to 63.6%. No Obama circuit-court nominee has been confirmed in less than 100 days.

What's more, previously only more-sensitive appeals-court nominations were filibustered; now it's also less-sensitive district-court nominations.

It has been clear for a while that Washington has trouble getting big things done. Judicial vacancies show it doesn't do the smaller ones so well either.

DRI,
Chicago, IL, May 16, 2013.

Senator PATRICK LEAHY,
Chairman Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY: The operations of the federal judiciary are essential to maintaining the rule of law in this country, the foundation for much of our economic life. This lies in peril now as budget cuts have forced diminished court staffing, court closures, compromised security, and lengthy trial delays. This, of course, means that justice is delayed. Since criminal trials must take priority, already lengthy delays in civil trials become even longer. Perhaps thousands of businesses will not survive the abeyance of lengthy uncertainty over the outcome of litigation. We talk of the effect on justice, we talk of the effect on businesses but, at bottom, it is people's lives that are adversely changed.

The U.S. Judicial Conference and the Administrative Office of the U.S. Courts have petitioned for emergency funding of $73 million that would replace only a small portion of the $350 million in cuts forced upon them by sequestration. The 22,000 members of DRI—The Voice of the Defense Bar with one voice wholeheartedly support their petition and urge that you take whatever action is necessary to realize its fulfillment.

DRI will remain at the disposal of Congressional and White House leaders to provide any expertise or support needed to move funding forward.

Sincerely,

MARY MASSARON ROSS,
DRI President.

JUDICIAL CONFERENCE
OF THE UNITED STATES,
Washington, DC, May 14, 2013.

Hon. SYLVIA MATHEWS BURWELL,
Director, Office of Management and Budget, 17th Street NW, Washington, DC.

DEAR DIRECTOR BURWELL: We write on behalf of the Judicial Conference of the United States to inform the Administration of the Judiciary's decision to seek $72.9 million in fiscal year 2013 emergency supplemental appropriations to address critical needs resulting from sequestration cuts. The supplemental request includes $31.5 million for the Courts Salaries and Expenses account, and $41.4 million for the Defender Services account. In accordance with 31 U.S.C. 1107, we respectfully request that the President transmit the Judiciary's supplemental requirements to Congress promptly and without change. A detailed summary of this supplemental request is included in Enclosure 1. A funding table and the proposed legislative language are included in Enclosure 2.

Final enacted appropriations for fiscal year 2013, after sequestration cuts are applied, reduce Judiciary funding overall by nearly $350 million below fiscal year 2012 discretionary appropriations. Emergency measures have been implemented throughout the federal court system to address the drastically reduced funding levels under sequestration, but the federal courts do not have the flexibility to absorb such a large cut. The impacts of sequestration are compounded by the fact that 100 percent of the cuts must be absorbed with only six months remaining in the fiscal year. Unlike some Executive Branch entities, the Judiciary has little flexibility to move funds between appropriation accounts to lessen the effects of sequestration. There are no lower-priority programs to reduce in order to transfer funds to other Judiciary accounts.

Section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 allows for statutory spending caps to be exceeded under certain conditions, including if Congress and the President designate funding as an emergency requirement. The Judiciary is confronting an unprecedented fiscal crisis that could seriously compromise the Constitutional mission of the United States courts. We believe our supplemental request meets the threshold for receiving an emergency designation.

The Judiciary's emergency actions to date do not constitute a solution to the budget crisis facing the federal courts as a result of sequestration. Instead, these actions represent a conscientious effort to mitigate the adverse impact of sequestration on court operations in an attempt to ensure continued access to justice for the citizens of this country. However, sequestration cuts have created an unprecedented financial crisis that is impacting all facets of federal court operations.

Finally, we note that Executive Branch agencies with criminal justice responsibilities have had the flexibility and resources to address their fiscal year 2013 sequestration cuts. As a result, these agencies—which directly impact the workload of the Judiciary—have been able to avoid furloughs. While the Judiciary has the authority to transfer funds between appropriation accounts, it does not have the available funding flexibility needed to do so. Instead, we must ask Congress to approve a supplemental appropriation.

Please feel free to contact us if you have any questions regarding this supplemental appropriations request.

Sincerely,

JULIA S. GIBBONS,
Chair, Judicial Conference, Committee on the Budget.

THOMAS F. HOGAN,
Secretary, Judicial Conference of the U.S.

SUMMARY OF JUDICIARY FISCAL YEAR 2013
EMERGENCY SUPPLEMENTAL REQUEST

COURTS SALARIES AND EXPENSES

The Courts Salaries and Expenses account funds the bulk of federal court operations including the operations of the appellate, district, and bankruptcy courts, and probation and pretrial services offices. This account was cut $239 million below fiscal year 2012 levels under sequestration. Given the decentralized nature of the federal court system, individual courts will decide how to absorb the majority of cuts required by sequestration. To mitigate the impact of sequestration on employees, the courts have slashed non-salary budgets but even with these reductions, on a national level, up to 1,000 court employees could be laid off over the remainder of the fiscal year and thousands of employees face furloughs. These staffing losses will come on top of the nearly 2,200 probation and pretrial services officers and clerks' office staff the courts have already lost since the end of July 2011, a 10 percent loss of staff. Cuts to clerks' office staffing will result in the slower processing of civil and bankruptcy cases which will impact individuals, small businesses, and corporations seeking to resolve disputes in the federal courts.

Sequestration cuts will also impact public safety. Our probation and pretrial services officers are federal law enforcement officers that supervise defendants awaiting trial and offenders on post-conviction release. Cuts to officer staffing levels mean less deterrence, detection, and response to possible resumed criminal activity by federal defendants and offenders in the community. In addition, funding to support GPS and other electronic monitoring of potentially dangerous defendants and offenders has been cut 20 percent. Equivalent cuts to funding for drug testing, substance abuse and mental health treatment of federal defendants and offenders have also been made, increasing further the risk to public safety.

Of the $31.5 million in fiscal year 2013 supplemental funding requested for Courts Salaries and Expenses, $18.5 million will be used to avoid further staffing cuts and furloughs in clerks of court and probation and pretrial services offices during the fourth quarter of fiscal year 2013. This funding will save the jobs of approximately 500 court employees and avoid 14,400 planned furlough days for 3,300 court employees. The remaining $13.0 million will restore half of the sequestration cuts to drug testing, substance abuse, and mental health treatment services for defendants awaiting trial and offenders released from prison. Timely diagnosis and treatment of drug and mental health conditions is critical to defendants/offenders successfully completing their terms of release and ensuring community safety.

DEFENDER SERVICES

The Judiciary's Defender Services program provides financially eligible federal defendants with defense counsel and related services that, under the Sixth Amendment and the Criminal Justice Act, the government must fund in order to prosecute cases. Program costs are essentially comprised of compensation to federal defender organization (FDO) staff, payments to private ''panel'' attorneys, case related expenses (expert witnesses, interpreters, investigations, etc.), space rent, and other fixed costs. Consequently, the primary options for absorbing the $52 million sequestration cut are reducing FDO staffing levels and/or deferring payments to private panel attorneys. Reducing FDO staff results in appointments being shifted to panel attorneys thus increasing those costs, and deferring panel attorney payments into fiscal year 2014 only adds to fiscal year 2014 appropriations requirements. Absent supplemental funding, the Judiciary will need to suspend payments to private panel attorneys for the last 15 business days (3 weeks) of the fiscal year, and FDOs will need to further reduce costs through staffing cuts and by furloughing employees for a national average of approximately 15 days for the remainder of the fiscal year.

We are aware that the U.S. Department of Justice is not furloughing staff so we anticipate the pace at which criminal cases requiring appointment of defense counsel will continue unabated, while resources in the Defender Services program are diminishing. Between October 2012 and April 2013, FDOs downsized by 113 employees and other employees were furloughed. Further FDO cuts and the anticipated suspension of panel attorney payments will create the real possibility that panel attorneys may decline to accept Criminal Justice Act appointments in cases that otherwise would have been represented by FDOs. Delays in the cases moving forward may result in violations of constitutional and statutory speedy trial mandates resulting in criminal cases being dismissed.

Of the $41.4 million in supplemental funding requested for Defender Services, $27.7 million is required to avoid deferring payments to private attorneys for the last 15 business days (3 weeks) of the fiscal year. To address staffing losses, $8.7 million is needed to avoid further staffing cuts and furloughs in FDOs during the fourth quarter of fiscal year 2013. This funding will save the jobs of approximately 50 employees and avoid 9,600 planned furlough days for 1,700 FDO employees. The remaining $5.0 million is for projected defense representation and related expert costs for high-threat trials, including high-threat cases in New York and Boston that, absent sequestration, the Defender Services program would have been able to absorb without the need for supplemental funding.

FEDERAL JUDICIARY—FY 2013 SUPPLEMENTAL APPROPRIATIONS REQUEST

[$000]

Appropriation Account	FY 2012	FY 2013				
	FY 2012 Enacted Approp.	FY 2013 Full Year CR (P.L. 113–6) [1]	FY 2013 Sequestration Cut [2]	FY 2013 Available Appropriation	FY 2013 Supplemental Request	FY 2013 Revised Appropriation
U.S. Supreme Court:						
Salaries & Expenses	74,819	74,684	(3,653)	71,030	—	71,030
Care of Building and Grounds	8,159	8,143	(410)	7,732	—	7,732
U.S. Court of Appeals for the Federal Circuit	32,511	32,462	(1,509)	30,953	—	30,953
U.S. Court of International Trade	21,447	21,405	(992)	20,412	—	20,412
Courts of Appeals, District Courts & OtherJudicial Services (CADCOJS):						
Salaries & Expenses.						
Direct	5,015,000	5,015,955	(239,114)	4,776,841	31,500	4,808,341
Vaccine Injury Fund	5,000	4,990		4,990	—	4,990
Total	5,020,000	5,020,945	(239,114)	4,781,831	31,500	4,813,331
Defender Services	1,031,000	1,037,920	(51,865)	986,055	41,400	1,027,455
Fees of Jurors & Commissioners	51,908	51,804	(2,611)	49,193	—	49,193
Court Security	500,000	499,000	(25,153)	473,847	—	473,847
Subtotal, CADCOJS	6,602,908	6,609,670	(318,744)	6,290,926	72,900	6,363,826
Administrative Office	82,909	82,743	(4,171)	78,572	—	78,572
Federal Judicial Center	27,000	26,946	(1,358)	25,588	—	25,588
Judicial Retirement Funds (mandatory)	103,768	125,464	—	125,464	—	125,464
U.S. Sentencing Commission	16,500	16,467	(830)	15,637	—	15,637
Total, The Judiciary	6,970,021	6,997,983	(331,668)	6,666,314	72,900	6,739,214
Sequestration to Judiciary Fees			(13,974)			
Total Judiciary Sequestration			(345,642)			

[1] Reflects Judiciary appropriations included in the FY 2013 full year CR (P.L. 113–6) as well as the reduction associated with the 0.2 percent across-the-board rescission.
[2] Reflects sequestration cuts calculated by the Office of Management and Budget on March 1, 2013.

FEDERAL JUDICIARY FY 2013 SUPPLEMENTAL APPROPRIATIONS REQUEST

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

Bill Language

For an additional amount for 'Courts of Appeals, District Courts, and Other Judicial Services, Salaries and Expenses,' $31,500,000, for emergency expenses of the courts for the fiscal year ending September 30, 2013, including amounts necessary to minimize staffing reductions and furloughs, and for drug testing, drug treatment, and mental health treatment services of offenders and defendants in the probation and pretrial services program. Provided, That the amount provided herein is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Justification

$18.5 million will be used to avoid further staffing cuts and furloughs in clerks of court and probation and pretrial services offices during the fourth quarter of fiscal year 2013. This funding will save the jobs of approximately 500 court employees and avoid 14,400 planned furlough days for 3,300 court employees.

$13.0 million will restore half of the sequestration cuts to drug testing, substance abuse, and mental health treatment services for defendants awaiting trial and offenders released from prison. Timely diagnosis and treatment of drug and mental health conditions is critical to defendants/offenders successfully completing their terms of release and ensuring community safety.

DEFENDER SERVICES

Bill Language

For an additional amount for 'Courts of Appeals, District Courts, and Other Judicial Services, Defender Services,' $41,400,000, for emergency expenses related to the representation of defendants under the Criminal Justice Act for the fiscal year ending September 30, 2013, including amounts necessary to minimize staffing reductions and furloughs in federal defender organizations, for the compensation and reimbursement of panel attorneys and experts, and for representation costs associated with high-threat trials. Provided, That the amount provided herein is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Justification

$27.7 million is required to avoid deferring payments to private attorneys representing indigent defendants under the Criminal Justice Act for the last 15 business days (3 weeks) of the fiscal year. Without additional funding, sequestration cuts will necessitate that these expenses shift to fiscal year 2014. These costs were not included in the Judiciary's fiscal year 2014 budget request to Congress.

$8.7 million will avoid further staffing cuts through layoffs, buyouts and early outs, and furloughs in federal defender organizations during the fourth quarter of fiscal year 2013. This funding will save the jobs of approximately 50 employees and avoid 9,600 planned furlough days for 1,700 federal defender organization employees.

The remaining $5.0 million is for projected defense representation and related expert costs for high-threat trials, including high-threat cases in New York and Boston that, absent sequestration, the Defender Services program would have been able to absorb without the need for supplemental funding.

Mr. LEAHY. I yield to my distinguished colleague.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, I rise to speak to the nomination of Michael McShane to serve on the U.S. district court of Eugene. Judge McShane is an exceptionally qualified nominee and will make a terrific addition to the Federal bench in Oregon. Over his entire career, Judge McShane has demonstrated a tremendous commitment to the law, to public service, and to our State.

He came to Oregon 30 years ago to serve communities through the Jesuit Volunteer Corps. The Jesuit Volunteer Corps, known as JVC, is folks, often graduating from college, who dedicate 1 year of direct service to the poor, simple living, and spiritual community. They work in locations such as food banks and local church programs, to work with at-risk youth and work of this nature. They work directly to help make the world a better place and do so in an exceptional manner. Anyone who comes out of college and dedicates 1 year to such an effort certainly starts in a very sound place.

Since that time, Judge McShane has remained deeply dedicated both to Oregon and to serving those in our society most in need. After graduating from Lewis & Clark Law School, Judge McShane went to work as a public defender in Portland. For more than 10

years, he represented those who otherwise would have no voice in our legal system. After his time as a public defender, he went to work on the circuit court, first as a judge pro tem and then simply as a judge.

In the approximately 15 years he served on the circuit court, Judge McShane has developed an excellent reputation for fairness, thoroughness, and accuracy.

He also continued to serve in the community as a foster parent and adjunct law professor at Lewis & Clark College. In one letter of support I received, a member of the Portland law community summed up his nomination by saying:

> What stands out to me is that Judge McShane lives and conducts his personal life with the same integrity, honor, compassion and diligence as he displays as a judge.

Judge McShane will make an excellent addition to the U.S. district court. I urge my colleagues present tonight to join in support for his nomination.

I yield the floor.

Mr. GRASSLEY. Mr. President, before we vote on the nominees today, I want to update my colleagues on where we stand with judicial confirmations. After tonight, the Senate will have confirmed 190 district and circuit nominees; we have defeated two. That's 190–2; which is a .990 batting average. That is an outstanding record. Who can complain about achieving 99 percent?

So far this year, the Senate has confirmed 17 nominees. Today, if Judge Chappell and Judge McShane are confirmed, we confirm the eighteenth and nineteenth nominees. At this stage in President Bush's second term, only 4 were confirmed. That is a record of 19 to 4.

This President is being treated exceptionally fairly.

The President has recently submitted a few new nominations. I know I have been reminding him that we can't do anything about vacancies without him first sending up nominees.

But again, even with the recent nominations, 58 of 82 nominations still have no nominee. And for judicial emergencies, only 6 of 32 vacancies have a nominee.

So I just wanted to set the record straight before we vote on these nominees. I expect they will both be confirmed tonight and I congratulate them on their confirmations.

Judge Chappell received her B.A. from the University of Wisconsin—Madison in 1984 and her J.D. from Nova Southeastern University Law School in 1987. Upon graduation, Judge Chappell became an assistant State Attorney in the Fort Myers Misdemeanor Division. In 1988, she began prosecuting felony cases including crimes against children, drugs, property crimes, and crimes against persons. In 1991, she was promoted to office head of the Hendry and Glades County office where she prosecuted cases and supervised the attorneys, secretaries, and investigators. From 1993 until 1998, she acted as the supervisor of the Fort Myers Circuit Court Trial Division where she served as chair of the hiring committee and created a training course for new assistant state attorneys. From 1998 to 2000, Judge Chappell served as the office head of the Charlotte County office.

In 2000, Judge Chappell was appointed by then-Governor Jeb Bush as a Lee County Court judge for the Twentieth Judicial Circuit. In 2002, she was elected to serve a 6-year term for this position. There, she had jurisdiction over misdemeanor cases and civil disputes involving $15,000 or less. She resigned in 2003 due to her selection as a United States magistrate judge for the Middle District of Florida. There she handles criminal and civil dockets.

According to her questionnaire, Judge Chappell has presided over approximately 519 cases that have gone to verdict or judgment.

The American Bar Association's Standing Committee on the Federal Judiciary gave her a Unanimous ''Qualified'' rating.

Judge McShane received his B.A. from Gonzaga University in 1983 and his J.D. from Northwestern School of Law at Lewis and Clark College in 1988. For the first 9 years of his law career, Judge McShane worked as a public defender in Portland, OR, representing indigent clients facing criminal prosecution, the majority accused of felonies. During this time, he held the positions of Senior Felony Attorney and Misdemeanor Supervisor. According to his questionnaire, as a practicing attorney, Judge McShane tried over 500 trials to verdict.

In 1997, Judge McShane was appointed as a Multnomah County Circuit Court judge pro tem by then-Chief Justice of the Oregon Supreme Court, Wallace Carson. He presided over misdemeanor trials, criminal arraignments, traffic matters, stalking protective orders, probation hearings, small claims, and forcible entry and detainer matters.

In 2001, Judge McShane was appointed to the Multnomah County Circuit Court by then-Governor John A. Kitzhaber. In 2002, he was elected to the position and re-elected in 2008. He served as a trial judge with general jurisdiction and presided over criminal and civil matters. In 2012, he was assigned to the family law bench. According to his questionnaire, Judge McShane has presided over thousands of cases, of which approximately 1,600 cases went to verdict.

The American Bar Association's Standing Committee on the Federal Judiciary gave him a Majority ''Qualified'' and Minority ''Well Qualified'' rating.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. 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. JOHANNS. Mr. President, we yield all time on our side.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Sheri Polster Chappell, of Florida, to be United States District Judge for the Middle District of Florida?

Mr. JOHANNS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from North Dakota (Ms. HEITKAMP), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana (Ms. LANDRIEU) would each vote ''yea.''

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from North Dakota (Mr. HOEVEN), the Senator from Kentucky (Mr. PAUL), the Senator from South Carolina (Mr. SCOTT), the Senator from Louisiana (Mr. VITTER), and the Senator from Mississippi (Mr. WICKER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''yea'' and the Senator from South Carolina (Mr. SCOTT) would have voted ''yea.''

The result was announced—yeas 90, nays 0, as follows:

[Rollcall Vote No. 128 Ex.]

YEAS—90

Ayotte	Feinstein	Merkley
Baldwin	Fischer	Mikulski
Barrasso	Flake	Moran
Baucus	Franken	Murkowski
Begich	Gillibrand	Murphy
Bennet	Graham	Murray
Blumenthal	Grassley	Nelson
Blunt	Hagan	Portman
Boozman	Harkin	Reed
Boxer	Hatch	Reid
Brown	Heinrich	Risch
Burr	Heller	Roberts
Cantwell	Hirono	Rockefeller
Cardin	Inhofe	Rubio
Carper	Isakson	Sanders
Casey	Johanns	Schatz
Chambliss	Johnson (SD)	Schumer
Coats	Johnson (WI)	Sessions
Coburn	Kaine	Shaheen
Cochran	King	Shelby
Collins	Kirk	Stabenow
Coons	Klobuchar	Tester
Corker	Leahy	Thune
Cornyn	Lee	Toomey
Cowan	Levin	Udall (CO)
Crapo	Manchin	Udall (NM)
Cruz	McCain	Warner
Donnelly	McCaskill	Warren
Durbin	McConnell	Whitehouse
Enzi	Menendez	Wyden

NOT VOTING—10

Alexander	Lautenberg	Vitter
Heitkamp	Paul	Wicker
Hoeven	Pryor	
Landrieu	Scott	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Michael J. McShane, of Oregon, to be United States District Judge for the District of Oregon?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The Senator from New Jersey.

MORNING BUSINESS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that there be a period of morning business until 7 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

ORDER OF PROCEDURE

Mr. MENENDEZ. Mr. President, I ask unanimous consent that upon the conclusion of my remarks Senator BOXER be recognized for her remarks.

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

Mr. MENENDEZ. Mr. President, let me thank the distinguished Senator from California for her courtesy in allowing me to move forward first.

THOUGHTS AND PRAYERS FOR THE PEOPLE OF OKLAHOMA

Mr. MENENDEZ. Mr. President, before I begin, let me offer my thoughts and prayers for the people of Oklahoma, who are in the middle of a devastating disaster. We in New Jersey know what that kind of devastation can mean, and our hearts go out to the victims and their families who have lost everything.

PEREZ NOMINATION

Mr. MENENDEZ. Mr. President, I rise today to reiterate my strong support for Tom Perez, a man eminently qualified to serve our country as the next Secretary of Labor.

I am pleased that the Senate Health, Education, Labor, and Pensions Committee voted last Thursday to favorably report Mr. Perez's nomination to the full Senate. But we must remember this step forward came only after weeks of delay.

This is the week we should have been on this floor debating and voting on the confirmation of Tom Perez, but we are not. Instead, delaying tactics on this and other nominees have now needlessly, pointlessly pushed this debate into next month.

Let me state for the record that the obstruction we have seen thus far in the confirmation process is completely unacceptable and, for the sake of the American people, for the sake of good governance, it must end.

It does not stop at the Department of Labor. Republicans have refused to take up nominees at the National Labor Relations Board, threatening the operation of this critical agency. It appears any agency that stands up for workers' rights is under attack. Let's just do the job the American people sent us here to do.

Tom Perez is a quintessential public servant, but apparently that is not enough for my colleagues on the other side. He is a consensus builder, but that is not enough. As secretary of labor in Maryland, he brought together the chamber of commerce and Maryland labor unions to make sure that workers received the level of wages and benefits they deserved and that businesses had the skilled workforce they needed, but that experience of bringing both sides together is not enough. It is not enough that he is the Assistant Attorney General for the Civil Rights Division of the Department of Justice, where he increased prosecutions of human trafficking by 40 percent, won $50 million for armed services members whose homes were improperly foreclosed on while they served, and settled the three largest fair lending cases in the history of the Fair Housing Act, recovering more money for victims in 2012 than in the previous 23 years combined. But none of those accomplishments on human trafficking, on servicemembers, on people who were abused in fair housing—that is not enough. It is not enough that he spent his entire career in public service. It is not enough to be a Brown University graduate or have a master's in public policy from the Kennedy School or a juris doctorate from Harvard Law.

The truth is that my friends on the other side are looking to block his nomination because Tom Perez is not enough of a Republican to pass muster. He is too much of an advocate for people with disabilities, achieving the largest ever disability-based housing discrimination settlement. He is too much of a civil rights champion. He obtained the first convictions under the Matthew Shepard and James Byrd Hate Crimes Prevention Act. He has been a strong supporter of ending discrimination on the basis of sexual orientation. They seem to hate the Civil Rights Division, but who could deny the importance of their work?

Tom Perez is just too much for my friends on the other side who want to block this nominee and insist on obstructing, obfuscating, and politicizing everything that comes before the Congress. The fact is that this is not even about Tom Perez. It is about rendering government helpless and standing in the way of any effort to govern.

Tom Perez is a good man. He is qualified and competent. He is a professional public servant nominated by the President and already confirmed by the Senate to the post he holds today. I endorsed Tom Perez after meeting him. I continue to stand firmly by him as a nominee. But what I will not stand for is Republicans blocking his nomination for no valid reason, without any real objection, only an ideological objection to allowing this President or this Congress to govern or to at least select a Cabinet that will help us do so, and in this case particularly the Department of Labor that stands for working men and women of this country.

I said, when the President nominated him, he was an outstanding nominee to be the Secretary of Labor. He has ''dedicated his career to championing the rights of workers and all Americans, and I am confident he will continue to do the same if confirmed.''

I also marvel that I listen to all the election postmortem about how the Republican Party has to reach out to Hispanic Americans in this country, how they have to do a better job of engaging them and selling their vision of America. This is the President's first nominee for this second term of a Hispanic American who is eminently qualified.

To try to stop this nominee is reverting back to the same old failed political strategies during the last election. It is unfortunate that the President's first Hispanic choice for his second-term Cabinet comes under such attack, no valid attack. It does not have to be that way. Mr. Perez deserves an up-or-down vote, and he deserves to be swiftly confirmed as the next Secretary of Labor.

To my friends on the other side, I would say to you it is time to stop the obstructionism. I would say to you the empty rhetoric and baseless objections to Tom Perez's nomination are not going to serve you well in the Hispanic community. You should allow, as I have heard so many times—give us an up-or-down vote—an up-or-down vote. Working families in this country, those who depend upon the Labor Department to have a sense of fairness and justice, deserve an up-or-down vote. Hispanic Americans who want to see someone from that community represented in the President's Cabinet want to see an up-or-down vote. That is what justice would be all about.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Before my friend from New Jersey leaves the floor, I wish to thank him for leading a letter regarding this important nomination. We need a Secretary of Labor. We had a wonderful Secretary of Labor, Hilda Solis. The reason it is so essential is we