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Senate

The Senate met at 2:30 p.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, by whose providence our forebears brought forth this Nation conceived in liberty and dedicated to equal justice for all, fill our lawmakers with a similar passion for life and liberty. May their smaller successes prompt larger undertakings for human betterment. Lord, guide them with Your higher wisdom so that Your will may be accomplished on Earth, even as it is in Heaven. Give our Senators the moral and spiritual stamina to walk with integrity that they may fulfill their high calling in service to this land we love. Use them also to advance Your Kingdom on Earth.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. HOEVEN). The majority leader is recognized.

MEASURE PLACED ON THE CALENDAR—S. 1698

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The senior assistant legislative clerk read as follows:

A bill (S. 1698) to exclude payments from State eugenics compensation programs from consideration in determining eligibility for, or the amount of, Federal public benefits.

Mr. MCCONNELL. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

LEGISLATIVE PROCESS IN THE SENATE

Mr. MCCONNELL. Mr. President, I wish to share a few lines from an opinion piece Speaker BOEHNER wrote last week. It began:

In November, the American people decided to entrust Republicans with control of the U.S. Senate, where common-sense jobs bills too often went to die in recent years. Now, since the start of this year, the Republican majority of the U.S. House finally has a willing partner in our work on behalf of the American people. It is an opportunity we haven't let go to waste.

The Speaker is hardly the only one who feels good about a new Senate that is back to work for the American people. The State work period was a good reminder of just that. Over the past week, Kentuckians repeated similar sentiments at events I attended across the Commonwealth.

It is no surprise our constituents feel this way because the American people see more signs of more open debate in the new Senate. They see more opportunities for Senators in both parties to take a stake in the legislative process. They see us passing bills. They see committees working again. Quite a bit of bipartisan reform legislation has emerged from committees already, often with strong support from both parties.

EVERY CHILD ACHIEVES ACT

Mr. MCCONNELL. Mr. President, this week we will begin floor debate on yet another such bipartisan measure, the Every Child Achieves Act.

Many Washington pundits assumed that Congress could never agree on a workable solution to replace a broken No Child Left Behind law, and they certainly didn't believe one would receive unanimous committee support from both Republicans and Democrats. But many of those folks didn't think Washington could reform the Medicare payment system or pass trade legislation either. So it is a good thing Chairman ALEXANDER and Ranking Member MURRAY didn't listen to them. The new Congress has proved the pundits wrong already. If the senior Senator from Tennessee and his Democratic counterpart from Washington State have their way, the new Congress will prove them wrong yet again.

The Every Child Achieves Act aims to assure we are helping students to succeed instead of helping Washington to grow, and it recognizes an obvious truth; that the needs of a student in Eastern Kentucky aren't likely to be the same as those of students in South Florida or downtown Manhattan. The bill would give States the flexibility to develop systems that work for the needs of their students rather than the one-size-fits-all mandate of Washington, taking decisions out of the hands of Federal bureaucrats and putting them into the hands of real experts: parents, teachers, and State and local leaders.

I will be talking more about the bipartisan Every Child Achieves Act later this week. But the fact that we are even on the floor today discussing yet another important reform solution to yet another seemingly intractable problem is one more reminder that this is a new Congress that is focused on solutions for the American people.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

REPUBLICAN FILIBUSTERS

Mr. REID. Mr. President, I appreciate the Republican leader for taking credit for passage of bills they filibustered. He led the filibusters on these the last 4 years. It is unfortunate, but any one of those, with rare exception, would have been passed had we not had filibusters by the Republicans—the SGRs, and we could go through the whole list.

But I appreciate we are doing some things that are important because we are not filibustering. Remember, every one that we tried to do was stopped dead in its tracks and, as a result of that, we had to file hundreds of motions to invoke cloture. So my friend the Republican leader should be very happy we are not doing the same thing to him that was done to us.

DEADLINES PASSED

Mr. REID. Mr. President, all Americans face deadlines. Ask any student or any working professional, and they will tell you they have to meet deadlines to be successful. It is part of life.

Senate Republicans, though, seem to reject the idea of finishing work on time. Instead, the Republican leader has repeatedly taken the Senate to the brink. Already the first few months of this year, Republicans have botched deadlines for funding the Department of Homeland Security, the Federal Intelligence Surveillance Court—that was a real debacle—and, most recently, the Export-Import Bank, which is now out of business.

There were 165,000 people working as a result of the Bank who now—if not gone and looking for employment, they will have to do it very soon because the Republicans are boasting they were able to kill this business-oriented program that has been successful all over the world, allowing us to export things that we would not have been able to had that law not been in effect. As a result of our not doing things, other countries—China and other countries—are now picking up the slack where Ex-Im Bank worked before. There is a lot of business being lost for the American people, and it is very unfortunate because, again, Republicans are not meeting deadlines.

Every one of those crises is accompanied by consequences that hurt our country: lost productivity, a volatile stock market, and lapses in national security. Every time Republicans miss a deadline who gets hurt worse than anyone else? The middle class does and our Nation is less safe.

Now, I realize we have another vitally important, time-sensitive matter that requires the Senate's attention as soon as possible. At the end of this month, our Nation is faced with a

looming expiration and insolvency of the highway trust fund. With 64,000 structurally deficient bridges and billions of dollars needed for construction projects across America—really, trillions of dollars. We have an infrastructure deficit in this country of about \$3 trillion, and 64,000 bridges are structurally deficient. It is irresponsible for Republicans to be content to let the authorization of the highway program lapse or maybe they will come up with another solution like they have in the past, 33 separate short-term extensions of the highway bill.

And now I understand that the chairman of the Finance Committee is working on another short-term extension. How really insensitive to the needs of the American people. There are some States that can't do construction work on highways in the wintertime. It is cold. But that doesn't seem to matter. These short-term extensions are what has become part of the Republican mantra.

There is also an urgent need to reach a bipartisan budget agreement. In less than 3 months, unless we act, the government will shut down. To avoid that, we will need a budget agreement between two parties. That is going to take time and a lot of work, but to this point, the deadline seems to be meaningless to my Republican colleagues. They are doing nothing, not a conversation about it, and they led the charge in the past about how phony the overseas contingency funding was to pay the bills of this country, but now they seem to embrace it. But I guess their theory is—why not put off until tomorrow what you can do today? I don't understand why what we have around here is, putting off until tomorrow everything that should be done today.

There is no need to wait until the end of July to address our Nation's roads, bridges, and rails. That is what we are doing. There is no need to wait until September to come to a sensible agreement funding our government, but that is what they are doing.

Democrats are ready to work with Republicans on these two issues—and now.

PRESIDENTIAL NOMINATIONS

Mr. REID. Mr. President, another glaring deficiency is we are certainly ready to help Republicans fulfill their constitutional obligations to give due consideration to President Obama's judicial nominations and other nominations.

The Constitution gives the Senate the job to give its advice and consent to the President's nominations to the judiciary. So far, the Republican leader and his party are failing catastrophically. They are intent on delaying important confirmations, even in the face of increasing judicial emergencies all over this country.

Today marks the 182nd day of the 114th Congress. Yet today will be our

first circuit court nomination. That means for almost 7 months, the Republican Senate has not confirmed a single appellate court judge, but today we are going to finally consider one, and that is important. We will be hopefully confirming the first Latina on the Federal Circuit.

Kara Fernandez Stoll is well qualified by every measure. Her nomination was reported out of the Judiciary Committee months ago. Yet no Republican can explain why she has waited this long to have a vote. It is all part of a disturbing trend, I am sorry to say, of neglecting constitutional duties.

According to the Congressional Research Service, the new Republican Senate has doubled the average time for the confirmation of the first circuit judge for any President in the modern era. The new Republican Senate is once again making history but for all the wrong reasons. The Republican leader and his party are on pace to confirm the fewest judicial nominations in half a century.

President Obama's Federal judges are not getting a fair shake. They are bottled up in the Judiciary Committee. They are focused on I don't know what in that committee, but it is certainly not moving the President's nominations. Nominations are forced to wait longer than in past Congresses on the floor.

I have spoken before about the nomination of one very well-qualified person from Philadelphia, Luis Felipe Restrepo—another extremely well-qualified judge-to-be. The junior Senator from Pennsylvania delayed his confirmation by not returning the blue slip to advance his nomination. Before we left for the recess, the Judiciary Committee delayed his hearing again. Yet the junior Senator from Pennsylvania said he is not responsible for the delay because he does not sit on the committee.

This good man, Luis Felipe Restrepo, has waited far too long. He has been nominated to fill a judicial emergency. Judicial emergencies have skyrocketed under Republicans' lack of leadership. Justice delayed is justice denied. The people of Pennsylvania deserve to have him confirmed. So why doesn't the junior Senator from Pennsylvania simply ask to confirm Judge Restrepo immediately? I am confident that if that happened we would have that matter on the calendar. We could confirm Judge Restrepo to the Third Circuit next week if Republicans would quit playing games with nominations.

Time and time again, Democrats have asked for the fair consideration of President Obama's judicial nominations. It is not too much to ask the new majority to match the numbers of confirmations Democrats gave George W. Bush the last 2 years of his administration. By this point, Democrats had confirmed 21 of President George W. Bush's judges-to-be. President Obama has only had four confirmed to date.

And according to the senior Senator from Texas, we should not expect a