the support of Indiana Senator DICK LUGAR, the senior Republican in the Senate. They forced the Senate to invoke cloture, a time consuming process, by refusing for months to agree to debate and vote on the nomination of Justice Barbara Keenan of Virginia to the Fourth Circuit. She was then confirmed by a vote of 99 to zero.

The Republicans tactics of obstruction have led to 22 judicial nominations stalled on the Senate's Executive Calendar and only 18 circuit and district court nominations confirmed. That lack of progress stands in stark contrast to this date in 2002, when a Democratic Senate majority had proceeded to confirm 42 of President Bush's judicial nominations. Republicans obstruct virtually every judicial nominee. Even though 15 of the 18 Federal circuit and district court judges confirmed have been without opposition, they have delayed and stalled for weeks and months as Republicans drag out the process and stall Senate consideration by withholding their consent.

During President Bush's first 2 years the Senate confirmed 100 of his judicial nominees. Republican obstruction has us on pace to confirm fewer than 30 Federal circuit and district court nominees before this Congress adjourns. Their approach has led to skyrocketing judicial vacancies, again, like the pocket filibusters they employed during the Clinton Presidency that led to a vacancy crisis in the 1990s. They do a disservice to the American people seeking justice in our overburdened Federal courts. We have to do far more to address the growing crisis of unfilled judicial vacancies, which now top 100. We owe it to the American people to do better.

Sadly, actions like today's objections from Senate Republicans to the consideration of two nominations to fill vacancies on overburdened courts will be viewed as little more than what they are: petty, partisan politics with no regard for the priorities of the American people. I urge them to reconsider and allow this hearing to proceed.

JUSTICE FOR JAMIE LEIGH JONES

Mr. LEAHY. Mr. President, yesterday, I was pleased to learn that a brave young woman, Ms. Jamie Leigh Jones, will finally have her day in court. Ms. Jones testified before the Senate Judiciary Committee last year about how the Supreme Court's interpretation of the Federal Arbitration Act has hampered American employees from having their civil rights protected. Ms. Jones was a compelling witness; her case deserves the attention of every Senator.

When she was just 20 years old and was working overseas for the military contractor, KBR, Ms. Jones was sexually assaulted by her coworkers. She filed suit in Federal court alleging sexual harassment, hostile work environment claims under title VII of the Civil Rights Act of 1964, and several state law tort claims including assault and battery. Both KBR and its former parent company, Halliburton, argued that her claims were subject to forced arbitration under a clause that Ms. Jones was required to sign as a condition of her employment. The district court agreed with the company in part. It dismissed her Federal civil rights claims because it found that they were subject to forced arbitration under her contract. But the court held that Ms. Jones could proceed to trial on some of her tort claims, albeit only after her civil rights claims had been decided in arbitration. Halliburton and KBR appealed to the Fifth Circuit court of appeals, arguing that under her employment contract and the Federal Arbitration Act, all of Ms. Jones's claims were subject to forced arbitration, including her assault and battery claims arising out of her alleged rape. The Fifth Circuit affirmed the district court's decision, and once again the companies appealed.

In the interim, Congress enacted an amendment to the Department of Defense Appropriations Act of 2010, Public Law 111–118. That amendment was sponsored by Senator FRANKEN and supported by Senators from both parties. It prohibited the U.S. Government from entering into contracts with and paying Federal tax dollars to corporations who force their employees to arbitrate their civil rights or tort claims related to sexual assault and harassment or take any action to enforce such forced arbitration clauses. I am pleased that the companies cited this law, which I was happy to support, as a reason for dropping their appeal.

As we examined in our October hearing, however, millions of hard working Americans like Ms. Jones are being denied their civil and constitutional rights and being forced into arbitration merely by accepting a job offer that contains an arbitration clause as a condition of employment. There is no rule of law in arbitration. There are no juries or independent judges in the arbitration industry. There is no transparency or accountability. And unfortunately, there is often no justice.

After more than 5 years of hard won challenges, Ms. Jones will finally be able to seek justice in a courtroom. But this small victory should not have been such a struggle. I will continue to work to ensure that Americans have a meaningful choice about whether or not to enter a predispute arbitration agreement—no American should be forced to forfeit their access to the courts in order to get a job or a product or a service. Arbitration clauses like the one in Ms. Jones's contract strip Americans of the civil rights protections many of us in Congress have fought for so long to enshrine in our law.

Legislation such as Senator FEINGOLD's Arbitration Fairness Act, S. 931, which would make mandatory predispute arbitration clauses in employment, consumer, franchise, or civil rights disputes unenforceable, would correct these practices and restore fairness to the marketplace for jobs and other goods and services. Jamie Leigh Jones's struggle also highlights the importance of the Civilian Extraterritorial Jurisdiction Act of 2010, S. 2979, which I recently introduced. My legislation would fix outdated criminal laws by establishing that all U.S. government employees and contractors who commit crimes while working abroad can be charged and tried in the United States under American law. We must continue to protect victims like Ms. Jones and others who have their civil rights violated. I look forward to the day when justice is the norm, rather than the exception, in all cases like this.

ADDITIONAL STATEMENTS

TRIBUTE TO DOROTHY HEIGHT

● Mr. BURRIS. Mr. President, today I celebrate the 98th birthday of a true civil rights pioneer and social activist: Dorothy Height.

She began her career in the 1930s, as a teacher in Brooklyn, NY. Shortly after it was founded, she became active in the United Christian Youth Movement.

It was this cause that would first carry her to national leadership, though she was quite a young woman at the time.

In 1938, Dorothy was selected by First Lady Eleanor Roosevelt to help plan a World Youth Conference, and later served as a delegate to the World Conference on Life and Work of the Churches.

The same year, she was hired by the YWCA, and quickly began to rise through the ranks of the national organization.

And it was also around this time that she caught the attention of Mary McLeod Bethune, founder and president of the National Council of Negro Women, or NCNW, who recruited young Dorothy to join the fight for women's rights.

She remained deeply involved in the YWCA, and also attained high leadership positions in the Delta Sigma Theta Sorority, the United Civil Rights Leadership, and a number of other organizations.

She helped to guide these pivotal groups through the stormy waters of the civil rights movement, looking always to the future, and maintaining a steadfast dedication to cause and principle.

But it was Dorothy's distinguished leadership of the NCNW that would come to define her career.