

millions of lives this disease takes as it orphans children and destabilizes communities throughout the world, and recommit to fighting TB with the sense of urgency and level of resources this global public health battle requires.

#### OBJECTION TO JUDICIARY COMMITTEE HEARING

Mr. LEAHY. Mr. President, today the Judiciary Committee was scheduled to welcome two of President Obama's nominees to fill vacancies on the Federal bench in California: Professor Goodwin Liu, nominated to fill a vacancy on the Ninth Circuit, and Magistrate Judge Kimberly Mueller, nominated to a judgeship in the Eastern District of California. However, we will not be able to hear from those nominees today because Senate Republicans have anonymously objected to the hearing. They have continued their ill-advised protest of meaningful health reform legislation by exploiting parliamentary tactics and Senate Rules, to the detriment of the American people and, in today's instance, at the expense of American justice.

I have previously accommodated requests from Judiciary Committee Republicans to delay the committee's hearing to consider Professor Liu's nomination. I had intended to hold this hearing 2 weeks ago but, at the request of Republicans, delayed it until today. We had agreed, instead, to proceed to a hearing for Judge Robert Chatigny, a nominee to the Second Circuit court of appeals, on March 10. Republicans then reversed themselves and asked for additional delay in connection with that March 10 hearing. I, again, accommodated them. Earlier this week I sought to move this afternoon's hearing to the morning, into the 2-hour window of time after the Senate convened, that would not be subject to this arcane objection. Republicans asked that we keep it scheduled for this afternoon because it worked better for the schedules of the Republican members of the committee, and they had planned to participate this afternoon. Now, having objected to holding the hearing this morning, they object to it not being held this afternoon. They pulled the plug on our hearing and put up roadblocks to the committee's process for working to fill judicial vacancies.

It is particularly troubling that Republicans will not allow the committee to hear from Professor Goodwin Liu, a widely respected constitutional law scholar who they targeted for criticism and opposition the moment he was nominated. The day Professor Liu was nominated, committee Republicans declared themselves "disappointed" by the President's nomination of Professor Liu and claimed that Professor Liu was "far outside the mainstream of American jurisprudence." Their opposition was instantaneous and the drumbeat has continued. Rather than give Professor Liu a chance to answer their questions and respond to their attacks,

Republicans have now prevented Professor Liu from appearing, from answering their questions, and from addressing their concerns. They are being unfair. They are seeking to render him mute by their obstruction while they continue their attacks.

Goodwin Liu, the son of Taiwanese immigrants, has a great American story and sterling credentials. He did not learn English until kindergarten, yet rose to graduate from Stanford University and Yale Law School and become a Rhodes scholar. After law school, Professor Liu clerked for DC Circuit Judge David Tatel and Supreme Court Justice Ruth Bader Ginsburg. He has a brilliant legal mind and is admired by legal thinkers and academic scholars from across the political spectrum. As conceded by a Fox News commentator, Professor Liu's qualifications for the appellate bench are "unassailable."

Professor Liu would also bring much-needed diversity to the Federal bench. There are currently no active Asian-American Federal appeals court judges in the country. Judge Denny Chin of New York has been nominated to the Second Circuit, but Senate Republicans have stalled his nomination for over 3 months, despite his unanimous approval by the Senate Judiciary Committee.

Senate Republicans have not given Professor Liu fair consideration. Like their practice of pocket-filibustering more than 60 of President Clinton's judicial nominees in the 1990s, the decision by Republicans to block the hearing today gives Professor Liu no chance to respond to the attacks that they began weeks ago.

Republicans' filibusters and stalling tactics have been evident since President Obama took office. Senate Republicans threatened to filibuster President Obama's judicial nominations before the President had made a single one. They insisted on filibustering the nomination of Judge David Hamilton of Indiana, a well-respected mainstream district court judge who had 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.