

cost increases would have on their businesses. One gentleman who employs 30 workers at a Dairy Queen in South Dakota told me that a \$3 increase in the minimum wage would cost his business an additional \$100,000 per year. That is a huge amount for a small business in a rural area of South Dakota. To deal with these costs, this owner, like so many other small business owners around the country, is going to be forced to hike prices on the products he offers, and that will affect individuals and families in South Dakota and across the country.

Middle-class families have already seen their incomes fall by nearly \$3,500 on this President's watch. The Congressional Budget Office makes clear that a minimum wage hike will mean their purchasing power will be even further reduced and eroded.

The evidence is clear: Minimum wage hikes cost jobs. When informed that they cost jobs, the strong majority of Americans reject these hikes, but unfortunately Democrats have a habit of ignoring both the evidence and the American people.

Take ObamaCare. Democrats jammed the bill through Congress on a party-line vote over the objections of the American people and despite plenty of evidence to suggest that ObamaCare wouldn't work. But, committed to their liberal fantasy of successful government-run health care, they ignored all the evidence to the contrary and forced the bill through. The American people are suffering as a result—canceled health care plans, lost doctors and hospitals, higher prices, fewer choices, and reduced access to medications. The list goes on and on.

Last week the fifth annual U.S. Bank Small Business Survey reported that businesses now rank health care as their No. 1 concern. More than 60 percent of them, quoting from the survey, "now say the long-term impact of the Affordable Care Act will be negative on their business."

Another article over the weekend reported that "health insurers are preparing to raise rates next year for plans issued under the Affordable Care Act."

Still another article from The Hill newspaper on Saturday stated that Democrats in competitive elections generally regard ObamaCare as a four-letter word, with many of their campaign Web sites omitting any reference to the law.

Democrats know ObamaCare has failed, but instead of trying to replace the law, they are just trying to distract with more bad policies that make it even harder to create jobs in this country.

American families are hurting. They need jobs—steady, good-paying jobs. Yet Democrats are ignoring this priority in favor of liberal pet projects that pander to their political base.

There is a clear contrast developing in the Senate: Democrats are offering distractions and Republicans are offer-

ing proposals that would spur job creation, increase opportunity, and help middle-class families, proposals such as Senator HOEVEN's bill to force approval of the Keystone Pipeline and the 42,000 jobs the President's own State Department says it would support.

There is Senator COLLINS' proposal to amend the ObamaCare 30-hour work-week provision that is causing employers to cut hours.

We have the proposal from Senators HATCH, TOOMEY, and COATS to repeal ObamaCare's tax on lifesaving medical devices such as pacemakers and insulin pumps—a tax that has already negatively affected tens of thousands of jobs in this industry and stands ready to damage many more.

Then there is Senator PORTMAN's bill to require executive branch agencies to conduct a cost-benefit analysis of new regulations so that fewer burdensome, job-killing regulations emerge from the administration.

There are bills from Senator LEE, Senator MCCONNELL, and Senator AYOTTE to give working parents more flexibility in the workplace so that they can make it to more soccer games and more dance recitals while maintaining steady jobs.

Senator RUBIO has a bill to amend the National Labor Relations Act to allow employers to give raises to deserving employees.

Then there is my own to help long-term unemployed workers by providing them with a one-time low-interest loan of up to \$10,000 to start a new job or to relocate to a State or metropolitan area with lower unemployment.

The PRESIDING OFFICER (Mr. SCHATZ). The time of the Senator has expired.

Mr. THUNE. Those are the issues on which we should be focused. I hope we will start—and start creating jobs and opportunities for the American people.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Sheryl H. Lipman, of Tennessee, to be United States District Judge for the Western District of Tennessee.

Harry Reid, Patrick J. Leahy, Jon Tester, Barbara Boxer, Charles E. Schumer, Benjamin L. Cardin, Richard J. Durbin, Christopher A. Coons, Jack Reed, John D. Rockefeller IV, Carl Levin, Bill Nelson, Sheldon Whitehouse, Christopher Murphy, Patty Murray, Tom Udall, Angus S. King, Jr.

Mr. LEAHY. Mr. President, today, we will vote to end filibusters on the nominations of Sheryl Lipman to the U.S. District Court for the Western District of Tennessee, Stanley Bastian to the U.S. District Court for the Eastern District of Washington, Manish Shah to a judicial emergency vacancy on the U.S. District Court for the Northern District of Illinois, Daniel Crabtree to the U.S. District Court for the District of Kansas, Judge Cynthia Bashant to the U.S. District Court for the Southern District of California, and Judge Jon Levy to the U.S. District Court for the District of Maine. These are just 6 of the 31 judicial nominees currently pending on the Senate Floor.

Every single one of these nominees was voted out of the Judiciary Committee with bipartisan support and every single one of these nominees has the support of their home State Senators. Nevertheless, we are once again being forced to follow the costly ritual of filing and voting on cloture for non-controversial nominees and wasting valuable floor time repeating this exercise. Meanwhile, it is our Federal Judiciary and the American people who suffer from these delays.

I recently heard remarks from the Minority Leader claiming that "many of these nominees would have been confirmed last December had we not" instituted the rules change. This statement is simply belied by the facts. Senate Republicans have obstructed and slowed the nominations process throughout this President's entire tenure—in both his first and second terms. At the end of each calendar year, Senate Republicans deliberately refuse to vote on several judicial nominees who could and should be confirmed in order to consume additional time the following year confirming these nominees. This has happened at the conclusion of every single year of the Obama presidency.

At the end of 2009, they left 10 nominations on the Executive Calendar without a vote. Two of those nominations were returned to the President, and it subsequently took 9 months for the Senate to take action on the other 8. This resulted in the lowest 1-year confirmation total in at least 35 years. In 2010 and 2011, Senate Republicans left 19 nominations on the Senate Executive Calendar at the end of each year. It then took nearly half the following year for the Senate to confirm these nominees. In 2012, Senate Republicans left 11 judicial nominees without action and another four had hearings but Republicans refused to expedite their consideration. In 2013, Senate Republicans left 9 nominations on the Executive Calendar. Another 15 judicial

nominees could have been reported to the full Senate and confirmed by the end of last year, but Senate Republicans blocked the Judiciary Committee's ability to meet to report these nominees to the full Senate. So, the idea that the rules change has somehow triggered Republican obstruction is simply not true. This has been a persistent and coordinated effort since the very beginning of the Obama presidency, and the rules change was an attempt to overcome some of these tactics of delay and obstruction.

I have also seen reports lately that President Obama is now outpacing President George W. Bush in terms of judicial nominees confirmed at the same point in their presidencies. It is true that at this point in their respective presidencies, President Bush had 232 nominees confirmed while this President has had 235 nominees confirmed. This is certainly welcome news.

I would note, however, that this statistic paints a very incomplete picture of what needs to be done. Although there have been slightly more nominees confirmed, the vacancies are much higher at this point in this president's tenure than in President Bush's tenure. In April 2006, there were only 54 vacancies in the Federal judiciary. In stark contrast, as of April 2014, there are currently 85 vacancies in the Federal judiciary—31 vacancies more than existed at the same point in President Bush's tenure.

The comparison is even more troubling when you consider the 31 judicial nominees currently pending on the Executive Calendar. We could lower the number of judicial vacancies today to 54 if Senate Republicans would consent to voting on all of the pending nominees. We have not had fewer than 60 vacancies since February 2009, at the beginning of President Obama's first term. And for most of President Obama's tenure in office, judicial vacancies have continued to hover around 80 and 90 because of Senate Republican obstruction. Nevertheless, Senate Republicans continue to object to votes on these nominations.

These 6 nominees for whom we are voting to invoke cloture on today were nominated last August and September. It is about time that we held a vote on their nominations. All 6 nominees are well qualified and we should end these filibusters and confirm them as soon as possible.

Sheryl Lipman has served as University Counsel to the University of Memphis since 2002, where she has also served as interim chief of staff to the president of the university and senior attorney. Prior to her work for the University of Memphis, she worked for nearly a decade in private practice at various law firms. Following her graduation from law school, she served as a law clerk to Judge Julia Gibbons of the U.S. District Court for the Western District of Tennessee. Ms. Lipman has the support of her home State Repub-

lican Senators, Senator CORKER and Senator ALEXANDER. The Judiciary Committee reported her unanimously by voice vote to the full Senate on January 16, 2014.

Stanley Bastian has worked in private practice for over 15 years and currently serves as a managing partner at the law firm Jeffers, Danielson, Sonn & Aylward, P.S. From 1985 to 1988, he served as an Assistant City Attorney in the Seattle City Attorney's Office, from 1984 to 1985 he served as a law clerk to Judge Ward Williams of the Washington State Court of Appeals Division I. Mr. Bastian previously served as the president of the Washington State Bar Association. He has the support of his home State Senators, Senator MURRAY and Senator CANTWELL. The ABA Standing Committee on the Federal Judiciary unanimously rated him "well qualified" to serve on the U.S. District Court for the Eastern District of Washington, its highest rating. The Judiciary Committee reported him unanimously by voice vote to the full Senate on January 16, 2014.

Manish Shah has served in the United States Attorney's Office for the Northern District of Illinois since 2001. He has served as the chief of the Criminal Division since 2012, and previously served as the chief of Criminal Appeals, deputy chief of Financial Crimes & Special Prosecutions, and deputy chief of General Crimes. He also served as a law clerk to Judge James Zagel of the U.S. District Court for the Northern District of Illinois from 1999 to 2001. Mr. Shah was awarded the Federal Bureau of Investigation Director's Award for Outstanding Criminal Investigation in 2008 and the Executive Office for U.S. Attorneys Director's Award for Superior Performance by a Litigative Team in 2007. He earned his B.A. with honors and distinction from Stanford University in 1994. He earned his J.D. with honors from the University of Chicago Law School in 1998. He has the bipartisan support of his home State Senators, Senator DURBIN and Senator KIRK. The Judiciary Committee reported him unanimously by voice vote to the full Senate on January 16, 2014. If confirmed, he would be the first South Asian judge to serve on a Federal court in Illinois.

Daniel Crabtree has worked as a partner at Stinson, Morrison, Hecker, LLP since 2002. He previously worked in private practice for 21 years at Stinson, Mag & Fizzel. He has also served as the general counsel for the Kansas City Royals Baseball Club and Walsworth Publishing Company since 2008. In private practice, he has provided pro bono legal services through the Volunteer Attorney Project of the Legal Aid Office of the Western District of Missouri. Mr. Crabtree has the support of his Republican home State Senators, Senator MORAN and Senator ROBERTS. The ABA Standing Committee on the Federal Judiciary unanimously rated him "well qualified" to serve on the U.S. District Court for the

District of Kansas. The Judiciary Committee reported him unanimously by voice vote to the full Senate on January 16, 2014.

Judge Cynthia Bashant has served as a California State judge in San Diego Superior Court since 2000, and for 3 years as the court's presiding judge, 2010–2013. During her 13 years on the bench, she has presided over approximately 100 jury trials and over 1,000 bench trials. Prior to her judicial service, she served as an assistant U.S. attorney in the Southern District of California, 1989–2000, and worked in private practice at Baker and McKenzie (1988–1989) and at McDonald Halsted and Laybourne, 1986–1988. In private practice, she provided pro bono legal services to the San Diego Volunteer Lawyers Program and the American Civil Liberties Union. While serving as an assistant U.S. attorney, she received six Special Commendations for Outstanding Performance. Judge Bashant has the support of her home State Senators, Senator FEINSTEIN and Senator BOXER. The Judiciary Committee reported her unanimously by voice vote to the full Senate on January 16, 2014.

Justice Jon Levy has served as an associate justice on the Maine Supreme Judicial Court since 2002. He previously served as a state judge in York, ME, as chief judge, 2001–2002, deputy chief judge, 2000–2001, and as a district court judge for Maine's Tenth Judicial District (1995–2000). Prior to his judicial service, he worked in private practice for more than a decade. He previously served as a special monitor in the U.S. District Court for the Southern District of Texas, 1981–1982. After graduating from law school, he served as a law clerk to Judge John Copenhaver, Jr., of the U.S. District Court for the Southern District of West Virginia, 1979–1981. He is a member of the American Bar Association's Standing Committee on Legal Aid and Indigent Defendants. As a leader in the Maine Justice Action Group, he has promoted pro bono involvement throughout Maine's legal community. Justice Levy has the bipartisan support of his home State Senators, Senator KING and Senator COLLINS. The Judiciary Committee reported his nomination favorably with bipartisan support to the full Senate on January 16, 2014.

I thank the majority leader for filing cloture petitions to end the filibusters of these much needed judges. I hope my fellow Senators will join me today to end these filibusters so that these nominees can get working on behalf of the American people.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Sheryl H. Lipman, of Tennessee, to be United States District Judge for the Western District of Tennessee, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mr. PRYOR) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Florida (Mr. RUBIO).

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

The yeas and nays resulted—yeas 58, nays 39, as follows:

[Rollcall Vote No. 111 Ex.]

YEAS—58

Alexander	Hagan	Murray
Baldwin	Harkin	Nelson
Begich	Heinrich	Reed
Bennet	Heitkamp	Reid
Blumenthal	Hirono	Rockefeller
Booker	Johnson (SD)	Sanders
Boxer	Kaine	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Landrieu	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Collins	Manchin	Udall (NM)
Coons	Markey	Walsh
Corker	McCaskill	Warner
Donnelly	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murkowski	
Gillibrand	Murphy	

NAYS—39

Ayotte	Flake	McConnell
Barrasso	Graham	Moran
Blunt	Grassley	Paul
Burr	Hatch	Portman
Chambliss	Heller	Risch
Coats	Hoeven	Roberts
Coburn	Inhofe	Scott
Cochran	Isakson	Sessions
Cornyn	Johanns	Shelby
Crapo	Johnson (WI)	Thune
Cruz	Kirk	Toomey
Enzi	Lee	Vitter
Fischer	McCain	Wicker

NOT VOTING—3

Boozman	Pryor	Rubio
---------	-------	-------

The PRESIDING OFFICER. On this vote the yeas are 58 and the nays are 39. The motion to invoke cloture is agreed to.

The majority leader is recognized.

Mr. REID. We have five more votes. At the end of 10 minutes, with the 5-minute kicker on each of these votes, we should close the vote no matter who is not here. We have a lot to do today. We have two caucuses that should start at 12:30, and so we will have to rush through these as quickly as we can.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to the vote on the motion to invoke cloture on the Bastian nomination.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I would like to speak about the excellent nominee we are considering to be U.S. district judge for the Eastern District of Washington, Stan Bastian.

In my home State of Washington we have a bipartisan judicial selection process that allows us to recommend nominees who are supported by Repub-

licans and Democrats alike, and while we don't always agree on every nominee, that process has served our State well for a long time. As the Senate votes today on the nomination of Mr. Bastian, I would like to inform my colleagues that during the bipartisan process to select him, his support was unanimous. That means every Republican and every Democrat who helps select judicial nominees in our State supports Mr. Bastian on the Federal bench. In today's political atmosphere, that is the strongest endorsement I can think of.

He has nearly 30 years of litigation experience. He is a fellow in the American College of Trial Lawyers. He is the chairman of the Equal Justice Coalition, and throughout his career he has served the Washington bar, first as a member of the board of governors and eventually as president. He has practiced in both State and Federal courts, tried hundreds of cases, including civil and criminal cases and jury and bench trials.

Our system of government is at its best when good people step up to the plate and are willing to serve. Throughout his legal career Stan Bastian has done just that. So I am here to express my support and urge our colleagues to do the same.

Thank you. I yield the floor.

Mr. REID. Mr. President, I yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Stanley Allen Bastian, of Washington, to be United States District Judge for the Eastern District of Washington.

Harry Reid, Patrick J. Leahy, Jon Tester, Barbara Boxer, Charles E. Schumer, Benjamin L. Cardin, Richard J. Durbin, Robert P. Casey, Christopher A. Coons, John D. Rockefeller IV, Carl Levin, Maria Cantwell, Bill Nelson, Sheldon Whitehouse, Christopher Murphy, Patty Murray, Tom Udall, Angus S. King, Jr.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Stanley Allen Bastian, of Washington, to be United States District Judge for the Eastern District of Washington, shall be brought to a close?

The yeas and nays are mandatory under the rules.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Michigan (Mr. LEVIN) and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Florida (Mr. RUBIO).

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

The yeas and nays resulted—yeas 55, nays 41, as follows:

[Rollcall Vote No. 112 Ex.]

YEAS—55

Baldwin	Harkin	Nelson
Begich	Heinrich	Reed
Bennet	Heitkamp	Reid
Blumenthal	Hirono	Rockefeller
Booker	Johnson (SD)	Sanders
Boxer	Kaine	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Landrieu	Stabenow
Carper	Leahy	Tester
Casey	Manchin	Udall (CO)
Collins	Markey	Udall (NM)
Coons	McCaskill	Walsh
Donnelly	Menendez	Warner
Durbin	Merkley	Warren
Feinstein	Mikulski	Whitehouse
Franken	Murkowski	Wyden
Gillibrand	Murphy	
Hagan	Murray	

NAYS—41

Alexander	Fischer	McConnell
Ayotte	Flake	Moran
Barrasso	Graham	Paul
Blunt	Grassley	Portman
Burr	Hatch	Risch
Chambliss	Heller	Roberts
Coats	Hoeven	Scott
Coburn	Inhofe	Sessions
Cochran	Isakson	Shelby
Corker	Johanns	Thune
Cornyn	Johnson (WI)	Toomey
Crapo	Kirk	Vitter
Cruz	Lee	Wicker
Enzi	McCain	

NOT VOTING—4

Boozman	Pryor
Levin	Rubio

The PRESIDING OFFICER. On the motion to invoke cloture, the yeas are 55, the nays are 41. The motion is agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate prior to a vote on the motion to invoke cloture on the Shah nomination.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent that all time be yielded back on the remaining pending nominations.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Manish S. Shah, of Illinois, to be United States District Judge for the Northern District of Illinois.

Harry Reid, Patrick J. Leahy, Jon Tester, Barbara Boxer, Charles E. Schumer, Benjamin L. Cardin, Richard J. Durbin, Robert P. Casey, Jr., Christopher A. Coons, John D. Rockefeller