of advice and consent. We have a solemn duty to consider nominees for positions of great importance to the Nation, some of which are lifetime appointments. Every day that the nomination of Loretta Lynch to be the next Attorney General awaits a floor vote is another day the Senate fails to function as it should.

The Attorney General is our Nation's top law enforcement official. The position is critical to protecting our national security and our most cherished civil rights. It is a position of honor and one that deserves respect. And even though Senators have not always agreed with the President's choice, there used to be a mutual respect for the position and the process of filling it. That proud history is being debased here in the Senate today. The Republican majority has turned this vital position—and the highly respected nominee—into a bargaining chip to be leveraged for political gain. This is not how to treat a position of such importance to law enforcement and our national security.

When I was chairman of the Judiciary Committee, I did not support the nomination of Michael Mukasey, the choice of President George W. Bush. But I did not obstruct the process or deny the Senate a vote. To the contrary, we treated the position and the nominee with the historic respect they both deserve. Judge Mukasey received a floor vote just 2 days after he was reported from committee and he was confirmed just 53 days after his nomination was announced. That process stands in sharp contrast to that of Ms. Lynch. It has now been 28 days since she was reported out of committee and 137 days since her nomination was first announced.

The treatment of this excellent nominee is beneath the dignity of this body. In January, Ms. Lynch testified before the Senate Judiciary Committee for nearly 8 hours and she responded to nearly 900 written questions. Not a single witness invited by Republicans opposed her nomination. When Republicans stalled consideration of Ms. Lynch's nomination in committee, Democrats noted the unnecessary delay and raised concerns about filling this vital position. Senator CORNYN dismissed this as ''faux outrage.'' But in November 2007, Senator CORNYN complained that a 7-week process on the Mukasey nomination threatened our national security. He issued a press release stating:

> It is imperative that the president has his national security team at full strength and the unnecessary delay of Judge Mukasey's nomination has prevented that. He deserves an immediate up-or-down vote by the full Senate.

Loretta Lynch's nomination has now been pending more than 19 weeks. Where is the outrage now? Where is the concern for the President's national security team to be at full strength?

Similarly, in early October 2007—just 3 weeks after Mr. Mukasey's nomination was announced, the Republican leader criticized me for not yet having set a hearing date, saying that Democrats should ''not hold Judge Mukasey hostage while they play partisan games.'' That was after 3 weeks. We are now on week 19 for Ms. Lynch—that is more than six times as long and Senator MCCONNELL has openly linked her confirmation to partisan politics by linking her vote to demands on legislation.

Senate Republicans' handling of the nomination process for the Nation's top law enforcement officer has been disgraceful. And all of this after Senate Democrats agreed not to process her nomination during the lameduck because the current majority leader reassured us that she would be treated fairly. Unfortunately, that has not been the case. No one can deny that Ms. Lynch is eminently qualified for the job. No one can deny that her nomination is a historic one. No one can deny that her record safeguarding our Nation from terrorists and criminals is beyond reproach. And no one can deny—based on the objective numbers—that she is being treated worse than her predecessors. Ms. Lynch has been treated unfairly compared to previous Attorneys General nominees by whatever metric one chooses.

Republicans are holding back a top Federal prosecutor who has an unparalleled record keeping Americans safe from terrorists. During her tenure as U.S. attorney, the Eastern District of New York has prosecuted significant terrorism cases. This includes the successful prosecution of six individuals for their roles in a 2009 Al Qaeda plot to attack the New York subway system; the convictions of four terrorists plotting to attack John F. Kennedy Airport; and the conviction of a terrorist who attempted to detonate an explosive device at the New York Federal Reserve.

Rudy Giuliani, the former Republican Mayor of New York and a proud law-and-order conservative, urged the Senate last week to end the delay and to confirm Ms. Lynch. He said:

> This woman is entitled to confirmation: not as a woman, not as a man, but as a highly qualified candidate . . . Loretta Lynch is more than qualified. She's overqualified to be attorney general.

My friend Louis Freeh, former Director of the FBI and Federal judge, has written that ''[i]n my twenty-five years of public service—23 in the Department of Justice—I cannot think of a more qualified nominee to be America's chief law enforcement officer.'' He has further stated that ''Ms. Lynch is an atypically non-political appointment for that office, a career professional without any political party ties or activity.''

If we do not confirm Ms. Lynch before the upcoming recess, her nomination will be pending before the full Senate for 46 days by the time we return on April 13. That is nearly twice as long as all of the past seven Attorneys General combined: Richard Thornburgh, 1 day; William Barr, 5 days; Janet Reno, 1 day; John Ashcroft, 2 days, Alberto Gonzales, 8 days; Michael Mukasey, 2 days; and Eric Holder, 5 days. This delay is an embarrassment for the U.S. Senate.

I am concerned that the Senate will have to file a cloture motion and vote to overcome a filibuster of Ms. Lynch's nomination. This would be unprecedented and unwarranted. No Attorney General nomination in our history has ever been met with a filibuster. We have never needed a cloture vote for an Attorney General nomination. It appears that Senate Republicans want to make history for all the wrong reasons. It is time to stop playing politics and lead.

JUDICIAL CONFIRMATIONS

Mr. LEAHY. Mr. President, we are now three months into the new Congress with Republicans in the majority. The Republican reign thus far has been defined by an attempt to shut down the Department of Homeland Security; a refusal to even allow a floor vote on an eminently qualified nominee for Attorney General; and the decision to inject a partisan abortion fight in what is otherwise an uncontroversial bill to build on our efforts to combat human trafficking. On top of all of this, the Senate Republican Leadership has been unwilling to bring up for a vote any of the judicial nominees pending on the Executive Calendar. Not one.

The refusal by the Senate Republican leadership to schedule votes on any Federal judges is completely contrary to historical precedent. This is also in stark contrast to the way Democrats treated President Bush's judicial nominees. During the Bush administration we were able to reduce overall judicial vacancies from 110 down to 28. In the 17 months I chaired the Senate Judiciary Committee during President Bush's first 2 years in office, the Senate confirmed 100 Federal circuit and district court judges. I also served as chairman of the Judiciary Committee during the last 2 years of the Bush administration and continued to hold regular hearings on judges and we confirmed 68 district and circuit court judges in those last 2 years.

The Senate must continue to fulfill its constitutional obligation of advice and consent. The fact that we are in the last 2 years of this presidency does not mean our work is done. In the last 2 years of the Clinton administration, 73 judges were confirmed, and in the last 2 years of the Reagan administration, 83 judges were confirmed. I have heard Senate Republicans state that 11 of the judges confirmed in the lame duck last year should count towards confirmations this year. That is a bizarre claim. Prior Congresses have always confirmed consensus nominees prior to long recesses. And Senate Democrats were only forced to do so because Republican obstruction had

left judicial vacancies close to or exceeding 90 through the first 6 years of this President's tenure.

In comparison to the current treatment of judicial nominees, by the end of March 2007, the new Senate Democratic majority had scheduled votes on and confirmed 15 of President Bush's district and circuit court nominees. The refusal to schedule a vote on a single judicial nominee this year comes despite the fact that four of these nominees have languished on the Senate floor for a month and were recommended to President Obama by their two Republican home State Senators. Three of these pending nominees will fill district court vacancies in Texas, two of which have been designated by the non-partisan Administrative Office of the U.S. Courts as ''judicial emergency'' vacancies. I would urge the current Assistant Republican Leader, who represents Texas, to work to schedule votes to fill those vacancies. I would also urge the junior Senator from Texas, who has now announced his intent to run for President, to urge his Leadership to schedule a vote to fill those vacancies.

We started this Congress with 44 judicial vacancies, including 12 vacancies deemed judicial emergencies. Today, there are 55 vacancies, including 23 judicial emergency vacancies. Let us not go back to the first 6 years of this presidency when vacancies consistently hovered around 90. The Democratic majority worked hard to reduce those vacancies so that our justice system could function effectively. The Republican majority needs to put partisanship aside and schedule votes on these consensus judicial nominees.

Filling the current vacancies is necessary but not sufficient. Last week the Judicial Conference of the United States, led by Chief Justice John Roberts, identified the need for adding 5 permanent judgeships to the courts of appeals, and 68 permanent judgeships to the district courts, as well as converting 9 temporary district court judgeships to permanent status. This Senate should be working to provide the Federal Judiciary with the resources it needs, including the addition of more judgeships.

I urge the Republican leadership of this body to schedule votes on the current pending nominations before we break for the 2-week recess. Let us show respect to the independent Federal judiciary of this country and let's get these nominees to work for the American people.

DIPLOMACY, DEVELOPMENT, AND NATIONAL SECURITY

Mr. LEAHY. Mr. President, the Appropriations Subcommittee on the Department of State and Foreign Operations has a long history of bipartisanship. Over the years, I have served as either chairman or ranking member, and I am pleased that cooperation between Republicans and Democrats is as strong today as it has ever been.

I want to commend Senator GRAHAM, the chairman of the subcommittee, who has been a passionate defender of the budget for international affairs as a key component of our national security strategy. He understands that the use of military power is often an insufficient—indeed inappropriate—way to solve problems or protect our security. There are times when the use of military force is necessary, but diplomacy and development can be a cost-effective investment to avoid the far more costly and dangerous deployment of U.S. troops.

Earlier today, the subcommittee heard testimony from five outstanding private sector witnesses on this very subject—Bill Gates, co-founder of the Bill and Melinda Gates Foundation; Ben Affleck, co-founder of the Eastern Congo Initiative; ADM James Stavridis, former Supreme Allied Commander, Europe, former Commander of U.S. Southern Command, and current dean of the Fletcher School of Law and Diplomacy at Tufts University; Scott Ford, founder of Westrock Coffee Company and the Rwanda Trading Company; and John Megrue, chairman of Apax Partners U.S., chairman of Born Free, chairman of the Business Leadership Council for a Generation Born HIV Free, and a director of Millennium Promise and of Grameen America.

Each of these witnesses made a compelling case for increased funding for the international affairs budget. They gave inspiring examples of how partnerships between the U.S. Agency for International Development and civil society organizations in poor countries have brought dramatic improvements to the lives of local people, and more open and stable societies.

In a world that is perhaps more dangerous and unpredictable as any time since World War II, we have a chance to help promote economic growth and political stability, and in doing so build sustainable foreign partners. It is therefore ironic that today we were presented with an amendment, offered by the junior Senator from Kentucky, to slash the international affairs budget by nearly 50 percent for the purpose of bolstering defense spending, even though the Pentagon is among the strongest supporters of diplomacy and development. Fortunately that amendment was resoundingly defeated by a vote of 96 to 4.

At just 1 percent of total Federal spending, this account cannot and should not serve as a bill payer for other priorities. Nor will reducing foreign assistance benefit our military. In fact, the opposite is true, and I commend Senator GRAHAM for calling today's hearing in order to explain why.

I ask unanimous consent that an October 21, 2014 op-ed by retired Gen. Anthony Zinni and retired ADM James Stavridis, entitled Fighting Extremism Requires Foreign Aid, Too be printed in the RECORD.

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

[Oct. 21, 2014]

FIGHTING EXTREMISM REQUIRES FOREIGN AID, TOO

(By Gen. Anthony Zinni and Adm. James Stavridis)

The American people are justifiably alarmed at the rise of ISIS and their unspeakable atrocities that are further destabilizing parts of the Middle East. The threats to our allies in the region like Israel and Jordan are real, as is the potential for terrors attacks here on American soil.

But the hard truth is that these terror threats staring us square in the eye cannot be resolved by military power alone—nor can it end the cycle of other security-related challenges occurring in Ukraine, the South China Sea and in parts of Central America, just to name a few.

The important lessons we learned in our military careers is that countering the threats to our nation require comprehensive responses that utilize all our elements of national power—military and non-military. An indispensable part of the non-military toolkit is foreign aid—one of the least appreciated and yet vital means for advancing America's interests around the world.

Today's battles require melding our military power with civilian efforts to provide humanitarian assistance and support the creation of well-functioning governance systems and civil society, build infrastructure, coalesce diverse nations around common goals, and promote economic development. In short, everything that is necessary to improve the long-term prospects of a nation and keep extremists from exploiting misery and desperation.

These lessons were made clear after World War II. Through the Marshall Plan and the creation of Bretton Woods institutions, the United States helped to rebuild the economies of our former enemies on the battlefield, Germany and Japan, who are now strong and valuable contributors to the global economy and security. The same holds true for South Korea. None of this came cheap or easy, but we've reaped the rewards through decades of peace and stability in these regions. More recently, American-led initiatives in Colombia and the Balkans have made significant progress in bringing stability and economic growth after years of conflict.

The recent status of forces agreement between the United States and Afghanistan is a good first step toward creating stability and prosperity in Afghanistan, which is in our vital national interest. Our efforts will be led by the State Department in diplomacy and USAID and other civilian agencies in helping to strengthen governance, rebuild the economy and educational systems, and move farmers away from growing poppies. These are roles our diplomatic services and development agencies, with the support of our military, are best equipped to play.

For all these reasons, our nation, at long last, needs to reject misguided narratives that question the value of foreign aid. The opinion polls consistently showing the American people favor cutting and even eliminating foreign aid are deeply troubling—and are often based on wildly inflated estimates of what we spend in the first place: one percent of the federal budget.

Make no mistake, the money spent on these programs can save countless dollars and lives by averting more costly military involvement and humanitarian crises. That's why we see these programs as the difference between preventative care and trauma care. As former Defense Secretary Robert Gates memorably said, ''Development is a lot cheaper than sending soldiers.''

The world has changed dramatically since the Cold War when we began our military