

Only 24 days. So 93 days under the Republicans, 24 days under the Democrats.

President Obama's confirmed circuit court nominees have been forced to wait an average of 136 days for a floor vote. President Bush's circuit court nominees waited an average of 29 days. So 136 days, way over 4 months for the Obama nominees, and less than 1 month for the Bush nominees.

Overall, at this point in their terms, President Obama had 131 nominees confirmed at the Federal, circuit, and district court level compared to 172 for President Bush and 183 for President Clinton. It is so obvious the Republicans are stopping worthy bipartisan nominees for strictly political reasons.

Current judicial vacancies at this point in President Obama's term are 83, nearly double the 46 vacancies of President Bush's term. I know my Republican colleagues sometimes argue that President Obama is too slow to make nominations, but that argument doesn't explain what happens after the nominations have been made, cleared investigations, cleared the committee, and reached the Senate calendar.

Right now there are 39 judicial nominees pending either before the Judiciary Committee or on the floor of the Senate. Promptly confirming these numbers would bring President Obama's confirmation numbers close to President Bush's. But still the obstruction continues.

Some might argue that blocking judicial nominees is just another one of those silly partisan games in Washington. But, unfortunately, this obstruction has real impact across America. There are 35 judicial vacancies that have been designated judicial emergencies by the nonpartisan Administrative Office of the U.S. Courts. That means the Federal courts are so flooded with heavy workloads that the failure to fill the vacancies makes it even worse. It means justice will be delayed. And when justice is delayed, many times it is denied. When court systems suffer from lack of judges on the bench, the administration of justice suffers at every level, criminal and civil.

All Americans rely on the Federal courts to protect their constitutional rights, keep dangerous criminals off the streets, and resolve their disputes. When judgeships are vacant and judges remain overburdened, the American people may be denied their day in court.

Right now, the Northern District of Illinois—that would be Chicago, northern Illinois—is one of the districts where a judicial emergency has been declared. The chief judge of the district, Judge Jim Holderman, an appointee under a Republican President, recently sent a letter to me and my colleague Senator KIRK urging the Senate to move quickly on two nominees sitting on the calendar—John Lee, my nominee approved by Senator KIRK, and Jay Tharp, Senator KIRK's nomi-

nee approved by me. A bipartisan judicial selection committee chose these nominees, and both of us signed off on them. Isn't that what America wants, that we work together? So why are they sitting on a calendar? There is an emergency in the Northern District, the judge has asked for help, we have agreed on a bipartisan basis how to fill the vacancies, yet they languish on the calendar.

I wanted to take this opportunity to briefly talk about these nominees caught up in this backlog on the Senate floor. Both of them are extraordinarily well-gifted and talented.

John Lee is currently a partner in a major law firm in Chicago, where he practices complex commercial litigation. He is the son of a coal miner and a nurse. He immigrated to this country from Korea at a young age. From humble beginnings, he went on to college and law school at Harvard. He then worked as a trial attorney in the Justice Department, and he had a great record in community service in Chicago. When he is confirmed, he will be the first Korean-American article III judge ever to serve in my State.

Jay Tharp, Senator KIRK's nominee, of whom I approve, is a partner in another major law firm in Chicago, where he leads their securities litigation practice. He is a former captain in the Marine Corps with a distinguished military career. He attended Duke University and Northwestern Law School and clerked for a Federal judge on the Seventh Circuit. For 6 years he was an assistant U.S. attorney, a prosecutor, and he has received numerous recognitions for his work in private practice.

As part of our bipartisan selection process, Senator KIRK has chosen Jay Tharp and I have chosen Mr. LEE. We have done this in the most cooperative way possible. I think it is time for the Senate to move ahead with the floor votes on these two nominees and all of the nominees. If a Senator has an objection to one of these nominees, let's call it for a vote. They can vote no. And if they don't get a majority vote, they won't be approved. That is the way this Chamber is supposed to work.

Good, decent Americans such as John Lee and Jay Tharp shouldn't have to put their lives on hold when they have volunteered to be nominees to the Federal court. In most instances, those who step up and ask for this opportunity of public service are actually taking a cut in pay from what they could be paid in private practice. They are willing to make a sacrifice. Their families are willing to make it. But now we leave them in this limbo. They are caught in this political limbo created by the Republicans in an effort to stack up judges like cordwood on the calendar in the hopes that come November, they will get a Republican President who will fill these vacancies with true believers.

That isn't fair. It doesn't reflect the reality when President Obama was elected to serve and to fill these vacan-

cies in a meaningful way. The process is bipartisan. Certainly, the Senate's consideration of nominees should be bipartisan as well.

I see the Senator from Michigan on the floor. I wish to make one additional statement, if I might, relative to an issue in my home State of Illinois. I will be very brief, but it is something that means a lot to me and to my State.

ILLINOIS TORNADOES

Mr. DURBIN. Madam President, it was just about 10 days ago that a tornado struck Harrisburg, IL. This is a picture of some of the devastation. It doesn't tell the story.

I have been a child of Illinois and grew up in what we consider to be Tornado Alley. Being dragged out of bed in the middle of the night with the air raid siren blaring and my dad heading down into the basement was just one of the rites of passage. Luckily, our home was never hit, but we saw a lot of homes that were. They might have some shingles torn off and siding ripped away, windows broken, and maybe in the worst case a roof actually lifted off a house.

This case here was an extraordinary one. The picture can't even depict the story. It was a level 4 tornado—and level 5 is the highest—with 175 mile-an-hour winds, or winds more powerful than Hurricane Katrina, and it hit this little town of Harrisburg, IL, and about 20 miles away the town of Ridgway, IL.

I went down and took a look. I saw homes that had been torn off their slab foundations and tossed around like toys. Seven people died as a result of this tornado. There might have been more, but it was a tornado that struck at about 5 a.m., and many people were home. Had they been outside or shopping at one of the malls that were obliterated, many more people would have died. Fortunately, more didn't.

The heroic efforts by the local people at every single level really made me proud to represent that State and my family having roots in that part of the State. It was a great outpouring of caring, affection, and even bravery as people rescued those who were lost and covered by the debris. The Red Cross was on the scene right away. The Illinois Emergency Management Agency was there as well. Everybody pitched in, both in Harrisburg and in Ridgway.

We finished our job, and we heard, as I was leaving on Saturday—this was 10 days ago—that the Federal agencies were on their way this last Monday, a week ago today. I felt confident, Gov. Pat Quinn of Illinois felt confident, and our State emergency management director, Jonathan Monken, also felt confident that we would get the Federal designation. That is why it was absolutely stunning when we learned yesterday that FEMA turned down these communities.

Take a look at this shopping center that literally collapsed. Fortunately,

no one was in it at 5 a.m. The devastation from 175 mile-an-hour winds could be seen all over Harrisburg and the town of Ridgway, where the local Catholic church was devastated.

This decision by FEMA is out of touch with reality—the reality of the damage and the suffering and the reality of this notion that somehow the State and local governments can take care of this.

Historically we have said that when a storm reaches a certain threshold of damage, the Federal Government steps in. In my time in the House and Senate, I have never, ever questioned that decision. I have stepped up to help every State in the Union with disaster assistance, knowing that this could happen to my State.

Now, when FEMA says we don't qualify for Federal assistance, it means that the Small Business Administration is not likely to help businesses in the area with disaster recovery small business loans, for example. As we can see from the photos I have shown, disaster loans are going to be desperately needed by businesses in the area. Harrisburg is going to have a difficult if not impossible time coming back from this disaster without help.

Our State of Illinois can't do it on its own. Governor Quinn and Jonathan Monken have determined that the damage is just too severe for the State. I spoke with the Governor this morning. He is going to appeal the FEMA decision. We are joining him, on a bipartisan basis—Senator KIRK's office is joining our office—to appeal this FEMA decision. Come Wednesday, in my office here in the U.S. Capitol, we are inviting the Administrator of FEMA to come in and make the case as to why this devastation doesn't warrant Federal disaster designation. Sixteen thousand people in these small communities have been displaced from their homes. Local leaders and volunteers have turned up from everywhere, but they can't do it alone. We need to have the Federal Government providing its level of assistance to make sure these communities are made whole, put back together so life can go on. We can never, ever replace the seven lives that were lost, but let's replace the spirit of those communities with Federal, State, and local cooperation.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, before I speak about an amendment I have on the Transportation bill, I wish to commend my friend, the Senator from Illinois, for fighting for his people. I understand what it is like to have devastation happen in a State, and I want to thank him and let him know the people of Michigan certainly stand with the people of Illinois and want to be supportive at a time like this because this could happen to any one of us. So I thank him for being such a champion for the people he represents.

ENERGY TAX EXTENDERS

Ms. STABENOW. Madam President, I rise today to urge my colleagues to support an amendment that will be coming up tomorrow for a vote—a very important amendment for the economy. It is my amendment No. 1812 that would stop a tax increase on American businesses that are creating clean energy jobs by extending the energy tax cuts. These energy tax credits have been so important to stimulating the diversity of opportunity for us in terms of energy sources, and things are beginning to move. It would be such an error to stop or slow this down at this point.

We have right now over 26 different national organizations that have endorsed this, and more are coming, but let me just mention a few. The National Association of Manufacturers, the U.S. Chamber of Commerce, the American Wind Energy Association, the Solar Energy Association, the Alliance for Clean Energy, Biotech Industry Association, Renewable Fuels—it goes on and on. A number of folks understand that this means jobs, including the United Steel Workers, as well as the Propane Gas Association, the National Electric Manufacturers, the National Wildlife Association, the Sierra Club, the League of Conservation Voters. The list goes on and on. This has broad bipartisan support, including industry workers and those who care very much from an environmental standpoint about what is happening to our country. All have come together to support this amendment to stop a tax increase on our businesses that are creating jobs through clean energy technologies.

All across the country businesses big and small are creating jobs and bringing manufacturing jobs back to America, building the technology that is powering our future. We all understand that part of the next round in terms of growing a strong economy really is around energy—all sources of energy. I am a let's-do-it-all person, but we have to make sure we have energy choices and opportunities for those businesses to grow.

We have entrepreneurs inventing new technology, building plants, hiring workers, producing cutting-edge new products that save consumers money and, importantly, reduce our dependence on foreign oil. Especially now, when gas prices are going through the roof—and believe me, as I drive around Michigan looking at the gas pumps, it is outrageous what is happening right now—when families are struggling more than ever to fill their tanks, we shouldn't be raising taxes on the innovators and the job creators who are helping to lower American families' energy bills, and that is what the vote tomorrow is about.

My amendment does a number of things. It extends current policy that puts in place this new ability to create jobs, energy, get us off the floor and going. It extends this extremely successful advanced energy manufacturing

tax credit that has been called 48C. This is something I was proud to author, working with our chairman of the Energy Committee, Senator BINGAMAN. We have 43 States where businesses have been able to get a 30-percent tax cut for companies that expand, reequip, and build new plants in the United States to produce clean energy technology.

I want to see "Made in America" again, and I know the Presiding Officer does too. This tax cut is what is helping to make that happen.

In Michigan, a number of innovative companies were able to use this tax cut to create jobs, building amazing new products. Here are just a few examples. I was just with the Dow CEO today, someone who is so focused on sustainability and creating energy alternatives. Dow is building solar shingles, among other things, along with new advanced battery technologies.

But the solar shingles are really something to see. They are called the "Power Shingle." You put them on your roof just like regular shingles. You roll it out and install it just like regular shingles, and they generate electricity for your home or business.

These are new technologies that are creating opportunities for suppliers and small businesses all around the Midland, Saginaw, and Bay City area in Michigan.

Ventower Industries builds huge towers for wind turbines. They just opened their plant down in the southeastern part of Michigan, in Monroe, MI. They expect to build as many as 250 wind turbine towers—the big towers—every year.

On the west side of the State, Energetx Composites used to manufacture luxury yachts. They have turned their facility and their big bays that made those yachts—thanks to the 48C manufacturing tax cut—into a facility that is now producing wind turbine blades and other advanced materials.

My amendment also extends the tax cut for companies that produce energy-efficient appliances; grants in lieu of tax credits; tax cuts for companies that install charging stations for our new, great electric vehicles; tax cuts for companies producing the next generation of cellulosic biofuels, and much more.

It also extends the extremely important production tax credit, this tax cut for wind energy, which supports businesses and utilities that produce electricity from wind.

There are more than 8 million households in the United States that rely on wind energy for their electricity. In South Dakota and Iowa more than 20 percent of their electricity is generated by wind. Nationwide more than a half million jobs are related to wind energy production so far. In my State of Michigan alone there are 31 facilities manufacturing components for wind energy and 6 more in the works. I might just add, one of those great big wind turbines has 8,000 parts, and we