

the Senate. We are both very proud of who we are and comfortable with who we are. We know when it comes to some things we don't see eye to eye. There will be many more opportunities to see how we disagree on issues, such as clean air, clean water, safe drinking water, superfund, climate change, and all that. But we are on the highway bill. We hope this will become a template for us in the Senate and the House to find a sweet spot where we can work together. We are right there. A little bit more work and we know we have done our jobs. It could come today—I hope it will come today—but it will come late today because there are many amendments to get through.

I want to make my last comment about what is happening in the House. The House passed an IPO bill, initial public offering. I support that approach. I think it would be a great way to get more capital into the hands of businesses and enable them to hire people. It is a good bill. We are going to work on it. But the House has done nothing about the Transportation bill. Speaker BOEHNER has tried. He has had many efforts to bring people to the table. But the trouble is he has only brought to the table one political party. We have to work together. Senator INHOFE and I could never have gotten this bill to where it is if we stood in our corners and concentrated on the areas where we had disagreement. There were plenty of those, but we set those aside.

I say to the Members of the House, there is a secret to success, which is taking your hand and reaching it across the aisle and finding common ground with your colleagues. If you lose a bunch of Republicans and Democrats, you still have enough to get a bill through.

Our bill, though not perfect, does what we have to do. We protect 1.8 million jobs, mostly in construction. We create up to 1 million jobs. We took a bill that had 90 different programs and brought it down to 30 programs. We have a managers' package of very bipartisan issues that we have resolved.

I will probably be back on the floor within an hour to debate the two amendments that will be pending, the Bingaman amendment and the DeMint amendment. I will speak out on those amendments.

I thank the occupant of the chair for his support. He has been a real good friend and has helped us move this bill forward. I know this bill is important to his home State of Delaware, as it is important to Tennessee and to California. I have a list of jobs by State that we would lose if we fail to act. That is the bad news. The good news is we are going to act. I will be back in short order.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, is it appropriate for me to speak as in morning business for a few minutes?

The PRESIDING OFFICER. The Senator is recognized.

JUDICIAL NOMINATIONS

Mr. ALEXANDER. Mr. President, I listened with great interest to the Senator from California. I thank her for her hard work on the Transportation bill and her work with Senator INHOFE. I listened especially to her comments that it would be good for us to work well together. It reminds me of our new Speaker of the House of Representatives in Tennessee, Beth Harwell. She does a pretty good job, and she often reminds her colleagues in the Tennessee Legislature that the first lesson they all learned in kindergarten is to work well together. That is a good lesson for us as well.

I will take 4 or 5 minutes to simply talk about a development I think interferes with that. I came to the Senate floor with a group of Republicans and Democrats not long ago. We praised the majority leader, Senator REID, and the Republican leader, Senator MCCONNELL, for their working together to try to bring the appropriations bills to the floor. We said we are going to work together to help them do that because a majority leader cannot lead if we don't follow. We complimented them for the work on the Transportation bill, which hasn't been easy, but we are having a lot of votes today. We will offer our ideas and make votes.

It was disappointing to me yesterday to see the majority leader announce that he had filed 17 cloture motions on district judges. I am here simply as one Senator to say respectfully to the majority leader that I hope he will reconsider and not do that. That is an unprecedented action. It has never happened like that before. In the history of the Senate, before 2011, a majority leader had filed cloture motions on district judges only three times.

What has happened with district judges in the history of the Senate? They come up, get a vote, and there has never been a successful filibuster of a district judge because of a cloture vote. Let me emphasize that. There has never been a successful attempt to deny an up-or-down vote to a district judge by opposing cloture in the history of the Senate.

That was proven again last year with a judge from Rhode Island, Judge McConnell, who many believed should not be a judge. There were enough Republicans did not take the opportunity to deny an up-or-down vote that he was confirmed even though many on this side didn't think he ought to be a judge. So we don't have a problem with filibustering district judges, and we have never had one with filibusters of district judges, at least given the present composition of the Senate.

What is the issue? Senator REID, the majority leader, said quite properly in his remarks yesterday that we have important work to do. We have a jobs bill coming from the House, a Postal

Service that is in debt, and we have cybersecurity—we are having long briefings on that because of the threat.

The leaders are working to bring the appropriations bills to the floor. We have only done that twice since 2000—all 12 of them. So this is a little disagreement we have between the majority leader and the Republican leader on the scheduling of votes on district judges. It is not a high constitutional matter. It is not even a high principle. It is not even a big disagreement. It is a little one. What has always happened is in the back and forth of scheduling, and they work it out. They have been working it out.

In the first 2 years of the Obama administration, he nominated 78 district judges, and 76 of those were confirmed—76 of 78 nominated in the first 2 years. He withdrew two. Last year, 61 more district judges were confirmed. What about 2012? The President has made a few nominations, but they haven't been considered yet by the Judiciary Committee. We do have 17 district court judgeships reported by the Judiciary Committee. They could be brought up by the majority leader. He has the right to do that. But of those 17, 6 of them have been reported by the Judiciary Committee for less than 30 days. They just got here. That leaves 11. How long have they been there? They came in October, November, and December of last year. Normally, they would have been included in the year-end clearing.

Everybody knows what happened. The year-end clearing was thrown off track because the President threatened to make controversial recess appointments. Ultimately, the President decided to violate the Reid rule, which used pro-forma sessions every three days to break the Senate's recesses and block recess appointments. That was invented by the majority leader, Senator REID. President Bush didn't like it, but he respected it. President Obama violated it, and it blew up the year-end clearing of a number of nominees, including district judges.

We have some district judges waiting to be confirmed, but we don't have many. We have a history of confirming 76 out of 78 nominated during the first 2 years of this President, and last year, confirming 61. This year, of the 17 the majority leader filed the cloture motions on, 6 of them just got here. So that leaves 11. What do we do about that?

The right thing to do is that the majority leader and the Republican leader should listen to what the Senator from California just said, listen to the Speaker of the House from Tennessee; that is, work well together rather than escalating this into a highly principled, big disagreement, and retire to one of their offices and sit down quietly, take a timeout and work this out. That is the way it has always been done.

We are only talking about 11 judges. They have not been around that long—

less than 5 months. We all know why they were delayed a little bit. The President can take just as much responsibility as anybody. In testimony this week, the Attorney General acknowledged the issue of the recess appointments made on January 4 is a serious constitutional issue that needs to be decided by the courts. While that is being done, we have not tried to stop the action of the Senate, even though we regard it as a great offense to the checks and balances and the separation of powers.

I respectfully suggest it is not a good time for the majority leader to take a small disagreement and escalate it into a big one, jeopardizing our ability to deal with big issues on jobs, cybersecurity, the Postal Service, and others. It would not reflect well on the 23 candidates running for the Democratic Senate seats this year or on the 11 Republicans running for Senate seats this year, and it would not reflect well on the President.

The American people want to see us get results. Why should we give them one more reason to suspect that just because we can't agree on little issues, we are unable to agree on the big issues? I know the job of the majority leader is a tough job, and there is a good deal of back and forth every day. The majority leader has been on both sides of this issue. I suspect if he and the Republican leader were to sit down and look over the actual numbers and realize it is just 11 judges—we confirmed 2 last week—they could schedule the others and we could spend our time, starting tomorrow, not picking a fight with one another on the small disagreements, but on jobs, debt, the Postal Service, cybersecurity, and the big issues the American people would like us to deal with.

I ask unanimous consent that some documentation about the progress of district judge nominations of the 111th and 112th Congress be printed in the RECORD.

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

THE PROGRESS OF DISTRICT COURT NOMINATIONS SUBMITTED TO THE SENATE IN THE 111TH AND 112TH CONGRESSES

111TH CONGRESS

Of the 78 District Court Nominees made by President Obama during 2009 and 2010, 76 were eventually confirmed. That's 97%. 44 were confirmed in 2009 and 2010. 32 were re-submitted to the Senate and confirmed in 2011. One was withdrawn by the President and another was never resubmitted after being returned to the President.

112TH CONGRESS

99 nominations have been sent to the Senate by President Obama to date in the 112th Congress (2011 and 2012). 61 have been confirmed. 17 have been reported by the Judiciary Committee and await floor action: David Nuffer (UT)—October 2011; Gina Groh (WV)—October 2011, Susie Morgan (LA)—November 2011, Kristine Baker (AR)—November 2011, Michael Fitzgerald (CA)—November 2011, Ronnie Abrams (NY)—November 2011, Rudolph Contreras (DC)—November 2011, Miranda Du (NV)—November 2011, Gregg Costa

(TX)—December 2011, David Guaderrama (TX)—December 2011, Brian Wimes (MO)—December 2011, George Russell (MD)—February 2012, John Lee (IL)—February 2012, John Sharp (IL)—February 2012, Mary Lewis (SC)—March 2012, Jeffrey Helmick (OH)—March 2012, Timothy Hillman (MA)—March 2012. 2 have had Committee hearings and are waiting for mark-ups. 3 have Committee hearings scheduled. 10 have had no Committee action taken on their nominations. 5 were returned to the President (under Rule 31) and not resubmitted. 1 was withdrawn by the President.

Mr. ALEXANDER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that I be permitted to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NAT GAS ACT

Mr. MENENDEZ. Mr. President, I have come to the floor to talk about an amendment I will offer later today—the NAT GAS Act.

What if I were to tell the Chair there was a transportation fuel that is over \$1.50 cheaper than gasoline and roughly \$2 cheaper than diesel? What if I were to tell the Chair this fuel is also cleaner and has fewer smog-causing pollutants than diesel and, if wisely used, could reduce the cases of asthma and lung cancer?

What if I were to tell the Chair this fuel is abundant right here in America, so much so that we may soon become one of the world's largest exporters of this fuel? I think I might hear him say: Sign me up. What is the name of this wonderful fuel? The name of this fuel is natural gas.

We can see in this chart that as gasoline prices are already skyrocketing toward \$4 per gallon, the price of compressed natural gas is barely above \$2 equivalent. Natural gas prices used to follow oil prices, but now they are on their own stable, inexpensive price levels. The same holds true for liquefied natural gas. As we can see, gas prices here, liquefied natural gas down here. Diesel prices now exceed \$4, and LNG is still hovering around a \$2 equivalent

Why aren't we all driving around in natural gas vehicles, paying a little over \$2 per gallon equivalent? The reason this inexpensive fuel is not widely used is because there are not many natural gas vehicles in the United States, and there are also very few places to refuel. Currently, there are nearly 14 million natural gas vehicles in the world but only about 117,000 in the United States. The car and truck

manufacturers want to see that the natural gas utilities will invest in refueling infrastructure, and the natural gas utilities want to see more natural gas vehicles on the road. It is a classic chicken-or-the-egg problem.

What both the manufacturers and the utilities need to see is a strong stance by the Federal Government to jump-start this market.

The NAT GAS Act will do that by jump-starting the industry and, in 10 years, add over 700,000 natural gas vehicles to our roads and help incentivize the installation of refueling stations around the Nation. In addition, it is estimated the bill will displace over 20 billion gallons of petroleum fuel and create over 1 million direct and indirect jobs.

I know what some of my colleagues are thinking: Isn't this just another handout to energy companies? The answer to that question is a resounding no. This legislation is fully paid for with a small fee on natural gas used as a vehicle fuel. As I mentioned earlier, natural gas is over \$1.50 cheaper than gasoline or diesel. This amendment would use some of those savings to help overcome the market barriers for natural gas vehicles and supporting infrastructure. The fee starts at 2.5 cents per gallon equivalent in 2014 and grows to be 12.5 cents in 2020 and 2021. In 2022, the fee is eliminated. In this way, we can still keep natural gas less expensive than other fuel options, while investing in infrastructure to help grow the market, make natural gas vehicles cheaper, and put the industry on a path to flourish on its own.

While the legislation itself is designed to provide a temporary boost, it is important to note that the natural gas supplies we are sitting on are enormous. North America's natural gas resource discoveries have more than doubled over the past 4 years, meaning that at the current rate of consumption, this resource could supply current consumption for over 100 years. If we do not use our natural gas here in America, it will be exported abroad, benefiting consumers in other countries, while American families will continue to pay higher prices at the pump. Already, one U.S. facility has received a permit to export natural gas and four more are following suit. We can use that natural gas in the United States to displace oil. We are sending trillions of dollars abroad to countries that are despotic and wish us ill or we can export it so other countries can gain the benefits. I say we use it here.

The NAT GAS Act will also increase our Nation's energy independence and make us less dependent on regimes that do not have America's interests at heart. This is especially important at a time when Iran is attempting to develop a nuclear weapon and is threatening to block oil supplies. Natural gas is not the only solution, but it can be an important part of a solution that will allow us to ignore future OPEC threats because we have alternatives to