

David Napoliello, there is so much I can say about him and what that man has brought to our committee. This bill is a testimony to his skill. And James O'Keeffe, who works for Senator INHOFE, is David's counterpart. They have all become very good friends. Bettina, Ruth, David, and James have become almost like family working on this bill.

I am holding a list of the incredible people who work for me and worked with Bettina. I will go through the names: Andrew Dohrmann, Murphie Barrett, Tyler Rushforth, Kyle Miller, Grant Cope, Mike Burke, and Tom Lynch.

I know Mike works with Senator CARDIN and the committee, and Tom Lynch works with our committee through Senator BAUCUS. Also, there is Mark Hybner, Charles Brittingham, Alex Renjel, and Dimitri Karakitsos, who were all just amazing.

Lastly, I thank the leadership staff. This became a bill that was so big and involved so many committees. We could not do it without a leadership team working, of course, with the leadership and with the Senators I mentioned, Senator REID and Senator DURBIN. I mentioned before who did the whip count. So I thank the leadership staff, particularly Bill Dauster, Reema Dodin, and Bob Herbert. I thank the staff directors of the key committees who worked on this, including Ellen Doneski, Dwight Fettig, and Russ Sullivan.

Madam President, that was a long list of people, but I felt compelled to come down and do that. The staff—and the occupant of the chair knows this, as she has achieved some amazing things. I am so proud of the occupant of the chair. She knows that having the staff behind us to make sure that every "i" is dotted and every "t" is crossed and every followup is done and every problem a Senator's staff might have is addressed is very important. Nobody really knows about this, so once in a while we need to do this. I wanted to do it before we get into the bill.

I ask the Chair, what time do we go back to the bill?

The ACTING PRESIDENT pro tempore. In 2½ minutes.

Mrs. BOXER. I will then speak more about the bill because we have some amendments.

Can the Chair advise me what the order of votes are on this Transportation bill?

The ACTING PRESIDENT pro tempore. The first amendment in order is No. 1810. Next is Carper No. 1870, Hutchison No. 1568, McCain No. 1669, Alexander No. 1779, Boxer No. 1816, Paul No. 1556, and Shaheen No. 1678.

Mrs. BOXER. I thank the Chair. I wanted Members to know about the order. It is likely that several of these will not require votes. I think we will expect at least between, I would say, three and five votes. I think that is a fair indication of where we are going. I

will be back to discuss those amendments at the proper time.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1813. Under the previous order, the time until 11:30 a.m. will be equally divided and controlled between the two leaders or their designees. The clerk will state the bill.

The legislative clerk read as follows:

A bill (S. 1813) to reauthorize Federal-aid highway and safety construction programs, and for other purposes.

Pending:

McCain modified amendment No. 1669, to enhance the natural quiet and safety of airspace of the Grand Canyon National Park.

Corker amendment No. 1810, to ensure that the aggregate amount made available for transportation projects for a fiscal year does not exceed the estimated amount available for those projects in the Highway Trust Fund for the fiscal year.

Coats (for Alexander) amendment No. 1779, to make technical corrections to certain provisions relating to overflights of National Parks.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. MERKLEY. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JUDICIAL NOMINATIONS

Mr. MERKLEY. Madam President, I am rising to speak about the Senate's constitutional duty of advice and consent on judicial nominations. This power is enormously important. In no way did the writers of our Constitution envision that this body would use their power of advice and consent as a method of undermining the ability of the other two branches to perform their responsibilities.

Indeed, throughout the history of the United States, Senators from both sides of the aisle have taken this responsibility of advice and consent very seriously. This duty requires us to put aside ideology and partisanship because otherwise our constituents, through our inaction, would be unable to obtain the speedy and public trial that is supposed to be their birthright as Americans.

Americans are not thinking of their district courts in terms of red courts and blue courts. They are not thinking of their circuit courts in terms of red courts and blue courts. No, they are thinking about Lady Justice, about justice being delivered in an even-handed and swift manner. When they

see the obstruction of the judiciary that is emanating from the Senate, they are frustrated. They are frustrated. They recognize that when the judiciary is damaged and justices go unappointed, indeed that means delays for cases and that means their right to a speedy trial is taken away. They are thinking about the chaos that results when a case remains in limbo for too long.

So why in the past few years have we allowed partisanship to overtake our duty to maintain a functional judiciary? Simply put: Some Senators in this body, motivated by misguided notions of partisan warfare, have decided to abuse the supermajority power of this Chamber in order to undermine the judiciary.

This bears little resemblance to the Senate of 1976 when I first came here as an intern, when the power of the supermajority was recognized as an exceptional act of conscience to be used only for the most enormous issues, when a Senator would be willing to stand on the floor of the Senate and make his or her case before the American people as to why the simple majority envisioned in the Constitution for this body to act should be obstructed. Now we see Senators exercising their power to obstruct a simple majority and not coming to the floor to defend their position. They are afraid of public reaction to their obstruction of this body because they know the public expects us to be responsible in reviewing and voting on nominees for the executive branch and for the judiciary.

The Senate of 1976 would never have entertained the idea that well-qualified nominees would be routinely subjected to filibusters. Indeed, even throughout most of the last decade, this has not been the case. So imagine my surprise when I came here as a new Senator in 2009, revisiting the Chamber I came to as a youth in 1976, and I discovered the two Senates bore little resemblance to each other; that the reasonably responsive, bipartisan, collaborative body of 1976 had been replaced with a Senate now paralyzed due to the abuse of the filibuster and the supermajority.

Instead of debate and deliberation, followed by up-or-down votes, Senators have even been blocking motions to proceed. In other words, they have been blocking the ability to debate whether to get to a bill in order to debate an issue—two levels removed from actual discussion and decisionmaking.

In contrast to the image Americans have of the filibuster made famous by Jimmy Stewart, who comes to Washington and stands in the well of the Senate and carries on his fight and his argument in front of the American people until he collapses from exhaustion, now the Senator who filibusters can hide from the American people. They object to the simple majority rule, go off and have a fancy wine dinner, while American justice remains unfulfilled. That is not right.