

I said earlier, the Republican-controlled Senate allowed confirmation votes on just five judges—one, two, three, four, five. They have taken vacations, recesses, long weekends, and leave early—but we don't have time to vote on judges, which are normally unanimous votes anyway.

We are going to vote on the sixth today. Whoop-de-i-ay. Good for us. My goodness gracious. It hasn't been this way before. As I said, when I was chairman of the Senate Judiciary Committee, in the last 2 years of President Bush's term, I had put through 26 judges by now. The Republicans have only allowed five judges. This kind of partisanship is really wrong. In fact, it is on pace to be the lowest in recent history.

President Eisenhower had 47 judges confirmed in his last 2 years in office; President Reagan had 85 judges confirmed his last 2 years in office; President Clinton had 73 judges confirmed his last 2 years in office; and President George W. Bush had 68 judges confirmed his last 2 years in office. This is a clear double standard that is being applied to President Obama's nominees.

Republicans can provide some real leadership if the majority leader would go ahead and allow for a vote on all 14 of the judicial nominees pending on the Executive Calendar. All of these nominees have bipartisan support and were voted out of the Judiciary Committee by voice vote. Five of them would fill judicial emergency vacancies, including Judge Restrepo of Pennsylvania. Others would fill judicial emergencies in California, New York, and Tennessee. And the five nominees to the U.S. Court of Federal Claims have now been pending before the full Senate for a year or more.

Today we are voting on the nomination of Roseann Ketchmark to fill a judicial vacancy in the Federal district court in the Western District of Missouri. She has spent her entire 25-year legal career as a prosecutor on both the State and Federal levels. Since 2001, Ms. Ketchmark has served as an Assistant U.S. Attorney with the U.S. Attorney's Office for the Western District of Missouri. During her time in the U.S. Attorney's Office, Ms. Ketchmark has served in supervisory and management capacities as both the First Assistant U.S. Attorney and as the Executive Assistant Attorney. She began her legal career as an Assistant Prosecutor in Kansas City, MO, at the Jackson County Prosecutor's Office, and subsequently joined the Platte County Prosecutor's Office in Platte City, MO, as a First Assistant Prosecutor. Ms. Ketchmark has the bipartisan support of her two home State Senators, Senator MCCASKILL and Senator BLUNT. She was voted out of the Judiciary Committee by voice vote more than 4 months ago. She has a strong background as a criminal prosecutor and I will support her nomination.

The majority leader has spoken recently about his desire to avoid an-

other Republican-led government shut-down. I agree, the American people deserve something better than obstructionist shutdowns. While the focus has been on the threat of Republicans shutting down the government over women's health services, the Senate Republicans have virtually shut down the judicial confirmation process. It is harming our justice system in the short and long term.

I have spoken to a number of Republican Senators who realize this is wrong. These are the same Senators who came to me at the time of President Bush and asked: Can you move these judges, even though you are in charge? And I said, of course, we will. Some have come sheepishly and said: We are sorry we didn't return the favor. What I say is reverse course; I urge Senate Republicans to reverse course and realize the short-term partisan decisions are undermining the ability of the judicial system to serve our communities.

Tonight's vote to confirm a district court nominee from Missouri is long overdue. I urge the Senate Republican leadership to schedule votes for the remaining 13 consensus judicial nominees on the Executive Calendar. They could all be done tomorrow morning in half an hour's time.

I have been in the Senate longer than any Member of this body. I have been here in the majority and the minority, numerous times in both. I have been here with Republican Presidents and Democratic Presidents, with the Republican leaders—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEAHY. I see nobody else seeking recognition. I ask unanimous consent for another 3 minutes.

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

Mr. LEAHY. I have been here with both Republican and Democratic leadership of this body, Republican and Democratic Presidents. I have never, in 41 years, seen the Federal judiciary treated in such a cavalier, mean-spirited and, I would say, irresponsible fashion. I know most Senators want to do the right thing. Let's start doing it. This Third Branch of government should be treated with respect. If you have a person who is not competent who is nominated, then vote them down, but if they are competent, let's have a vote on it. Let's not have this.

You are not going to find good men and women to agree to serve on the Federal bench if they think they are going to be delayed for partisan reasons for a year or more at a time. We can do better. We are all proud of our Federal judiciary. It is the best in the world, but this kind of partisanship could turn it into one of the worst in the world. This Senator does not want to see that happen.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Under the previous order, the question is, Will the Senate advise and consent to the nomination of Roseann A. Ketchmark, of Missouri, to be United States District Judge for the Western District of Missouri?

Ms. AYOTTE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. MARKEY) and the Senator from New Mexico (Mr. UDALL) are necessarily absent.

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

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 263 Ex.]

YEAS—96

|            |            |            |
|------------|------------|------------|
| Alexander  | Fischer    | Murphy     |
| Ayotte     | Flake      | Murray     |
| Baldwin    | Franken    | Nelson     |
| Barrasso   | Gardner    | Paul       |
| Bennet     | Gillibrand | Perdue     |
| Blumenthal | Graham     | Peters     |
| Blunt      | Grassley   | Portman    |
| Booker     | Hatch      | Reed       |
| Boozman    | Heinrich   | Reid       |
| Boxer      | Heitkamp   | Risch      |
| Brown      | Heller     | Roberts    |
| Burr       | Hirono     | Rounds     |
| Cantwell   | Hoefen     | Sanders    |
| Capito     | Inhofe     | Sasse      |
| Cardin     | Isakson    | Schatz     |
| Carper     | Johnson    | Schumer    |
| Casey      | Kaine      | Scott      |
| Cassidy    | King       | Sessions   |
| Coats      | Kirk       | Shaheen    |
| Cochran    | Klobuchar  | Shelby     |
| Collins    | Lankford   | Stabenow   |
| Coons      | Leahy      | Sullivan   |
| Corker     | Lee        | Tester     |
| Cornyn     | Manchin    | Thune      |
| Cotton     | McCain     | Tillis     |
| Crapo      | McCaskill  | Toomey     |
| Daines     | McConnell  | Vitter     |
| Donnelly   | Menendez   | Warner     |
| Durbin     | Merkley    | Warren     |
| Enzi       | Mikulski   | Whitehouse |
| Ernst      | Moran      | Wicker     |
| Feinstein  | Murkowski  | Wyden      |

NOT VOTING—4

|        |       |
|--------|-------|
| Cruz   | Rubio |
| Markey | Udall |

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from South Dakota.

#### MORNING BUSINESS

Mr. THUNE. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

The Senator from Ohio.

Mr. BROWN. I thank the Presiding Officer.

#### CELEBRATING LABOR DAY AND AMERICAN WORKERS

Mr. BROWN. President Lincoln said:

It has so happened in all ages of the world, that some have labored, and others have, without labor, enjoyed a large proportion of the fruits. This is wrong, and it should not continue.

Early in President Obama's term, I printed out that quote and handed it to him because it underscores to me the value of labor and the wealth that labor creates for our country, our society, and for those workers and their families. I gave the President that quote because it is my hope that all of us as elected officials remember how important it is that we stand up for workers, organized and unorganized, labor union and nonlabor union members.

It is important to stand up for the workers who have built this country. They laid down the railroad tracks that move people and products across the country. They work on shop floors. They innovate as they labor. They toil in mines. They dug the coal that would power our trains and our factories. These workers built our strong middle class and they continue to be the backbone of our economy.

Over the past month, as many of us did in our States, I visited factory floors across Ohio. At each stop, I witnessed the ingenuity and dedication of workers. Last Thursday I visited All American Clothing in Arcanum, OH. It is a family business and a classic American success story. In 2002, Lawson Nickol worked for a blue jeans manufacturing company. He watched as his company outsourced more and more of its operations, more and more of its production to other countries. Lawson Nickol was appalled as he saw coworkers and friends losing their jobs all the way down the supply chain of this company. He knew he had to do something.

He left his job and he founded All American Clothing Company in Darke County, a rural county west and north of Dayton, OH. He started making jeans in Arcanum, OH.

The first few years were difficult. The company survived on family savings, taking financial risks, working long hours, and having a little bit of luck. But 13 years later, All American is proof that you should never bet against American workers. The jeans

aren't only made in Ohio; they are made in other places all over this country. The company is growing. The company expanded in 2012 with the help of a \$150,000 low-interest CDBG development loan. Its products are 100 percent American made and support Ohio jobs.

Lawson's business is a family affair. His son, B.J. Nickol, is a co-owner and company president. B.J. told me that "it is not about greed for us. It is about giving people jobs and making a decent living."

Travel across Ohio and across the country, and you will find more companies like All American thriving on the talent, tenacity, and hard work, blood, sweat, toil, and tears of American workers.

I visited an Airstream plant in Shelby County and a Continental ContiTech plant in St. Mary's. I toured the Honda Logistics North America plant in East Liberty and the GE Testing Facility in Peebles. I attended the grand opening of the Hart Schaffner Marx suit facility in Brooklyn, OH, a suburb of Cleveland.

I wear this suit today, made in Cleveland, OH, by union workers in a Hugo Boss plant. Since then that plant has been sold to Hart Schaffner Marx, which is opening its production right now. When I visited that plant in my Hugo Boss suit and talked about the fact that this suit had been made at this plant with 150 unionized workers, a worker walked up to me and said, "Senator," and she touched me on the chest and said, "I made that pocket." All of these operations are flourishing because of Ohio workers.

While our workers support our economy, we are not doing enough to support them. Too often workers have no paid sick leave, no paid family leave, and no overtime pay.

President Obama is taking important steps to help working families. New overtime rules would expand overtime pay so that 40 percent of salaried workers would be eligible. Think of it this way. A worker—an employee who is the shift manager on the second shift at a fast-food restaurant who is classified as management may be making only \$30 or \$35,000 a year. They work that worker more than 40 hours a week. Yet that worker gets no overtime because that worker is classified as supervisory. That is wrong. Under the President's plan, the rule he passed down, 160,000 more Ohioans will earn overtime pay for the work they are already doing at their place of business.

This week the administration announced that Federal contractors will be required to provide up to 7 days of paid sick leave each year. It will mean 300,000 Americans working on Federal contracts will be able to stay home if they get sick or take a day off to care for a sick child. It means they are less likely to show up to work when they might infect somebody else with the illness they have, so everybody is more productive. These are important steps, but there are limits to Executive action.

Too many workers are left without paid sick leave, without maternity leave, without overtime pay, without predictable work schedules. Too many women still earn less than men for the same work. The President, through Executive action, can solve some of this, as he should, as he is given power by Congress to do, but we need legislative action.

Previous generations of workers fought for the protections we take for granted: child labor laws, workplace safety protections, unemployment insurance. They fought in union halls, they organized in union halls and church basements. They demanded a government that respects the dignity of work, that passes laws recognizing the decency and dedication of workers.

After decades of attacks on our unions, laws are often the only protections workers have. Fifty years ago, one in three workers was a member of a union—one-third of workers were members of unions. Now that number is 1 in 10. That is why action from this body is needed more than ever. Workers, when they are organized, when they have a union, are protected so they are paid the overtime they earn. They are protected often with provided sick leave and maternity leave. They are protected because of their union from injury in the workplace.

Because not as many people belong to unions today—that is why we need to pass the Healthy Families Act, we need to pass the Paycheck Fairness Act, we need to pass the Schedules That Work Act, and we need to pass the Pregnant Workers Fairness Act. This is action we can take today in celebration of Labor Day that would make a tremendous difference in the lives of American workers who built this economy.

This past weekend, we celebrated Labor Day with picnics and barbecues and time spent with families, we issued statements honoring American workers. Let's not just honor them with words, let's honor them with deeds. Let's move forward in a way that puts labor, that puts the American worker front and center.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### RECOGNIZING THE 200TH ANNIVERSARY OF THE LIBRARY OF CONGRESS'S ACQUISITION OF THOMAS JEFFERSON'S PERSONAL LIBRARY

Mr. WYDEN. Mr. President, this year is the 200th anniversary of one of the wisest decisions Congress ever made. In 1815, Congress acquired the entirety of Thomas Jefferson's personal library to