

together—a recommendation she should exercise more and an interest in helping this club and the charity it was affiliated with—and decided she would take this cart around town for exercise, pick up cans and bottles, recycle them, and then donate the money to charity.

The “recycle lady,” Margarita Gomez, was walking around campus that day picking up cans and bottles so she could donate the money to help sick kids, and she was gunned down by an assailant using an assault weapon with high-capacity ammunition clips. It is a pretty unbelievable story. These three special individuals, along with the father and the son, are among the 5,893.

But it is not just the mass shootings that we are talking about. Frankly, the vast majority of these killings are one-off deals over some of the most petty arguments or disputes one could imagine. But because guns are so easily found, so readily accessible in our neighborhoods, these silly arguments end up in deaths, such as one that happened in my State of Connecticut just a couple weeks ago on June 16.

Isaac Smith was a couple days away from graduating from New Britain High School. He was a great athlete, played football and baseball, and he was hoping to continue playing those sports after high school when he went to college. He apparently talked to his friends a lot about how proud he was going to be to graduate.

On the night of June 16, police received a call around midnight about gunshots. They arrived at the scene and found Isaac Smith—a couple days away from graduation—in his driveway with a gunshot wound to the back of his head. Police are still trying to figure out what happened. Apparently, he was involved in a transaction for a pair of high-end sneakers when something went wrong and the other guy he was either selling the sneakers to or buying the sneakers from, 26-year-old Jonathan Gibbs of Meriden, shot him—over a pair of sneakers.

These are who these 5,893 people are: They are victims of mass violence, they are victims of senseless gunfire, and they all share something in common. They deserve a response from the Senate and the House of Representatives. They deserve us doing something more than nothing.

At least the Senate brought up a bill on the floor earlier this year. We got 55 votes for a bill that wasn't perfect, but it at least said criminals shouldn't have guns and that we should have a system that makes sure that is the case; that gun trafficking—when someone buys a messload of guns legally and then sells them illegally on the streets of our cities—should probably be a Federal crime; that we should have more resources in our mental health system to take care of people who want and need help. We got 55 votes for that, which is pretty unbelievable given the fact that 90 percent

of the American public support all of those things. One would think we could have gotten more than 55 votes.

The House of Representatives has done nothing. It hasn't even had a debate.

These numbers will continue to mount. Next week I will be down here, and the number will probably be north of 6,000. Then, after the August recess, it will be creeping up to 7,000. We can't get rid of every single one of these deaths.

I will admit to you that Jonathan Gibbs who shot Isaac Smith was a legal gun owner. He didn't even actually have a criminal history. The fact is, while not every single one of these deaths is preventable, many of them are.

So I will continue to come down and talk about these victims with the hope that someday—perhaps this fall, perhaps next year, perhaps the year after—we can take action in the Senate that will maybe not stop the growth of this number but will at least slow its acceleration.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

STUDENT LOANS

Ms. WARREN. The interest rate on student loans doubled on July 1. Because Congress failed to act, our lowest income students are now paying twice as much on these new loans. While students are paying more, the Federal Government is boosting its own profits—\$51 billion in profits from the student loan programs in 2013 alone. This is just plain wrong.

The government is making obscene profits on these loans—profits we can and should cut back on to help our kids who are struggling to pay for college. But Republicans have repeatedly blocked our efforts to pass a short-term fix that would save students from higher interest rates.

This week the Senate will vote to fix this problem. The bill, Keep Student Loans Affordable Act, was introduced by Senators JACK REED and KAY HAGAN. It would drop the rate on direct student loans back down to 3.4 percent for 1 year, retroactively as of July 1, and give Congress time to develop a plan to do the three things we need to do: Reform student loan interest rates on new loans, refinance \$1 trillion in existing debt, and lower college costs for all of our kids.

Republicans have a different approach. Despite the obscene profits of the current program, they propose to make even more money from students. Their current proposal would bring in

an extra \$1 billion in profits off the backs of our students.

Listen to the numbers. New loans will produce \$184 billion in profits for the U.S. Government over the next 10 years. That includes the 6.8 percent interest on direct loans, all the borrowing costs, all the administrative costs, and all the bad debt losses for the program.

Let me say that again: The new student loans, including direct loans at 6.8 percent, will make \$184 billion in profits for the government over the next 10 years—and the Republican solution is to increase those profits for the U.S. Government. In other words, their solution to the rising interest rate problem is to make students pay even more.

Some of my colleagues are telling students the plan they have is a great deal. But their argument is the same argument that was used by the slick operators who sold teaser rate mortgages and the ones who sold zero interest rate credit cards. Sure, the first couple of years will be cheaper, but they don't want anyone to look at what happens after that.

Fortunately, our students are smarter than that. They read the fine print. They know in the end this debate boils down to simple math—math that our students understand, even if some people in Congress wish they didn't.

Our students sent a letter to Majority Leader REID and Minority Leader MCCONNELL with a clear message: A bad deal is worse than no deal at all. Our students need a plan that costs them less money, not a plan that costs them more.

I talk a lot about math, but the Senate's decision about student loans is a decision about our values and a decision about how we build a future. Investing in our students will allow them to get good jobs and give them a shot to make it in America, but that same investment will also create new industries and grow the economy for everyone.

We shouldn't treat our students like a profit center. We shouldn't ask them to pay an extra tax to go to school. And we shouldn't try to trick them by shuffling numbers around, hitting them with teaser rates, and declaring a problem is solved while the students just keep paying more and more.

There are real problems in higher education today: Skyrocketing college costs, historic levels of student debt, and high borrowing rates. It is going to take time to develop a solution that works, and there is no magic math that will make student loan profits disappear or make college tuition shrink without some sacrifice. But right now, students are the only ones who are sacrificing. They are giving up the dream of owning a home or being able to retire just so they can keep paying for college.

Congress can ease the burden on our students, and we should be committed to doing just that because this is how

we build a stronger middle class. This is how we build a better future for our entire country. It is a first step, but it is a good one.

Congress can pass the Keep Student Loans Affordable Act. It is a short-term patch to keep interest rates on new loans from doubling for 1 year while Congress develops a plan to reform student loans and to make college more affordable. I support the measure, and I urge my colleagues to do the same.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. MANCHIN). Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF GREGORY ALAN PHILLIPS TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination which the clerk will report.

The assistant legislative clerk read the nomination of Gregory Alan Phillips, of Wyoming, to be a United States Circuit Judge for the Tenth Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate equally divided and controlled in the usual form.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I don't wish to in any way cut into the time of the senior Senator from Wyoming, but I hope once he and Senator BARRASSO have finished speaking—once their time is consumed—we might agree that the vote will still be at 5:30, if possible, or as close to that time as possible.

Our Constitution provides the Senate an important role to play in providing advice to the President and in voting on whether to confirm nominees for our third branch of government. Last month, we were reminded of the importance of these confirmation votes when the Supreme Court handed down several narrowly-decided opinions that are already impacting millions of Americans. As a senior member of this chamber, I have voted on the confirmation of every one of the nine justices currently serving. Since only a tiny percentage of cases brought in Federal court ever end up at the Supreme Court, the Federal courts of appeal are often the courts of last resort for most disputes. I am glad that today we are finally voting to confirm another appellate nominee.

Before the Memorial Day recess, the minority leader asked during a floor debate when Gregory Phillips, the Wyoming nominee to the Tenth Circuit, would receive a vote. When the majority leader immediately offered a vote on that nominee, the minority leader demurred without giving any reason. Senate Republicans have now finally decided to allow the vote on Gregory Phillips to move forward, but there was no reason for this delay in his confirmation vote.

Gregory Phillips is currently the attorney general of Wyoming, a position to which he was appointed by Wyoming's Republican Governor. From 2010 to 2011 he worked in the Wyoming attorney general's office as the special assistant to the Governor for legislative affairs. Prior to working in the Wyoming attorney general's office, he was an assistant U.S. attorney in Wyoming, and spent 14 years in private practice. Attorney general Phillips has also served as a part-time deputy county attorney, an assistant municipal judge and as a state senator. Following law school, he served as a law clerk to the Honorable Alan B. Johnson of the U.S. district court for the District of Wyoming. The ABA Standing Committee on the Federal Judiciary unanimously rated Mr. Phillips "well qualified," its highest rating.

At his Judiciary Committee hearing, Attorney General Phillips was introduced by his two Republican home State Senators, Senator ENZI and Senator BARRASSO, both of whom strongly support his nomination. He was reported unanimously by the Judiciary Committee nearly 3 months ago. While his confirmation vote has not been delayed quite as long as votes on most of President Obama's nominees, he could and should have been confirmed last May when the majority leader offered.

With the confirmation of Attorney General Phillips, there will be 10 active judges on the Tenth Circuit. According to the most recent data, this means that the number of pending appeals per active judge on that court will drop from 150 to 135. I mention this because another appellate court, the DC Circuit, currently has 177 pending appeals per active judge. Despite that higher caseload, some Senate Republicans argue that the DC Circuit's caseload is too low, and that three of its judgeships should be eliminated. I suspect that many, if not all, of these Senators will vote to confirm Attorney General Phillips, even though his confirmation means that the Tenth Circuit will now have the lowest caseload in the country, just as earlier this year they supported the confirmation of Jane Kelly to the Eighth Circuit, which gave that court the lowest caseload in the country, and just as they supported the confirmation of Robert Bacharach to the Tenth Circuit, which gave that court the lowest caseload in the country. I hope those Senators will reconsider their double standard and not play politics with an independent branch of government.

Some of the same Senate Republicans who are opposing President Obama's three nominees to the DC Circuit are also criticizing him for making too few nominations and somehow claiming that many vacancies without a nominee cannot possibly be the fault of Senate Republicans. I recall that before President Obama made a single judicial nomination, all Senate Republicans sent him a letter threatening to filibuster his nominees if he did not consult Republican home State Senators. They cannot have it both ways.

I take very seriously my responsibility to make recommendations when we have vacancies in Vermont, whether the President is a Democrat or a Republican, and other Senators should do the same. After all, if there are not enough judges in our home States, it is our own constituents who suffer. It should be only a matter of weeks or months, not years, for Senators to make recommendations.

Unfortunately, in some States it appears as if there is no effort being made to recommend qualified nominees to the administration. There are three district vacancies in Georgia without nominees, and the oldest is over 4 years old. There are three district vacancies in Kentucky without nominees, and the oldest is over a year and a half old. There are seven district vacancies in Texas without nominees, and the oldest is over 4½ years old. Three months ago the Senators from Texas announced a nominations commission, but it is my understanding that it is still not accepting applications. If Senators want new judgeships in their States, they should be working especially hard to ensure that all existing ones are filled. Republican Senators who demanded to be consulted on nominations should live up to their responsibilities and fulfill their constitutional obligation to advise the President on nominations. They should follow the example of Democratic Senators: the administration has received recommendations for all current district vacancies in States represented by two Democratic Senators.

Moreover, the failure of some Republican Senators to help fill vacancies in their own States does not excuse their unwillingness to complete action on the nominations the President has made. I regret that I must correct the record, again, on how Senate Republicans have obstructed judicial nominees over the past 4 years. The continued assertion by Senate Republicans that 99 percent of President Obama's nominees have been confirmed is not accurate. President Obama has nominated 243 individuals to be circuit or district judges, and 197 have been confirmed by the Senate. That is 81 percent, not 99 percent. By way of comparison, at the same point in President Bush's second term, July 8 of his fifth year in office, President Bush had nominated 10 fewer people to be circuit or district judges, but had seen 215 of them confirmed, which is 18 more confirmations. The truth is that 92 percent