

in Jackson is trying to go to school and trying to do everything she can to pay her own way through school, but her hours have been cut at work. She was working in the past more than 30 hours to try to do what kids used to do. What is one of the solutions to not having a lot of debt when you get out of college? Work your way through school. What is one of the things the Affordable Care Act has made it harder to do? Work your way through school. So Stephanie, the student, says she is looking for a second part-time job now that would give her the hours she used to have in her other part-time job because of the consequences of the Affordable Care Act.

Just a couple more examples. Rich from Portageville, MO, his rates have increased from \$412 a month to \$732 a month. Rick says he is 49 years old. His policy covers him and his son who is 22 years old. They are both healthy, but their insurance went up \$320 a month.

Roy from Oak Ridge, MO, says his deductible has gone from \$250 to \$650, and if his wife wasn't a veteran and couldn't get her medications through the Veterans' Administration, they would have real health care problems.

Just one last example. Rodney from New Franklin, MO, says his rates have jumped. He says: My health insurance for my wife and myself has jumped from \$320 per month to over \$700 per month, and now there is a \$5,000 deductible, despite the fact that we are both in great health. It doesn't include eye or dental coverage. I am self-employed, Rodney says. So it makes a very big difference to him whether he can continue to pay well over two times what he was paying before, with a higher deductible.

Problems with implementing the system appear to not be dealt with in the right way, and then what happens when people do get coverage. It turns out for them not to be coverage they can afford. Of course, whether they had a policy they liked, almost nobody has been able to keep the policy they had, particularly if they had it as an individual. I think we are going to see fewer and fewer people having the policies they have had at work.

I will go back to the almost 50 percent of Americans who say: Why don't we start over and do this the common-sense way and solve these problems in a way that benefits families and their health care rather than benefiting more government employees and more government regulations?

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

BARRON NOMINATION

Mr. CRUZ. Madam President, I rise to discuss the nomination of David Barron to be a Federal court of appeals judge. I commend my friend Senator RAND PAUL for his excellent remarks earlier today and his leadership against Mr. Barron's nomination.

I have known Mr. Barron for a long time. He and I were classmates in law school. He is a smart man. He is a talented man. He is a professor at Harvard Law School and he is a well-respected professor. However, Mr. Barron is an unabashed judicial activist. He is an unapologetic and vocal advocate for judges applying liberal policy from the bench and disregarding the terms of the Constitution and the laws of the land. If the Members of this body vote to confirm him, we will bear responsibility for undermining liberty and undermining the rule of law in this country.

It is well known that Mr. Barron, as a senior official in the Obama Justice Department, authored memos allowing the U.S. Government to use drones to kill American citizens abroad who were known and suspected to be terrorists, without any trial, without any due process. To date, we still don't have the details of all of those memos. A number of us, including myself, have called for releasing the memos that would allow the U.S. Government to use lethal force against U.S. citizens. I am pleased to say the administration has, in part, complied, but we don't have all of those memos. Yet this body is being asked to proceed with giving Mr. Barron a lifetime appointment without knowing the full context of the advice he gave.

I would note that Mr. Barron previously, in 2006, joined a group of legal scholars calling for more transparency in the OLC opinions that he subsequently wrote and that the administration is now keeping secret.

But beyond that, beyond Mr. Barron providing the legal basis for the targeted killings of American citizens abroad without judicial process, Mr. Barron, both in law school and in his writings as a law professor, has been an enthusiastic advocate of judicial activism. It has become de rigueur for judicial nominees to forswear activism, to say—even if their record is to the contrary—no, no, no, Senator, I will comply with the law. To Mr. Barron's credit, his writings have a degree of candor that are unusual.

So, for example, he has argued that courts should override elected State legislatures and enforce leftwing policies. Mr. Barron, in one particular law review, wrote:

State supreme Courts, not state legislatures, have also led the revolution in school financing equality, though judicial actions have catalyzed political responses.

He went on to say that liberals should not object to conservative court decisions because "progressive constitutionalists enamored of the Anti-Court rhetoric rarely take account of its potential downstream effects on state-court interpretation and legitimacy."

In other words, he is worried that people on the left might be arguing that courts should follow the law because that would constrain the ability of courts to instead impose a far-left political policy agenda.

Likewise, in a different article, he argues:

It is precisely because the Anti-Court strain singles out conservative judicial activism as the problem that it threatens to work progressive constitutional theory into a corner: it needlessly rejects the progressive potential of a significant wielder of power—the courts. . . .

Let me underscore that. Every Member of this body who votes to confirm Mr. Barron is voting for a candidate who has stated he intends to use the courts as a "significant wielder of power." Indeed, what is the agenda that he would embrace? He has elsewhere written:

We contend that the constitutional argument favoring preclusive executive power necessarily rests on a strong form of living constitutionalism.

There are Members of this body—Democratic Members of this body—who are campaigning right now in their home State saying they do not support judicial activism, they do not support a so-called living constitution, judges imposing far-left policies and disregarding the law. Well, let me say, any Democratic Member of this body who votes for Mr. Barron is on record in support of judicial activism and living constitutionalism.

Beyond that, Mr. Barron has explicitly written his opposition to federalism. Indeed, he says, "There is precious little in the Constitution's text or the history of its adoption that compels the particular conservative allocation of national local powers favored by the Rehnquist Court."

He has made clear his agenda to overturn or ignore Supreme Court precedents. When he says there is "little in the . . . text or the history," it seems somehow that he has not read or focused on the Tenth Amendment or the Federalist Papers or the debates on ratification.

Beyond that, he is an emphatic advocate of the takings clause, of government power taking private property, such as the Kelo decision—big money interests going to government and using government power to condemn your private land. He is an emphatic advocate of that and of courts facilitating and expanding that.

He has written that the executive branch should be able to waive laws with which it disagrees—a lawlessness that, sadly, has run rampant in this administration.

Anyone who cares about property rights should be dismayed by this nomination and should vote against it if you do not want to see overly aggressive takings jurisprudence that allows the government to take your private property.

Anyone concerned about free speech should be concerned about this nomination if you do not want to see expansive government power taking away the rights of citizenry to free speech.

Anyone who cares about local control and federalism and the ability of local school boards and legislatures to make policy decisions should be concerned.

Anyone concerned about our right to life should be concerned about drones having the power to take our life without judicial process.

Anyone concerned about liberty and the rule of law should be deeply concerned about a judicial nominee who embraces courts as a tool of power and the President disregarding the law.

I urge my colleagues to oppose this nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, what is the order?

The PRESIDING OFFICER. The Senate is in morning business until 12:15 p.m.

Mrs. BOXER. Madam President, I ask unanimous consent that I be able to speak for as much time as I may consume until that time.

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

Mrs. BOXER. Madam President, Senator CRUZ makes an impassioned plea against a nominee who is considered by some to be exemplary. It is his right to do that, but let me say before my friend leaves the floor, as impassioned as he is, calling Mr. Barron a liberal, I have heard many call Mr. Barron a conservative. So he must be doing something right. I think it is interesting. So let's keep politics out of this and look at someone's record.

WRRDA

Mrs. BOXER. Madam President, with all the arguments and debate that go on around here in a very legitimate way—it is fair. The parties have grown very far apart—whether you look at the minimum wage, with the Democrats wanting to raise it, with some Republicans who say do away with it altogether; with extended unemployment benefits, where we can barely get a handful of them to go along with us—I could go on through the list. We are going to have a chance to make sure students have a fair shot at refinancing their student loans. We do not know where they are, but so far I have not seen them join Senator WARREN in her very important move to allow students to refinance their student loans. I could go through a list longer than I am tall. I am not that tall, but still it is 5 feet of differences.

We finally have come together in a way that I am very proud. As chairman of the Environment and Public Works Committee, we have two sides of our committee—the environment side, which tends to be very difficult, very difficult, with big splits; and then we have the public works side. By putting aside our differences—our deep differences—on the environment and focusing on the other side, we have been able to come up with a couple of really good bills.

The first one is the Water Resources Reform and Development Act called WRRDA. It is so important to our Na-

tion, whether you are a coastal port or an inland port, and it is crucial that this get done.

The last WRRDA bill was nearly 7 years ago. I was proud to be involved in that at that time. This one—7 years later—is long overdue. I am going to talk to you more about it. We also voted out a highway bill out of our committee. We are very proud of that. Senator VITTER and I worked very closely, and Senator BARRASSO, Senator CARPER, and all the Members on both sides and their wonderful staffs.

So tomorrow, I believe, we are going to vote on WRRDA, we are going to vote on the water bill. I know we have a very hectic day tomorrow, so rather than take the time then, I am going to take the time now, and I am hoping to be joined by some colleagues today. But if not, I will lay out why we need to do this bill.

First, I want to say a wonderful thing happened in the House yesterday when the conference report passed over in the House 412 to 4. That was really pretty terrific. Everyone pretty much rose above partisan politics. I am very pleased that Senator REID is moving forward with this report and all colleagues on both sides want us to pass that conference report and send it to the President. He will sign this bill.

Let me tell you what is at stake: at least half a million jobs—half a million jobs.

First of all, we deal with ports and waterways. The conference agreement makes important investments in reforms related to our Nation's ports. Our Nation's ports and waterways move over 2.3 billion tons of goods—that is amazing—every year; 2.3 billion tons of goods. So we need to keep our ports modernized. We need to invest in our ports. So in this bill we do.

We include a project in Texas, for example, to widen and deepen the Sabine-Neches waterway, which will have over \$115 million in annual benefits. This critical waterway transports over 100,000 tons of goods every year. It is the Nation's top port for movement of commercial military goods. And it is vital to our Nation's energy security.

This bill will allow the Corps to address dangerous cross currents at the Port of Jacksonville, FL—that is another example—that create safety concerns for ships entering and exiting the port. It also allows the deepening of this vital hub of commerce.

The bill also authorizes a project to deepen the Boston Harbor to 50 feet. This will prevent heavier road traffic in the busy Northeastern corridor by allowing larger vessels coming through the newly deepened Panama Canal to transport cargo all the way north to Boston Harbor. Without the access to Boston, these vessels would have to offload in other ports and put the cargo on trucks to their final destinations in the Northeast.

Madam President, what I would like to do now is yield to my friend, the Senator from Louisiana, Ms. LANDRIEU.

I just want to say—and I will finish my remarks when she has completed hers because she has a very hectic schedule and I am able to stay on the floor for a while—whenever I see Senator LANDRIEU she talks to me about her State. And her State is magnificent. I have been there. I was there after Katrina, at her urging. I have been there since to see some of the progress we have made. But Louisiana is a special place. And this special Senator never forgets what needs to be done, and part of it is playing a big role in a bill like the Water Resources Reform and Development Act.

So at this time I will yield, if it is all right, through the Chair. Am I permitted to do this? Can I yield the time that I took to my friend for as much time as she may consume?

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

Ms. LANDRIEU. I thank you, Madam President.

I thank the courtesy of the chairwoman from California and for her really extraordinary leadership to bring such an important infrastructure bill to the floor of the Senate.

Without her dogged determination, we would not be here today and Louisiana and so many other States that are benefiting from the projects authorized and green-lighted in this bill would simply still be waiting, with jobs not being created, people not being employed, and the future looking a lot less bright than it does today. I thank the Senator so very much.

Mrs. BOXER. You're welcome.

Ms. LANDRIEU. Not only has she given attention to her home State of California, but she has been very mindful of several other States in the Union that have particularly difficult water challenges. Louisiana would be one such State. Louisiana is not our largest State. It is not small. It is in the medium size. It has 4.5 million people. But yet our State is positioned geographically in the country, in the Lower 48, that we drain almost 50 percent of the continent. The water of this continent comes through this extraordinary delta almost without peer on the planet. It is the seventh largest delta on Earth.

While some States are struggling to find water, we normally have too much of it in the wrong places—or at times we have too much of it in the wrong places, such as when Lake Pontchartrain breached the drainage project program. The project collapsed and two-thirds of the city of New Orleans went under water—some neighborhoods 14 feet. When Isaac hit or Ike or other hurricanes, we had really been bombarded with tremendous challenges to the southern part of the United States.

Every region has their challenges. But the southern part of the United States, what I like to call America's energy coast—Texas, Louisiana, Mississippi, and Alabama—has particular challenges that need addressing in this