changed the outcome of the trial. That is the applicable legal standard. It is straightforward—very straightforward. In that case, every member of the State supreme court applied it correctly, except Justice White.

Unfortunately, Justice White's dissent in that case was not an isolated example. On a number of other occasions throughout his judicial career, Justice White misapplied standards of review or considered issues that were not germane to the law when he was deciding cases. Justice White has even admitted as much. Discussing his judicial philosophy, he said in 2005 that he thinks it is appropriate for judges to let their opinions be ''shaped by their own life experiences.'' I think the personal characteristics of any judge—what this nominee calls his ''own life experiences''—should play absolutely no role whatsoever in the process of judicial decisionmaking. I know my colleagues on our Judiciary Committee share that view as well.

Let me get back to the nominee's judicial track record. Justice White was the sole dissenter in another case that the Missouri Supreme Court decided in 1997. That case raised the question of whether the defendant was entitled to an additional evidentiary hearing. In his dissent, joined by none of his colleagues, Justice White again ignored a straightforward standard of review and wrote that the defendant should have the hearing because Justice White thought it would cause ''little harm.'' Here again we see Justice White's personal preferences creeping into what should be objective, law-based decisionmaking—something pretty elementary to being a judge at any level, Federal or State, in our system of jurisprudence.

Those are just two examples of what led me, after consideration of the nominee's record as a whole, to vote against his nomination in 1999.

Unfortunately, my concerns about Justice White's first nomination have only been reaffirmed by his subsequent record. For instance, I am troubled by Justice White's concurrence in the Eighth Amendment case of Roper v. Simmons. That case was first heard by the Missouri Supreme Court, was appealed to the Supreme Court, and was eventually affirmed. But the affirmance is not what my colleagues should focus on. What should concern my colleagues is the opinion that Justice White concurred in, which ignored binding Supreme Court precedent. That precedent was the Stanford v. Kentucky case. I will explain.

In 2003, when Justice White's court decided Roper, binding Supreme Court precedent at that time permitted applying the death penalty to individuals if they committed their crimes when they were under 18. Nonetheless, Justice White concurred in the State court opinion that simply ignored that precedent. Justice White concurred even though the Supreme Court had reaffirmed the Stanford principle twice in 2002, the year before Justice White's state court decision.

Moreover, in 2003 the Supreme Court rejected an appeal raising legal arguments that were identical to the ones Justice White endorsed. That is the very same year Justice White's court ruled in Roper and ignored Stanford outright.

My colleagues on our Judiciary Committee often ask nominees about their commitment to Supreme Court precedent and their faithfulness to the doctrine of stare decisis. Nominees who appear before us routinely repeat the mantra that they will unfailingly apply precedent and nothing else—in other words, leave out personal views. Justice White did as much at his hearing as well. But—and this is what I find so troubling—when I asked him about the Stanford case, he admitted that Stanford was, in fact, binding on his state court at the time he concurred in Roper. What he did not explain—what he could not explain—was why he ignored that binding precedent as a State supreme court justice. He could not explain why he thought it was appropriate for him to concur in a State court opinion that, in effect, overruled U.S. Supreme Court precedent.

I do not doubt that Justice White has always done what he thought was right and that he ruled the way he thought best to achieve justice for the litigants before him. But in my view that is not an appropriate role for a Federal district judge. Judicial decisionmaking requires a disinterested and objective approach that never takes into account the judge's life experiences or policy preferences. From the careful look I have taken at Justice White's 13-year track record as a judge, I have too many questions about his ability to keep his personal considerations separate from his judicial opinions.

Finally, it is worth noting that there continues to be opposition to this nominee from law enforcement.

Specifically, both the National Sheriffs' Association and the Missouri Sheriffs' Association oppose this nominee.

I always try to give judicial nominees the benefit of doubt when I have questions about their records, but in this nominee's case, I simply can't ignore so many indications that the nominee isn't the right person to occupy a lifetime appointment to the Federal bench.

I sincerely hope I am wrong about Justice White, and I reluctantly vote no on the nominee.

I ask unanimous consent to have printed in the RECORD a letter from Missouri Sheriffs' Association Training Academy and National Sheriffs' Association.

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

[From the Missouri Sheriffs' Association and Training Academy, May 10, 2014]

MISSOURI SHERIFFS' ASSOCIATION OPPOSES CONFIRMATION OF RONNIE L. WHITE TO THE FEDERAL BENCH

On behalf of the 115 Sheriffs in the State of Missouri, the Missouri Sheriffs' Association vehemently opposes the confirmation of Ronnie L. White to the federal bench.

Victims of crime, families of victims and law enforcement deserve a better federal judge than Ronnie L. White. As we explained to Senators Blunt and McCaskill last year, Ronnie L. White proved himself an activist judge who sought protection for criminals from punishment given to them by a jury even in cases where criminals performed unforgiveable acts of violence against our fellow citizens and law enforcement.

Ronnie L. White's actions and beliefs doomed his confirmation in 1999. In 1999, fifty four Senators knew Ronnie L. White was not the right person for the job based on the merits of his decisions on the bench. Nothing has changed since 1999 warranting Ronnie L. White's confirmation this year.

Senators who want to protect our citizenry from activist judges like Ronnie L. White should vote against confirmation just as was done in 1999.

NATIONAL SHERIFFS' ASSOCIATION,
Alexandria, VA, April 2, 2014.

Hon. CLAIRE MCCASKILL,
U.S. Senate,
Washington, DC.

Hon. ROY BLUNT,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCASKILL AND SENATOR BLUNT: I write on behalf of the National Sheriffs' Association (NSA) and the more than 3,000 elected Sheriffs nationwide to express our support for the efforts of the Missouri Sheriffs' Association to prevent the nomination of Ronnie L. White to a federal judgeship in St. Louis. The Missouri Sheriffs' Association was outspoken in its opposition to Judge White's previous nomination by President Bill Clinton and continues to be outspoken against any further consideration to the federal courts. I respectfully request that, as you examine candidates for the federal judgeship in St. Louis, you carefully consider the concerns presented by the Missouri Sheriffs' Association regarding any judicial nomination of Ronnie L. White.

Respectfully yours,

MICHAEL LEIDHOLT,
Sheriff NSA President.

Mr. GRASSLEY. I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican whip.

BORDER CRISIS

Mr. CORNYN. Mr. President, over the past several weeks, I have spoken about the ongoing crisis on our southern border—the President has acknowledged as a humanitarian crisis—with tens of thousands of unaccompanied minors making a perilous journey from Central America and ending on our doorstep, most often in my State, the State of Texas.

In this year, the numbers are skyrocketing again. Starting in 2011 we saw the numbers, roughly, about 6,000 unaccompanied minors. They doubled from 2011 to 2012, they doubled again from 2012 to 2013, and they look as though they are going to double again from 2013 to 2014. We can only wonder at what might happen thereafter unless we come up with a solution to the problem.

A majority of these children, as I indicated, come from Central America—El Salvador, Guatemala, and Honduras. Under current law when these children are detained by the Border Patrol, they are processed by the Border Patrol and

then given a notice to appear at a future court hearing and turned over to the Department of Health and Human Services for safekeeping.

Health and Human Services tries to identify a guardian to pick up the child and, not surprisingly, most of them are never heard from again. Certainly they don't show up for this court hearing in response to the notice to appear. Thus, the transnational criminal organizations, the cartels—the people who make money from transporting these children and other migrants across Mexico and the United States—have discovered an effective business model. In other words, they are able to deliver these children to their families—at least the ones who survive—from Central America through Mexico and into Texas.

The majority of them will make it, because they will be placed with a family member or some other relative, and never appear at the court hearing for which they have been notified to appear.

For children detained from bordering nations such as Mexico or Canada, the process is different than it is from noncontiguous countries such as Central America. Border Patrol, under the current law, can determine whether the children are eligible to stay in the United States or give these children the choice to be safely transferred to officials from their home countries.

Our country simply does not have the current capacity to deal with 50,000, much less 90,000 or 100,000, unaccompanied minors appearing on our Nation's doorstep.

As a result, these children are being kept at Border Patrol facilities, such as I witnessed in McAllen, TX, that have capacity for a few hundred people, but they are currently holding well over double, many times triple and beyond, their current capacity.

I and other Members of Congress, unlike the President, have seen these facilities firsthand and talked to some of the children. The conditions they are kept in are unacceptable by any standard: babies in diapers sleeping on cement floors and dozens of children crammed into one cell with a single toilet.

In addition to these overcrowded detention facilities, there is an overburdened judicial system. Minors in custody of the Department of Health and Human Services are released to family members or guardians or sponsors in the United States, but they are given a notice to appear before an immigration judge if they wish to make a claim for relief under our immigration laws.

Those who show up will not see a judge, on average, for more than 1 year—leaving, as I said, plenty of incentive to simply disappear and never return for a court date. As the law is currently written, in 2008, there are few other options available.

For that reason I have, along with my friend and colleague from Texas, HENRY CUELLAR from the House of Representatives, introduced a clear, commonsense change to the 2008 law to address the immediate crisis.

This is, I hasten to add, not a complete fix to our broken immigration system, but it does target this particular crisis and offers a commonsense solution.

We call this the Helping Unaccompanied Minors and Alleviating National Emergency Act, or the HUMANE Act. It would amend the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008. That law had good intentions, because it was focused on the victims of human trafficking, and we preserve those protections for the victims of human trafficking, but it needs to be improved so that thousands of children who now make this perilous journey in the hands of these criminal organizations up these smuggling corridors from Central America to the United States—we must make sure they are deterred from making this life-threatening journey.

Our changes to the law maintain all of the safeguards built into the 2008 law, and so there should be no objection on that basis. But what we would go further to do is the HUMANE Act would treat all unaccompanied minors the same and ensure an orderly legal process.

A majority of these children would be reunited with their parents in their home countries. Those who choose to appear in front of an immigration judge will have every opportunity to do so on an expedited basis. In those cases where they qualify for removal under our current laws, they would be placed in safekeeping with federally screened sponsors while additional hearings are scheduled.

This expedited process would alleviate overburdened Border Patrol and HHS facilities, as well as the local officials who have been disproportionately affected—although I would add that I read newspaper stories about officials in places such as Massachusetts, Arizona, California, and others expressing concern about these large numbers of unaccompanied children who are being warehoused in their States.

Most importantly, this legislation would send a message to people in Central America that the dangerous journey to the United States in the hands of ruthless smugglers and cartel operatives is simply not worth it.

Central American families would hear loudly and clearly that not only will the journey place their children at risk of sexual assault and even death, they will by and large not be permitted to stay in the United States once they arrive under current law.

Some will. If you are a victim of human trafficking, you may be eligible for a T-visa. If you have a colorable claim to asylum, you can make that claim to an immigration judge under our legislation. But if you don't have a claim to relief under our current immigration laws, you will be returned safely to your home country.

Tackling this crisis is a significant challenge that requires Presidential leadership. But, in the meantime, these children are sleeping in overcrowded cells, Texas communities are reeling from the impact, and we need action. With this legislation we try to target a commonsense solution that will take immediate steps to help stem the tide of the growing crisis.

I hope my colleagues will join us in cosponsoring this legislation. It sounds as if the House of Representatives is probably going to be moving next week. I know there is a lot of controversy anytime we talk about circumstances such as this. Some people think it should be tougher, others think it is too tough to enforce current law. But the fact is, the drug cartels, the transnational criminal organizations, have created a business model based on a loophole they found in the 2008 law.

Our bipartisan, bicameral legislation seeks to fix that and to give these children the benefit of the law if they qualify under the law as currently written. But to continue to leave the law as it exists now with this loophole in it, and continue to see it exploited by the Zetas and other cartels that traffic in human beings, is simply an invitation to continue to see these numbers double year after year and our capacity to deal with these children on a humane basis further diminished.

We need to have immigration laws that protect these children and all of us, and it does not mean that anybody and everybody under every circumstance can qualify to come to the United States and stay. That is simply an invitation to chaos.

We can treat these children humanely, we can give them the benefit that the law allows as written, but if they don't qualify, we need to return them home.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. MERKLEY. 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.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mrs. MCCASKILL. I ask unanimous consent that the order for quorum call be rescinded.

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

Mrs. MCCASKILL. Mr. President, it is not often the Senate has a chance to go back and fix a grievous error that occurred in our history, and that error occurred in 1999 when a good and qualified man was defeated in the Senate for a position on the eastern district court of the Federal bench in Missouri.

At that time there was an attack on Ronnie White for being soft on crime. The record, as it stands today, flies in the face of that assertion.

At the time of his defeat, he had voted to uphold the death penalty almost 70 percent of the time. In fact, in his career on the Missouri Supreme Court, being the first African American appointed to the Supreme Court, he voted with the majority on death penalty cases 90 percent of the time.

This is a mainstream jurist. This is not someone who is outside of the mainstream. That is why the Fraternal Order of Police has endorsed his nomination. That is why he is considered in the State of Missouri as an iconic leader in the legal community. He went back to Missouri, was the chief justice in the Supreme Court after he was defeated on the floor of the Senate, retired from the Supreme Court, and has gone on to be an established and respected lawyer in the St. Louis community—frankly, part of many big cases, especially the appellate work, because he served on both the Court of Appeals and the Supreme Court.

I think Ronnie White handled what happened to him with as much character as could possibly be required of any individual. I look forward to finally righting the wrong and allowing Ronnie White his well-deserved place on the Federal bench.

I ask all my colleagues to support the confirmation of Ronnie White.

I yield the floor.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Ronnie L. White, of Missouri, to be United States District Judge for the Eastern District of Missouri.

Harry Reid, Patrick J. Leahy, Claire McCaskill, Tim Kaine, Angus S. King, Jr., Thomas R. Carper, Bill Nelson, Jon Tester, Patty Murray, Christopher Murphy, Benjamin L. Cardin, Mark Begich, Sheldon Whitehouse, Elizabeth Warren, Debbie Stabenow, Tom Harkin, Tom Udall.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived. The question is, Is it the sense of the Senate that debate on the nomination of Ronnie L. White, of Missouri, to be United States District Judge for the Eastern District of Missouri, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Hawaii (Mr. SCHATZ) are necessarily absent.

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

The yeas and nays resulted—yeas 54, nays 43, as follows:

[Rollcall Vote No. 226 Ex.]

YEAS—54

Baldwin	Hagan	Murphy
Begich	Harkin	Murray
Bennet	Heinrich	Nelson
Blumenthal	Heitkamp	Pryor
Booker	Hirono	Reed
Boxer	Johnson (SD)	Reid
Brown	Kaine	Sanders
Cantwell	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Landrieu	Stabenow
Casey	Leahy	Tester
Collins	Levin	Udall (CO)
Coons	Manchin	Udall (NM)
Donnelly	Markey	Walsh
Durbin	McCaskill	Warner
Feinstein	Menendez	Warren
Franken	Merkley	Whitehouse
Gillibrand	Murkowski	Wyden

NAYS—43

Alexander	Fischer	Moran
Ayotte	Flake	Paul
Barrasso	Graham	Portman
Blunt	Grassley	Risch
Boozman	Hatch	Roberts
Burr	Heller	Rubio
Chambliss	Hoeven	Scott
Coats	Inhofe	Sessions
Coburn	Isakson	Shelby
Cochran	Johanns	Thune
Corker	Johnson (WI)	Toomey
Cornyn	Kirk	Vitter
Crapo	Lee	Wicker
Cruz	McCain	
Enzi	McConnell	

NOT VOTING—3

Mikulski	Rockefeller	Schatz

The PRESIDING OFFICER. On this vote the yes are 54, the nays are 43. The motion is agreed to.

Under the previous order, the time until 12:20 p.m. will be divided between the two leaders or their designees.

Who yields time?

If no one yields time, the time will be charged equally.

The PRESIDING OFFICER. The Senator from Massachusetts.

WOMEN'S HEALTH

Mr. MARKEY. Madam President, I rise to speak on an issue of vital importance to all who value true liberty in the United States.

Last month the Supreme Court issued its decision in the Hobby Lobby case. In 2010, in the Citizens United case, the Court said corporations have a First Amendment right to participate in elections. In the Hobby Lobby ruling, the Court took it a step further and said that since a corporation can be a person, it can also have religious views and because a corporation is a person, it can impose its religious beliefs on an employee and deny a woman insurance that protects her health by providing contraception. So the folly of the Supreme Court has come full circle, where an actual person will be denied their rights because the views of a corporation have been given priority under the U.S. Constitution as interpreted by this Supreme Court.

Instead of ''we the people,'' it is now ''I the CEO of a corporation'' who has the right to exercise their constitutional privileges as interpreted by this Supreme Court that truncates the right of individual women in America to exercise theirs.

The Supreme Court majorities have continued to extend our basic constitutional rights—the inalienable rights held by individuals—to corporations. Corporations are not people.

Supporters of the Hobby Lobby ruling have accused Democrats of hyperbole. They say we are making the Hobby Lobby case seem more dire than it truly is. The corporate personhood supporters say the ruling doesn't mean women can't use the contraception of their choice, just that the insurance provided by their employer doesn't have to cover it or they say the ruling doesn't mean a boss is imposing his or her religious views on their employees. That is just wrong. It says that the boss doesn't have to subsidize health care that violates the boss's religious views.

What happens when the religious views of a CEO are imposed on the real life of a working woman?

The PRESIDING OFFICER. The Senate will come to order.

Mr. MARKEY. In real life working women earn their insurance coverage. It is part of their pay, and they depend on insurance to pay for their health care—including contraception—for themselves and their families. If that employer's choice of insurance doesn't pay for a particular type of contraception, a woman will be forced to give up her right to use it.

If one form of contraception is—just as Ginsburg explained in her dissent—$1,000, and insurance won't cover even a penny, a working woman is going to be forced to make medical decisions based on the religion her employer practices, not on what she and her doctor determine is best for her from a medical perspective. The religion of the employer trumps the recommendation of a physician to a woman, and this is just a step that changes the whole relationship between an individual and their country.

If a corporation's insurance doesn't cover any contraception because all contraceptives violate the employer's religious beliefs, then their employee's religious views are especially burdened, and she will have to pay for contraception out of her own pocket. Keep in mind that the average woman makes 77 cents on the dollar to a man, but if you are an African-American woman, then it is 66 cents on the dollar, and Latina women earn 59 cents on the dollar compared to what a white man makes in the United States of America.

In the Hobby Lobby case, the Supreme Court transformed religion from a personal choice into a corporate decision, and the corporate world—in real life—can impose its religious views on its employees. That is why I am an original cosponsor of S. 2578, the Protect Women's Health from Corporate Interference Act, or as supporters call it the Not My Boss's Business Act.

Let's be clear. Corporations are not people, period. For-profit corporations do not have religious views. For-profit corporations should not be able to deny their employees critical health care or force American taxpayers to pay for it