Darin, as his friends called him, was working in the ministry as an adviser to a program that developed a team of U.S. service personnel skilled in Afghan and Pakistani culture and language. Darin himself spoke the Pashto language fluently and also was proficient in Dari and Arabic, enabling him to relate to the local Afghans. Darin was a liaison officer with top Afghan National Police officials in Pashto.

Darin's work was so important that after his death he was praised by the Governor of Afghanistan's Zabul Province. The Governor said this about Darin:

> When the Afghan people see that an American is speaking Pashto, they're more inclined to open up to him, and that's the reason why he's so successful. He can go among the local population and get their impression of U.S. forces. He can do this better than any other soldier because he speaks their language and knows their culture.

Darin's commander, Lt. Gen. Eric Fiel of the Air Force Special Operations Command, said this about Darin: Lieutenant Colonel Loftis ''embodies the first Special Operations Forces truth that humans are more valuable than hardware, and through his work with the Afghan people, he was undoubtedly bettering their society.''

Darin's wife Holly agrees with these kind words but has one more important point to add: ''Darin was a great American, but more importantly he was a devoted father to our two daughters, a loving husband, and caring son.''

Born on February 22, 1968, in Indiana, Darin's family moved to Kentucky when he was 3 years old. He attended Calloway County schools from kindergarten through his senior year in high school, from where he graduated in 1986. Described as a high school whiz kid by some, Darin received excellent grades and drove a black Studebaker with plain, cream-colored tires.

Jerry Ainley, former principal of Calloway County High School, said:

> He was such a fine young man. I remember his smile when he'd greet me in the hallways. He was very polite, a young man of high morals and high integrity, I guess everything you'd think of in an airman.

Darin went on to study engineering at Vanderbilt. While there, he met a girl named Holly while working for a university service that arranged security for anyone requesting it rather than walking on campus alone.

Darin and Holly got married, and in 1992 the couple joined the Peace Corps. Together they served 2 years in Papua, New Guinea, with the Duna tribe, where Darin spoke Melanesian pidgin. He clearly had a gift for languages.

Loftis entered the Air Force in 1996 and received his commission through officer training school. Originally classified as a space and missile officer, he became a regional affairs strategist in 2008.

By his first tour in Afghanistan in 2009, he had become a major serving in special operations forces. He deployed to Afghanistan for his second deployment with the 866th Air Expeditionary Squadron in 2011.

Darin continued to be an excellent student, earning three master's degrees over the course of his Air Force career. His wife Holly recalls: ''He loved learning . . . he loved going to school.''

Family was especially important to Darin. John M. Loftis, Darin's father, said:

> He lived for his kids and his family, I can tell you that. When he was home, he fooled with those kids all the time. He'd take them to school. They are going to miss him.

Darin was so skilled in communicating and respected for cementing relationships with the Afghans he worked with in Kabul that during his tour in 2009 he was given a Pashto name—Esan—which translates to mean generous. Darin explained the nickname to his daughters by saying: ''It's an honorable sense of duty to help others.''

In Darin's memory, the U.S. Air Force Special Operations School in Florida dedicated the school's auditorium in his name—an auditorium Darin himself had previously taught and lectured in. The class of 1986 at Darin's alma mater, Calloway County High School, organized an annual scholarship fund in his name, beginning with two $1,000 scholarships to members of the Class of 2014.

We are thinking of Darin's family today as I share his story with my Senate colleagues. He leaves behind his wife Holly, his two daughters Alison and Camille, his mother Chris Janne, his father John M. Loftis, his brother-in-law Brian Brewer, and many other beloved family members and friends.

The Airman's Creed, learned by every American airmen, reads in part as follows:

> I am an American Airman. . . .
> Guardian of Freedom and Justice,
> My Nation's Sword and Shield,
> Its Sentry and Avenger.
> I defend my Country with my Life.

I hope the family of Lt. Col. John Darin Loftis knows this Senate believes his life and his service fulfilled every word of this sacred motto. That is why we pause today to remember his life, recognize his service, and stand grateful for his sacrifice.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

BRING JOBS HOME ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to Calendar No. 453, S. 2569, which the clerk will report.

The assistant legislative clerk read as follows:

> Motion to proceed to Calendar No. 453, S. 2569, a bill to provide an incentive for business to bring jobs back to America.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. MORAN. Mr. President, I ask unanimous consent to speak as if in morning business.

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

ISRAEL-GAZA CONFLICT

Mr. MORAN. Mr. President, thank you very much.

For 3 weeks we have seen fighting going on in Israel and the Gaza Strip carried on between the Israeli military and Hamas. In both Gaza and Israel lives, unfortunately, are being lost, homes are destroyed, families are devastated, security is threatened, and daily life is polluted by this war.

Since the fighting began, Hamas has made it abundantly clear it is unwilling to behave in any responsible manner. The organization is using civilian areas such as schools and hospitals, mosques and playgrounds, as rocket-launching sites. Caches of rockets have been discovered inside two Gaza schools sponsored by the United Nations. A chance for peace emerged when Egypt put forward a cease-fire plan that Israel agreed to. Hamas refused to cease hostilities. Later Israel agreed to a temporary truce, the pause requested by Hamas to facilitate the delivery of humanitarian supplies to Gaza. Despite the Israeli cooperation, Hamas quickly violated the cease-fire, resuming rocket launches into Israeli territory.

Hamas's actions seek to kill and terrorize those across the Israeli border while they also do great harm to the people of Gaza. Ending the rocket attacks would hasten an end to the current violence and bloodshed that has taken a disproportionate toll on Gazan lives.

On July 17, the Senate unanimously passed a resolution to express American support for Israeli self-defense efforts and called for an immediate cessation of Hamas's attacks against Israel. S. Res. 498 also serves as a reminder to anyone ascribing legitimacy to Hamas's deadly aggression toward Israel; despite any governing agreement with Fatah and the Palestinian Authority, Hamas's violence is not legitimate in the eyes of the United States of America. Since 1997, Hamas has been included on the U.S. State Department's list of designated foreign terrorist organizations. The group's ongoing attack on civilian targets further justifies this designation.

Hamas's participation in a unity government limits improvements to life in Gaza as American law restricts U.S. aid to Palestinian groups aligned with terrorist organizations such as Hamas. Gaza's poor economic state, which is cited by Hamas as justification for their attacks on Israel, is not at all improved by Hamas's belligerence. Instead, Hamas's strategy of violence only worsens Gaza's economic outlook. Hamas's actions compound the consequences of funding weapons and

smuggling tunnels rather than investing in the future of Gaza and its people, the point being that what Hamas is doing is damaging to the people of not only Israel but to the folks who live in Gaza.

This reality begs observers to question Hamas's commitment to the people it supposedly represents. Since the beginning of the current conflict, Hamas's commitment to violence against Israel appears to be their primary mission, not the care and well-being of their people. Unless cessation of hostilities becomes Hamas's priority, Israel will retain and must retain the right to defend its people and the welfare of those living in Gaza will regretfully continue to deteriorate.

Americans would not tolerate this. We would not. Our constituents would be insistent that we not tolerate the threat of terrorism that Israel faces on a daily basis. Since 1947, attacks from its neighboring Arab States have repeatedly forced Israel to defend its people.

This Senate has and will continue to demonstrate that the United States stands with Israel, especially during these turbulent times as Israel takes necessary action to reduce Hamas's means of terror, to disarm those who stand firmly in the way of a real and lasting peace.

Mr. President, I yield the floor, and 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.

Mr. WARNER. Mr. President, I ask unanimous consent that the quorum call be rescinded.

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

HONORING FEDERAL EMPLOYEES

Mr. WARNER. Mr. President, I rise to call attention to the important efforts made each day by our public servants. We often forget that our public servants are Federal employees who go to work every day with the sole mission to make this country a better and safer place to live. Day after day they go about their work receiving little recognition for the great work they do, and many times, unfortunately, they are actually berated rather than acclaimed for what they do during difficult times.

Since 2010 I have come to the Senate floor on a regular basis to honor exemplary Federal employees, a tradition that was begun by my friend from Delaware Senator Ted Kaufman.

Today I wish to take this opportunity to recognize another extraordinary public servant who has served in the U.S. Department of Treasury for 41 years. Forty-one years. That is not a typo. Mr. Richard L. Gregg has dedicated more than four decades to Federal service. He most recently served as the Fiscal Assistant Secretary at the U.S. Department of the Treasury.

Mr. Gregg began his Federal civilian service in 1970 at Treasury's Financial Management Service. During his 10 years at Treasury, he served as the Commissioner of Treasury's Financial Management Service and as the Commissioner of the Bureau of Public Debt.

Mr. Gregg retired—for the first time—in June 2006 and was asked to return to Treasury in 2009 to serve as Fiscal Assistant Secretary. Mr. Gregg retired again this month, and in honor of his second retirement I wanted to highlight a couple of his noteworthy accomplishments.

During his long tenure at Treasury, Mr. Gregg was well known for his innovative thinking, the ability to make hard decisions, and the desire to make government more efficient, more open, and, very importantly, less costly.

Mr. Gregg led the Treasury into the 21st century by modernizing Federal payment operations. He moved Treasury from paper-based benefits payments toward the more sensible, secure, and reliable electronic payment system. We should have done that a lot earlier. This is a really big deal since Treasury makes more than 1 billion payments per year—think about that, more than 1 billion separate payments per year—including all Social Security benefit payments as well as others. His work will help save taxpayers $1 billion over the next decade. That is a pretty great value.

Mr. Gregg also helped achieve one of the more rare feats in the Federal Government—the actual consolidation of Federal programs. Mr. Gregg recognized that operations could be improved if Treasury consolidated two complementary Treasury agencies into one. By merging Treasury's Financial Management Service, which makes government payments, with Treasury's Bureau of Public Debt, which borrows the money to fund government, taxpayers will save tens of millions over the next decade.

This isn't going to clear up our $17 trillion in debt that goes up $3 billion a night, but these are the kinds of commonsense steps in the right direction we need to see more often.

I am also proud that Mr. Gregg is not only an inspiring public servant, but he is also a Virginian. He resides in Springfield, VA.

I thank Mr. Richard L. Gregg for his leadership at the Department of Treasury and for being a tireless advocate for the American people. His work in support of a more efficient, responsive, and accountable government will continue to make government work better for all Americans for many years to come.

Mr. President, I yield the floor, and I note the absence after 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 majority leader.

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

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that at a time to be determined by me, with the concurrence of Senator MCCONNELL, the Senate proceed to executive session to consider Calendar No. 952; that there be 4 hours for debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on the nomination; that if confirmed, the motion to reconsider be made and laid upon the table with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

Mr. REID. I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. TESTER. Mr. President, are we in morning business?

The ACTING PRESIDENT pro tempore. The Senate is postcloture on the motion to proceed.

Mr. TESTER. I ask unanimous consent to speak as in morning business.

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

VA HEALTH CARE

Mr. TESTER. Mr. President, I have come to realize that we are never going to get politics completely out of the legislative process. In the system we have today, there is always another election and there is always another campaign. This political posturing must be addressed. It is hurting our democracy, and it is a prime reason Congress's approval rating is in the single digits.

Today politics is hurting the men and women who bravely served our Nation. It is hurting our veterans.

When the news about the problems at the VA became public, lawmakers ran to the press and slammed the VA. They called for reform and accountability. They even dragged good men through the mud to score political points.

Members from both sides of the aisle said politics needed to be set aside because if there is just one thing that should cause our politicians to look past political games, it is our veterans. It is our commitment to our veterans,

our commitment to making sure they get the care they have earned. But today some lawmakers decided to forgo the hard work of compromise. Instead of putting veterans first, they have made improving veterans care political.

We have been working for 6 weeks to find a compromise bill that improves veterans' access to care, that holds the VA more accountable, and that hires more medical professionals so veterans can get the care they need when they need it. But for 6 weeks Members on the other side of the aisle in both the House and the Senate have balked at the cost of taking care of our veterans. Many of these lawmakers are the same ones—the same ones—who put our wars in Iraq and Afghanistan on a credit card. Many of them didn't blink twice when we sent hundreds of troops into Iraq earlier this month. Way back when, when the Iraq war was authorized, Congress spent less than 3 weeks debating Iraq. But now when it comes to taking care of our men and women who served—many in the same wars they put on a credit card—they worry about the cost.

Well, I have news for them: Taking care of our veterans is a cost of war. We do not send young Americans to war and then not take care of them. And it should not be the case that we rush to war but drag our feet when it comes to our vets.

Republicans today will announce they are forgoing the veterans conference committee and introducing a bill of their own. It is not a proposal aimed at benefiting our veterans. It is not. It is not a bill that takes the best ideas of veterans organizations, experts, or VA officials and moves the ball forward. It is a proposal that is meant to gain political favor. It is a proposal that sheds the responsibility of governing, of honoring our commitment to veterans. It is a proposal that is aimed at the November election.

Chairman SANDERS has been working hard to bridge the divide and produce a bill that gets veterans the support they need and can pass in Congress, but Chairman SANDERS can't do it himself, and neither can just one-half of the conference committee.

I am incredibly disappointed by what is taking place today. I had real hopes that this conference committee could rise above the political process and get something done for our veterans.

I have been holding listening sessions with Montana's veterans since early June. They didn't have much faith. Those veterans did not have much faith in Washington politicians solving the problem, but I told them it could be done. If we don't change course, if we don't leave politics at the door as we promised, then it is going to be hard for me to go back to Montana and look those veterans in the eye.

We can do better, and we must do better.

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

The PRESIDING OFFICER (Mr. BOOKER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SANDERS. Mr. President, on June 11—a month and a half ago—in a very strong bipartisan way, the Senate voted 93 to 3—an overwhelming vote—to pass legislation written by Senator JOHN MCCAIN, a Republican, and myself to address crises facing our veterans community and the VA and to protect and defend the men and women who have put their lives on the line to defend us. I wish to take this opportunity again to thank Senator MCCAIN for his very strong efforts on getting that legislation passed.

As you know, the legislation we passed was estimated by the Congressional Budget Office, the CBO, to cost about $35 billion. At just about the same time, the House of Representatives passed legislation dealing with, more or less, the same issues, and the bill they passed in the House was estimated by CBO to cost $44 billion—$9 billion more than what we passed in the Senate.

In the last 6 weeks, my staff, my colleagues, and I have been working very hard to refine this legislation, to come up with a more reasonable pricetag, and to address the needs of our veterans community in a significant way. In that process, I have been accused by some of ''moving the goalposts.'' I guess I have. I have moved the goalposts so the legislation we are introducing today is substantially lower—substantially lower—than what passed the Senate and what passed the House. If that is called moving the goalposts, I suspect in this case it is moving the goalposts in a positive direction. In fact, the bill we are presenting would cost less than $25 billion—a lot of money, no doubt—but that is some $10 billion less than what we passed on the Senate floor, and it is $19 billion less than what the House passed.

Our proposal is a commonsense proposal which deals in a significant way with the needs of the veterans community. What it does is provide emergency funding for contract services so veterans can, when they find themselves in long waiting periods—as in fact is the case in a number of locations around the country—they can go outside of the VA and get private health care or care at a community health center or whatever. They no longer have to wait during this emergency period for long periods of time to get into the VA. I think that is a very important part of this proposal. It is something we have to do.

In addition, what we also say is if a veteran is living more than 40 miles from a VA facility—and there are veterans who in some cases are living hundreds of miles away—they do not have to, when they are ill, get in their car and travel for 3 or 4 hours to get health care at a VA facility. They will be able to go to a non-VA facility, a private physician, if they live more than 40 miles away from a VA facility. I think that is a significant step forward.

But what our legislation also does is address an issue of huge concern to the veterans community. Just yesterday—just yesterday—I received, and many members in the Veterans' Committee received, a letter from 16 major veterans organizations. I ask unanimous consent to have the letter printed in the RECORD.

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

JULY 23, 2014.

Chairman BERNIE SANDERS,
Senate Committee on Veterans' Affairs, Washington, DC.
Ranking Member RICHARD BURR,
Senate Committee on Veterans' Affairs, Washington, DC.
Chairman JEFF MILLER,
House Committee on Veterans' Affairs, Washington, DC.
Ranking Member MIKE MICHAUD,
House Committee on Veterans' Affairs, Washington, DC.

CHAIRMAN SANDERS, CHAIRMAN MILLER, RANKING MEMBER BURR, RANKING MEMBER MICHAUD: Last week, Acting Secretary Sloan Gibson appeared before the Senate Veterans' Affairs Committee to discuss the progress made by the Department of Veterans Affairs (VA) over the past two months to address the health care access crisis for thousands of veterans. Secretary Gibson testified that after re-examining VA's resource needs in light of the revelations about secret waiting lists and hidden demand, VA required supplemental resources totaling $17.6 billion for the remainder of this fiscal year through the end of FY 2017.

As the leaders of organizations representing millions of veterans, we agree with Secretary Gibson that there is a need to provide VA with additional resources now to ensure that veterans can access the health care they have earned, either from VA providers or through non-VA purchased care. We urge Congress to expeditiously approve supplemental funding that fully addresses the critical needs outlined by Secretary Gibson either prior to, or at the same time as, any compromise legislation that may be reported out of the House-Senate Conference Committee. Whether it costs $17 billion or $50 billion over the next three years, Congress has a sacred obligation to provide VA with the funds it requires to meet both immediate needs through non-VA care and future needs by expanding VA's internal capacity.

Last month, we wrote to you to outlining the principles and priorities essential to addressing the access crisis, a copy of which is attached. The first priority ''. . . must be to ensure that all veterans currently waiting for treatment must be provided access to timely, convenient health care as quickly as medically indicated.'' Second, when VA is unable to provide that care directly, ''. . . VA must be involved in the timely coordination of and fully responsible for prompt payment for all authorized non-VA care.'' Third, Congress must provide supplemental funding for this year and additional funding for next year to pay for the temporary expansion of non-VA purchased care. Finally, whatever actions VA or Congress takes to address the current access crisis must also ''. . . protect, preserve and strengthen the VA health care

system so that it remains capable of providing a full continuum of high-quality, timely health care to all enrolled veterans.''

In his testimony to the Senate, Secretary Gibson stated that the Veterans Health Administration (VHA) has already reached out to over 160,000 veterans to get them off wait lists and into clinics. He said that VHA accomplished this by adding more clinic hours, aggressively recruiting to fill physician vacancies, deploying mobile medical units, using temporary staffing resources, and expanding the use of private sector care. Gibson also testified that VHA made over 543,000 referrals for veterans to receive non-VA care in the private sector—91,000 more than in the comparable period a year ago. In a subsequent press release, VA stated that it had reduced the New Enrollee Appointment Report (NEAR) from its peak of 46,000 on June 1, 2014 to 2,000 as of July 1, 2014, and that there was also a reduction of over 17,000 veterans on the Electronic Waiting List since May 15, 2014. We appreciate this progress, but more must be done to ensure that every enrolled veteran has access to timely care.

The majority of the supplemental funding required by VA, approximately $8.1 billion, would be used to expand access to VA health care over the next three fiscal years by hiring up to 10,000 new clinical staff, including 1,500 new doctors, nurses and other direct care providers. That funding would also be used to cover the cost of expanded non-VA purchased care, with the focus shifting over the three years from non-VA purchased care to VA-provided care as internal capacity increased. The next biggest portion would be $6 billion for VA's physical infrastructure, which according to Secretary Gibson would include 77 lease projects for outpatient clinics that would add about two million square feet, as well as eight major construction projects and 700 minor construction and nonrecurring maintenance projects that together could add roughly four million appointment slots at VA facilities. The remainder of the funding would go to IT enhancements, including scheduling, purchased care and project coordination systems, as well as a modest increase of $400 million for additional ''VBA staff to address the claims and appeals backlogs.

In reviewing the additional resource requirements identified by Secretary Gibson, the undersigned find them to be commensurate with the historical funding shortfalls identified in recent years by many of our organizations, including The Independent Budget (IB), which is authored and endorsed by many of our organizations. For example, in the prior ten VA budgets, the amount of funding for medical care requested by the Administration and ultimately provided to VA by Congress was more than $7.8 billion less than what was recommended by the IB. Over just the past five years, the IB recommended $4 billion more than VA requested or Congress approved and for next year, FY 2015, the IB has recommended over $2 billion more than VA requested. Further corroboration of the shortfall in VA's medical care funding came two weeks ago from the Congressional Budget Office (CBO), which issued a revised report on H.R. 3230 estimating that, ''. . . under current law for 2015 and CBO's baseline projections for 2016, VA's appropriations for health care are not projected to keep pace with growth in the patient population or growth in per capita spending for health care—meaning that waiting times will tend to increase. . .''

Similarly, over the past decade the amount of funding requested by VA for major and minor construction, and the final amount appropriated by Congress, has been more than $9 billion less than what the IB estimated was needed to allow VA sufficient space to deliver timely, high-quality care. Over the past five years alone, that shortfall is more than $6.6 billion and for next year the VA budget request is more than $2.5 billion less than the IB recommendation. Funding for nonrecurring maintenance (NRM) has also been woefully inadequate. Importantly, the IB recommendations closely mirror VA's Strategic Capital Investment Plan (SCIP), which VA uses to determine infrastructure needs. According to SCIP, VA should invest between $56 to $69 billion in facility improvements over the next ten years, which would require somewhere between $5 to $7 billion annually. However, the Administration's budget requests over the past four years have averaged less than $2 billion annually for major and minor construction and for NRM, and Congress has not significantly increased those funding requests in the final appropriations.

Taking into account the progress achieved by VA over the past two months, and considering the funding shortfalls our organizations have identified over the past decade and in next year's budget, the undersigned believe that Congress must quickly approve supplemental funding that fully meets the critical needs identified by Secretary Gibson, and which fulfills the principles and priorities we laid out a month ago. Such an approach would be a reasonable and practical way to expand access now, while building internal capacity to avoid future access crises in the future. In contrast to the legislative proposals in the Conference Committee which would require months to promulgate new regulations, establish new procedures and set up new offices, the VA proposal could have an immediate impact on increasing access to care for veterans today by building upon VA's ongoing expanded access initiatives and sustaining them over the next three years. Furthermore, by investing in new staff and treatment space, VA would be able to continue providing this expanded level of care, even while increasing its use of purchased care when and where it is needed.

In our jointly signed letter last month, we applauded both the House and Senate for working expeditiously and in a bipartisan manner to move legislation designed to address the access crisis, and we understand you are continuing to work towards a compromise bill. As leaders of the nation's major veterans organization, we now ask that you work in the same bipartisan spirit to provide VA supplemental funding addressing the needs outlined by Secretary Gibson to the floor as quickly as feasible, approve it and send it to the President so that he can enact it to help ensure that no veteran waits too long to get the care they earned through their service. We look forward to your response.

Respectfully,

Garry J. Augustine, Executive Director, Washington Headquarters, DAV (Disabled American Veterans); Homer S. Townsend, Jr., Executive Director, Paralyzed Veterans of America; Tom Tarantino, Chief Policy Officer, Iraq and Afghanistan Veterans of America; Robert E. Wallace, Executive Director, Veterans of Foreign Wars of the United States; Rick Weidman, Executive Director for Policy and Government Affairs, Vietnam Veterans of America; VADM Norbert R. Ryan, Jr., USN (Ret.), President, Military Officers Association of America; Randy Reid, Executive Director, U.S. Coast Guard Chief Petty, Officers Association; James T. Currie, Ph.D, Colonel, USA (Ret.), Executive Director, Commissioned Officers, Association of the U.S. Public Health Service; Robert L. Frank, Chief Executive Officer, Air Force Sergeants Association; VADM John Totushek, USN (Ret), Executive Director, Association of the U.S. Navy (AUSN); Herb Rosenbleeth, National Executive Director, Jewish War Veterans of the USA; Heather L. Ansley, Esq., MSW, Vice President, VetsFirst, a program of United Spinal Association; CW4 (Ret) Jack Du Teil, Executive Director, United States Army Warrant Officers Association; John R. Davis, Director, Legislative Programs, Fleet Reserve Association; Robert Certain, Executive Director, Military Chaplain Association of the United States; Michael A. Blum, National Executive Director, Marine Corps League.

Mr. SANDERS. Mr. President, 16 major veterans organizations, including the Disabled American Veterans, the Veterans of Foreign Wars—the VFW—Paralyzed Veterans of America, the Vietnam Veterans of America, the Iraq and Afghanistan Veterans of America, the Military Officers Association of America, and many others—wonderful veterans organizations that have worked for years representing the needs of millions and millions of veterans—what these organizations say in this letter is that while we must address the immediate crisis of doing away with these long waiting lines and allowing veterans to get private care, what they also say—loudly and clearly—is that the VA must have the doctors, the nurses, and the space capacity that it needs so that in the future it will be able to permanently eliminate these long waiting lines so that 2 years from now, 3 years from now, when veterans come into the VA, they will get quality care, they will get timely care. That is what the veterans organizations have said.

I will quote to you one small paragraph of a long letter. They say that the charge of the conference committee should be ''to ensure that all veterans currently waiting for treatment must be provided access to timely, convenient health care as quickly as medically indicated,'' and at the same time ''protect, preserve and strengthen the VA health care system so that it remains capable of providing a full continuum of high-quality, timely health care to all enrolled veterans.''

Last week, in a Senate Veterans' Affairs Committee meeting, Sloan Gibson, the Acting Secretary of the VA, stated that the VA needed over $16 billion in order to hire thousands and thousands of doctors, nurses, other medical providers. In many VA facilities doctors do not have the examining rooms they need. There are space problems all over this country. What the veterans organizations—16 of them—said loudly and clearly is that Sloan Gibson, the new Acting Secretary of the VA—approved with wide Republican support—they said we support his proposal.

Our legislation does not give the VA all that Mr. GIBSON would like, but we do provide them with the doctors and the nurses and the medical staff they need so we do not continue to have

long waiting lines at VA hospitals all over this country, so we do not come back 2 years from now in the same position, with veterans not being able to get timely care.

I have worked for a month and a half with my House Republican colleagues, led by the Veterans' Affairs chairman there, JEFF MILLER, to find a compromise. Everybody knows the House looks at the world differently than the Senate—we all know that—and if we go forward, we need a compromise.

We have put good-faith offers on the table time and time again and we have tried to meet our Republican colleagues more than halfway, but I am very sad to say that at this point—and I hope this changes—but at this point I can only conclude, with great reluctance, that the good faith we have shown is simply not being reciprocated by the other side.

Standing here and saying this is the last thing I want to be doing. Our veterans deserve a responsible solution to this crisis.

Last night—this is an example of what has happened—somewhere around 10 o'clock in the night, the cochairman of the veterans conference committee, Mr. MILLER in the House, announced unilaterally, without my knowledge or without my concurrence, that he was going to hold a so-called conference committee meeting in order to introduce his proposals.

Needless to say, his proposal is something I have yet to see. I do not know what it is. This is a proposal nobody on our side has seen. My understanding is he then wants to take this to the House on Monday to come up with a vote. In other words, his idea of negotiation is: We have a proposal. Take it or leave it. Any sixth grader in a school in the United States understands this is not negotiation, this is not what democracy is about.

I note the presence on the floor of the coauthor of the bill passed in the Senate, Senator MCCAIN, and I am happy to yield the floor for Senator MCCAIN.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, could I say that I understand the frustration the chairman of the committee feels, and this has been, for everyone involved, a very frustrating process. I think to some degree the real effort has been diverted on this whole issue of the pay-fors, the cost of this legislation. I fully understand the frustration of the Senator from Vermont, the distinguished chairman of the committee. I would hope we could maybe, all of us, cool down some and maybe go to this meeting at noon, and ahead of time—as far ahead of time as is possible—tell the chairman what their proposal is and also a counterproposal of Senator SANDERS' would be fully considered by the conference as well.

It is the proper process to go to a conference. Unfortunately, we only did that once, and that was largely a pro forma kind of activity.

Again, I fully appreciate Senator SANDERS, who has worked very hard on this very terrible issue. But I hope all of my colleagues recognize that for us to not come to agreement on legislation which is not that dissimilar, which passed this body 93 to 3, and over on the House side I believe it was unanimous, is a gross disservice to those who deserve our consideration most.

There is no group of citizens in this country who deserve our help in this time of crisis more than our veterans, the men and women who have served. So may I say to my friend from Vermont, who, like me, is very given to calm deliberation of all issues, we are very similar in that respect. I say, with some humor, I hope, that I hope we can go to this conference at noon today and sit down together, and listen to the various proposals.

I believe the fundamentals, as were passed by this body on a 93-to-3 vote, should be a basis for largely the final legislation we reach. The other body's legislation is strikingly similar. It seems to me where we have a difference is how much additional funding to the fundamentals of the legislation we are considering.

I was watching my friend from Vermont on the floor here. I want to say to him, I fully understand his frustration. I hope we will be able to sit down at noon with both Republicans and Democrats, both sides of the aisle, with the overriding priority of not leaving and going out into an August recess without acting on this issue. Veterans are dying. There are allegations that 40 veterans in my State at the Phoenix VA hospital died because they did not receive care. There is not a policy/academic issue here. This is the very lives of the men and women who are serving.

I guess for the third time I would say to my colleague, and I will yield to him in just a second: I would be more than happy to look at what we have proposed and what has passed through this body, as compared to what the other side of the Capitol is proposing. Perhaps we can come to some agreement and compromise, which is the way we are supposed to pass laws in this body.

I ask unanimous consent to yield to Senator SANDERS.

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

The Senator from Vermont.

Mr. SANDERS. First of all, I want to thank Senator MCCAIN again for all of his hard work on this issue.

Let me ask a few questions. The Senator and I have been talking the last few days. Does the Senator not think—he has been here for 1 or 2 years—that the best way to go forward is for people to sit down at a table and knock out their differences? And then the idea of presenting it to a conference is absolutely right. But the Senator knows, and I know, that what conference committees are largely about are 5-minute speeches.

I have been disappointed that I have not—I think the Senator will agree with me, maybe not, that the best way forward is for people to sit down in a room and work out their differences, not to go forward with unilateral statements. Does that make sense?

Mr. MCCAIN. Well, could I say to my friend from Vermont, I believe it is a matter of simple courtesy, that the Senator, as the chairman of a committee, should be asked to come to a meeting with the other major chairmen and ranking members of the committees. I hope that kind of thing does not happen again.

What I would like to see—and I beg my colleagues to sit down and let's work this out. It is a matter of money. It is not a matter of the provisions of the bill. That cannot be the reason for us not to reach some agreement. I intend at noon to attend. I intend to make a strong case that we would be glad to hear any proposal by the chairmen and ranking members on the other side of the Capitol, and that we would have a counterproposal and maybe could start a discussion and dialog which could lead to an agreement.

Mr. SANDERS. Let me ask Senator MCCAIN one more question. I thank the Senator very much. He is not on, at this moment, the Veterans' Affairs Committee, but he has jumped into this with both feet and is playing a very big role. Would the Senator be prepared if, generally speaking, what happens is the chairmen and ranking members of the Senate and the House get together—you are not the chairman, you are not the ranking member, but I think you could play a good role. Would the Senator be prepared to sit down with the other four members, myself, the other three, and help us reach a compromise?

Mr. MCCAIN. I would be more than glad to do that, I would say to my friend from Vermont. I would also like to say I hope the participation of a number of people would lead us to some agreement today. Because once we reach an agreement, then, of course, we have to go through the normal votes and all of the things that require some period of time.

I want to say to my friends who are deeply concerned about the costs here of some of these provisions: My argument is that, yes, we should seek ways to pay for as much as we can. I believe we can compromise on some areas of spending. But we cannot allow that alone to prevent us from acting.

I thank my friend from Vermont. I look forward to engaging with him. I think maybe it is important that we show courtesy to all Members who are involved in this, including the chairman of the committee. I thank the Senator.

Mr. SANDERS. One more second. I wanted to paraphrase. Tell me if I am misquoting. I do not have it in front of me, but when we were debating this bill on the floor, the Senator said—we were talking about emergency funding—something to the effect of if this is not an emergency, I do not know

what an emergency is. Is that a correct paraphrase?

Mr. McCAIN. That is absolutely my conviction, that the reason why we have emergency funding from time to time in times of crisis is for when there is an emergency. I will repeat: I do not know of a greater domestic emergency than the care we owe the men and women who have served this country.

I thank my colleague. I yield the floor.

Mr. SANDERS. I thank Senator McCAIN very much for his statements and for his hard work on this and would reiterate what he said; that is, my belief that what we have here on the Senate floor, that if taking care of the men and women who have put their lives on the line to defend us and who came home without arms or legs, or without their eyesight or 500,000 of them who came home with post-traumatic stress disorder or traumatic brain injury—if that is not an emergency, taking care of those brave men and women, I agree with Senator McCAIN, I do not know what an emergency is.

I am happy to yield the floor for my colleague from Alaska, Senator BEGICH.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. BEGICH. I say to my chairman on the Veterans' Affairs Committee, we talked very briefly on the phone. I wanted to come down here because I find this amazing. I am new around here. I know it has been almost 6 years. I still consider myself new in the process. But late last night, early this morning, I get a notice of a supposed conference committee meeting, which I was totally unaware of, was unaware of the proposals they are putting on the other side. I would like to have time—I know on the other side they talk a lot about transparency and timeliness and making sure the public is aware of what they are doing. But, lo and behold, they just kind of snap together a meeting because they have an idea that they want to move forward.

I am all game for more ideas on how to solve the problems with our veterans. But the public demands—demands—us to solve this problem, and also demands it to be done in a transparent way, not in the dark of the night a meeting is called. The chairman of the other side, in this case the Senator from Vermont, the chairman of the Senate committee, is not even notified.

I recognize Senator McCAIN's comments about the courtesy. It should be a courtesy. But on top of it, the basic understanding of compromise and working with each other—that is what has to happen. We are not seeing that. We had a conference committee. We all made 5-minute speeches, grand statements about how to help veterans. We all want to do that. But it also means sitting down, working with each other, putting proposals out. I think the way the chairman described it best is: Roll up your sleeves and solve this problem.

Think about this: What is the real issue here? You heard it from Senator McCAIN, that we pretty much have agreement on a lot of the basic issues. It is the money.

What is so amazing to me—I was not here when the wars were decided to be funded or, excuse me, not funded—two trillion dollars, Afghanistan even more. But even if you use that $2 trillion number, what we are talking about today is about 1 percent, 1 percent to take care of the veterans and their families who put their lives on the line, have come back, some missing limbs, some having mental issues, a variety of services they need, they earned, they deserve.

You know, when you think about it, my simple statement—the chairman has heard me say this before: You are for veterans or you are not.

We are going to quibble and nickel-and-dime our veterans. I appreciate what the chairman has done trying to lower the costs, trying to find compromise. But this is, as Senator McCAIN said, an emergency. We need to take care of these veterans. For the House to nickel-and-dime our veterans is absolutely obscene. It is outrageous. They served our country. We need to do what we can to take care of them. It does not mean having midnight emails to tell us about a meeting that is going to occur on a day 12 hours later when I have no idea what their proposal is. They have not shared it with me. It would be nice. They are all about transparency. Let's do it. Let's have transparency. Let's have a debate.

I know the chairman has been working on this for the last 6 weeks. Many of us met, as the chairman in the last week did, talking about—with the new potential Secretary, which I am very excited for. He already has a 90-day idea, a plan, which I was amazed to see that he is already moving forward. I met with him yesterday. I told him: Be bold. Start doing things. Get nominated, get approved, let's get some stuff going.

But for this body on the other side to just out of the blue decide they are going to have a conference—usually the way it works—maybe I am wrong—a conference committee usually means Senate and House. The two chairmen talk to each other, pick a time, everyone tells their Members, and we all attend. We see proposals. We see paperwork beforehand. It is transparent. The press is aware of it, the public is aware of it. It is open to the people.

This is like a midnight ride to, in my view, potentially shortchanging our veterans. I am outraged. The chairman probably got that sense when I sent an email to the chairman this morning. Within seconds we were on the phone, because this is not how we need to do this business. The veterans deserve the care; they earned it; we owe it to them. The bill is due. It is time to pay up and quit nickel-and-diming our veterans. Prepare the services they need. Give the VA the capacity they need in order to perform the many different services, from hiring people—the chairman is right—nurses, doctors, mental health providers. We need them all.

I am very proud of some of the work—you heard me talk about it before—in Alaska. But we are one State. There are 49 other States. We need to do everything we can. I came down here—I had something else going on right now, but I was very frustrated and outraged by this lack of transparency on the body that proclaims to always talk about transparency.

But again, I can go on a rant here. I am going to stop. I am going to say the last thing I will say is: This is an emergency. We know it. The American people know it. Quit nickel-and-diming our veterans. Quit complaining about: Is it $25 or $26 billion. It is an emergency. We did not complain about one dime when they wanted all of the money for the wars: $2 trillion, $3 trillion. Actually, as some remember those photos, we put cash on pallets—cash on pallets—and shipped it over there. Now it is time to take care of our veterans. It is time to put up or shut up. It is time to get the work done. You are for veterans or you are against veterans. It is a simple equation.

It is a simple equation.

Mr. SANDERS. I thank Senator BEGICH.

The PRESIDING OFFICER. The Republican whip.

HUMANE ACT

Mr. CORNYN. Mr. President, there is no question that immigration is one of the toughest, most divisive issues we talk about in Washington, DC, perhaps because it is an economic issue, it involves cultural considerations, and it also includes security concerns. It is not just any one of those things; it is basically all of those wrapped into one.

At the same time, I have been impressed by the fact that the ongoing border crisis that is now occurring in South Texas has produced a moment of bipartisan consensus and clarity, which are rare when we talk about immigration. For example, we all agree that the United States must continue to uphold the rule of law, with which all of us are better off—including the people who want to come to the United States as immigrants, if they can come through a legal system in an orderly way and not as a flood of humanity who have surrendered themselves to the tender mercies of the criminal organizations that funnel children and other immigrants from Central America through Mexico into South Texas.

We all agree that our policies should be one of not encouraging Central American children, and particularly their parents putting their lives at risk in the hands of these criminal organizations. We all agree that the present levels of chaos and confusion on our southern border are totally unacceptable. No one is arguing for the status quo, to my knowledge. They are unacceptable from both a security perspective and from a humanitarian perspective.

I said just a moment ago that no one is arguing that the status quo is acceptable, but I fear that unless we sit down and reason together, we are going to end with a status quo before we leave for the August recess. Unless we are successful in passing the needed policy changes that will actually address some of the causes of the current crisis—as well as appropriate money that is needed on an emergency basis to help build capacity to deal with it—the status quo is what we are going to get. That would be disappointing and it would be tragic.

So people may have good ideas, and I would love to hear them. But working together with my colleague HENRY CUELLAR from the House—HENRY likes to call himself a Blue Dog Democrat, but he is from Laredo, TX, lives on the border and understands it very well—he and I have come up with a bipartisan, bicameral proposal that would discourage illegal immigration from Central America and elsewhere by ending the de facto policy of catch-and-release.

What I mean by that is when people are coming into the country illegally, they are detained by the Border Patrol. But we know there is a policy of de facto release once they are detained because many of them are given a notice to appear for a future court hearing and they never show up.

I had one former head of the Drug Enforcement Administration who said: Everybody knows that a notice to appear should really be retitled a ''notice to disappear'' because that is what happens.

If people are successful in navigating this glitch in our enforcement system, then they are going to keep coming and the cartels and the people who make money off of transporting people through this perilous journey will continue—as I have spoken about numerous times—from Central America through Mexico—a journey in which women are routinely sexually assaulted, the migrants are routinely kidnapped and held for ransom, and some never make it because they die of injuries or exposure.

If we don't fix that by the time we leave for our August recess, we will have failed in some of our more basic responsibilities. But more specifically, our bill would reform a 2008 human trafficking law that actually passed, essentially, by unanimous consent. Nobody dreamed that it would be exploited as it has been in a way that weakened U.S. immigration enforcement and incentivized Central American children to risk everything they have to make this perilous journey from Central America to Mexico.

I have said earlier what I believe to be the fact—the cartels are smart. I mean, these are rich, wealthy criminal organizations with a lot of shrewd and inventive people. What they have figured out is a business model to exploit this vulnerability in the 2008 law that we need to address before we leave.

I will give one sense of the problem. On Tuesday of this week, 20 unaccompanied minors from Central America had hearings scheduled before a Federal immigration court in Dallas—20 scheduled; 18 failed to show up. So roughly 10 percent showed up, and the other 18 didn't show up. We currently don't have the resources through Immigration and Customs Enforcement to locate those children and make sure they actually do appear. What happens is they are part of that 40 percent of illegal immigration, people who enter the country, just simply melt into the landscape, and we don't hear from them again, but they are still here.

Given how few unaccompanied minors actually appear for their hearings, Members of both parties have expressed their view that the 2008 law needs to be changed.

The Secretary of Homeland Security, whom I talked to as recently as yesterday, said on Tuesday: The administration has asked for a change in the law, and we are in active discussions with Congress right now about doing that.

That is a little bit mysterious to me because the majority leader has said the border is secure and he is not interested in taking up any reforms such as the HUMANE Act Congressman CUELLAR and I have sponsored.

I would say to the majority leader, if you don't think that is the right solution, then where is yours? Are there other ideas that people have that are better ideas? I am game.

I think we ought to have that discussion, and we ought to be focused on trying to fix it as Secretary Johnson said is needed. I am sure there will be some differences, but that is what this place is for, to work out those differences and come up with the 80 percent solution, hopefully, and then get the job done.

But the irony of what Secretary Johnson has said is that the administration acknowledges that change is needed. But is any change forthcoming from the majority leader?

Well, apparently it is not, because he is in the process of having us vote on a so-called clean emergency appropriations bill without any reforms attached to it. I have called this a blank check, and indeed I believe it is, because it is not responsible just to spend the money without trying to fix the problem. Indeed, if history is any guide—and I think it is—we are seeing these numbers go up every year.

In other words, it is estimated that of the 57,000 unaccompanied minors that have been detained at our southwestern border since August, that number could grow as high as 90,000 this year. Next year, the estimate is it could be as many as 145,000.

I know the Presiding Officer has read, as I have, stories in the Washington Post, the New York Times, and elsewhere about the backlash that is occurring around the country as these children are being transported and warehoused in different locations around the country. This is going to do nothing but get worse, in my view, as the numbers continue to escalate and as we don't deal with the source of the problem.

This is a very dangerous situation where the American people are demanding we act on our best judgment, trying to work together in a bicameral, bipartisan way. But so far at least, the majority leader, the Democratic leader has rejected any changes in the 2008 law—even along the lines that Secretary Johnson, Secretary of Homeland Security, has suggested.

I have actually heard there are proposals, legislative language that has been floated among our Democratic colleagues in the Senate. But under orders of the White House, none of that has been shared with anyone on this side of the aisle. I hope that changes because we need to be sharing ideas. We need to be working toward a consensus here because we have basically the rest of this week and next week, then we are out of here, and the problem is not going to get better. It is only going to get worse. We could use some help from the President, using some of his political capital—the power and the authority that only the resident of the White House has—to try to work together with Congress to get something done.

Seven weeks ago he called this an urgent, humanitarian crisis, but for some reason unknown to me, the President has still refused to go to the border himself to witness what is happening there. I worry he is living in a bubble—which I think all Presidents are prone to do unless they are careful and fight against it—that does not allow him to appreciate the seriousness of this situation and how bad it will continue to grow.

I was in McAllen, TX, last Friday, and I was pleased to see a number of our colleagues had traveled down to the border: Senator MURKOWSKI of Alaska, Senator HIRONO of Hawaii, Senator BLUMENTHAL of Connecticut, and other Members of the House—from California, Colorado, and Texas. I am grateful to them for coming down to the site of this huge crisis and trying to help work with us to try to figure out what needs to be done in order to resolve it.

I wish the President would take the same opportunity to see with his own eyes what his fellow Democrats saw. When I was in McAllen and then in Mission, TX—which is close to McAllen—last Friday, they made crystal clear to me and Congressman CUELLAR that they didn't care if we were Republicans or Democrats. As a matter of fact, that part of our State is heavily Democratic. What they cared about is whether we were serious about offering a meaningful solution to this crisis.

Can you imagine what impact there is on the local communities and on the State of Texas? I mean, this isn't broadly spread along the entire border,

this is concentrated on the Rio Grande Valley in South Texas. It is overwhelming the capacity of those local communities and of our State to deal with it.

This is why our Governor, in the absence of any Federal response, thought it was important to get more boots on the ground in the form of the National Guard. That is not a permanent solution by any means, but at least Governor Perry is willing to do something when the President is apparently not willing to use any political capital to get a meaningful response from Washington, DC.

I would say that it is obvious to any fairminded observer that the status quo along the border is unacceptable and unsustainable. But the response of the majority leader appears to be: Let's just spend some more money on an emergency basis. But I dare to say that if the majority leader wants us to spend $2.7 billion on an emergency basis now, we are going to be back at the end of the year doing it again. We are going to be back in 6 months doing it again. We are going to be back in another 6 months doing it again.

In other words, unless you are dealing with the source of the problem, we are going to continue to hemorrhage money to try to deal with this crisis when we should be all about deterring people from coming into our country when they have no realistic hope of being able to stay under our current laws.

As former Border Patrol Deputy Chief Ron Coburn recently reported: Not only has the Border Patrol's morale been lower than ever—we have Border Patrol who are being diverted from their law enforcement responsibilities in order to change diapers and to feed children. You can imagine what advantage the cartels and drug are taking when the Border Patrol is being relieved of their duties at the border and is busy trying to process these immigrant children through these various centers.

Well, they are having a field day. They are laughing at the Federal Government's ineptitude. Our current policies are emboldening transnational gangs, jeopardizing public safety, and making a mockery of United States sovereignty.

By contrast, the HUMANE Act that Congressman CUELLAR and I have offered would accelerate the removal process for unaccompanied minors who have no valid basis for staying. It would give those who have a valid basis for staying a timely hearing in front of an immigration judge so they can make their case. And if they can make their case under current law, then they will be able to stay. But it would strongly deter and discourage illegal migration, and it would help restore something that is sorely needed, which is some order in the rule of law in a situation that is characterized now by sheer chaos.

Just to clarify, this isn't about comprehensive immigration reform. We still have a lot of work we need to do beyond this. This is what we can do now together on a bipartisan basis that needs to be done on a timely basis. It is a narrowly targeted measure designed to alleviate a national crisis—nothing more, nothing less. I would think that would be something we would all agree is worth doing.

I would point out that some of the cosponsors of the HUMANE Act include Members who voted for the Gang of 8 immigration bill coming out of the Senate and Members who voted against it. So this is one of those rare points of bipartisanship and clarity as to what the problem is and what we need to do to fix it that is bringing people together on a bipartisan basis.

Our legislation transcends the typical left-right, Democratic-Republican immigration debate. It is a genuine bipartisan solution to a genuine emergency, and it deserves a vote. I hope the majority leader will reconsider his earlier position that all he wants us to do is write a blank check without any real reform.

The majority leader may not particularly like the legislation Congressman CUELLAR and I have introduced, but if he doesn't like it, doesn't it make sense that he would offer something different, something he thinks maybe would be a better solution? I would be glad to take a look at it.

If you don't like our plan, fine. But I would ask, Where is your plan? Because if you don't offer one and if you block a vote on sensible reforms, all you are doing is guaranteeing that the current border crisis will continue.

Again, I urge the President and the majority leader to come down to South Texas, like so many of our other colleagues have done, and take a look for themselves. The very least they could do is say thank you to the Border Patrol and other Federal officers, such as FEMA, who are trying to deal with this crisis. Unless we take action here in Washington, the problems are only going to get worse.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. HELLER. Mr. President, I rise today to discuss the current bill before this body, the Bring Jobs Home Act.

At a time when Washington is stuck in political gridlock, I believe Democrats and Republicans should work together on policies that will create jobs not only in Nevada but, of course, across this country.

I have filed five amendments on policies I have been working on here in the Senate this Congress that will spur natural resources jobs throughout the West, and I stand before this body today to urge action on what I consider to be commonsense proposals.

As the Presiding Officer knows, roughly 85 percent of the land in Nevada is controlled by the Federal Government. Other Western States range somewhere between 50 percent and 80 percent. This situation presents our local and State governments with a lot of unique challenges.

Our communities' economic vitality is directly tied to the way the Federal Government manages our Federal lands. As a result, one of my top priorities in the Senate is to implement reforms that streamline bureaucratic redtape that gets in the way of natural resources job creation.

I have five amendments I have filed to deal with public land issues that specifically directly affect rural Nevada and rural America. I encourage my colleagues across the aisle to work with me so we can consider my amendments and other job-related amendments. If given the opportunity, we could spur natural resources-related economic development across this country and especially across the West.

My first amendment, the Lyon County Economic Development and Conservation Act, is a Nevada-centric jobs bill which I have been focusing on for years which, to the disappointment of my constituents, has been held up through Senate gridlock.

The Lyon County Economic Development and Conservation Act could transform the local economy of the county in my State that is struggling the most during this current recession. The bill allows the city of Yerington to partner with Nevada Copper to develop roughly 12,500 acres of land surrounding the Nevada Copper Pumpkin Hollow project site. The intent of this legislation is economic growth, and the land purchased by the city will be used for mining activities, industrial and renewable energy development, recreation, and open space. Enactment of this legislation is the last obstacle in the way of the company moving forward in the creation of over 1,000 jobs. For a rural county such as Lyon County, 1,000 jobs truly is a game changer.

My second amendment, the Public Lands Job Creation Act, will create jobs by streamlining the bureaucratic process, cutting redtape, and ensuring that the BLM reviews Federal Register notices in a timely manner.

The permitting and approval process for energy and mining projects on Federal lands takes several years, largely because of unnecessary delays, which costs businesses valuable time, resources, and jobs.

This amendment, which I have also introduced as stand-alone legislation, streamlines the process by holding these agencies accountable to work effectively and timely to limit the negative effects of bureaucratic delays. Specifically, if BLM does not review a Federal Register notice by 45 days, the notice will be considered to be approved and the State BLM office will immediately forward the notice to be published in the Federal Register. This type of work is basically the transfer of paperwork but a transfer that is consistently holding up important job-creating projects.

Earlier this year I facilitated a meeting between a local company going

through the process to start a large hard rock mineral mine in Elko County and the local BLM to break this bureaucratic logjam. This mine will create hundreds of new jobs. While we were able to get the ball rolling in this particular instance—and I greatly appreciated the agency's work to move forward—it also shouldn't require congressional interaction to spur prompt action.

My legislation will provide certainty to our local job creators.

My third amendment, the Public Lands Renewable Energy Development Act, is an initiative we have been working on for many years. This legislation is a strong bipartisan proposal that will help create jobs, progress toward energy independence, and preserve our Nation's natural wonders by spurring renewable energy development on public lands.

Energy is one of Nevada's greatest assets, and I believe continuing to develop renewable and alternative sources is important for Nevada's economic future. Geothermal and solar production in my State is a major part of the U.S. ''all the above'' energy strategy. In 2013 Nevada ranked second in the Nation for geothermal energy production and third for solar production. Eighteen percent of our total electricity generated came from renewable, compared to the national average of 13 percent.

Our Nation's public lands can play a critical role in that mission, but uncertainty in the permitting process impedes or delays our ability to harness the renewable energy potential. Under current law, permits for wind and solar development are completed under the same process for other surface uses, such as pipelines, roads, and power lines. The BLM and Forest Service need a permitting process tailored to the unique characteristics and impacts of renewable energy projects. This initiative develops a straightforward process that will drive investment toward the highest quality renewable sources.

In addition, the legislation ensures a fair return for public lands communities. Since Federal lands are not taxable, State and local governments deserve a share of the revenues from the sales of energy production on public lands that are within their county or State borders. These resources will help local governments deliver critical services and develop much needed capital improvement projects—projects such as roadways, public safety, and, of course, law enforcement.

In my opinion, this proposal is a win-win situation. It is good for economic development while at the same time protecting the natural treasures out West that all of us value most.

My fourth amendment, the Energy Consumers Relief Act, gets the government out of the way of our private sector natural resources job creators.

Instead of advocating for policies that will put people back to work, this administration's EPA continues to develop rules that will increase Americans' utility bills, cause companies to lay off employees, and stifle economic growth.

My amendment will specifically require the EPA to be transparent when proposing and issuing energy-related regulations with an economic impact of more than $1 billion. Additionally, it prohibits the EPA from finalizing a rule if the Secretary of Energy, in consultation with other relevant agencies, determines the rule would cause significant adverse effects to the economy.

Finally, my final amendment, the Emergency Fuel Reduction Act, tackles a major problem many of our communities out West are facing right now; that is, catastrophic wildfires.

One of the greatest challenges facing our western forests and rangelands is the growing severity and length of the fire season. Nevada is one of a handful of Western States that seemingly keeps enduring recordbreaking fire seasons year after year. We are always going to have fires out West, but we must be proactive in treating our forests and rangelands so that we can reduce the size, the frequency, and the intensity of these forest fires.

My amendment streamlines the bureaucratic process for fire prevention projects, where a dangerous density of fuels threatens critical infrastructure such as power lines, schools, and water delivery canals, private property owners who live adjacent to Federal lands, and areas that threaten endangered species candidates such as the greater sage-grouse.

Every year I hear from ranchers who live in northern Nevada's rural counties, such as Humboldt County, where, through no fault of their own, fires on Federal lands spread onto their private property. The Federal agencies have to prioritize proactive preventive work in these areas. My constituents should not have to suffer because the Federal Government is simply not doing their job to properly manage our own lands.

I think nearly everyone can agree on a commonsense proposal such as the Emergency Fuel Reduction Act.

If this body adopts my five amendments, Congress could go a long way toward spurring economic development and job creation within the mining, energy development, ranching, timber, and outdoor recreational industries. These types of jobs are the bedrock of our Western way of life, and concurrently these fields are struggling the most under this administration's restrictive Federal land management policies. It is no coincidence that our western rural communities are suffering from unemployment rates well above the national average. Let's get the government off their backs and allow them to do what they do best; that is, create jobs.

At a time when the American public continues to lose faith in Congress, I hope the Senate can put partisan politics aside and restore order to the traditional amendment process this deliberative body has been known for over time. We should break through the political gridlock and have an open amendment process in the Senate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

HARRIS NOMINATION

Mr. CARDIN. Mr. President, shortly we will have the opportunity to vote on a cloture motion on Pamela Harris for confirmation to the U.S. Court of Appeals for the Fourth Circuit, which includes Maryland. I urge my colleagues not only to support the cloture motion but to support her confirmation as a judge in the Fourth Circuit.

Senator MIKULSKI and I have a process—and I thank the senior Senator from Maryland for that process—we use in screening recommendations to the President for judgeships. I am very proud of that process. It is very open. We think we have recruited the very best in the legal profession to serve as our judges, and I am proud to be part of it with Senator MIKULSKI.

Of all of the candidates I have interviewed for the appellate court, Pamela Harris has stood out as one of the most qualified individuals we have in the legal community to sit on our appellate court. She is exceptional in her qualifications, well qualified. She is an excellent Supreme Court litigator, has clerked at the Federal appellate court, supervised policy initiatives at the Department of Justice, and she has dedicated her career and professional life to improving the administration of justice as a public servant.

A little bit of background about her—particularly her family. Her grandmother was a Polish Jewish immigrant to the United States who valued education and worked hard to overcome personal adversity. Her mom put herself through law school, with young children, after a divorce, and died from cancer a few years later. Ms. Harris relied in part on Pell grants to attend college at Yale. Her story represents the American dream and the American experience and the opportunity in this country coming from an immigrant family.

After graduating from public high school in Montgomery County, Walt Whitman High School, Ms. Harris received a B.A. summa cum laude from Yale College in 1985 and a J.D. from Yale Law School in 1990. After her graduation from law school, she clerked for Judge Harry T. Edwards of the U.S. Court of Appeals for the District of Columbia Circuit and later clerked with Justice John Paul Stevens of the Supreme Court of the United States between 1992 and 1993.

She became associate professor at the University of Pennsylvania Law School. Beginning in 2007, while she was still in private practice, Ms. Harris codirected Harvard Law School's Supreme Court and Appellate Practice Clinic and was a visiting professor at Georgetown University Law Center.

In 2009 Ms. Harris was named the executive director of the Supreme Court Institute at Georgetown, serving until 2010. Ms. Harris joined the Justice Department's Office of Legal Policy, where she served as Principal Deputy Assistant Attorney General until returning to Georgetown in 2012.

Ms. Harris is currently a visiting professor at Georgetown University Law Center and a senior advisor to the Supreme Court Institute.

It is not surprising that the American Bar Association has given her the highest rating of unanimously ''well qualified'' for this appointment. She has appeared as counsel or cocounsel in approximately 100 cases before the Federal courts of appeals and the U.S. Supreme Court. Her practice has been pretty evenly divided between criminal cases and civil cases.

When it comes to Supreme Court litigation, I must tell you I don't think Ms. Harris has an equal as far as her qualifications. Her clinic at Georgetown which she supervises prepares litigants for the Supreme Court. In other words, she provides experience for those who are going to be before the Supreme Court as to how to properly litigate those cases, and she takes them on a first-come, first-served basis. It is not ideological at all. It is to make sure the highest quality presentations are made in the highest Court of our land so we get the best decisions made by the highest Court of our land, the Supreme Court of the United States. That is the type of person we need on our court of appeals.

As I said, I don't know of a person whom I have interviewed who is more qualified to be an appellate court judge than Ms. Harris. She understands the different role of an advocate or someone writing an opinion or commentary column and a judge. I want to emphasize this. She is a person who brings—we all bring our views and our passion to life, but she understands what the judiciary is all about.

As is the practice of the Judiciary Committee—and I serve on the Judiciary Committee and I am proud of my service—I thank Senator LEAHY for his credible leadership. As you know, after the committee there are questions for the record that are submitted by the Senators. That is certainly true in Ms. Harris's case, and I have those answers here. I would like my colleagues to read these answers because I can imagine the people in the White House going through all the legal cites that Ms. Harris gave in each of the answers to the questions our colleagues requested. It is one of the most thorough answers I have ever seen and thoroughly vetted by the Supreme Court decisions. I mention that because it is exactly why I believe what she has told us is what she will do. She understands the role of a judge in our system.

Quoting from her answer:

> I fully recognize that the role of a judge is entirely different from the role of an advocate. If confirmed as a judge, my role would be to apply governing law and precedent impartially to the facts of a particular case.

Pam Harris went on to state:

> It is inappropriate for any judge or Justice to base his or her decision on their own personal views or on public opinion . . . If confirmed as a circuit judge, I would faithfully follow the methodological precedence of the Supreme Court and the Fourth Circuit, applying the interpretive approaches and only the interpretive approaches used by those courts.

Don't take my word for it. Don't take her qualifications for it. Look at the record. Look at the letters that have been sent in support of Ms. Harris to the Judiciary Committee. There are numerous letters.

I will quote from one that was signed by more than 80 of her professional peers, and I will tell you it includes individuals who were appointed by Republican Presidents to key positions, including Gregory Garre, the former Solicitor General for George W. Bush, but it includes many in that category, and I am reading from that letter. This letter is part of the record. It was made part of the record in the Judiciary Committee.

I would ask unanimous consent it and another letter be printed in the RECORD.

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

JUNE 20, 2014.

Re Nomination of Pamela Harris as Circuit Judge, United States Court of Appeals for the Fourth Circuit.

Hon. PATRICK J. LEAHY,
Chairman.
Hon. CHUCK GRASSLEY,
Ranking Member, U.S. Senate,
Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: We write in enthusiastic support of the nomination of Pamela Harris to the U.S. Court of Appeals for the Fourth Circuit. We are lawyers from diverse backgrounds and varying affiliations, but we are united in our admiration for Pam's skills as a lawyer and our respect for her integrity, her intellect, her judgment, and her fairmindedness.

Many of us have had the opportunity to work with Pam on appellate matters. She has been co-counsel to some of us, opposing counsel to others, and a valuable colleague to all. In her appellate work, Pam has demonstrated extraordinary skill. She is a quick study, careful listener, and acute judge of legal arguments. She knows the value of clarity, candor, vigor, and responsiveness. Of equal importance, she has always conducted herself with consummate professionalism, grace, and collegiality, and has a humble and down-to-earth approach to her work.

After 20-plus years devoted largely to federal appellate practice, Pam is naturally suited to serve as a federal appellate judge. She clerked, first, on the United States Court of Appeals for the D.C. Circuit for Judge Harry Edwards and then on the U.S. Supreme Court for Associate Justice John Paul Stevens. In private practice, she represented a wide range of clients (both corporate and individual) before the U.S. Supreme Court and in the U.S. Courts of Appeals. She was Lecturer and Co-Director of the Supreme Court and Appellate Practice Clinic at Harvard Law School. She was then appointed as Executive Director of the highly regarded Supreme Court Institute at the Georgetown University Law Center, which is heavily involved in preparing advocates for their appearances before the United States Supreme Court. She served as Principal Deputy Assistant Attorney General in the Office of Legal Policy at the United States Department of Justice. And she has taught Constitutional Law and Criminal Procedure at the University of Pennsylvania and at Georgetown. Her well-rounded experience makes her well prepared for the docket of a federal appellate court. Pam's substantive knowledge, intellect, and low-key temperament will be great assets for the position for which she has been nominated.

We expect that the Senate, after full inquiry, will see the strengths we know from firsthand experience with Pam. Pamela Harris has exceptional legal ability and personal character, and we urge the Senate to confirm her to be a Circuit Judge.

Sincerely,

Gregory G. Garre, Latham & Watkins LLP; Michael Kellogg, Kellogg, Huber, Hansen, Todd Evans & Figel, PLLC; Carter Phillips, Sidley Austin LLP; Scott H. Angstreich, Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC; Donald B. Ayer, Jones Day; Dori K. Bernstein, Georgetown University Law Center; Richard D. Bernstein, Willkie, Farr & Gallagher, LLP; Rebecca A. Beynon, Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC; Lisa S. Blatt, Arnold & Porter LLP; Steven Gill Bradbury, Dechert LLP; Henk Brands; Richard P. Bress, Latham & Watkins LLP; Caroline M. Brown, Covington & Burling LLP; Don O. Burley, Partner, Finnegan, Henderson, Farabow, Garrett & Dunner, LLP; Gregory A. Castanias, Jones Day; Adam H. Charnes, Kilpatrick Townsend & Stockton LLP; David D. Cole, Georgetown University Law Center; Brendan J. Crimmins, Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC; Mark S. Davies, Orrick, Herrington & Sutcliffe LLP; Susan M. Davies, Kirkland & Ellis LLP; David W. DeBruin, Jenner & Block LLP; William S. Dodge, Hastings College of the Law; Scott M. Edson, O'Melveny & Myers LLP; Clifton S. Elgarten, Crowell & Moring LLP; Roy T. Englert, Jr., Robbins, Russell, Englert, Orseck, Untereiner & Sauber LLP. Mark L. Evans (retired), Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC; Bartow Farr; James A. Feldman, University of Pennsylvania Law School; David C. Frederick, Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC; Paul Gewirtz, Yale Law School; Lauren R. Goldman, Mayer Brown LLP; Thomas C. Goldstein, Goldstein & Russell, P.C.; Irving L. Gornstein, Georgetown University Law Center; Jeffrey T. Green, Sidley Austin LLP; Joseph R. Guerra, Sidley Austin LLP; Jonathan Hacker, O'Melveny & Myers LLP; Mark E. Haddad, Sidley Austin LLP; Mark C. Hansen, Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC; Scott Blake Harris, Harris Wiltshire & Grannis LLP; Derek T. Ho, Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC; Richard B. Katskee, Mayer Brown LLP; Stephen B. Kinnaird, Paul Hastings LLP; Wan J. Kim, Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC.

Jeffrey A. Lamken, MoloLamken LLP; Christopher Landau, Kirkland & Ellis LLP; Richard J. Lazarus, Harvard Law School; Michael R. Lazerwitz, Cleary Gottlieb Steen & Hamilton LLP; William F. Lee, Wilmer Cutler Pickering Hale and Dorr LLP; Sean A. Lev, Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC; Maureen E. Mahoney, Latham & Watkins LLP; Jonathan S. Massey, Massey & Gail LLP; Brian R. Matsui, Morrison & Foerster LLP; Deanne E. Maynard,

Morrison & Foerster LLP; Celestine McConnville, Chapman University Law School; Anton Metlitsky, O'Melveny & Myers LLP; Charles B. Molster, Winston & Strawn LLP; David G. Ogden, Wilmer Cutler Pickering Hale and Dorr LLP; Timothy P. O'Toole, Miller & Chevalier; Aaron M. Panner, Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC; Richard C. Peppennan III, Sullivan & Cromwell LLP; Mark A. Perry, Gibson Dunn & Crutcher LLP; Andrew J. Pincus, Mayer Brown LLP; Stephen J. Pollak, Goodwin Proctor LLP; David A. Reiser, Zuckerman Spaeder LLP.

John A. Rogovin, Executive Vice President & General Counsel, Warner Bros. Entertainment Inc.; E. Joshua Rosenkranz, Orrick, Herrington & Sutcliffe LLP; Charles A. Rothfeld, Mayer Brown LLP; John C. Rozendaal, Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC; Stephen M. Shapiro, Mayer Brown LLP; William F. Sheehan, Goodwin Proctor; Paul M. Smith, Jenner & Block LLP; Mark T. Stancil, Robbins, Russell, Englert, Orseck, Untereiner & Sauber LLP; Catherine E. Stetson, Hogan Lovells US LLP; John Thorne, Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC; Laurence H. Tribe, Carl M. Loeb University Professor and Professor of Constitutional Law, Harvard Law School; Rebecca K. Troth, Sidley Austin LLP; Meaghan VerGow, O'Melveny & Myers LLP; Seth P. Waxman, Wilmer Cutler Pickering Hale and Dorr LLP; John M. West, Bredhoff & Kaiser, PLLC; Michael F. Williams, Kirkland & Ellis LLP; Paul R.Q. Wolfson, Wilmer Cutler Pickering Hale and Dorr LLP; Christopher J. Wright, Harris Wiltshire & Grannis LLP.

JUNE 23, 2014.

Hon. PATRICK LEAHY,
Chairman, Senate Judiciary Committee, U.S. Senate, Washington, DC.

Hon. CHARLES GRASSLEY,
Ranking Member, Senate Judiciary Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: We write in strong support of Pamela Harris' nomination to the United States Court of Appeals for the Fourth Circuit. As current and former partners in the Washington, D.C., office of O'Melveny & Myers LLP, each of us practiced law with Pam and has witnessed firsthand her outstanding legal talent. Moreover, as former colleagues with Pam, we can attest to her collegiality, temperament, and judgment. We are confident that she possesses the professional and personal qualifications to be an excellent judge.

As a member of the firm's appellate practice, Pam enjoyed a reputation as one of the best brief writers and strategists in the firm. She was the principal author of well-written and important briefs on behalf of a range of clients.

On behalf of Circuit City, for example, Pam argued for enforcement of its employment arbitration agreements. On behalf of Mobil Corporation, Pam wrote a petition challenging the constitutionality of efforts to try thousands of individual asbestos cases through mass aggregation in state courts. Pam's brief argued that the contemplated mass adjudication of thousands of different claims against hundreds of defendants would violate the Due Process Clause by unduly hindering Mobil's right to defend itself. The brief also argued that pre-trial review was necessary because the potential for enormous liability imposed by unfair proceedings would pressure defendants like Mobil to settle even meritless claims, rendering post-trial review an impossibility.

Pam was also the primary author of an amicus brief on behalf of a bipartisan group of House members (Members Dingell and Tauzin were the lead amici) in defense of the Federal Trade Commission's ''do not call'' rule. And in Schaeffer v. Weast, 546 U.S. 49 (2005), Pam authored an amicus brief in the United States Supreme Court supporting the Montgomery County, Maryland, public school system. The case arose under the Individuals with Disabilities Education Act and concerned the status of the ''individualized education programs'' developed by public schools for each covered student. The Supreme Court agreed with Pam's position and ruled for the Montgomery County schools.

Appreciation for Pam's work extended beyond the firm's appellate practice and appellate clients. In fact, she was regularly sought after by partners across practice groups to think through briefing strategy and argument presentation in a range of cases, at earlier stages in litigation. Pam's work on behalf of Merck in class action litigation involving a former painkiller drug highlights this range in her practice beyond traditional appellate work. Working with trial teams from O'Melveny's D.C. and L.A. offices, Pam was active in pre-trial briefing and strategy on a range of discovery and evidentiary issues. Pam often found herself engaged in this type of cross-practice and inter-office collaboration, and the firm's clients were especially appreciative of the opportunity to have an appellate lawyer of Pam's caliber work on some of their most difficult problems.

Pam also found the time throughout her tenure at O'Melveny to maintain an active pro bono practice. As Co-Chair of the National Association of Criminal Defense Lawyers (NACDL) Amicus Committee, Pam helped to provide the Supreme Court and countless indigent defendants with high-quality briefing on issues affecting the administration of criminal justice throughout the country. Given the disparity in the quality of representation afforded to many defendants in criminal cases, Justices from across the ideological spectrum have come to rely on the excellent lawyering provided by NACDL. Pam also helped to establish and supervise a partnership between O'Melveny and the Maryland Office of the Public Defender, Appellate Division, under which the firm's lawyers handled appeals for the Public Defender on a pro bono basis. This program, which continues today, provides many of the firm's younger lawyers with an opportunity to get courtroom experience.

Pam approached all of her work with the utmost level of professionalism, objectivity, and dedication, and we believe she would bring these same qualities to the federal bench. Whether she was working on a brief for a criminal defendant or a major oil company, Pam's singular focus was ensuring that her client received first-rate legal representation. And she did so while also demonstrating many of the qualities that made her such an extraordinary colleague—from her willingness to mentor and support younger lawyers to her openness to helping her law partners with a section of their brief or mooting them for an upcoming argument.

We conclude by noting that the signatories of this letter span the political and jurisprudential spectrum. Some of us have served in Republican Administrations or worked for Republican Senators, while others have served in Democratic Administrations or worked for Democratic Senators. Some of us are members of the Federalist Society, while others are members of the American Constitution Society. Our ranks include a former White House Counsel to President Ronald Reagan, top Commerce Department and Justice Department officials to Presidents George W. Bush and Bill Clinton, and senior aides to President Barack Obama. Although we may not all share Pam's views on a range of legal and political issues, we are united in the belief that Pam possesses the intellect, fair-mindedness, humility, and fundamental decency to make an excellent federal judge.

Respectfully submitted,

Arthur B. Culvahouse, Jr., Walter Dellinger, K. Lee Blalack II, Brian Boyle, Brian Brooks, Danielle C. Gray, Jonathan Hacker, Theodore W. Kassinger, Jeffrey W. Kilduff, Ron Klain, Greta Lichtenbaum, Richard Parker.

It says in part:

We are lawyers from diverse backgrounds and varying affiliations, but we are united in our admiration for Pam's skills as a lawyer and our respect for her integrity, her intellect, her judgment, and her fair-mindedness.

The letter continues:

Many of us have had the opportunity to work with Pam on appellate matters. She has been co-counsel to some of us, opposing counsel to others, and a valuable colleague to all. In her appellate work, Pam has demonstrated extraordinary skill. She is a quick study, careful listener, and acute judge of legal arguments. She knows the value of clarity, candor, vigor, and responsiveness. Of equal importance, she has always conducted herself with consummate professionalism, grace, and congeniality, and has a humble and down-to-earth approach to her work.

The letter concludes:

Her well-rounded experience makes her well prepared for the docket of a federal appellate court. Pam's substantive knowledge, intellect, and low-key temperament will be great assets for the position for which she has been nominated.

She has the whole package. She has intellectual ability. She has the ability to communicate. She has the demeanor we would like to see on our Federal bench.

Let me just add one more characteristic before I yield the floor. I see the distinguished Republican leader of the Judiciary Committee is here and is going to be commenting.

She also has empathy for the importance of our legal system to all. She has volunteered her time to pro bono work in order to help address the growing access to the justice gap in our system for individuals who could not afford legal assistance as we still strive to provide equal justice under law. While in private practice she established a pro bono program in which the law firm where she works worked with the Maryland Office of the Public Defender to provide pro bono representation to defendants appealing criminal convictions in State courts and she supervised attorneys participating in the program, just another indication she understands the oath she takes to dispense justice without partiality to wealth, that everyone is entitled to access to our judicial system and our legal system and she has taken personal interest in doing that.

Senator MIKULSKI and I are proud that she is a long-time resident of Montgomery County, MD, we take great pride in the fact that she is a Marylander, and we urge our colleagues to support this nomination.

HARRIS NOMINATION

Mr. LEAHY. Mr. President, today, we will vote to end the filibuster against

the nomination of Pamela Harris to serve on the U.S. Court of Appeals for the Fourth Circuit. She is a highly accomplished lawyer with excellent legal credentials and has the strong support of her home State Senators, Senator MIKULSKI and Senator CARDIN. Her nomination received the American Bar Association's highest rating of unanimously ''well qualified''.

Pam Harris is currently a visiting professor at my alma mater, Georgetown University Law Center. In her diverse career she has served in the Office of Legal Policy at the Department of Justice, as a partner in private practice, as a professor at University of Pennsylvania Law School, and the executive director of the Supreme Court Institute at Georgetown. After graduating from Yale Law School, she served as a law clerk to Judge Harry Edwards on the DC Circuit and Justice John Paul Stevens on the U.S. Supreme Court. She is beyond qualified—an experienced appellate practitioner with background in both criminal and civil litigation and a command of the law that rivals that of any lawyer in the United States.

Some partisans have tried to misrepresent her past statements in order to caricature her. This account of her record is simply unrecognizable to those individuals who actually know Pam Harris and who know that as a judge she would be committed to the rule of law. Many lawyers who have practiced with Pam Harris have written in support of her nomination, including many prominent Republicans who are respected in the legal community.

One letter, signed by more than 80 of her professional peers, including Gregory Garre, the former U.S. Solicitor General for President George W. Bush, reads, ''We are lawyers from diverse backgrounds and varying affiliations, but we are united in our admiration for Pam's skills as a lawyer and our respect for her integrity, her intellect, her judgment, and her fair-mindedness.''

Another letter of support from a number of current and former partners at O'Melveny and Myers LLP, including A.B. Culvahouse, who served as White House Counsel during the Reagan administration, and Walter Dellinger, who served as Assistant Attorney General of the Office of Legal Counsel and Acting U.S. Solicitor General during the Clinton administration, reads, ''Although we may not all share Pam's views on a range of legal and political issues, we are united in the belief that Pam possesses the intellect, fair-mindedness, humility, and fundamental decency to make an excellent federal judge.''

I ask that these and other letters of support received for Pam Harris' nomination be printed in the RECORD.

When asked about her judicial philosophy at her nomination hearing she testified that ''the role of a judge is to decide cases through impartial application of law and precedent. It is a limited role . . . they decide the concrete disputes in front of them with attention to particular facts, attention to the arguments of the parties and their briefs, and by applying law and precedent to those facts.''

Both her testimony and the letters of bipartisan support for her nomination demonstrate that Pam Harris has a clear understanding of the role of a judge and make clear her commitment to follow Supreme Court precedent and to uphold the Constitution. I believe Pam Harris will be an outstanding judge, and she has my full support. I urge all Senators to vote to end this filibuster and confirm Pam Harris to serve on the Fourth Circuit.

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

JUNE 20, 2014.

Hon. PATRICK LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.
Hon. CHARLES GRASSLEY,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: We write in strong support of the nomination of Pamela A. Harris to the United States Court of Appeals for the Fourth Circuit and urge prompt consideration and confirmation of her nomination.

As her classmates in the Yale Law School Class of 1990, we have known Pam for more than 25 years. We all believe that Pam would be a tremendous asset to the appellate bench.

In law school, Pam stood out for her keen intellect, her grasp of legal issues, her intellectual curiosity, her integrity and her fair-mindedness. Because of those qualities, Pam was often able to forge bonds and build consensus among classmates with very different views.

Many of us have kept in touch with Pam since law school and are familiar with her outstanding legal career. Pam's breadth of experience makes her exceptionally well-suited to serve as a judge on the federal appeals court. After law school, Pam clerked for two distinguished jurists, Judge Harry. T. Edwards of the United States Court of Appeals for the District of Columbia Circuit, and Justice John Paul Stevens of the United States Supreme Court. Since then, Pam has served in the United States Department of Justice, represented businesses and other clients in private practice, taught such subjects as constitutional law and appellate practice as a law professor, and served on the boards of directors of both national and local legal and educational organizations.

Of particular relevance to the Court of Appeals, Pam is a recognized national expert in appellate advocacy, having served as Executive Director of the Georgetown Law Center's Supreme Court Institute and Co-Director of Harvard Law School's Supreme Court and Appellate Practice Clinic.

Pam has devoted a significant portion of her career to pro bono work. She has represented numerous nonprofit and public interest organizations as well as individuals. Pam served as Co-Chair of the Amicus Committee of the National Association of Criminal Defense Lawyers, and she established a pro bono program at the law firm O'Melveny & Myers, focusing on Maryland cases, where she handled cases herself and supervised and mentored junior lawyers. Pam has mentored law students and junior lawyers throughout her career. She received a prestigious legal teaching award at the University of Pennsylvania Law School and has been recognized as a popular and highly respected professor at Penn, Georgetown and Harvard Law Schools. Pam grew up in Bethesda, Maryland, and graduated at the top of her class from Walt Whitman High School there. For the last 15 years, Pam and her family have lived in Potomac, Maryland, just a few miles away from her childhood home. Pam is as invested in her community as she is in appellate practice, serving in roles that range from membership on the Board of Trustees at the Norwood School to ''cookie mom'' for her daughter's Girl Scout troop.

We believe Pam to be exceptionally well-qualified and well-suited to serve on the Fourth Circuit Court of Appeals. We urge the Judiciary Committee and the full Senate to promptly review and confirm Pamela Harris for a position on that Court.

Please do not hesitate to contact any of us if you have any questions.

Sincerely,

(SIGNED BY 82 INDIVIDUALS)

NATIONAL WOMEN'S LAW CENTER,
Washington, DC, June 23, 2014.

Re Nomination of Pamela Harris to the United States Court of Appeals for the Fourth Circuit

Senator PATRICK LEAHY,
Chairman, U.S. Senate, Committee on the Judiciary, Washington, DC.
Senator CHARLES GRASSLEY,
Ranking Member, U.S. Senate, Committee on the Judiciary, Washington, DC.

DEAR SENATORS LEAHY AND GRASSLEY: on behalf of the National Women's Law Center (the ''Center''), an organization that has worked since 1972 to advance and protect women's legal rights, we write in strong support of the nomination of Pamela Harris to the United States Court of Appeals for the Fourth Circuit.

Ms. Harris is exceedingly well-qualified to serve on this important court. She graduated from Yale College and Yale Law School. She clerked for Judge Harry T. Edwards on the United States Court of Appeals for the District of Columbia Circuit, and for Associate Justice John Paul Stevens on the United States Supreme Court. Following her clerkships, Ms. Harris served as an Attorney-Advisor in the Office of Legal Counsel at the United States Department of Justice for two years before joining the faculty at the University of Pennsylvania Law School, where she received the Harvey Levin Memorial Teaching Award in 1998. Ms. Harris then joined the law firm of O'Melveny & Myers LLP as counsel, becoming a partner in 2005. During her ten years with O'Melveny & Myers, Ms. Harris served as the Co-Director of the Harvard Law School Supreme Court and Appellate Practice Clinic, and taught at Georgetown University Law Center as a visiting professor. In 2009, she left O'Melveny & Myers and joined the Georgetown University Law Center as the Executive Director of the Supreme Court Institute. In 2010, she became the Principal Deputy to the Assistant Attorney General in the Office of Legal Policy at the United States Department of Justice. She rejoined the Georgetown faculty as a visiting professor of law in 2012.

Ms. Harris' legal career reflects excellence, a dedication to public service, and the best contributions of the legal profession to the public interest. During her career, Ms. Harris has appeared in over 100 federal appellate cases, and argued before the Supreme Court. This record reflects her considerable experience, and the brilliant advocacy for which she is properly renowned. In addition to honing her skills as an exceptionally talented litigator in the private sector, Ms.

Harris has spent a good part of her career in government service and in teaching aspiring lawyers. Further, Ms. Harris has shown her dedication to the public interest and to improving the administration of justice throughout her career. While at O'Melveny & Myers, she had a robust pro bono practice and established a cooperative program between O'Melveny and the Maryland Office of the Public Defender, through which the firm represents indigent criminal defendants appealing their convictions in state court. She also has worked to improve the quality of appellate advocacy as co-director of Harvard Law School's appellate advocacy clinic and as Director of Georgetown's Supreme Court Institute. In that latter capacity, she led the work of the Institute, which provides pro bono assistance preparing advocates for oral argument before the Supreme Court on a first-come, first-served basis, to elevate the quality of arguments heard by the Justices. In addition to her contributions to the legal profession in private practice, public service, and academia, Ms. Harris has served on the boards of directors of several nonprofit organizations, including the Norwood School in Potomac, Maryland. Ms. Harris' many accomplishments are reflected by the unanimous ''Well-Qualified'' rating she received from the ABA Standing Committee on the Federal Judiciary.

The Center has had several opportunities to work with Ms. Harris. In particular, Ms. Harris served as co-counsel with the Center in representing Mr. Roderick Jackson before the Supreme Court in 2005, in Jackson v. Birmingham Bd. of Ed., 544 U.S. 167 (2005). Mr. Jackson was a teacher and girls' basketball coach in Birmingham, Alabama. He described practice and game conditions for the girls' team that were inferior to those provided to the boys' team, and complained to school administrators. He was fired as a coach after doing so, costing him his coaching salary and full retirement. Ms. Harris was part of the legal team that litigated his case before the Supreme Court, successfully arguing that Title IX provided a cause of action for retaliation for those seeking to secure compliance with the law. Working with Ms. Harris in Jackson allows us to personally attest to her outstanding legal skills, judgment, and analytical thinking, as well as to her excellent temperament and collegiality.

Ms. Harris' litigation experience, commitment to improving the administration of justice, and dedication to the public interest make her exceedingly well-suited for the position to which she has been nominated. In addition, Ms. Harris' confirmation would increase the diversity on the Fourth Circuit, making her only the sixth female judge to ever sit on this court. For all of these reasons, the Center offers its strong support of Pamela A. Harris to the United States Court of Appeals for the Fourth Circuit and urges you to support her nomination. If you have questions or if we can be of assistance, please contact us at (202) 588–5180.

Sincerely,

NANCY DUFF CAMPBELL,
Co-President.
MARCIA D. GREENBERGER,
Co-President.

JUNE 27, 2014.

Hon. PATRICK LEAHY,
Chairman, Senate Judiciary Committee,
U.S. Senate, Washington, DC.
Hon. CHARLES GRASSLEY,
Ranking Member, Senate Judiciary Committee,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: I write in strong support of Pamela Harris's nomination to the United States Court of Appeals for the Fourth Circuit.

I served as the Senior Vice President, General Counsel and Secretary of The Hertz Corporation from 1998 to 2007. Although it may seem surprising that a car and equipment rental company would face issues with a constitutional dimension, that did indeed occasionally happen. When it did, I turned to Ms. Harris for advice and assistance. The views expressed in this letter regarding her qualifications to serve as a judge are informed by my interactions with her while at Hertz; I hasten to add that those views are my own and do not represent the views of my former employer, for which I cannot speak.

In my dealings with Ms. Harris, I found her to be highly intelligent, quick to grasp issues, creative in her approach to problems, fair in her judgments, and direct in her advice. When discussing legal matters, she was incisive, objective and principled; it surely helped that she knew the law so well and could speak with authority on the subjects at hand, without a hint of defensiveness or dogmatism. She also was an excellent writer, whose work exhibited the same clarity, honesty and force that she showed in conversation. (She was, moreover, able to write quickly and with little need for revision; she seems to be one of those people who gets things right the first time.) In short, Ms. Harris was a model of professionalism as a practicing lawyer—someone who engendered trust and respect. I note that all those qualities are also vital for a judge, and especially for a judge on a court as important as the Fourth Circuit.

Ms. Harris's academic achievements, meanwhile, speak for themselves. After graduating from Yale Law School, she served as a law clerk for Judge Harry T. Edwards on the D.C. Circuit and for Justice John Paul Stevens on the Supreme Court. Ms. Harris has also taught at Harvard Law School, the University of Pennsylvania School of Law, and at the Georgetown University Law Center, where she was the Executive Director of the Supreme Court Institute, a unique and respected project dedicated to improving advocacy before the Supreme Court.

In sum, I believe that Ms. Harris is an ideal candidate for an appellate court judge. As her academic credentials demonstrate, she has a first-rate intellect. Equally important, she is a mature and able lawyer with significant experience in practice, no small part of which consisted of high-quality advocacy for business enterprises. Beyond that, she conveys a sense of fundamental decency, without which her intellectual abilities and professional skills would be for naught. I have no doubt that she would bring to the important judicial seat for which she has been nominated the same qualities that have made her an excellent lawyer, and that she would instill confidence in all litigants that their cases would be decided carefully and fairly. I urge you to confirm her nomination.

Respectfully submitted,

HAROLD E. ROLFE.

THE LEADERSHIP CONFERENCE
ON CIVIL AND HUMAN RIGHTS
Washington, DC, July 23, 2014.

CONFIRM PAMELA HARRIS TO THE U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT

DEAR SENATOR: On behalf of The Leadership Conference on Civil and Human Rights, we write to express our strong support for the confirmation of Pamela Ann Harris to serve on the U.S. Court of Appeals for the Fourth Circuit. At every stage in her career, Pamela Harris has distinguished herself through her outstanding intellectual credentials, her independence of thought, and her strong respect for the rule of law, establishing herself beyond question as qualified and ready to serve on the court. In addition, she has demonstrated an unwavering integrity and an outstanding commitment to public service. We urge you to vote yes on cloture and yes to confirm her.

The Leadership Conference believes Pamela Harris will be an impartial, thoughtful, and highly-respected addition to the court. She graduated summa cum laude from Yale College in 1985 and received her J.D. from Yale Law School in 1990. After law school, she was a law clerk for Judge Harry T. Edwards of the U.S. Court of Appeals for the D.C. Circuit. She spent one year as an associate at Shea & Gardner (now Goodwin Proctor LLP) before clerking for Justice John Paul Stevens of the Supreme Court. From 2010–2012, she served at the Department of Justice as Principal Deputy Assistant Attorney General in the Office of Legal Policy.

Ms. Harris has devoted her career largely to academia and public service, excelling in both. She has demonstrated a commitment to improving the fair administration of justice and educating new lawyers. In 1996, she joined the faculty of the University Of Pennsylvania Law School, where she taught courses in criminal procedure and received the Harvey Levin Memorial Teaching Award in 1998. At O'Melveny & Myers LLP, where she was counsel, Harris specialized in appellate and Supreme Court litigation and was named partner in 2005. During her ten years in private practice, Harris has become a renowned Supreme Court and appellate advocate, appearing in approximately 100 federal appellate cases. In addition, Harris established a cooperative program between O'Melveny and the Maryland Office of Public Defender, through which the firm provides pro bono representation to indigent criminal defendants appealing their convictions in state court.

Notably, Harris has used her uniquely broad experience as an appellate litigator to prepare the next generation of legal advocates and improve the judiciary. She was a visiting professor at Georgetown University Law Center and executive director of the law school's Supreme Court Institute. As executive director, she managed and participated in a moot court program that prepares advocates for oral argument before the Supreme Court. During her tenure, she worked with lawyers representing a multitude of interests. For example she assisted both the offices of state attorneys general and lawyers for criminal defendants; helped to improve arguments by lawyers bringing civil rights actions and those defending against civil rights actions; and worked with attorneys representing both plaintiffs and defendant corporations. She has also served as lecturer and co-director of the Supreme Court and Appellate Practice Clinic at Harvard Law School.

The Leadership Conference believes that Pamela Harris is an extraordinarily gifted nominee, with the ability to make objective decisions on the multifaceted and prominent cases that will surely come before the court. Her impeccable credentials have garnered her the support of a diverse group of attorneys in the legal community and people across the political spectrum. Harris' rich diversity of experience makes her an excellent choice for the U.S. Court of Appeals for the Fourth Circuit, and we urge you to vote yes on cloture and yes to confirm her.

Thank you for your time and consideration. If you have any questions, please feel free to contact Nancy Zirkin, Executive Vice President, at Zirkin@civilrights.org or (202) 466–2880, or Sakira Cook, Counsel, at cook@civilrights.org or (202) 263–2894.

Sincerely,

WADE HENDERSON,
President & CEO.
NANCY ZIRKIN,
Executive Vice President.

CONSTITUTIONAL ACCOUNTABILITY CENTER,
Washington, D.C., July 8, 2014.

Hon. PATRICK LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

Hon. CHARLES GRASSLEY,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: We are writing on behalf of Constitutional Accountability Center, a think tank, law firm, and action center dedicated to the Constitution's text and history, to urge that Pamela Harris be reported favorably out of Committee and confirmed promptly to the United States Court of Appeals for the Fourth Circuit.

Pam is one of the country's leading appellate advocates, and her exceptional qualifications to serve as a federal judge are well known to us, as Pam has been a member of CAC's Board of Directors since 2012. After growing up in Maryland, Pam graduated summa cum laude from Yale College and received her J.D. from Yale Law School. She then held two prestigious clerkships, first for Judge Harry Edwards on the D.C. Circuit and then for Justice John Paul Stevens on the Supreme Court. Following her clerkships, Pam's distinguished legal career has included broad experience in private practice, government service, and teaching. Among other things, Pam has served as the Principal Deputy Assistant Attorney General in the Office of Legal Policy at the Department of Justice and practiced as a partner at O'Melveny & Myers, where she focused on Supreme Court and appellate litigation. Throughout her career, Pam has dedicated herself to improving the quality of appellate advocacy before our courts, believing that the courts are best served when the advocates on both sides of a case present the strongest possible arguments.

Pam is currently a Visiting Professor at Georgetown University Law Center, where, in addition to teaching the next generation of lawyers, she has also served as the Executive Director of the Supreme Court Institute, working to prepare counsel for oral argument before our Nation's highest court. The Institute's ''moot court'' services are provided without charge, as a public service, on a first-come, first-served basis (the Institute will generally ''moot'' only one side of a case), and without regard to the nature of the case, the parties, the arguments being made, or the affiliation or identity of the lawyers. The expert assistance offered by Pam and her colleagues at the Institute to improve advocacy before the Supreme Court is so helpful and sought-after that the first call a lawyer often makes after learning that the Court has agreed to review her client's case is to the Institute, to reserve its moot court services before her opponent does.

Pam's intellect, temperament, integrity, and the breadth of her professional experience make her extremely well-qualified to serve on the Fourth Circuit. This conclusion is underscored by the ABA's rating of Pam as ''unanimously well qualified,'' as well as by the diversity of voices supporting Pam's confirmation. Those who have written to this Committee to express their support include Greg Garre, who served as Solicitor General in the George W. Bush Administration, Seth Waxman, who held the same position during the Clinton Administration, A.B. Culvahouse, White House Counsel for President Reagan, and Walter Dellinger, Acting United States Solicitor General during the Clinton Administration. Indeed, the letter signed by Mr. Culvahouse, Mr. Dellinger, and other ''current and former partners in the Washington, D.C. office of O'Melveny & Myers''—lawyers who have practiced with Pam and know her best—exemplifies the high praise she has received. These attorneys have written:

[E]ach of us practiced law with Pam and has witnessed firsthand her outstanding legal talent. Moreover, as former colleagues with Pam, we can attest to her collegiality, temperament, and judgment. We are confident that she possesses the professional and personal qualifications to be an excellent judge. . . .

[T]he signatories of this letter span the political and jurisprudential spectrum. Some of us have served in Republican Administrations or worked for Republican Senators, while others have served in Democratic Administrations or worked for Democratic Senators. Some of us are members of the Federalist Society, while others are members of the American Constitution Society. . . . Although we may not all share Pam's views on a range of legal and political issues, we are united in the belief that Pam possesses the intellect, fair-mindedness, humility, and fundamental decency to make an excellent federal judge.

In her testimony before this Committee on June 24, Pam demonstrated that she understands clearly the difference between the roles she has played in her career as an advocate representing clients and as an academic and an expert commentator on the courts, and the new role she would take on if confirmed as a judge. In particular, pointing among other things to her work ''running the Supreme Court Institute on an entirely nonpartisan basis,'' Pam testified that ''I have never let any personal views I have, political views I may have, affect the discharge of my professional responsibilities. And I would not do that if I were confirmed as a judge.''

In sum, Pam Harris clearly has the qualifications, experience, intellect and temperament to serve with great distinction on the Fourth Circuit. We urge every Senator to support her confirmation.

Respectfully,

DOUGLAS T. KENDALL,
President.

JUDITH E. SCHAEFFER,
Vice President.

With that, I would yield the floor.

The PRESIDING OFFICER (Ms. BALDWIN). The Senator from Iowa.

Mr. GRASSLEY. Madam President, similar to my colleague from Maryland, I come to the floor to discuss the nomination of Professor Pamela Harris to the Fourth Circuit. I come for another reason, to give my reasons for opposition.

Contemplating my vote on this nominee has been a particularly memorable process. That is because as I reviewed the professor's writings, statements, and legal briefs, it seemed as though I was reviewing the record of not one but two nominees. The size of those two nominees' records was rather unequal. On the one hand, there is the record of the pre-nomination Professor Harris. That is the record reaching all the way back to her graduation from law school in 1990, a record rich in public statements and writings. It is a record long enough to develop a distinct and stridently left-wing philosophy. That is one record.

Then, on the other hand, there is the record of the post-nomination Professor Harris. It is a dramatically shorter record. That record only began a few weeks ago at the professor's confirmation hearing on June 24. It is a record that consists of the professor's testimony before the Judiciary Committee and of course her responses to questions for the record from my colleagues and from this Senator. It is a record of a jurist who will be faithful to the statutory text and constitutional precedents, a record with comments that could be mistaken for those of Justice Scalia or Justice Thomas.

But what is so unbelievable to me is how totally at odds the record of the pre-nomination professor is with the record of the post-nomination professor. As I said before, it is as if there were two entirely distinct nominees vying for this single seat on the Fourth Circuit.

So for the next few minutes I would like to share with my colleagues some excerpts from the record of the pre-nomination Professor Harris and some excerpts from the post-nomination professor. There is no question that the professor spent her entire legal career, before nomination to the Federal bench, that is, consistently and aggressively advocating for a liberal interpretation of the Constitution that is well outside the mainstream of constitutional jurisprudence. That is the pre-nomination record. But as I said, that all changed when she testified before the committee.

I would start with the professor's pre-nomination views on constitutional interpretation. She has spoken with unusual clarity and forthrightness on the topic. That is in part because she served for many years on the board of the left-wing American Constitution Society. That ironically named group spends a lot of time developing theories of interpretation that are designed to attack and redefine key constitutional principles. The professor was at the forefront of those discussions in many years. So how exactly did the pre-nomination Professor Harris view the sources of constitutional meaning?

Here is a statement she made before the American Constitution Society in 2008:

I just don't think that any account of the Constitution that even seems to privilege the Constitution as it was originally ratified is consistent with the way we should think about the Constitution. Yes, the values, the principles, on some level of generality, are there at the beginning, but they take their meaning—and they should take their meaning—from what comes after.

We should pause for a moment because she said a lot in that quote. First, we hear how the professor rejects out of hand the idea that the Constitution as originally ratified should guide its interpretation. Instead she sees only ambiguous principles. Those principles, according to the professor, are more or less empty and meaningless by themselves. That is because those principles, as she formulates them, take their meaning primarily from subsequent developments. Then the professor goes on to specify exactly what subsequent developments she is talking about.

She explains that her interpretive ''source of legitimacy most particularly,'' is ''what the People do'' at what she calls ''critical junctures,'' including ''the civil rights movement, the women's movement, the gay rights movement.'' According to the professor, these movements ''reconstitute what it is we're talking about when we talk about American constitutional tradition, when we say words like equality and liberty, when we change what they mean.''

We need to pause and unpack that statement. First, the professor explicitly identifies for herself ''a source of legitimacy'' to be used in constitutional interpretation. That source of legitimacy is not the Constitution's text, nor its structure, nor its history, nor its original intent, nor any other established interpretive method. It is something outside the law altogether, and that happens to be social and political movements.

I will put it this way: They are the social and political movements that Professor Harris chooses for inspiration. They are the social and political movements Professor Harris has decided to raise all the way to constitutional status. It is these extralegal sources that she says change the scope of the Constitution's guarantees of equality and liberty.

I am sure you are going to say this sounds as though I am making it up, but I am not. The professor literally said, ''We change what they mean.'' Who is the ''we'' the professor is talking about? I suspect it is the people in social movements that Professor Harris finds particularly inspirational. I suspect it is also the people who share her view that the Constitution's original guarantees are merely empty vessels which can be filled with whatever political or social ideas a judge might ''privilege,'' as the professor puts it.

In other contexts, Professor Harris said the meaning of the Constitution changes based on things such as ''an evolving and changing public understanding,'' ''the consequences of constitutional rulings,'' and ''the circumstances on the ground.'' Note the absence of any legal standard on that list which seems to be the basis of the rule of law or the basis of stare decisis.

I will finish up with the professor's quote.

> I think that constitutional legitimacy comes, even in part, from the fact that it does reflect these social movements and what happens at these particular moments when the people come together and force this kind of change in the way we think about ourselves and what it means to be American. And I think there's something about originalism at least as it's commonly understood that's inconsistent with that. And that's why I'm not an originalist, even now.

Let's recap. The Constitution derives some of its legitimacy, as the professor put it, from social movements at particular moments. Again, how are we to know which particular moments rise to the level of constitutional significance? We will have to ask Professor Harris because there is absolutely no principled or objective way of making that kind of a decision. It is certainly not a legal decision. It happens to be a matter of personal preference.

What else can we take away from that quote? Well, we also learned the professor is definitely not an originalist. She literally says: ''I'm not an originalist.'' I want you to keep that in mind because what I have to say shows how quickly she can change her views.

Let's turn now to what the post-nomination professor thinks about constitutional interpretation. As I said before, the contrast is so striking that it is almost as if we are dealing with two different nominees for the single seat on the Fourth Circuit. Does the post-nomination professor still think constitutional principles change with the times?

In a response to my question for the record, Professor Harris wrote:

> I do not believe that the Constitution's provisions and principles change or evolve, other than by the amendment process in Article V. They are fixed and enduring and judges are not free to change them whether by incorporating public preferences or their own policy views.

That is astounding. It is like a night-and-day difference with the judicial philosophy I have previously quoted from the pre-nomination Professor Harris, and it is totally incompatible with the philosophy which Professor Harris has developed over the decades. Now we suddenly hear that the professor believes in unchanging and in fixed—dare I say eternal—principles that cannot be changed except by an Article V amendment.

All of a sudden there are no more social movements. All of a sudden there are no more ''critical junctures.'' All of a sudden there is no more ''what the people do.'' All of a sudden there is no more ''privileging'' or ''reconstituting''—those are her words. So no more ''privileging'' or ''reconstituting'' constitutional meaning. All of a sudden the meanings are now fixed in our Constitution. All that other stuff she previously said happens to be in the rearview mirror.

Now judges are forbidden from incorporating public preferences to change constitutional principles. Public preferences as interpreted by the judge, of course. But just a few years ago that was at the very core of her interpretative philosophy.

I have another post-nomination quote.

> I would never suggest that a justice of the Supreme Court, or any judge, should change his or her opinions based on public opinion. That is not the way I view the role of a judge.

That happens to be the way I view the role of a judge, and now she says that is the way she sees the role of a judge, but it is completely contrary to what she had thought for decades before this nomination.

The post-nomination Professor Harris added that courts should be ''especially cautious on social issues when the political branches and political institutions are deeply and rapidly engaged in those issues'' and ''leave as much to the democratic process.'' That statement is also a massive sea-change.

For the pre-nomination professor, the democratic process went hand-in-glove with the judicial process. Now, however, with her confirmation on the line, the post-nomination professor sees a wall between politics and the courts.

Let's return to the pre-nomination professor for another quote on judicial decisionmaking. Here is what she candidly told a gathering of the American Constitution Society about that issue in 2009:

> I always feel unapologetically, you know, left to my own devices, my own best reading of the Constitution. It's pretty close to where I am.

Where exactly is the Constitution, in her view? She tells us flatly: ''I think the Constitution is a profoundly progressive document. I think it's born of a progressive impulse.'' Well, if that is where the Constitution is, where then is the professor? Again, there is no mystery here because she is very upfront with that answer: ''I'm a profoundly liberal person so we''—she is talking about herself and the Constitution as one—''we match up pretty well. I make no apologies for that.''

Think for a moment about what the professor is saying. I frankly cannot recall a judicial nominee who has actually expressed her belief that the Constitution embodies the nominee's personal political philosophy, but that is exactly what Professor Harris does in that statement.

Think about how she put it: The Constitution is pretty much where she is as a liberal. It is almost in sync with her views. That was a crystal-clear explanation of how the pre-nomination Professor Harris viewed her beliefs and the Constitution.

But what does the post-nomination Professor Harris have to say? At her hearing, she told our Judiciary Committee:

> I do not believe that it is the view of a judge ever to import his or her personal values into judicial decisionmaking.

Again, the post-nomination statement is strikingly at odds with the pre-nomination views. Or, perhaps we should actually take the post-nomination statement at face value. After all, Professor Harris doesn't need to import her own views when interpreting the Constitution. As she explained, it just happens to be almost as liberal as she is. So that is a fortunate coincidence, I suppose.

What about the professor's views on a particular judicial philosophy? Remember earlier her pre-nomination criticism of originalism and her assertion that she is definitely not an originalist.

That happens to be out the window as well.

Here is her post-nomination testimony: ''I do not reject originalism as an interpretive method.''

Those are just a few of the contradictory quotes from the pre- and post-nomination Professor Harris which strikingly illustrate almost unbelievable inconsistencies in her judicial philosophy and understanding of constitutional interpretation.

The quotations also point to issues that are deeply troubling about this nominee, and I'll discuss a few of them. First, this nominee has made many statements suggesting that if confirmed, she would pursue a results-oriented, whatever-it-takes approach to deciding cases. From this nominee's past commentary, we know that she is not only a devoted liberal, but she would also strive to move the courts leftward to suit her ideological preferences.

For example, in discussing the Warren Court, the professor said she wondered ''whether we almost have, by now, a stunted sense of what the legal choices really are, what really is a liberal legal outcome.''

Just listen to that phrasing again: ''liberal legal outcome.'' Is there any doubt this nominee views the courts as simply a third political branch?

I will quote again:

> If Chief Justice Warren came out a certain way, that must be as liberal as it gets. That's not right! I think that we've stunted the spectrum of legal thought in a way that removes the possibility that there could have been more progressive readings of the Fourth Amendment and the Fifth Amendment.

It seems Professor Harris doesn't think the Warren court was nearly liberal enough. That is a fairly astonishing view in itself.

I often hear liberals and some of our nominees talk about the so-called living Constitution. Well, it is clear to me this nominee sees not a living Constitution but a profoundly political Constitution. She said so herself. She sees judges as proxies engaged in a tug-of-war who use judicial power as an instrument of political control. Her statements, as I explained a few minutes ago, also are a clear indication of her belief that the role of a judge is to reflect those political and social forces.

For example, speaking about Justice Kennedy's stance on gay marriage, the professor said that the Justice ''should be changing the same way the whole country is changing.''

That is the language of politics, not the language of law.

She has said so many things to this effect that I find myself asking this question: Will this nominee even consider the law when deciding a case or is it all progressive outcomes, social movements, and critical junctures?

So it is clear there are two Professor Harrises: the pre-nomination professor and the post-nomination professor.

Let's not be naive about which Professor Harris will sit on the Federal bench—for life—if confirmed, because no one else is being naive about that question.

Take, for example, an article published last May in New Republic gushing that the professor is a ''champion of liberal jurisprudence'' and will be a ''sympathetic vote for liberal causes.'' We know that will be the case from the pre-nomination professor's long record of impassioned liberal advocacy.

The article also observes—accurately, in my view—that Professor Harris ''clearly has an interest in using her voice to project a liberal jurisprudence perspective.'' That quotation pretty much sums it up. All anyone needs to do to confirm that claim is to read the pre-nomination professor's public statements, because they are all out there. It is not a secret what this nominee thinks about the law and what she thinks about the courts. And it is no secret what kind of a judge this nominee will be if she takes the bench.

So it seems pretty clear to me that the timing of the vote on this nominee is not purely coincidental. We know this because of this week's ObamaCare decisions handed down by the DC Circuit and the Fourth Circuit.

Last November, when the majority changed the cloture rule on judicial nominees, I told my colleagues the decision was a blatant attempt to stack the DC circuit with judges who would view sympathetically the administration's arguments in upcoming ObamaCare lawsuits.

The other side dismissed the notion that the rules change was designed to tilt the court in the President's direction and to salvage ObamaCare. Well, as we all know, a three-judge panel of the DC Circuit decided the Halbig case this week against the administration, and it only took the administration about an hour to announce that it would seek a rehearing by the en banc DC Circuit, which now includes four of the President's nominees.

As we all know, our distinguished majority leader rushed through three of those four nominees immediately after the rules change. And yesterday the distinguished majority leader finally admitted that the upcoming en banc panel on the Halbig ruling vindicated his decision to go nuclear. He said: ''I think if you look at simple math, it does.''

So the distinguished majority leader isn't even trying to disguise his intent, and that is exactly what happened with this nominee on her way to the Fourth Circuit.

This nomination is being considered ahead of other circuit nominees on the executive calendar. Why is this Fourth Circuit nomination being fast-tracked? Why fast-track one of the most liberal nominees we have considered to date? If history is any guide, the answer is simple. It is all about saving ObamaCare. The other side wants to stack the Fourth Circuit just like the DC Circuit, because the Fourth Circuit hears a disproportionate number of significant cases involving Federal law and regulations, as does the DC Circuit.

So my colleagues should understand a vote for this nominee is also a solid vote for the Affordable Care Act as the cases make their way through the court.

I am voting ''no'' on this nominee and I urge my colleagues to do the same. I yield the floor.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I ask unanimous consent that notwithstanding rule XXII, following the cloture vote on Executive Calendar No. 777, Disbrow, the Senate consider and vote on calendar No. 919, Mendez; No. 920, Rogoff; and No. 921, Andrews; further, that at a time to be determined by me, in consultation with Senator MCCONNELL, on Monday, July 28, the Senate consider Calendar Nos. 915, Kaye; 916, Kaye; 913, Mohorovic; and 744 McKeon; that there be 2 minutes for debate equally divided between the two leaders or their designees prior to each vote; that upon the use or yielding back of time the Senate proceed to vote without intervening action or debate on the nominations; further, if any nomination is confirmed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nominations; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. For the information of all Senators, we expect nominations considered today to be confirmed by voice vote.

The PRESIDING OFFICER. The Senator from Washington.

WASHINGTON WILDFIRES

Mrs. MURRAY. Madam President, I come to the floor today to speak for a few minutes about the absolutely devastating wildfires currently burning through the farms, communities, and public lands of our home State of Washington.

As a lifelong resident of Washington State and the Pacific Northwest, I have always been aware of the annual risks and dangers that wildfires pose to our region. Every summer, a combination of rising temperatures, months of dry weather, and our State's obvious abundance of forest and fields have resulted in wildfires capable of threatening homes and businesses across our State. Each summer we have worked to become better and better prepared to help protect our communities.

But one wildfire burning this year is the single largest we have seen in Washington State. Since last Tuesday, massive wildfires covering hundreds of thousands of acres have ravaged our farm lands, our agricultural areas, our cherished public lands, and, most importantly, communities throughout Chelan County, Okanogan County, and others across eastern Washington.

I am talking about a massive wave of flames that has burned an area now four times the size of Seattle, which is our State's largest city. Even for those of us who have lived our entire lives with the reality of wildfires, this is unprecedented. So while I am here in what we call ''the other Washington,'' today, my heart, my thoughts, and my prayers are in Central and Eastern Washington. Even here on the Senate floor, I can't help but think of the firefighters and first responders and everyone who is neglecting sleep and rest to protect their communities. Most of all, I can't stop thinking about the families who lost their homes and all they own to this horrific disaster.

If there is one thing I know about our State, it is that we don't turn away from hard times or hard work. Over the last several weeks I have talked with a number of the local leaders in the communities that are facing these fires, including Sheriff Frank Rogers in Okanogan County, Sheriff Brian Burnett in Chelan County, and Mayor Libby Harrison in the small town of Pateros, where dozens of homes, including hers, have been lost to this fire. Every one of them told me that while their community is facing hard times, nobody is giving up. They have been doing everything they can to protect each and every person in their rural communities, and so far they have been able to do that.

I wish to share one story that speaks to what is happening in my home State right now. As I mentioned, this small town of Pateros has been hit very hard. They haven't lost any lives, but they have lost more than 100 homes and buildings throughout their community. But one building they did not lose was their school, which has always been to them the central place of their community, and it is now the central staging area as these fires rage on. As in many other small communities, the school in Pateros serves kids in grades K through 12, and last week that fire came within just a few feet of that school.

Firefighters and responders were working elsewhere. So the school could easily have burned down, until a local man by the name of Augustine Morales decided to do something about it. He and a friend used hoses on the backs of their own trucks to fight back that fire and save their kids' school.

Augustine was interviewed by a local TV station and here is what he said:

> Everything was going through my mind because I have my kids and I have to take care of my kids, and I [was] just thinking . . . if you die, I don't know what's going to happen.

So that is what so many people just like Augustine are facing right now in Central and Eastern Washington, and I know they will not be giving up.

In addition to our thoughts and our prayers, we have to make sure we are working to have all of the Federal resources they need available. I am thrilled the Senate supplemental funding bill that was released yesterday actually includes $615 million for firefighting efforts in Western States—money I requested along with my colleague Senator CANTWELL and 10 other colleagues. But we know there is a lot more work to be done. We have to get that funding passed through the Senate and the House and to the President's desk right away.

I am really very pleased that early yesterday morning the President, in fact, made an emergency declaration that is going to help those communities fight these wildfires.

I know that I and Senator CANTWELL and all of us are going to be working with our local officials and Federal officials all the way up to the President to make sure those communities get what they need.

Thank you, Madam President. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. CANTWELL. Madam President, I join my colleague from Washington who was just on the floor to take a moment to recognize the heroic efforts that are underway in the State of Washington, battling wildfires with individuals who are trying to protect their homes and property. Our hearts go out to the family and friends of Robert Koczewski, a retired State trooper and veteran who suffered a heart attack and died while trying to save his own home.

I thank the local, State, and Federal agencies that are working together to meet the logistical needs of extinguishing these multiple fires and for the efforts they have already made to help save lives and minimize damage in what is the largest wildfire in our State's history.

I thank all of the community organizing individuals who have done so much work in their individual communities to support the efforts of the firefighters and to work with everybody in the community to make sure every aspect of security and safety is there for the families who have lost their homes.

I thank the individuals who have been working to provide shelter and to help their neighbors no matter what it takes.

There is a huge spirit alive in the Okanogan people who are working very hard to make sure they are also contributing. They have a great deal of self-reliance, spirit, and they want to make sure that, as FEMA and others are moving in, they are also responsible in helping with fighting the fires and to work to make sure as many people as possible in the community can be saved from this devastation.

We are hearing many moving stories of Washingtonians donating their time, volunteering goods, things everybody in the community needs.

So I thank the people of Washington and particularly in the central part of the State for everything they are doing to help battle this fire.

EXPORT-IMPORT BANK

Madam President, I also come to the floor to talk about the Export-Import Bank and the fact that we still need to work out a deal on the Senate floor so we can move this legislation. Time is running out. We only have a few days before the August recess and literally only a few legislative days when we return to make sure we reauthorize this important credit agency that helps manufacturers export their products.

When you grow U.S. manufacturing, you grow U.S. jobs. What we want to do is make sure our manufacturers have a fair shot at getting their products sold overseas. So it makes no sense to me that the fate of an organization that is such an important tool to businesses and comes at no cost to the taxpayers cannot get reauthorized. In fact, I am sure there are colleagues in the House of Representatives who would, if they had a chance, just outright kill the credit agency altogether.

Last week 31 Governors signed a letter that basically called for the reauthorization of the Export-Import Bank. That brings the total number of Governors to 37. I am proud my Governor, Jay Inslee, along with Governor Robert Bentley from Alabama, led an effort to say to the Congress: This is important to do. They see the result in their States as it relates to jobs, and they want to make sure we get this reauthorized.

There are Governors from all over the political spectrum—liberal Democrats, to moderate Democrats, to moderate Republicans, and even tea party Republicans—so there are Governors out there from Neil Abercrombie of Hawaii, to Governor Paul LePage of Maine, who want to get this important tool reauthorized. Even though they are from many different spectrums, they see that this creates jobs in their State.

I would like to point out that nine of those signatures come from Republican Governors, plus five Republican Governors sent their own letter. So that is 14 Republican Governors who joined a chorus of voices in the legislative body to make sure we are doing what is right for the economy and renew this charter for the important Export-Import Bank.

I wish to point out from the letter that it basically says that without the financing, U.S. firms would have lost sales to overseas competitors.

So this is what the Governors are trying to tell us. They are stewards in their States of jobs and the economy, and they are very concerned about the Export-Import Bank. So we want to make sure we continue to listen to those Governors and get their help in making sure their Members of Congress from their individual States support this legislation.

They also are talking to thousands of small business owners who are saying that failing to reauthorize the Export-Import Bank would lead to fewer exports and a loss of jobs in all 50 States. They are out there trying to make sure they are drumming up support in the congressional delegations of their States. That is because trade is a critically important aspect to our economy.

I just talked to one of my colleagues today who was telling me how much their State was recovering, but in the areas where they were doing the most exports, their State was really growing—that particular part.

In 2013, U.S. exports reached $2.3 trillion in goods and services. So exports across the Nation that are attributable to the Ex-Im Bank support about $37 billion worth of U.S. exports and about 205,000 related jobs. So you can see that the Export-Import Bank is a vital tool to creating jobs in our U.S. economy, and it does all of this returning $1 billion to the Federal Treasury. To me, it is a win-win for taxpayers and it is a good aspect for jobs. As I said, it is 205,000 export-related jobs and $37 billion in exports. That supports over 2,000 small businesses throughout our country. That is actually the direct impact of businesses that are exporting with the help of the Export-Import Bank. I say that because there are so many more people who are involved in the supply chain, and we talked about that last week.

I would like to address one issue today that I hear about from a lot of colleagues: Well, isn't this just something the private sector can do?

I guarantee you, if the private sector could just do it and would do it, we would be very happy. I am here to debunk that myth. In fact, in the words of the private sector, it is all about them needing the help of the bank to actually make deals work. Anyone who thinks they know what they are talking about, I want to make sure they understand.

First and foremost, in the bank's charter, it prohibits them from competing with private financing and requires that all financing have a reasonable chance of repayment. So literally in the bank's charter it says they are not there to compete with these banks. Yet I hear so many times my colleagues on the other side trying to say: Oh, well, this is just something that we, the government, should not be involved in.

I just pointed out that we actually make money off of it. So that part is really good for us because it helps us pay down the Federal deficit. And I just mentioned how banks want to partnership with this credit agency because it helps them, but it is actually in their charter that it prohibits them from doing so. Specifically, the charter says, in section 2, that the bank should ''supplement and encourage, and not compete with, private capital''—''not compete with, private capital.'' So there it is in their own charter, exactly how they are supposed to operate. So this is not a bank that is somehow competing with banks across America. They are partnering with financial institutions that see risks in overseas markets that they think are undeveloped and do not have the banking and financing institutions in their organization to help get these things done, and so they want to partner with the Export-Import Bank.

It is helping businesses all across our country. In fact, 98 percent of the Export-Import Bank's transactions were involved with banks throughout 2013. So it is not taking business away from them; it is actually helping businesses throughout our country.

The Export-Import Bank is a leading indicator for U.S. companies in how to get business done in these developing markets, and it is often in the national and local banking interest to have a partner such as this because they see deals and opportunities that come through their local communities.

I know there are banks—the Presiding Officer's major banks in parts of the Midwest, KeyBank—and others have talked to me about how important it is because they have homegrown businesses that come to them, and they see the opportunity but they also see the risk, and having this credit agency be a partner with that local bank helps them secure the deal.

As we look at this chart, it basically shows that 98 percent of the Ex-Im Bank transactions are involving commercial banks. So, again, there is this notion that somehow this bank is competing with the private sector when, in fact, it is basically prohibited in their charter, and 98 percent of the deals are actually done with an individual bank, which shows that this is really a tool for our commercial banking.

So these are banks everywhere, from the Alaska Commercial Fishing and Agriculture Bank in Anchorage, to the Wallis State Bank in Texas, as well as national banks such as Wells Fargo and others. So they find it a very viable tool and something that is important to do.

According to a recent statement by the Bankers Association for Finance and Trade and the Financial Services Roundtable, the Export-Import Bank of the United States plays a critical role ''in international trade and US job creation by providing export financing products that help fill gaps in trade financing otherwise not provided by the private sector.''

So we are hearing from these individual banks that are saying this and basically articulating that this is a tool. In fact, one CEO, John Stumpf from Wells Fargo, recently talked about his work with a company called Air Tractor. Air Tractor is a Texas company that manufactures agricultural aircraft, with 50 percent of its business being overseas. He said how important it was that the Export-Import—I am going to quote him: Air Tractor would not be where they are today without the Export-Import Bank and there are certain things that would not have been done without them.

I want to go back to the fact that the banking industry really does believe the Export-Import Bank is a necessary tool. ''The Ex-Im Bank remains a vital partner for the lending community,'' according to the bankers association.

I think this shows there are people who are just not educated on the structure of the bank, how it works, how important it is to be an important tool for us. I want to make sure we understand why the private sector cannot do these loans.

If people understand how the bank works, some still want to come back and say: Well, they still should be doing it themselves.

I want to go to one chart that basically shows some of the challenges bankers face when they are dealing with this. They face bank balance sheet limitations; that is, the ability to hold all of those deals on their books over the period of the loan. They have the added risk of exporting to foreign markets, which can be challenging at best. And they have the lack of the financial sector presence in those emerging markets.

So as to all of those things, if you are, as I just mentioned, one of these banks—from the Wallis State Bank in Texas to the Alaska Commercial Fishing and Agriculture Bank—you can see that they want to help this business in their State export or like this company I mentioned—Air Tractor in Texas that manufactures aircraft for agricultural purposes. You can see they want to help them. But, again, is the Wallis State Bank going to be able to go out and assess all these international marketplaces and assess whether that end customer is going to be able to continue to pay on the life of this purchase? No. This bank is not figuring out how to do that. So basically they are just turning this business down. Yet we have a U.S. manufacturer that has figured out a great product, figured out how to make it, figured out how to get customers overseas, figured out how to compete with international competitors, and we have people here strangling the one tool they need—the credit agency that helps the local bank in their community finance the deal.

So I just want to say I hope we resolve this issue with the Export-Import Bank. I hope our colleagues on both sides of the aisle can come to terms with the amendments that are necessary to move this bill to the Senate floor. I know last time we had a similar debate and a lot of discussion, but in the end there were about 79 votes for the Export-Import Bank.

I guess I would ask all of my colleagues now to think about our economy and how much U.S. manufacturers need to sell in overseas markets. We are having an unbelievable growth in the middle class around the globe. It is going to double in the next 15 years. That is 2.7 billion more middle-class

consumers who could buy U.S. products and U.S. services, but they will not if we hamstring the export-import credit agencies that help support banks in the financing of U.S. manufacturers' goods sold overseas.

I hope my colleagues will help us get this bill to the floor, get it reauthorized, and not for a short term, not for 3 months, not for more mischief to be had, but to give predictability and certainty to people who are actually growing jobs in the United States of America, our manufacturers.

UNANIMOUS CONSENT AGREEMENT EXECUTIVE CALENDAR

Madam President, I ask unanimous consent that the confirmation votes on Mendez, Rogoff, and Andrews occur following the vote to confirm the Disbrow nomination, and with all other provisions of the previous order remaining in effect.

The PRESIDING OFFICER (Ms. HIRONO.) Without objection, it is so ordered.

The Senator from Virginia.

EXPORT-IMPORT BANK

Mr. KAINE. Madam President, I have got a deal for you: Let's create American jobs, let's help American businesses find customers abroad, and let's do it at no cost to the American taxpayer. I rise to speak about exactly the point Chairwoman CANTWELL just spoke about, the chairwoman of our Small Business Committee, the importance of the Export-Import Bank, which expires on September 30 of this year.

The Senate and House need to act to continue the job so we can continue the bank, so we can create hundreds of thousands of jobs, so we can help American businesses find customers abroad, and do it at no cost to the American taxpayer. Chairwoman CANTWELL did a good job of explaining the bank and what it does. I will just spend a few minutes on that.

It is an independent, self-sustaining Federal governmental agency. It is one of the most important tools that U.S. companies have to boost exports to all the countries and all the customers abroad who want high-quality products produced in the United States. The bank assumes country and credit risks that other private sector lenders are unwilling or unable to do, at a reasonable cost. It helps level the playing field for U.S. businesses because so many of our global competitors have banks just like this that loan even more or support even more loans than we do. So this is about leveling the playing field for American businesses.

In fiscal year 2013, the Ex-Im Bank approved an all-time high 3,842 loan authorizations, with a total estimated export value of $37.4 billion. That is estimated to have created or sustained over 200,0000 export-related jobs right here in the United States. Countries such as China, France, Germany, Korea, and India are extending multiple times as much financing as our Export-Import Bank. This is not the time to let international competitors eat our lunch. We have to be aggressive and we have to compete. That is why this bank needs to be reauthorized.

I am here today to talk about why it matters in Virginia, using Virginia as an example. I know the Presiding Officer will forgive me for being partial to the Commonwealth. But anyone can get up here and do exactly what I am going to do, talk about businesses in their States, to whom the Export-Import Bank is incredibly important.

In Virginia generally since 2007, the Ex-Im Bank has supported 98 companies in every congressional district. Fifty-nine are small businesses, ten are minority-owned, three are women-owned, more than $1 billion in exports supported in Virginia since 2007. I have heard from everybody in Virginia, from Governor McAuliffe to the Virginia Chamber of Commerce, to both the National and Virginia Association of Manufacturers saying: Whatever you do, find an agreement to authorize the continuation of this very important bank.

Let me tell you about four companies. They are very different companies: rockets, apples, compressors, and paper. It sounds like a rock-paper-scissors thing, right?

Orbital Sciences Corporation in Dulles, VA, right here close. Orbital manufactures small and medium-class space systems, mostly satellites and rockets. Their headquarters is in Dulles, 3,600 employees, high-paying jobs. They launch rockets from all over the country, including Wallops Island near Chincoteague on the eastern shore of Virginia. They build satellites for the U.S. Government but also sell commercial communications satellites to many international buyers.

This commercial business that Orbital has is faced with significant competition from European satellite manufacturers, EADS/Astrium and Thales/Alenia. So Orbital relies on the Export-Import Bank to level the playing field. These European manufacturers get assistance from their governments to go out and compete for this commercial business and Orbital does the same. This neutralizes the advantage that European governments try to give to their satellite industry. In the last few years, since 2012, Orbital has produced 38 satellites. Six of them relied on Export-Import Bank financing and would not have been done without the backstop the Ex-Im Bank provides.

For every commercial satellite that Orbital builds, 300 jobs are supported, direct and indirect, within the company, and then there is a supply chain, with suppliers all over the country. There are an additional 300 jobs in the supply chain. So the story of Orbital, manufacturing rockets and satellites, is illustrative of the contribution the Ex-Im Bank makes to U.S. small and medium-sized aerospace companies.

Let's switch from rockets and talk about apples for a minute. Turkey Knob Orchard in Timberville, VA. They grow apples on 3,500 acres in rural Virginia. It is a longstanding family-owned business that has produced apples in the Commonwealth since 1918. This family-owned business in Timberville uses the Export-Import Bank to protect deals made with companies in rapidly expanding markets such as West Africa and India, where the risks are high, and conventional lenders may be a little skittish.

Then it gives their partners peace of mind and a credible system for evaluating buyers abroad. The credit insurance is one of the most competitive and user-friendly products in the market for small growers such as Turkey Knob, who do not have a large international office or large international export offices around the globe. Without Ex-Im credit insurance, Turkey Knob would export less and their exports would be exposed to more risk, more potential liability.

Additionally, with the credit insurance program, small exporters are able to build these deals so they can build long-term relationships and expand business that otherwise would not be possible.

We want importers abroad to buy Virginia apples. We think our apples are every bit as good as Washington State's or any other State's apples. We are proud to market them, and other products from Virginia as well, especially at a time when the economy needs to be stronger. But we would not be able to find those clients for growers such as Turkey Knob without the Ex-Im Bank.

Compressors. Bristol Compressors in Bristol, VA, right on the border with Tennessee in the State's far southwestern corner. This is a manufacturing company, very cutting edge. They design and manufacture compressors for residential and commercial applications—air conditioning, heat pump, refrigeration. It is one of the largest compressor manufacturers in the world. They also serve manufacturers and distributors across six continents. I think Antarctica may be the exception. They have enough air conditioning there.

But Bristol has worked directly and indirectly with the Ex-Im Bank through their credit lenders for many years. Bristol would not be able to service the majority of its international business without the support of the Ex-Im Bank. I have been to this company. It is in a part of the State that needs more jobs, not less. Without the Ex-Im Bank, they would not be able to service their customers on six continents.

Bristol has told us that without the support, jobs at Bristol would be at risk, which would have a negative impact on the local economy. We want to promote American manufacturing, not shrink it.

Finally, paper. Eagle Paper International in Virginia Beach. This is an international paper manufacturer and distributor, been around since 1988.

Virginia Beach is an important place, because we have an active port in Virginia Beach, one of the busiest ports on the east coast of the United States. So it is a great place to find exports and ship exports from.

Eagle Paper has succeeded in its 25 years in business in exporting paper worldwide. Eagle has told us very plainly:

> Ex-Im is a crucial part of our business. Without the export credit insurance we would not be able to support the customer base that we currently have. Without this customer base our sales would decrease and in turn we would have to eliminate employees in order to keep our business up and running.

Not often do we have such no-brainers present themselves on the floor. I will end where I started: Let's create American jobs. Let's help businesses find customers around the world. Let's do it at no cost to the American taxpayer. We do not make general fund applications to the Ex-Im Bank because they charge their customers for the services they provide. Not only do they break even, they actually raised $2 billion above the loans they put out in the last few years, which they then used to make more loans to more American businesses to create more jobs.

I have been heartened to see 50-plus months of private sector job growth. I know the Presiding Officer has as well. But we also know we are not where we need to be yet. GDP needs to be higher. More jobs need to be created. We need to create more skilled workers to fill those jobs. The Ex-Im Bank is one of the best tools we have to help move the economy forward. If it did not exist, we would have to create it. The good news is, it does exist. All we have to do is vote to reauthorize it before September 30.

It is my hope that my colleagues on both sides of the aisle and in both Houses will join in this very important and completely logical mission.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. THUNE. Madam President, I rise today to speak in opposition to the legislation pending before the Senate, the so-called Bring Jobs Home Act. I oppose this bill because it is a political stunt designed as an election-year campaign ploy that will have no meaningful impact on job creation or on economic growth. In fact, this bill is a carbon copy of a bill the Senate rejected 2 years ago when it was offered by another Democratic Senator who just happened to also be up for reelection.

Simply put, if there is a Democratic bill on the Senate floor supposedly about outsourcing, you can rest assured it must be election season. The bill before us purports to deal with the problem of companies relocating jobs from the United States to foreign countries by denying the deduction associated with doing so. This must be the tax benefit for shipping jobs overseas that we heard so much about from the Obama campaign in 2008 and again in 2012.

There is only one problem with repealing this special tax break for companies that ship jobs overseas. It does not exist. According to the Joint Committee on Taxation, ''Under present law, there are no targeted tax credits or disallowances of deductions related to relocating business units inside or outside the United States.'' That is from the Joint Committee on Taxation.

This statement is not surprising, given that numerous independent fact checkers disputed the repeated claims in 2008 that companies were receiving tax breaks for shipping jobs overseas. These fact checkers called that statement ''false'' and ''misleading.'' But I guess the facts do not matter when it is an election year. What this bill will do is insert yet more complexity and uncertainty into our Tax Code.

The reality is the United States economy is a $17 trillion enterprise, with businesses all across this country constantly closing old operations and opening new ones. If this bill becomes law, companies that might want to close an old factory or open a new one would now have to worry if they will have to pay a tax penalty, even if their decisions are totally unrelated to any business decisions they might make outside of the United States.

The legislation also includes a new tax credit for companies that eliminate a business operation in a foreign country and move that operation to the United States. Well, that sounds like a good idea. But consider how this would tilt the playing field against companies here in America that have not opened operations overseas. A purely domestic company that opens a new factory in my State of South Dakota will not get a Federal tax credit for doing so, but a global company with jobs overseas will get a generous credit under this bill.

Consider what a coalition of leading business organizations made up of the Business Roundtable, the Information Technology Industry Council, the National Association of Manufacturers, the National Foreign Trade Council, and the U.S. Chamber of Commerce had to say recently in a letter regarding the legislation that is pending before us.

Many of the major business organizations in this country said:

> While intended to promote U.S. job creation, the legislation actually would have the unintended consequence of making it even more difficult for American worldwide companies to compete at home and in world markets, thereby placing at risk jobs of American workers.

This is a letter from some of the major business organizations in this country.

If we want greater economic growth and more jobs, we need a Tax Code that creates a level playing field, not one that picks winners and losers based on the preferences of Members of Congress.

Even if we were to assume that a new tax credit for insourcing would be a good thing, the official estimate of the bill from the Joint Committee on Taxation tells us that this particular tax credit will have essentially no impact on our economy. According to this new estimate, the new insourcing credit will provide a tax credit to U.S. companies of $35 million a year. That is $35 million out of a $17 trillion economy or, put another way, this credit will equal .000002 percent of annual U.S. economic activity. Yes, that is a decimal point followed by five zeroes. This bill isn't a drop in the budget; it is more like a drop in the Pacific Ocean.

Yet despite the fact this legislation won't help our economy or create jobs or make America more competitive in the global economy, I voted with most of my colleagues to move forward with this debate because I believe we need to have a robust debate about those measures that will energize our economy.

As such, I filed a number of amendments that would have a meaningful, positive impact on our economy—unlike, I might add, the underlying bill. For example, I filed an amendment to make the small business expensing limits, which expired at the end of last year, permanent, something that I hear about consistently from farmers, ranchers, and small businesses in my State of South Dakota.

These limits allow small businesses, farmers, and ranchers to deduct up to $500,000 per year in expenses, making it easier for these businesses to grow and to hire new workers.

I filed an amendment to make the R&D tax credit permanent. This amendment would also strengthen the credit by raising the credit rate from 14 percent to 20 percent, thus making this credit more competitive with the research incentives offered by many European and Asian nations.

I have also filed an amendment to improve the tax treatment of S corporations if they convert into a C corporation, thus making this popular form of business operation more easily accessible. This amendment would also make it easier for S corporations to give appreciated property to charity.

I filed an amendment to make permanent the Internet Tax Freedom Act, which currently protects most Internet users in America from taxes on their Internet access. This law was first enacted in 1998. For more than 15 years it has helped our economy grow, and it has helped the digital economy flourish by keeping State and local taxes off of Internet access, regardless of consumers' access to the Internet via their home computers or by handheld device. Unfortunately, this law is scheduled to

expire in just over 3 months on November 1 if we don't take action to prevent that.

Some may claim that my amendments are partisan amendments—that these tax relief measures are simply Republican priorities that can't muster support on the Democrat side of the aisle. The problem with this claim is that all the measures I have just mentioned have found Democratic support already—significant Democratic support.

Consider the R&D amendment I just mentioned. It is identical to the bill that passed the House of Representatives with 274 votes in favor, including 62 House Democrats. That is right, roughly one-third of House Democrats have already voted for this exact amendment.

The same is true for the small business expensing amendment I mentioned. An identical measure passed the House in June with 272 votes, including 53 House Democrats. Consider the S corporation improvements, which were passed by the House with 263 votes, including 42 House Democrats voting yes.

Consider my amendment to make the Internet tax moratorium permanent. My bill, with Finance Committee Chairman RON WYDEN, to make this law permanent has 52 Senate supporters.

In fact, this bill has so much support that an identical bill in the House, just last week, passed by a voice vote. This measure, supported by a majority of Senators, sponsored by the Democratic chairman of the Finance Committee, and approved by the House of Representatives by a voice vote isn't even scheduled for a vote in the Senate. What a shame.

Consider the medical device tax repeal, which is supported by 79 Senators, including 34 Democratic Senators.

Unlike the minuscule economic impact of the bill pending on the Senate floor before us now, repealing the medical device tax would remove an ObamaCare tax increase totaling $24 billion over 10 years on some of the most innovative companies in America. According to a survey by the trade association AdvaMed, the medical device tax is estimated to destroy as many as 165,000 American jobs.

So let's be clear. It is not that there aren't reasonable measures to boost our economy that we could be considering. All of the measures I have mentioned have broad bipartisan support. The problem is simply that the Democratic majority refuses to allow their consideration.

The Senate majority would prefer we spend our time on inconsequential election-year gimmicks rather than any of the job-creating measures I have just mentioned.

In fact, Senate Democrats have chosen to block nearly all Republican amendments rather than risk having to take difficult votes. Consider that the Senate has had rollcall votes on only 12 Republican amendments since last July. House Democrats—the minority in the House of Representatives—in contrast have had 189 amendments voted on during that same period of time.

Put another way, House Democrats have been allowed, on average, more than one vote for each legislative day the House has been in session over the past year. In the Senate, Senate Republicans have been allowed just one vote per month.

Let me repeat that. The minority in the House is being allowed one vote per legislative day. The minority in the Senate is being allowed one vote per month.

The Senate used to be known as the world's greatest deliberative body. That description now sounds like a cruel joke, considering how few amendments we have been allowed to consider.

The other measure our economy desperately needs is comprehensive tax reform. If we really care about making America a more attractive place to do business so as to lure new business investment jobs, we need to have a much simpler Tax Code with tax rates that are competitive with our global competitors.

Let's consider the facts. When President Reagan signed the Tax Reform Act of 1986 into law, the United States had a corporate tax rate that was more than 5 percentage points below our major economic competitors.

The U.S. corporate tax rate has basically stayed the same since 1986. Yet today our tax rate is the highest in the developed world and is more than 14 percentage points higher than the average of developed economies.

Why? Look at what has happened. Unlike the United States, other nations decided they needed to lower their tax rates to spur economic growth and job creation. Unfortunately, today we are reaping the negative consequences of inaction as we see more and more investment and economic activities moving to those nations that have created a more favorable business environment.

If we want to keep the best, highest-paying jobs at home, we don't need new tax credits targeted at a narrow set of companies. We need a complete overhaul of our tax system with new, competitive tax rates and a modernized system for taxing the global revenues of American companies. Yes, it is going to be a difficult lift, but it is far from impossible.

Consider the United Kingdom, which as recently as 2010 had a 28 percent tax rate and an outdated system for taxing global income. The UK enacted tax reform that will result in a 20-percent tax rate by next year and has already resulted in a modernized system for taxing the income earned by global U.K. companies.

Over the past 5 years, Japan—another major economic competitor of the United States—has done something similar. Japan cut its corporate tax rate by 5 percentage points and has moved to a more competitive system for taxing global income.

If the UK, Japan, and other nations can modernize their Tax Code for competition in the 21st century global marketplace, certainly we in the United States can do it as well.

In closing, I hope the Senate Democrats will change course and allow for an open and robust amendment process to allow a wide variety of job-creating measures to be considered.

Our economy, still mired in the sluggish Obama economy, could certainly use it. But, if not, I look forward to a future Congress where the Senate can get back to real debate and real solutions.

I hope that once the campaigning is done, once the election-year slogans have been retired, we can get back to real, substantive legislating.

American families and workers deserve permanent tax and regulatory relief. They deserve a better economy than they have today, and they deserve a Senate that once again functions as the world's greatest deliberative body and puts their interests first, and their futures, their quality of life, and their standard of living where they should be.

I yield the floor.

The PRESIDING OFFICER (Mr. MURPHY). The Senator from Rhode Island.

Mr. REED. I request unanimous consent to speak as in morning business.

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

HIGHWAY TRUST FUND

Mr. REED. I wish to support the short-term reauthorization of our national surface transportation law. It is urgent that we keep the highway trust fund solvent to avoid a shutdown of work on our highways, bridges, and transit systems.

A recent letter from 62 national organizations, including the American Association of State Highway and Transportation Officials, the American Public Transportation Association, the U.S. Chamber of Commerce, and the Laborers' International Union, echoed the White House's warning: If we don't shore up the trust fund, we put at risk 100,000 construction projects that support more than 700,000 jobs, including 3,500 jobs in my home State of Rhode Island.

We have to save these jobs, but I have to say that the legislation before us is inadequate on two fronts.

First, instead of a short-term bill, we should be undertaking a long-term extension of transportation funding to provide certainty to the States and create much-needed jobs.

Second, the House version of this bill uses the very offsets that House Republican leaders rejected when they were included as part of my bipartisan legislation to extend jobless benefits for the long-term unemployed. House leadership has used every excuse to deny

these benefits to people who have been hurting for months, invoking increasingly problematic conditions.

I, for one, will not stop working to help people who, despite their best efforts, find themselves without the opportunity to find work.

We need this patch—even though it is not the preferred solution—to avoid a virtual shutdown of construction throughout the country and prevent further job losses. But the mere fact that the trust fund is so close to becoming bankrupt has already had an effect. Last month, Moody's downgraded the ratings on the GARVEE bonds for 26 transportation agencies.

In Rhode Island our Department of Transportation has about $67 million of projects on hold because of the uncertainty about the trust fund. These are projects that could put people to work in a State that unfortunately is tied for the highest unemployment rate in the Nation. There is more work the State wants to move forward on that would create more needed jobs, but we can only do that with a long-term reauthorization bill.

With only a few months of funding under this so-called patch, Rhode Island will be able to start little—if any—new construction. Instead, the trickle of Federal funding will pay back debt from projects that have already been finished and keep ongoing projects from stopping. It will support some design work that could help keep contract designers from going out of business, but it won't get much new construction started.

So my State and others across the country are forced to wait in a very costly holding pattern. Only a bill that invests significant resources over multiple years can provide this certainty for States and help get new projects underway.

That was the point made by Secretary Foxx and 11 former Secretaries of Transportation in a letter just a few days ago, noting that we are more than a decade removed from the passage of the last long-term transportation reauthorization bill.

Another point the Secretaries make is this: While long-term certainty is essential, greater Federal investment is needed to ensure our transportation infrastructure meets the needs of our people.

As a nation, our transportation infrastructure system is in desperate need of improvement. The most recent report card from the American Society of Civil Engineers gave both our roads and transit systems a grade of D.

Our aging infrastructure doesn't get as much attention in the media as other issues until the worst happens, such as the collapse of major bridges in Minnesota in 2007 and Washington State last year. But there are structurally deficient roads and bridges in every State, bridges that millions of Americans drive across for work or travel, that companies use to transport products, and that our schoolbuses drive over with our children.

Aging infrastructure is a major challenge for Rhode Island, which has the highest percentage of roads that are in poor condition and the highest percentage of bridges that are deficient or obsolete according to the American Society of Civil Engineers and the U.S. Department of Transportation.

In the last 5 years, Rhode Island has had to act to replace two major bridges on the I–95 corridor. Luckily, the State has been able to take action to avert a disaster, but it hasn't been easy. One of these bridges, the Pawtucket River Bridge, was effectively closed to all large trucks for several years until it was replaced. The other, the Providence Viaduct, which is currently being replaced, has required boards to be placed beneath it in order to protect traffic and passersby below from falling concrete.

Each year, these kinds of deficiencies cost American families $120 billion in extra fuel and time, according to the White House. Businesses pay $27 billion annually in extra freight costs, which then get passed on to consumers. In Rhode Island, the poor road conditions cost $496 million each year in added vehicle repair and operating expenses, which is over $650 per year for each motorist.

To tackle the significant challenges to keep our roads, bridges, and transit in a state of good repair, States such as Rhode Island will need a strong Federal commitment. According to the American Society of Civil Engineers, we need to increase our surface transportation funding at all levels of government by $846 billion by 2020 to restore our transportation system to a state of good repair and meet the demands for our growing population and economy. Without more investment, we increase the chance of another infrastructure failure and we create inefficiency in our economy.

Federal funding is critical for all our States in meeting that challenge, but it is especially important for States such as Rhode Island that struggle to generate their own funds for infrastructure. Indeed, stagnant Federal support will make it harder for States that are struggling economically to share in our national prosperity, running the risk of increasing economic inequality among States.

However, with added investments in infrastructure, we can improve freight, roads, and transit systems, meaning commuters will make it to their destinations more quickly and safely while businesses save on shipping goods.

Too many times in the past, the Republican leadership in the House has exploited deadlines like this to engage in brinkmanship, shutting down the Federal Government and bringing the country to the edge of default. In part because we haven't had a manufactured crisis in the last several months, we have seen some good signs in our economy, and so I am encouraged we will not see a shutdown of work on our roads and bridges this summer.

But again, averting disaster shouldn't be our goal. We need to press ahead with a multiyear reauthorization bill to create jobs and improve our economy. Unfortunately, when it comes to helping American workers and our economy, Republican leaders, particularly in the House, have stalled progress.

Indeed, we have seen Republicans block several measures that would help strengthen our economic recovery. As I discussed earlier, House Republicans refused to act on restoring emergency unemployment insurance, despite the fact that the Congressional Budget Office estimates that a year-long extension would generate 200,000 new jobs. Republicans have also blocked our efforts to raise the minimum wage, let borrowers refinance their student loans, pass a paycheck fairness bill or an energy efficiency bill. We need long-term solutions to all of these issues.

In my view, we should make this extension—the one we are considering now—as short as possible to increase the likelihood that we can pass a long-term bill that increases our investment in our transportation system. Regardless of the duration of this short-term bill, we should be working to address the issue before the end of the year. As Secretary Foxx and his predecessors admonished:

> What America needs is to break this cycle of governing crisis-to-crisis, only to enact a stopgap measure at the last moment.

The Secretaries made another important point. They wrote this:

> Until recently, Congress understood that, as America grows, so must our investments in transportation. And for more than half a century, they voted for that principle—and increased funding—with broad, bipartisan majorities in both houses. We believe they can, and should, do so again.

We should follow their advice.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

BORDER CRISIS

Mr. VITTER. Mr. President, I rise again on the Senate floor to talk about the crisis at our southern border, and it is a crisis. I don't use that word lightly, but it is clearly a crisis on many levels.

This fiscal year alone, since October 1, 2013, over 381,000 illegal aliens have entered our country through that border. Of course, a big part of that crisis is unaccompanied alien children—58,000 of them. The Obama administration itself says that number will probably grow to 85,000 or 90,000 in just the next few months, by the end of this fiscal year.

We see on this chart that since 2008, sending these UACs back, deporting them, effectively has plummeted—absolutely plummeted. This is a key part of the problem.

Since this crisis came into clear focus, I have been doing several things. I have asked the administration, through a letter to the Department of Homeland Security Secretary Jeh

Johnson, for facts, details about the impact of this crisis—the numbers, the particulars, and specifically what impact it can have on Louisiana, my home State. I haven't gotten any response. That is very disappointing. I am asking publicly again for a detailed response to those legitimate straightforward questions.

I have agreed with many others in the House and Senate to partner with the administration around strong action to change this trend, to change our policy, to deport illegal aliens effectively, to send a very new and different message to Central and South America to stem this growing crisis. Unfortunately, that plea has not gotten a positive response from the administration either.

In reaction to that, I have had to dig around wherever I can find credible sources and find out key information myself, particularly as it affects Louisiana. I have been making calls to military leaders, local ICE officials, anyone else with significant credible information.

Again, this should be able to come directly from the Department of Homeland Security. It has not. But this is what I am finding out: The Louisiana ICE office has a backlog of juvenile cases—cases involving minors. First of all, it already had about 2,000 of those cases in Louisiana alone before this wave upon wave of minor illegal aliens reached crisis proportions. Adding on to those 2,000 cases—1,956 to be exact—there are now over 1,200 new juvenile cases in Louisiana. These are unaccompanied children coming into the country illegally and then being brought into Louisiana, in most cases turned over to the custody of a family member or a sponsor, and many of these family members are themselves illegal.

We are not a border State. We are not Texas, we are not Arizona or New Mexico. We are not one of the States most affected. Yet even Louisiana has this significant impact with very troubling numbers.

I talked to folks at the Hirsch Memorial Coliseum in Shreveport and found out that the International Association of Fairs and Expositions—a trade association for their sorts of facilities around the country—was contacted by the Department of Homeland Security about locating mass space for housing of illegal alien UACs. The Hirsch Memorial Coliseum in particular in Shreveport was contacted to see if they could be part of that, and they said they couldn't. It was not practical at all. But that inquiry was made.

On the military side, I talked to leadership at Fort Pope. They were contacted by the U.S. Army Installation Management Command Headquarters and asked if they could house between 400 and 500 unaccompanied alien children. They said they couldn't for very compelling practical reasons at Fort Pope.

Barksdale Air Force Base in Shreveport was asked via the Air Force Global Strike Command and the Department of Defense if they had capacity for the same mass housing operation. Their response was as follows:

> Barksdale's answer has been consistent with our strategic mission and supporting base infrastructure for the nation's #1 mission (nuclear)—we would not support or participate.

But it is significant those inquiries were actively made.

Belle Chasse Naval Air Station in New Orleans, again on behalf of the Department of Homeland Security, was contacted about their capacity for this same sort of thing twice.

Again, it makes the point that even Louisiana—not a border State, not a State most affected—is fielding many inquiries and significant impacts—1,259 new juvenile cases being brought into the State, all of these inquiries.

I wish I could get this information directly from the Department of Homeland Security. I have asked for it. They have not been forthcoming.

Unfortunately, the administration likewise has not been forthcoming about real solutions, partnering with Congress to make changes in the law and anything else necessary to stem this tide and reverse the policy that continues to encourage this tide. We have seen no leadership there either.

While the President spent the first 10 days of focus on this crisis talking about various parts of Federal law that he said were tying his hands, when it came to sending a request to Congress, there was no request to change any of that law. There was no request to streamline any deportation procedures. There was no request to heighten the standard for asylum or anything else. The only request was to send him a huge amount of additional money, billions upon billions of dollars.

So in the absence of that leadership and partnership and information, I started to develop legislative ideas with many others myself, and I have introduced a legislative solution—S. 2632—to address this specific unaccompanied alien children crisis, and it has been introduced in the House by my Louisiana colleague, Congressman BILL CASSIDY.

Fundamentally, this legislation would reverse the policy we have in place which accepts these folks over and does nothing to quickly deport them to their home country. It would reverse that policy so we would have quick, effective, immediate deportations to send the message to Central and South America that this has to stop and to stem that tide.

Specifically, the legislation would do nine things:

No. 1, it would mandate detention of all unaccompanied alien children upon apprehension. No catch and release. No catch and then, yes, here. We will further the smuggling and give you to your family members or sponsors in this country.

No. 2, we would amend the law to bring parity between UACs from contiguous and noncontiguous countries. All UACs, regardless of country of origin, will be given the option to voluntarily depart. That is a practical solution, in the case of those coming from Mexico and Canada—obviously many more from Mexico.

No. 3, those UACs who do not voluntarily depart will be immediately placed in a streamlined removal process and detained by the Department of Homeland Security. Currently, they are transferred instead to Health and Human Service's Office of Refugee Resettlement, where they are basically resettled.

The PRESIDING OFFICER. All time has expired.

Mr. VITTER. Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. I have to object. I have no objection to having more time after the vote, but I object before the vote.

The PRESIDING OFFICER. Objection is heard.

The Senator from Maryland.

Ms. MIKULSKI. I ask unanimous consent to speak for up to 5 minutes prior to the cloture vote on the Harris nomination.

The PRESIDING OFFICER. Is there objection?

The Senator from Louisiana.

Mr. VITTER. I will consider objecting, but I would far prefer to amend the unanimous consent request so that I get the additional minute I was just denied and the Senator from Maryland gets her time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Maryland.

Mr. VITTER. Mr. President, my unanimous consent request was for me to finish my remarks in 1 minute and then have the Senator——

The PRESIDING OFFICER. The pending unanimous consent request is from the Senator from Maryland.

Is there objection?

Mr. VITTER. I object.

The PRESIDING OFFICER. The objection is heard.

Ms. MIKULSKI. Mr. President, I therefore call for the regular order. I ask unanimous consent that my full statement be included in the RECORD, to yield back whatever time we have, and that we move expeditiously to the vote.

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

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

HARRIS NOMINATION

Ms. MIKULSKI. Mr. President, I am so proud to be here today in support of the nomination of Pamela Harris—a brilliant litigator, professor, and public servant—to serve on the Fourth Circuit.

Senator CARDIN and I recommended Ms. Harris to President Obama with

the utmost confidence in her abilities, talent, and competence for the job. The ABA agreed—they gave her their highest rating of unanimously well-qualified.

I thank Senator REID for being so prompt in scheduling this vote. I also thank Senator LEAHY for his expeditious movement of her nomination through the Judiciary Committee.

I have had the opportunity to recommend several judicial nominees for our district and appellate courts. I take my ''advise and consent'' responsibilities very seriously. When I consider nominees for the Federal bench, I have four criteria: absolute integrity; judicial competence and temperament; a commitment to core constitutional principles; and a history of civic engagement in Maryland. I expect our recommendations to not only meet these criteria but to exceed them, as Ms. Harris surely does. She has dedicated her career to the rule of law, achieving equal justice under the law and the perfection of appellate advocacy. She is truly an outstanding nominee.

Ms. Harris's career spans academia, private practice, and government. But there has always been a common thread of public service. We are proud to say that she is ''home-grown''—although born in Connecticut, she has called Maryland home since she was a child, eventually graduating from Walt Whitman High School in Bethesda, MD. She went on to Yale where she received her bachelor's degree summa cum laude as well as her law degree. After completing a clerkship on the D.C. Circuit, Ms. Harris went on to clerk for Justice Stevens on the Supreme Court. She has served at the Department of Justice Office of Legal Counsel and at the Office of Legal Policy under two different administrations. She also spent 10 years appearing regularly before the Supreme Court while counsel and then partner at O'Melveny & Myers, taking on some of the most complex issues of our time.

Ms. Harris also has a distinguished career in academia as a Professor at the University of Pennsylvania Law School, co-director of the Harvard Appellate Practice Clinic, and later, at Georgetown, where she is today. At Georgetown she serves as executive director of the Supreme Court Institute, preparing litigants—first come, first served—and regardless of their position—for arguments before the Court. But Ms. Harris remained connected to Maryland, whether it was a pro bono appellate clinic at O'Melveny to work with Maryland's public defender or an amicus brief in major litigation involving Montgomery County Public Schools.

Ms. Harris has a commitment to the legal profession that is unmatched. It shows in the students that she has taught, the litigants that she has prepared, the briefs that she has written, and the pro bono service that she has rendered. She has risen to the highest levels of her education and career. Yet she has seen people in her life confront adversity and she knows the impact that the law has on people's daily lives. I believe it is this which contributes to her very humble nature. She believes that the Court is a place for justice and not a stepping stone. Ms. Harris continues to give back to the community, serving on the board of trustees at her children's school, and also to legal scholarship, as a member of the board of directors for the American Constitution Society and the Constitutional Accountability Center.

So I am so honored to be here today to support her nomination. I ask that you all join me in doing the same. It is critical that we have judges with commitment to public service, civic engagement, and the rule of law. And we have that in none other than Pamela Harris.

Mr. VITTER. Mr. President, I would just like to again ask unanimous consent to be recognized for 1 additional minute following the Senator from Maryland being recognized for 4 additional minutes.

The PRESIDING OFFICER. Is there objection?

Ms. MIKULSKI. I object.

The PRESIDING OFFICER. The objection is heard.

The PRESIDING OFFICER. Under the previous order, all postcloture time is expired.

The question occurs on agreeing to the motion to proceed to S. 2569.

The motion was agreed to.

BRING JOBS HOME ACT

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 2569) to provide an incentive for businesses to bring jobs back to America.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill 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 Pamela Harris, of Maryland, to be United States Circuit Judge for the Fourth Circuit.

Harry Reid, Patrick J. Leahy, Barbara A. Mikulski, Benjamin L. Cardin, Thomas R. Carper, Sheldon Whitehouse, Christopher A. Coons, Bernard Sanders, Dianne Feinstein, Mazie K. Hirono, Richard Blumenthal, Amy Klobuchar, Edward J. Markey, Tom Harkin, Kirsten E. Gillibrand, Christopher Murphy, Cory A. Booker.

The PRESIDING OFFICER. 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 Pamela Harris, of Maryland, to be United States Circuit Judge for the Fourth Circuit shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), the Senator from Kansas (Mr. MORAN), and the Senator from Kansas (Mr. ROBERTS).

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

The yeas and nays resulted—yeas 54, nays 41, as follows:

[Rollcall Vote No. 241 Ex.]

YEAS—54

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

NAYS—41

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

NOT VOTING—5

Burr	Coburn	Roberts
Chambliss	Moran	

The PRESIDING OFFICER. On this vote the yeas are 54, the nays are 41. The motion is agreed to.

EXECUTIVE SESSION

NOMINATION OF PAMELA HARRIS TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT

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

The assistant bill clerk read the nomination of Pamela Harris, of Maryland, to be United States Circuit Judge for the Fourth Circuit.