That is what Hamas is saying. When Hamas fires these rockets, Hamas has no idea whether they will land at a military installation—they hope; a daycare center; they don't care or an empty parking lot; they don't care. They are firing these rockets indiscriminately.

Israel doesn't have the luxury of not worrying about where these rockets land. It must respond swiftly in shooting down all rockets or else risk serious harm to its people. In thwarting these rocket attacks, Israel depends on what is termed and named the ''Iron Dome.'' It is a missile defense system. But as the number of rockets being launched from Gaza continues to surge, Israel's Iron Dome resources are necessarily being depleted.

Last week U.S. Secretary of Defense Chuck Hagel requested that Congress allocate $225 million of emergency funding to help Israel reinforce its defense system. After 3 weeks of fighting Israel needs these funds to replace the weaponry it has used to destroy Hamas's incoming rockets. But there is no guarantee that Israel won't need our help again if this conflict continues for weeks or months. What this funding does do for the time being is it provides Israel with the resources to continue defending its people against these terrorist attacks.

Last Thursday the Republican leader urged the Senate to act quickly in approving the Defense Secretary's request. I agree with my friend the Republican leader. We must pass legislation providing Israel with this critical aid, but in my opinion the $225 million being requested is only temporary. If Hamas continues to escalate this conflict, Israel's resources—including the funding requested by the Secretary of Defense—will quickly be depleted.

With its current number of batteries, Israel has to prioritize populated areas and strategically important locations. The Iron Dome is a mobile system. They have to move it around. That means, unfortunately, there are some Israelis still susceptible to Hamas's rocket attacks.

We should not give the Israeli people the minimum amount of aid and then cross our fingers and hope it all works out in the future. Each missile battery costs Israel about $50 million. Each missile Israel shoots to knock down one of those rockets from the Gaza Strip costs about $62,000. Hamas has already fired 2,500 of those rockets in just 3 weeks. As we speak, they are going out and continuing to fire them. As we know, they are located in schools, in neighborhoods. They are hidden all over—in mosques.

Taking into account what Israel actually needs to adequately protect its people, the United States and other allies should consider providing more aid to do more for the Iron Dome. Our Israeli friends shouldn't be in the position of picking and choosing which parts of the country to defend.

The United States of America should live up to its commitments, particularly with our friend Israel, which happens to be the only true democracy in the Middle East. We can do better and we need to go further in protecting Israel.

That being said, it is critical that we approve the money requested by Secretary Hagel now. Coming to the defense of Israel is not a partisan issue; it is an American principle. Both Democrats and Republicans should agree on this measure.

Another issue we can all agree on is the emergency funding requested by the White House for what is going on in the western part of the United States. We should pass this immediately.

Over the past month or 6 weeks the State of Oregon has been on fire. Hundreds of thousands of acres have burned. In one of the sparsely populated parts of the State of Washington, more than 500 homes have been destroyed. Wildfires are all over. They are in Nevada. They are in California. The base of the Sierras has a big fire going in California, and about 1,500 acres have burned already. There is a fire now going on in Idaho. Oregon is on fire. There are numerous fires in Oregon. Every day there are reports of more and more wildfires—lightning, negligence of somebody who threw out a cigarette. These fires are very oppressive. In the State of Nevada wide areas have been burned. The sad part is that once these fires are over, we will have many native species that will have been wiped out, and what will come back are invasive species, which is really not what nature intended.

We should work in the Senate on quickly putting together this funding. We have the request. It is certainly a good request, and we should get this emergency funding to the States so they can be protected. When I say ''to the States,'' right now we have more than 4,000 firefighters out there. There is an army out there fighting fires. It is very dangerous, as we know. Every year people are killed. We know what happened in Arizona just 1½ years ago where 21 people who were fighting fires were burned in a devastating fire. They were dead in a matter of a few minutes.

Americans living in these areas are in dire need of the Federal Government's help. There is no reason to delay getting aid to our own people.

So as we begin this week, I am hopeful the Senate will also move quickly to pass legislation to aid Israel, emergency funding for wildfires, and the border supplemental.

The truth is, if the House of Representatives would vote on the Senate-passed comprehensive immigration reform bill, it would give Border Patrol the resources it needs to address this humanitarian crisis that is now on the border. That is true. But my Republican friends are slow-walking this, to say the least. The senior Senator from Texas proposed a solution to this crisis. Once again, the legislation is a short-term fix and does nothing to address the crisis at the border, while putting vulnerable children in harm's way.

We should approve funding for these three very important measures, and we should do it immediately. We should do them—separately, together, we have to get this done. Leaving here with Israel being naked, as they are, with these wildfires raging, and the crisis at the border—it would be a shame if we did nothing.

RESERVATION OF LEADER TIME

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

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

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume the following nomination, which the clerk will report.

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

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 5:30 p.m. will be equally divided between the two leaders or their designees.

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

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

The bill clerk proceeded to call the roll.

Mr. NELSON. 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.

IMMIGRATION

Mr. NELSON. Mr. President, I am here to talk about some complex litigation on Chinese drywall. But before I do, this week seems to be the week if we are going to get anything done to assist the administration with regard to all of these children showing up at the border. It has diminished over the last few weeks. Nevertheless, there has still been an influx that we have all read about. Senator MIKULSKI, the chairman of Appropriations, has roughly a $2.7 million supplemental appropriations bill. It would be this Senator's intention—and I think I can speak for several other Senators who feel very strongly—that we have not addressed the very root cause of the problem, which is that the drugs in huge shipments on boats coming from South America into those three Central American countries with boatloads of cocaine, carrying 1 to 3 tons of cocaine apiece, have not been interdicted. It was riveting testimony that our four-star Marine commander General Kelly of the U.S. Southern Command pointed out that he, his staff, and the

Joint Interagency Task Force that is headquartered in Key West have to watch 75 percent of those boats coming in from the Caribbean in the east into Honduras, Guatemala, and El Salvador and the Pacific on the west—they have to watch 75 percent of them get through. They cannot do anything about it because they don't have the Navy ships or the Coast Guard cutters with the helicopters that can interdict them. If we did that we would diminish a lot of the flow of those drugs. And you wonder why are all the children showing up. A number of us have made several speeches about this and I will not go back into all of that. Suffice it to say that the drug lords basically control the countries because they are in cahoots with the criminal networks that have taken over and violence has erupted.

Remember, Honduras is the No. 1 murder capital of the world. What is a parent going to do? Their child has to join the drug gang or they are going to go to their child's funeral because they will kill him if he doesn't.

No. 3, they are seduced by these coyotes who have this network to get immigrants to the north into Texas, and they are telling them they can get in—just send your child. You pay me $1,500, $5,000 a child; we will get them in. Now that is going back to the root cause of the problem. If we stop all the drugs going in, maybe governments such as that of President Hernandez of Honduras will have a chance of stopping some of the corruption that is so rife in that government and the local governments and the local police forces.

We have gone over and over this before, and I just want to say that this Senator and others—particularly Senator KAINE who knows this issue well. He was a missionary when he was in law school. He took a year off from law school. Senator KAINE of Virginia lived in Honduras. He speaks fluent Spanish. He knows this problem as well. If we could have a greater percentage of those drugs interdicted, then we would seriously start to diminish all of this migration to the north through the rest of Central America and through Mexico to the Texas border.

In closing, why are the children not coming from the other three countries right there—Belize, Nicaragua, Panama; Costa Rica, a fourth country—in Central America? The children are not coming from those areas. They are coming from the three where all the drugs are and where the drug lords have taken over. I hope the Senate will react with some rationality, and as difficult as it is going to be to pass a supplemental appropriations bill down at the other end of this hall in the House of Representatives, putting money in there to activate Coast Guard cutters—there are a number of them out in San Diego that are inactive—activate them and give the U.S. Navy the ability to reposition ships—it might actually help us pass this supplemental appropriations bill down there at the other end of the hallway in the House of Representatives. We have just a few days to pass this. I am hoping we are going to be able to do so.

CHINESE DRYWALL

I came to the floor to tell you about Chinese drywall. You cannot see it. This is a normal piece of drywall. It is cut off here. It is very faint on this picture I have in the chamber where you can see the marking that this is from China. This photograph doesn't tell us much, but let me tell you what Chinese drywall has done to the people of this country, making them unable to live in their houses because there is some kind of sulfuric content in this Chinese drywall that emits a gas and the occupants of a house such as this get sick. I can tell you what it smells like. It smells like rotten eggs. I have such sensitive air passages that when I walked in, all of a sudden my eyes were watering, my nose was stopping up, and I was starting to cough. That was just a few minutes in a house with Chinese drywall.

If you can imagine, what if somebody cannot sell the house because the mortgage company will not cooperate. They are stuck. They cannot sell their house because who is going to buy a house with defective Chinese drywall. They cannot get a loan for their house. What would have happened if back at the severe time in the 2004–2005 timeframe—and then they got hit with a big recession coming in 2007, 2008—what would have happened if they didn't have a job and were stuck with the house and everybody was getting sick in the house?

The Chinese Government has had continued and repeated failure to participate in the legal process of this country to help the homeowners who were severely impacted by this problem with Chinese drywall.

Here is how it started. We had a few hurricanes in 2004 and 2005. The big one everybody remembers is Katrina in 2005, but there was one year before Katrina when four hurricanes hit the Florida Peninsula all within the span of a month and a half. Therefore, there was a lot of cleanup and a lot of rebuilding because of the damage the hurricanes had done. Normal drywall manufacturers and distributors and suppliers ran out, so they asked for extra drywall coming from China. It was coming from a Chinese company, but it was basically owned by the Chinese Government. So we had a housing boom to recover from the hurricanes, and as a result we had in the gulf coast area these rebuilding efforts to recover.

A number of builders and contractors imported this defective and sickly drywall. It started causing problems the minute people walked into the repaired home. They reported that it smelled like sulfur, rotten eggs. They would have metal corrosion. Let me show you a picture of an air-conditioner. This photograph doesn't do it justice, but these are all the coils on the air-conditioner, and on close inspection we can see that every one of these coils—these metal parts—are corroded.

I went into a home that had their silverware—the silverware—totally corroded. Any metal parts in the house were totally corroded. People started reporting the health effects, and following all these reports several Federal agencies, including the Consumer Product Safety Commission, the Environmental Protection Agency, the Department of Housing and Urban Development, started looking into the problem.

I must say there were a number of Senators who had to start kicking down the door to get them to pay attention. This Senator from a State that was severely affected was one of them, and the Senator from Louisiana who sits right here. After she had all the problems of Hurricane Katrina, the Senator from Louisiana, Ms. LANDRIEU, started raising Cain, and they found that this sulfur emission from this defective drywall was causing the corrosion and the property damage as well as the health effects. But these agencies, once they did that—and I must say we had to urge and urge and urge the agencies, but they weren't able to offer any kind of financial assistance.

As I laid out in my opening comments, what was a homeowner to do. They couldn't get the bank to go along. They couldn't get the insurance company to go along. By the way, the insurance company said: We are not covering this as a defect in the house. So the homeowners didn't have any other recourse than to join a lawsuit against the responsible Chinese parties. Much of this litigation was consolidated in Federal district court in New Orleans in a multidistrict litigation. After an extensive period of discovery, the judge ordered it was determined that two Chinese manufacturers and their affiliates were responsible for most of the problem drywall: Knauf Plasterboard Tainjin and its associated affiliates, Knauf Industries. Knauf was a German company that imported and distributed this drywall. The other one was Taishan Gypsum Company and its affiliates.

The Knauf entities agreed to appear in court on this litigation. Knauf reached a global settlement that allowed many of the homeowners with Knauf drywall to remediate their homes, get the plasterboard torn out. They often had to redo anything that was metal, such as pipes, air-conditioners, and so forth, and be able to get on with their lives.

Taishan has refused to participate in the multidistrict litigation, despite the fact that several of the plaintiffs in this litigation served Taishan officials in China. This Senator went to China and talked to their equivalent of our Consumer Product Safety Commission. Early on I talked to them, and in essence they blew me off. They were served legal process in the lawsuit

under an international agreement called the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters. It is the Hague Convention, of which the United States and China are both signatories. Taishan thumbed its nose at everybody and failed to appear in court in cases where they had been properly served under the Hague Convention. The judge in this litigation then entered default judgments against Taishan for damages resulting from the defective drywall.

Listen to this. Rather than pay these claims under court order, Taishan then retained counsel. They refused to do anything up to that point. When they were docked by the judge, they retained counsel in the United States for the sole purpose of contesting the district court's jurisdiction and they appealed the case to the court of appeals.

In January of this year a three-judge panel of the Fifth Circuit unanimously upheld that the U.S. courts had proper jurisdiction over Taishan and could enforce the default judgment. In addition, Taishan let the time limit to file an appeal with the Supreme Court expire. You would have thought this would have spurred this Chinese company and its affiliates to do the right thing and finally reach a settlement, but, unfortunately, they thumbed their noses again.

Instead, Taishan told the district court's Federal judge that it was walking away and would no longer make any appearances in the court.

Well, there is a judge down in New Orleans named Judge Fallon, and needless to say that didn't go over too well with him. In July—earlier this month—Judge Fallon issued an order holding Taishan in both civil and criminal contempt. He enjoined Taishan and any of its affiliates from conducting business in the United States until it participates in the judicial process. He also took the unusual step—because he wanted everybody in the U.S. Government to understand the gravity of his order—to send the contempt order to the U.S. Attorney General, the Secretary of State, and Members of Congress to express his frustration on how Taishan—and therefore the Chinese Government—was flouting international and U.S. law. I am very grateful to Judge Fallon. He has taken this action to ensure that this rogue company and its rogue government are prohibited from conducting any business in the United States until they participate in this judicial process and take responsibility for their actions.

We can't issue that against the Chinese Government. It is against this company and its affiliates. But make no mistake. This company is owned by the Chinese Government.

What does this say about our policy of letting Chinese manufacturers import pretty much any kind of consumer product they want into this country without mandating any legal recourse if something goes wrong? We thought that was covered under the Hague Convention. What does this say about Chinese companies that routinely ignore service of process under ratified international conventions?

The reason for this speech is to call on Taishan and the Chinese Government to do the right thing: Stop hiding and finally help the homeowners who have had their lives turned upside down at great financial and personal health loss by your defective product. If they don't, then I think it is time for the Senate to take action to make sure the Chinese and other foreign manufacturers are held financially accountable for defective products.

As I close I wish to reiterate why this case is so important. My constituents are certainly aggrieved, as are Senator LANDRIEU's constituents and a number of constituents in the Commonwealth of Virginia, by this defective drywall.

Why is this case so important? Its implications are far broader than the issues presented in this litigation. It poses a defining moment for the Chinese Government and its companies, which raises grave questions as to the risk of doing business with the Chinese.

Will the Chinese Government and its companies honor their moral and legal obligations under this or any other commercial contract? Will the Chinese Government and its companies which have profited from the sale of defective products to consumers here in the United States continue to flee court jurisdiction when sued or will they honor moral and legal obligations to appear in court, defend themselves, and satisfy an adverse judgment?

If the Chinese Government and its companies will flee jurisdiction in this case, when they fear or are faced with an adverse judgment, can any company or any individual or any party afford the risk of doing business with the Chinese Government or its companies?

If China will run from the law here in the United States, will it not run from the law everywhere else?

I rest my case, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

IMMIGRATION

Mr. SESSIONS. Mr. President, we are entering a momentous week. Congress must face the reality that President Obama is moving towards a decision whereby he would issue Executive orders in direct contravention of long-established American law that would grant administrative amnesty and work permits to 5 to 6 million persons who are unlawfully in this country. This is after Congress has explicitly refused demands to change the law to suit his desire.

The current law is plain. Those who enter this great Nation by unlawful means, or who overstay their visa, are subject to removal and are ineligible to work. Indeed, I will read one portion of the Immigration and Nationality Act, section 274, which makes employment of unauthorized aliens unlawful. ''In general, it is unlawful for any person or other entity to hire or to recruit or refer for a fee for employment in the United States an alien knowing the alien is an unauthorized alien.'' That is the law of the United States.

It is plain. Those who enter by unlawful entry are subject to removal and ineligible to work. That is just one of the provisions, and it is our law. Our law is right and just, and it comports with the laws of civilized nations the world over, and if followed, will serve the honorable and legitimate interests of this Nation and her people.

The National Journal, Time magazine, The Hill, and others, are reporting that by the end of summer President Obama—sore at Congress, and by implication at the American people—plans, by the stroke of a pen, to do what the law expressly forbids: to provide amnesty and work permits for millions. This would be in the contravention of his duty and his oath to see that the laws of the United States are faithfully enforced, and it would be a direct challenge to the clear powers of Congress to make laws.

Congress makes law and the executive branch executes those laws. It is that simple. The President's actions are astonishing and are taking our Nation into exceedingly dangerous waters. Such calculated action strains the constitutional structure of our Republic. Such unlawful and unconstitutional action, if taken, cannot stand. No Congress—with Republicans or Democrats in the majority—can allow such action to occur or to be maintained. The people will not stand for it. They must not stand for it.

Mr. President: My petition is that you pull back. It is utterly unacceptable for you to meet with special interest groups, such as the National Council of La Raza and others, and then promise an action to them that is contrary to law. Such actions would be wrong. It would be an affront to the people of this country which they will never forget. It would be a permanent stain on your Presidency. I urge you to make clear you will not do this.

I am not suggesting negotiations or any parley or any compromise. There is no middle ground on nullifying immigration law by the President. Some of your people—maybe bright, young staffers—think the President can intimidate Congress, that the Chief Executive can make such a threat and the lawmakers will just cower under their desks. That is wrong, sir. You cannot intimidate Congress—or the American people who sent them here, for that matter. Simply put, that which you desire is beyond your lawful reach. This is the time for administration officials to urge restraint within the White House. It is critical that the Attorney General, the Secretary of Homeland Security, and the White House legal counsel do their duty and give the only advice they can give: ''Do not do this, Mr. President.'' ''You cannot do this, Mr. President.'' That is what they need

to say. They know that is the right answer, and they should stand up and say no.

Some of the best work advisers can do is to head off a disaster before it happens. CEOs, business types, politicians, Governors, and mayors get headstrong sometimes. In those instances, to avoid disaster, their advisers need to stand up and be counted.

Just as the unlawful DACA amnesty for young people created an unprecedented and unlawful flow of more young people, that initiative has now, it seems, encouraged the President to take even more unlawful action for millions of adults this time, the papers say, by a 10-fold increase. If millions are given amnesty by Executive order, we can be sure that the result will be that even more adults—by the millions—will be coming here unlawfully in the future.

It will collapse any remaining moral authority of our immigration law and undermine the sovereignty of our Nation. If you don't have a legitimate, lawful system of immigration that you can enforce and abide by, then you have undermined the very sovereignty of your Nation. It amounts, in effect, to an open borders policy that has never been the policy of any developed Nation that I am aware of and has been rejected by Congress and the American people repeatedly.

In effect, the President is preparing to assume for himself the absolute power to set immigration law in America: Well, I'll just enforce what I wish to enforce, with the absolute power to determine who may enter and who may work, no matter what the law says—by the millions.

Our response now is of great import. It will define the scope of executive and congressional powers for years to come. If President Obama is not stopped in this action and exceeds his powers by attempting to execute such a massive amnesty contrary to law, the moral authority for any immigration enforcement henceforth will be eviscerated. Anyone the world over will get the message: Get into America by any method you can and you will never have to leave.

We are almost there, but it is not too late. I have studied this issue. It is absolutely not too late for us to restore a lawful system that treats applicants who come to America fairly and serves the national interest. This can be done; we just need a Chief Executive who leads.

Let me state a warning.

For the more purely political in Washington, the results of the recent primary elections show that the American people are being roused to action and, once activated, their power will be felt. They will not be mocked. They have begged and pleaded for our Nation's immigration laws to be enforced for 30 or 40 years. The politicians have refused—refused, refused, refused. They have defeated amnesty after amnesty after amnesty, and they will not sit back and allow the President to implement through unlawful fiat what they have defeated through the democratic process. They must not yield to this.

There is one thing that powers in Washington fear, and that is being voted out of office. Before a Member of Congress acquiesces to any action of this kind, they should consider their responsibility to their constituents.

No Member in either party—Republican or Democrat—should support any border legislation that moves through this Senate that does not expressly prohibit these planned executive actions by the President, and that prohibits any expenditure of funds to implement them. There can be no retreat on this point. We simply need to say the Chief Executive of these United States cannot expend any money to execute a plan of amnesty. Surely that would end it.

All of this is grim talk, but the situation is stark. Congressional action this week to bar unilateral, imperial action by the President is surely the best course to head off what could be a constitutional crisis. It will be good for the President because it will stop him from taking a step that will permanently mar his Presidency and the office of the President. It will avoid a major governmental disruption at a time when the Nation faces many threats. It will protect the rule of law and the constitutional order whereby Congress makes laws and the President executes them, whether he likes them or not.

We have heard it said the President must act because Congress refused to act. Well, that is not so. Congress considered his proposal, they looked at existing law today, and Congress made a decision. They did not pass what the President proposed. They decided to stay with current law. So I would say that is a decision and a clear action by Congress. And his statement that Congress doesn't act; therefore, I can use my pen to act—it is not correct. It is absolutely false and contrary to our constitutional traditions.

Pulling back at this time will avoid a major governmental disruption at a time when we are facing threats all over the world. There is much instability. As someone said, the wheels seem to be coming off in every area of the globe and at home. The last thing we need is a major, intense, internal battle with the President over illegal actions he would like to take.

It will also help reestablish the constitutional power of Congress to make laws and perhaps mark the end of this Congress's acquiescence to executive overreach.

Professor Jonathan Turley has expressed amazement that Congress has been silent in the face of some of the most imperial Presidential actions ever, and he explicitly considers President Obama's actions on immigration to be one of those. But there are a host of others.

It will stop millions of work authorizations for those who would then be able to take any job in America at a time of high unemployment and falling wages. In this way, standing up to the President's action would protect American workers. We have the largest percentage of working-age Americans who are unemployed since the 1970s, and people need to know that a lot of the recent job numbers that are cited with such positive spin include unprecedented numbers of individuals on part-time work. These are not full-time jobs, many of them. An unprecedentedly high number of those jobs are part-time jobs. We are not doing well. This country does not have a shortage of labor. It just does not. It has a shortage of jobs. And recent immigrants—Hispanics and others who are coming to America—are having a hard time getting jobs too. Would it help them to have millions more competing for the limited number of jobs out there? Would it help poor working people all over America? Would it help African Americans? The experts tell us absolutely not. In fact, the Congressional Budget Office has told us that if this kind of mass amnesty were to be adopted, wages in America would fall for a decade.

So let this clearly be known: The Congress of the United States and the President of the United States are given only limited powers by our Constitution. They are not unlimited. Neither the President nor Congress can do anything it wants to do. It was set up that way from the very beginning.

Mr. President: You work for the American people. They don't work for you, and they will not accept nullification of their law passed by their elected representatives. The American people are not going to accept it. They are going to fight this. I am confident they will. They will resist.

Every Member of this Congress—Republican or Democrat—will face a time of choosing this week. Directly or indirectly, every Member will be asked to support and cosponsor legislation that would stop these actions by the President. It is not hard to do. It will be a simple choice that people will remember: Do you support and approve the President's proposed actions? For those who cosponsor legislation to stop this illegality, their answer will be clear. For those who refuse to take simple action to stop it, they will have voted to enable what the National Journal has rightly called ''explosive action'' by the President. ''Explosive action.'' And, indeed it is. This immigration debate is important. People have invested time and energy and heart and soul into it, on both sides. Good people have debated it. Congress has made a decision. The President is not now entitled unilaterally to assert his position. Indeed, he told some of these activist groups not long ago that he did not have the power to do what they were asking him to do. Now he suggests he does before the end of the summer.

So I am calling on all Members of Congress today to stand up to these

lawless actions and sponsor legislation that will block them. I am calling on all Members of Congress today to oppose any border supplemental that does not include such language. I am calling on every person in this body, and in the House of Representatives, to stand and be counted at this perilous hour.

I am calling on the American people to ask their representatives: Where do you stand on this, Senator? Where do you stand on this, Congressman? All of us were elected by American citizens to serve them and to serve and honor their Constitution that is our birthright. Will we answer that call? Where will history record that each of us stood at this important time? I believe the answer should be clear: We stand for law. We stand for the Constitution. We stand for an honorable, lawful immigration system that treats everyone fairly and serves the national interests of the people of the United States.

I thank the Chair and yield the floor. I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

HIGHWAY TRUST FUND

Mr. WHITEHOUSE. Mr. President, I am here because in the next week we are going to, it looks, vote on a House-passed bill to prevent an impending highway funding gap. We must pass this bill to avoid funding disruptions and to avoid all the job losses that would follow from funding disruptions, all of which could begin literally in weeks if we did not pass the bill.

But I have to say the House highway bill is woefully inadequate. It is, frankly, a pathetic measure. It fails at virtually every measure, most particularly failing to provide the leadership and the certainty all of our States need so badly as they seek to implement their highway programs.

The only positive thing that can be said about this bill is it is better than no bill at all and a collapse of the highway fund. But that is not much of a commendation. The American Society of Civil Engineers gives America's roads a letter grade of D, our bridges only a C-plus.

In my State of Rhode Island, we have been around a long time. We were one of the founding Colonies. We have a lot of old roads, a lot of old infrastructure. We have a lot of stuff that dates a long way back. Our infrastructure, for that reason, is among the worst in the Nation, with 41 percent of our roads in poor condition, 57 percent of our bridges rated deficient or obsolete.

Last Friday I visited one of our bridges, the Great Island Bridge in Narragansett, RI. This bridge is the sole access to an island community of 350 homes. It has been rated functionally obsolete and it must be replaced. If that bridge fails, the island's residents have no way to get to or from their homes.

I will vote for this House bill to avoid that kind of catastrophe. But we are wasting an opportunity to do more, to do a responsible highway bill. We actually have a pretty good model. The Senate Environment and Public Works Committee, on which I serve, actually passed a bipartisan, multiyear infrastructure investment plan. That is what we need. A 6-year bill is what EPW passed. That is the kind of certainty our highway departments need so they can sign contracts for long-term projects.

Sadly, the Republicans in the House could not manage that. The House-passed bill will extend the authorization for a mere 8 months. The EPW bill, the 6-year bill written by Chairman BOXER and Ranking Member VITTER, in bipartisan fashion would reauthorize our Nation's highway programs for 6 years, through 2020.

Our committee has done its part to move a 6-year bill in the regular order, in a bipartisan fashion. The House, once again, has failed. States need budget certainty to plan multiyear construction projects. That should be obvious enough even for the House to understand. To the millions of Americans who depend on Federal highway funding, either directly or indirectly, for their paychecks, for their livelihoods, the paltry 8-month extension says to them and their families: You have work until next May. That is not what these workers need and that is not what our 50 States need. They need long-term certainty, and this bill fails them.

I plan to support the Carper-Corker-Boxer amendment which would force that debate this year so we do not go home at the end of this Congress without having passed a serious highway bill. There is no reason the American people should have to wait until 2015 for the certainty and security of a long-term highway bill, plus no guarantee we will do it even in 2015. If the House cannot do a long-term bill now, what makes them think they can do a long-term bill later? Let's roll up our sleeves and pass a long-term highway bill this year.

The House bill also fails to provide any real solution to highway funding, to the widening revenue gap in the highway trust fund. The Federal gas tax of 18.4 cents a gallon is not indexed to inflation and Congress has not touched it in 20 years. So it should be no surprise that it is no longer providing the revenue support it used to.

Plus, thankfully, cars are more fuel efficient, which is great for drivers—it lowers their fuel expenses—but it lowers highway revenues further. The House bill completely ignores that larger problem of how we pay for our highways in favor of a short-term funding patch with gimmicky one-time budget offsets that have nothing to do with highway use.

We had the U.S. Chamber of Commerce in the Environment and Public Works Committee say: Sure, raise the highway tax a little bit. Let's get built the infrastructure this country needs. But instead of crafting a responsible long-term highway plan, the House Republicans are running scared from tea party groups, tea party groups that do not think the Federal Government should invest in infrastructure at all.

The Club for Growth, so called, went so far last week as to say the highway trust fund—and I am quoting them here—''should not even exist.'' Funny how Republican Presidents—Eisenhower, Nixon, Reagan, Ford, Bush, and Bush—all managed to accept the idea of a Federal highway system, not thinking that there was anything unusual or improper about that.

Well, today's far-right extremists have gone way beyond them. They have gone way beyond the American people. The American people overwhelmingly support Federal infrastructure investments. According to a recent poll commissioned by the American Automobile Association, more than two-thirds of Americans believe the Federal Government should invest more in roads, bridges, and mass transit systems.

We may as Americans have differing views on many issues, but when it comes to investing in the roads and bridges we all use, there is, unsurprisingly, broad agreement except, of course, at the far-right fringe where people hate the government so much they want the rest of us to drive on bad roads and obsolete bridges. But that kind of extreme ideology hits Americans in the pocketbook.

Rhode Islanders, for example, pay an estimated $467 extra each year for car repairs due to bad roads and potholes. So if you are looking out for the ordinary American, if you are looking out for the ordinary American consumer, if you are looking out for the ordinary American consumer's pocketbook, you will invest in infrastructure so our cars are not being banged up and beaten up on bad roads, obsolete bridges, and unfilled potholes.

I am going to hold my nose and vote for this House-passed bill, because at this point the only alternative is a shutdown of the highway program. But let's be clear: This bill is a joke that does nothing on long-term investments in our infrastructure, nothing in a sustainable way to pay for them. We should not procrastinate until next May. We should start right now by building off of the bipartisan 6-year bill the Environment and Public Works Committee passed to give our constituents the infrastructure investments they are counting on us for.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MANUFACTURING JOBS

Mr. COONS. Madam President, I come to the floor today to talk about jobs, about manufacturing jobs in particular.

As we in the Senate get ready to leave Washington and return home to our States for August, it has become popular in the media to say our legislative work is done; that it is mostly about campaigning from here on out, for the weeks, the months remaining until the election in November. After all, we hear reported this is a body so divided, so riven by gridlock and partisanship that we haven't gotten a lot done, and the prospect for getting more done is even less.

Although I have certainly been frustrated by the pace of progress at times, this story not only gets a lot of things wrong, it is counterproductive and at times even self-fulfilling.

Let me start with the fact that we can, and we have, gotten important things done for manufacturing and for our economy and for our States as a whole.

Last year 26 of my Democratic colleagues, including the Presiding Officer, joined an initiative called Manufacturing Jobs for America, or MJA. The goal of Manufacturing Jobs for America has been simple: put together a collection of our best ideas—our best ideas—to spur manufacturing, job creation, to work with Republicans to find common ground, and to get these bills passed. We are focusing on manufacturing as a group of Senators because it is the foundation of our economy. It is the foundation of the pathway toward a middle class. Manufacturing jobs pay more in benefits and contribute more to the local economy than any other sector, fueling growth in other sectors.

Manufacturing is also incredibly innovative. Manufacturers invest the most in research and development of any industrial sector.

We have focused on four different broad areas in the MJA initiative: training a 20th century workforce; expanding access to capital for businesses looking to expand and invest in growth; leveling the global trade playing field and opening markets abroad; and focusing our government behind a national manufacturing strategy.

These are the four main areas of focus for Manufacturing Jobs for America, and together we have introduced over 30 bills, nearly half of which are bipartisan bills, with Republicans joining us in advancing these ideas. Together, we have made real progress in moving the ball forward. Already, five of these bills have passed out of committee. Three of them would take further steps to give startups and small businesses access to the research and development tax credit which came out of the Finance Committee. Two others passed as part of a single package to create a national manufacturing strategy and improve STEM education in our high schools and colleges that came out of the commerce committee. There is no reason that, working together, we can't get these bipartisan bills passed through the full Senate before the end of this Congress.

This isn't just wishful thinking. We have already seen seven provisions from Manufacturing Jobs for America bills enacted into law as well. In last year's Defense Authorization Act we included an MJA amendment that streamlines regulations and makes it easier for small businesses to do work with the Federal Government. Recently, as a result of our work to ensure innovative small businesses and startups can access the research and development tax credit, the administration took executive action to implement another MJA provision, and just last week the House and Senate came together to pass the broad bipartisan Workforce Innovation and Opportunity Act to reform and streamline our Nation's job training programs—a bill that ultimately included five separate MJA provisions within it, and a bill that has now been signed into law by our President.

The Workforce Innovation and Opportunity Act was years in the making, and its success is in no small part due to the relentless efforts of my colleagues Senators MURRAY and ISAKSON—Democrat and Republican—as well as Senators HARKIN and ALEXANDER, who have worked for years to get this over the finish line. Their success in crafting this bill and in building bipartisan support for it is a lesson for all of us, and it is a large example of what we have tried to do, bit by bit, for other manufacturing bills.

To me, it is really about determination. We have shown it is possible to get things done if we relentlessly seek common ground, if we engage outside groups, if we strengthen the quality of the ideas, and if we build bipartisan paths toward success.

One of our country's biggest challenges is the rapid pace of change in our globally interconnected economy. The middle-class jobs of today and tomorrow require higher skill levels than ever before as the economy continues to evolve. America needs a system that emphasizes lifelong learning, learning on the job, and constant adjustment. This is a challenge that Members of both parties are well aware of and are dedicated to stepping up and meeting. That is what the Workforce Innovation and Opportunity Act is all about.

To put it in some context, by 2022 we are projected to have 11 million fewer workers with postsecondary education than our economy will need. But by consolidating 15 outdated or redundant Federal job training programs, by creating new board accountability standards, and by giving cities and States the flexibility to meet their economy's unique local needs, the Workforce Innovation and Opportunity Act will help us make up that shortfall.

I was at the bill signing last week at the White House, along with the Senators whom I cited who led the charge on this, and it was uplifting to see the positive impact that came out of uniting in such a broadly bipartisan way on such an important issue as job skills for the modern manufacturing workforce for America.

On a week when Congress came together to improve our investment in America's workers, Vice President BIDEN also released a critical report that had great contributions from the Secretaries of Commerce, Education, and Labor—a critical report that details a number of other steps the administration is taking as a complement to that new law, the Workforce Innovation and Opportunity Act, to equip our workers for the 21st century economy.

As we get ready this week to return to our home States and to hear from our constituents in August, there is no reason to stop legislating this week and when we return in September. That is why I am introducing another bill as part of Manufacturing Jobs for America, a bill called Manufacturing Universities Act of 2014.

This bill will take on a simple but important challenge. Because today's manufacturing jobs require higher skill levels than ever—higher skill levels than yesterday's assembly line jobs, our schools and in particular universities need to be equipping students with those skills. Since innovation and research and development keep leading to new materials and new technologies that are critical to keeping American manufacturing at the cutting edge of the global economy, we also need to connect our universities with our manufacturers.

The manufacturing universities bill would create a competitive grant program that would ultimately designate 25 American universities as manufacturing universities. The competition would incentivize schools to build engineering programs that are targeted, that are focused on 21st century manufacturing and the skills our workers need to thrive. This would allow the cycle of innovation that can begin in the laboratory, that can mature in a factory, and that can produce more competitive products of the market to be fully harnessed around the challenge of meeting the 21st century manufacturing environment. That would build on important work that is already being done to link universities all the way to the shop floor but where we are not doing as much as we can and should with Federal grant funds that go to universities for research, to make them relevant and to make them current and to make them competitive.

For example, in my home State of Delaware, this bill, if enacted into law, could help the University of Delaware bolster its work with the private sector, focus its work with the Delaware Manufacturing Extension Partnership,

focus the partnership between Delaware Technical and Community College, Delaware State University, and our manufacturing community in Delaware, to ensure that manufacturing becomes a larger part of the University of Delaware's engineering curriculum and the training and research and outreach conducted by Del State and Del Tech.

The competitive challenges of the 21st century are big, but we have every reason to be united around meeting them. Manufacturing Jobs for America, like the Manufacturing Universities Act, take simple steps to invest in America's workers so they can drive our innovation and growth today and tomorrow, and take simple steps to make sure we are being as competitive as possible, that we are growing the best jobs possible for our home States and for our whole country.

Let's come together in a bipartisan way. Let's build on the success we have already seen across the different skills initiatives I have discussed. Just because elections are coming up this fall doesn't mean we can't continue to get behind great ideas—whether Democrat or Republican, whether from the House or the Senate—to move our Nation forward, and to create great jobs for all our States and all our communities.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, last week I explained why I oppose the nomination of Pamela Harris to the Fourth Circuit. I wish to raise several other aspects of her record that I find troubling, but before I address the specifics of this nominee, I need to place this nomination in context.

Last November, when the distinguished majority leader decided to toss aside an institution almost as old as the Senate itself, he claimed that breaking the rules was necessary because of an imminent crisis in the DC Circuit—not a judicial emergency; the numbers made it plain there was no judicial emergency, but a crisis that required radical action. That was after we had already confirmed the President's first nominee to the DC Circuit by a unanimous vote of 97 to 0. As I said in November, there was no crisis.

According to the Administrative Office of the U.S. Courts, as of September 2013, the DC Circuit had 149 pending appeals for each active judge, by far the lightest caseload of any of the Nation's 13 circuit courts of appeals. The number of cases filed in that circuit decreased by almost 5 percent during the year 2013. So the only crisis the distinguished majority leader was responding to was one he and the Obama White House had manufactured. Instead, in an exercise of raw political power he decided to stack the DC Circuit by ramming through three of the President's nominees simultaneously. It turns out that the crisis was just an excuse for a political power grab, plain and simple, and everyone knew it. Despite the denials from the other side, all the signs were there for anyone and anybody who cared to see those signs.

In May of last year the distinguished majority leader said the DC Circuit was ''wreaking havoc with the country'' and that he was going ''to do something about it.'' I am not going to recount how many of my Democratic colleagues repeatedly blocked President Bush's nominees to that court when they were in the minority. Those were and remain nominees of the highest quality who deserved a vote but never got such a vote. Suffice it to say then that during the Bush administration, when the parliamentary shoe was on the other foot, the distinguished Democratic leader claimed the filibuster was a sacred institution. Times surely have changed.

So now after the other side has succeeded in stacking the DC Circuit, Democratic appointees outnumber Republican appointees by a 7-to-4 majority among active judges. The distinguished majority leader wasn't going to leave anything to fortune and he rammed those three nominees through.

I am recounting how the majority leader took the Senate nuclear because it all came to another head last week. You see, on Tuesday the three-judge panel of the DC Circuit decided the Halbig v. Burwell case, the most significant ObamaCare ruling since the Supreme Court upheld the constitutionality of the law in 2012. Halbig is a straightforward case of statutory interpretation under the Administrative Procedures Act and the DC Circuit panel got it right. As the panel held, the text of the Affordable Care Act states on its face that tax credits are available only to individuals—individuals—who purchase their insurance plans through an exchange established by a State. So the IRS cannot make the tax credits available as the law clearly says to those who bought plans through the Federal exchange. You don't have to take my word for it. Putting aside the ample evidence mustered by the DC Circuit's opinion, as early as 2009, the former Democratic chair of our Finance Committee suggested that tax credits were aimed to cover only State exchanges. Additionally, economist Jonathan Gruber, one of the key architects of ObamaCare, has been very clear on this question.

According to the New York Times, Mr. Gruber's role in designing ObamaCare was so crucial that ''the White House lent him to Capitol Hill to help Congressional staff members draft the specifics of the legislation.''

What did the administration's own expert economist have to say about the availability of tax credits under ObamaCare? Here is his quote from 2012 explaining how credits were intended as a political pressure tactic on our 50 States:

> I think what's important to remember politically about this, is if you are a state and you don't set up an Exchange, that means your citizens don't get their tax credits. But your citizens still pay the taxes that support this bill. So you're essentially saying to your citizens, you're going to pay all the taxes to help all the other states in the country. I hope that's a blatant enough political reality that states will get their act together and realize that there are billions of dollars at stake here in setting up these Exchanges, and that they'll do it. But you know, once again, the politics can get ugly around this.

Mr. Gruber is right. The politics have gotten very ugly around this.

After the panel ruled against the HHS Secretary in Halbig last week, it only took the administration about an hour to announce that it would seek en banc review by the full DC Circuit. That is where the majority's power grab is paying off. Breaking the Senate's longstanding rules and stacking the DC Circuit was a premeditated political calculation from the very beginning. So last week when asked whether his decision to stack the courts was vindicated by the Halbig decision, the distinguished majority leader told the press: ''I think if you look at simple math, it does. Simple math, you bet.''

Simple math was the other side's calculation. The simple math is stacking the DC Circuit with leftwing judges who will do in a court what the President and the other side have been unable to do through the legislative process. It is what they have been unable to do through the proper channels of government designated by the Constitution to resolve these issues through the Congress. But the President has been complaining for years that he cannot accomplish his legislative agenda that way, so he went looking for alternatives to that constitutional process, where the Constitution says the legislative branch shall legislate, and the Constitution says that the executive branch should only execute. Faithfully executing the laws is not something this President concerns himself with. By now everybody has heard the President's boast about his pen and his phone. As of July 18 of this year, the President wielding that pen and dialing that phone has unconstitutionally amended ObamaCare by executive or administrative fiat a grand total of 24 times, and that could be a very conservative estimate of everything he has done. The President's unilateral Executive actions were not minor. They unconstitutionally altered basic aspects of the law's design and operation. Things as fundamental as delaying the individual mandate, ordering the IRS to make subsidies available through Federal exchanges in direct contravention of the law, extending noncompliant plans, delaying the employer mandate—not once but twice—and exempting unions from reinsurance fees which will create costs that will be passed on to consumers who aren't fortunate enough to be employed by the President's political allies—all of these and more in violation of law. By his own admission the President has used these aggressive and lawless tactics because he cannot prevail in the legislative process. But time has shown that Executive action has been insufficient to realize a failed legislative agenda. So the

President turned to the courts to do what he couldn't otherwise do legislatively, what he couldn't do within constitutional constraints, because it is all about just ''simple math.''

That is not the way the Constitution works. High school students know otherwise. The President isn't entitled to a rubberstamp from a Congress on unpopular legislation, and he is not entitled to stack the courts with radically liberal judges when his political initiatives fail legislatively.

So I want the other side to remember how politics works when they inevitably find themselves in the minority once again. I want them to remember the new realities of the so-called simple math that they resorted to in order to accomplish legislative projects through judicial proxies instead of through the democratic process.

The DC Circuit wasn't the only appeals court to rule on the ObamaCare subsidies issue last week, and that brings me back to Professor Harris's nomination that we will be voting on today. The Fourth Circuit has ruled, but in contrast to the DC Circuit, it upheld the administration's subsidies regime in a case called the King case, and that is where this nominee comes in. As I explained to my colleagues last week, the timing of the vote on this nomination is not coincidence. Professor Harris is being fast-tracked to the Fourth Circuit just in time for another en banc appeal, should one materialize.

The professor, one of the President's most stridently liberal nominees to date, is jumping ahead of other circuit nominees on the Executive Calendar. Why? For one simple reason: The administration is betting on more simple math to defend ObamaCare in the Fourth Circuit, just like they are betting on simple math to save them in the DC Circuit.

My colleagues need to face the facts. Professor Harris is a rock-solid vote for saving ObamaCare's unlawful subsidy regime which many commentators have described as the economic linchpin of the entire law. All we need to do is look at the nominee's record, which shows time and again how this nominee confuses politics with the law.

For years prior to her confirmation hearing she advocated a legal philosophy in which leftwing politics actively guides and actively shapes judicial decisionmaking. She has explained in detail that she believes the Constitution is made and remade over and over again by political movements at the so-called constitutionally critical junctures. So do we even need to ask whether Professor Harris thinks that passage of ObamaCare was one such critical juncture and that the law is worth preserving at all costs? The question answers itself.

Just look at Professor Harris's record. Before my colleagues vote I want them to have a clear picture of what this nominee stands for, so I am going to mention a few truly remarkable positions she has taken in addition to the many I discussed with my colleagues last week. Professor Harris is on record that extralegal considerations should influence how a judge rules. She also expressed her belief that the personal characteristics of the judge should matter as well.

I think it is fair to say that she is acutely concerned with the personal characteristics of the judge. In 2010 she even told the Los Angeles Times that the President should consider a judicial nominee's religious beliefs when filling Supreme Court vacancies, even though our Constitution says there can be no religious test for any office. She said:

> It is hard for me to see religion as especially different than all other things that presidents take into account.

I don't even know where to start with that, and perhaps the less said about it the better. But I would be interested to know which religions the nominee thinks are suitable or unsuitable for representation on the Federal bench.

I will leave you with another example of how out of mainstream this nominee is. Professor Harris is an outspoken advocate for abortion rights. Over the years she has made a number of controversial statements about abortion and the Supreme Court's abortion precedent. Shockingly, on one occasion last year she described partial-birth abortion as merely a ''late-ish'' kind of abortion. The nominee also suggested that States ''gin up medical controversies'' intentionally and in bad faith in order to justify restrictions on late-term abortions.

She denigrated restrictions on partial-birth abortion because, in her view, ''you could find one guy to say 'I don't know it's safe to create medical uncertainty that will allow state regulation.' ''

Those are definitely not the views of mainstream nominees.

My colleagues need to understand this nominee's views fully before they cast their votes. This is a nominee who describes herself as a ''profoundly liberal person'' and who thinks the Constitution is a ''profoundly progressive document.'' This is a nominee who actually thinks the Constitution embodies her personal leftwing philosophy and has said it is ''pretty close to where I am.'' This is a nominee who suggested that a judicial nominee's religious faith is a valid consideration for service on the Federal bench. This is a nominee who thinks partial-birth abortion is just a ''late-ish'' kind of abortion and criticizes State partial-birth abortion laws ginned up by fake controversies and bogus data.

I explained earlier, a vote for this nominee is a vote in favor of ObamaCare, and that is why she is being hurried onto the Fourth Circuit ahead of nominees to other courts of appeal. It is the distinguished majority leader's simple math.

This is perhaps the most liberal judicial nominee we have seen from this President so far, which is why I am going to vote no on this nominee and urge my colleagues to do likewise.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

STATE OF THE SENATE

Mr. HATCH. Madam President, I rise to speak about a subject that troubles me greatly: the state of affairs in this body, the U.S. Senate.

I spoke on the floor last week about how the Senate has historically lived up to its unique and essential role in our constitutional order. Today, I am compelled to offer an account of this institution as it operates today. I believe this message is important both for the American people, whom we all serve, and for my colleagues in this body.

When I spoke on the floor last week, I noted the widespread perception that the Senate has fallen into dysfunction. The pervasiveness of this view is striking among the public, in the media, and even among current and former Senators of all political and ideological stripes. And it is true. The Senate is in worse shape now than ever before in my 38 years of service here.

We must properly locate the source of the problem if we are to have any hope of correcting it. Political discourse about the state of the Senate is so often dominated by those who call for the Senate to be more productive, more efficient. To these critics, the Senate's rules are anachronisms, historical accidents, relics of a bygone era that must be swept away for the Senate to race through more legislation and nominations, not the least of which we just heard Senator GRASSLEY speak about.

As I laid out on the floor last week, the purpose of the Senate is not to duplicate the work of the majoritarian House of Representatives. Our work is of a different sort. The Senate was designed to refine the unbridled passions of popular will, to apply considered judgment to produce thoughtful legislation aimed at the common good.

Structuring a body of such a unique character occupied much of the Framers' time during that hot summer in Philadelphia in 1787. Beyond the Senate's constitutional architecture, the body's rules, traditions, and precedents have developed over more than two centuries, not as flukes but as means of reinforcing and facilitating its purpose.

During the past 227 years, the right to debate and the right to amend have become the twin pillars that upheld the Senate's lofty purpose as a body of considered judgment. As Senator Robert C. Byrd wisely observed, ''As long as the Senate retains the power to amend and the power of unlimited debate, the liberties of the people will remain secure.''

Many of the greatest legislative achievements of this body during my 38 years as a Senator were only possible because of our open methods of deliberation and amendment. I think of my many partnerships with the late Ted

Kennedy, and others—Senator HARKIN, Senator Dodd, HENRY WAXMAN. I can name quite a few. Senator Kennedy and I fought like brothers but became the best of friends. This unique environment of the Senate allowed us to find areas of mutual interest and ultimate agreement for the public good. Last week I named just a few of these landmark accomplishments: the 1981 budget, the blueprint of how we turned the economy around in the Reagan years; the 1997 budget deal in which we cut taxes, balanced the budget for the first time in decades, and created the State Children's Health Insurance Program; the Antiterrorism and Effective Death Penalty Act, a vital criminal law that curtailed the abuse of our courts; and the Religious Freedom Restoration Act, a landmark piece of legislation sadly attacked by many of my Democratic colleagues to gin up a phantom war on women to save their lagging electoral fortunes, but in reality a bipartisan agreement that Teddy Kennedy and I championed and that passed almost unanimously. These are just a handful of our legislative achievements throughout the past four decades.

Like so many others, the roots of these successes lay in the Senate's characteristic deliberation, including unlimited debate and an open amendment process. Guaranteeing each individual Senator the full right of participation enhanced the quality of the final product and crowdsourcing good ideas rather than limiting input to a small gathering in backroom Capitol offices.

Giving each Senator the opportunity to have his ideas discussed and debated gave us all confidence that the final product represented the best, most considered judgment of the whole body, encouraging Senators to support sometimes imperfect but decisively beneficial legislation. Allowing modifications to the initial iteration of a bill—while often frustrating for partisans and purists—often created a broad base of support for lasting reforms. Emphasizing an open and inclusive process encouraged partnerships even among ideological opposites, such as Ted Kennedy and myself, to find areas of mutual agreement and reach broad consensus. And respecting the limits of the majority party's power established confidence that when the positions of the parties switched, the rights of the minority would remain protected.

The atmosphere facilitated by our longstanding rules and traditions represents the Senate at its best. The Senate, functioning as it should, and so often has over much of my time here, demonstrates that these procedures and traditions are not flukes of history meant to be swept away as soon as they are politically inconvenient or frustrate a majority party. Rather, they are vital to the Senate's ability to serve the American people.

This is why the first Adlai Stevenson in his farewell address to the Senate as Vice President warned:

> It must not be forgotten that the rules governing this body are founded deep in human experience; that they are the result of centuries of tireless effort in legislative halls, to conserve, to render stable and secure, the rights and liberties which have been achieved by conflict. By its rules the Senate wisely fixes the limits to its own power. Of those who clamor against the Senate, and its methods of procedure, it may be truly said: They know not what they do.

Sadly, these critical and defining practices are under attack. Some who once defended the right to amend when in the minority have acted consistently to deny that right now that they are in the majority.

On February 28, 2006, the senior Senator from Nevada, then serving as minority leader, condemned a procedural maneuver that denied the minority the opportunity to offer amendments. He stated unequivocally: This is a very bad practice. It runs against the basic nature of the Senate.

That maneuver, referred to as filling the amendment tree, allows the majority leader to use his right to be recognized before any other Members as a means to block any and all other amendments by filling all amendment slots with his own amendments and thus prohibiting anybody else from having any rights of amendment.

Less than a year after condemning the maneuver of filling the amendment tree as a very bad practice, inconsistent with the very nature of the Senate, the senior Senator from Nevada became the majority leader. Rather than take his own wise counsel from months before, he instead began a consistent pattern of procedural abuse by using that very same destructive practice. The majority leader employed that tactic 21 times during the 110th Congress and 23 times during the 111th Congress. As the 112th Congress opened, the majority leader pledged to use this tactic only ''infrequently,'' but went on to employ it a record 26 times in the following 2 years.

The Congressional Research Service confirms that the current majority leader has used his position to deny amendments to the minority more than twice as often as the previous six majority leaders combined. He has used his position to deny amendments to the minority more than twice as often as the previous six majority leaders combined.

Six Senators led this body as majority leader between the 99th and 109th Congresses, three Republicans and three Democrats. I served here under all of them. Together they denied amendments to the minority 40 times in those 22 years. No individual leader used this tactic more than 15 times. As of this month, in less than 8 years, the current majority leader has denied amendments to the minority a staggering 87 times.

The right to amend is indeed a part of the basic nature of the Senate, a defining feature of this body that allows us to conduct legislative business differently than in the majoritarian House. The right to amend allows different voices to be heard, different issues to be raised, and different decisions to be made. Denying that right changes the basic nature of the Senate and prefers power over liberty.

Hardly a day goes by without the current majority confirming my point. Earlier this month the majority leader discussed the possibility of allowing amendments to a bill. The minority, he said, want amendments ''because they want to kill the bill.'' But he pledged to consider amendments that, in his view, would ''lead to passage of the bill.''

In other words, the minority has only those opportunities to participate in the legislative process that the majority leader says they do. He was right back in 2006: This is a very bad practice, and he is only making it worse.

Consider another way of looking at this problem. Recently, almost a year went by during which the majority leader allowed votes on only 11 Republican amendments. Think about that—only 11 amendments in nearly a year. All 45 Republican Senators together got fewer votes on amendments than, for example, one House Democrat, Congresswoman SHEILA JACKSON LEE. Indeed, the Republican House majority allowed votes on 174 Democratic amendments during the same period that the majority leader here allowed votes on only 11 Republican amendments. There are Senators who have been here 6 years and have never had an amendment of theirs voted upon—that is pathetic—on both sides.

The other defining feature of the Senate, the right to debate, is also fast becoming a thing of the past. This practice has been a central characteristic of the Senate for more than 200 years and, like the right to amend, allows voices to be part of the legislative process who would otherwise be shut out.

When I was first elected, this body included only 38 of us Republicans, even fewer than the threshold in our Senate rules to prevent cutting off debate. I know from long experience that the right to debate can often annoy the majority by empowering the minority. But fulsome debate and thorough deliberation far more than expediency or efficiency is essential to the nature of the Senate. Both sides have been annoyed from time to time, but nothing like this.

Senate practice and rules have, for more than two centuries, required a supermajority of Senators to end debate before the Senate can vote on a pending legislative matter or a nomination. The current majority leader has compromised the minority's ability to debate in both areas.

Under the rule adopted in 1917, ending debate begins with a motion to invoke cloture to end debate. The current majority leader often files a cloture motion on a bill at the very same time he brings it up for consideration. He has used this tactic far more often

than previous majority leaders, and its effect is not to end debate on legislation but to prevent it altogether. Whenever those of us in the minority have resisted his demand that we end debate as soon as we begin consideration, the majority leader wrongly labels it a filibuster.

Last November the majority leader claimed there had been 168 filibusters on executive and judicial nominations. The majority leader used this supposedly unprecedented level of confirmation obstruction to take the drastic step of abolishing extended debate altogether using the so-called nuclear option. But the majority leader was counting cloture motions, not filibusters. A cloture motion is simply a request to end debate. A filibuster occurs when the debate cannot be ended because the cloture vote fails. In fact, most of those were not filibusters; they were falsely called that. There have been only 14 filibusters of President Obama's nominees, and that practice was on a decline. The Senate, in fact, confirmed 98 percent of President Obama's nominees. There was never a problem there.

The majority leader's current opposition to filibustering Democratic nominees is simply impossible to reconcile with the 26 times he voted to filibuster Republican nominees.

But even as destructive as the nuclear option has been, some of the less visible changes to the management of this Chamber have proven just as damaging to the functioning of the Senate. Take the committee process—the primary forum for both deliberation and amendment. The majority leader has set a record for completely bypassing the committee process, bringing most of the bills we have considered lately up in essentially final form, shielding them from deliberation and amendment on both the floor and in committee. In each Congress since he became majority leader, the senior Senator from Nevada has set a record for bypassing the committee process. In fact, with 6 months remaining in this Congress, he has already used this tactic more in one Congress than any other majority leader.

What are these matters the majority leader brings to the floor? An unschooled observer might imagine that after the negotiation of the Ryan-Murray budget agreement—an imperfect bargain but a breakthrough for cooperation nonetheless—we would join the House in pursuing the appropriations process through the regular order; that we would use the opportunity to exert our influence as legislators on how our constituents' hard-earned dollars are spent. Instead, the majority leader brings up bills that have no chance of becoming law in order to score political points to reinforce disingenuous narratives about a supposed war on women or so-called economic patriotism.

The current majority leader's abuse of the Senate amounts to a national travesty. He has broken down so much of what makes this institution serve the Nation's interests in order to advance his own party's temporary political gain. Such a betrayal of trust is nothing short of tragic.

To my 56 colleagues who have never served in the Senate when this body lived up to its potential greatness, we can indeed restore the Senate's rightful place in our constitutional order. This body can again be a source of great legislative achievement borne out of thoughtful deliberation and inclusive consideration. But this majority leader's slash-and-burn tactics are not the path to achieve these worthy ends. They are a dead end, leading only to the destruction of this institution that has served our Nation so well for so long. Instead, restoring the Senate will require us all—Republicans and Democrats alike—to stand for the institution's rules, traditions, precedents, and for our individual prerogatives as Senators.

The majority leader is my friend, but I have to say these criticisms are valid, they are honorable, and it is about time that people on both sides of the floor start to realize we can't keep going this way and still call this the greatest deliberative body in the world. It is pathetic. I think people on both sides know it is pathetic, and it is time for it to stop.

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

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

HIGHWAY TRUST FUND

Mr. WYDEN. Madam President, it is hard to imagine a more pressing need for our people, for our economy, and for our quality of life than reauthorizing the highway trust fund.

The Senate has previously entered into a unanimous consent agreement to have votes on four transportation funding amendments. The reality, however, is that time is running out to hold those votes before they would become what amounts to a meaningless exercise.

We all know that this week the Senate still has to vote on veterans health care, emergency funding to deal with wildfires raging in the West, and the challenge of those child immigrants coming across the border from Mexico. That is all the more reason why the critical issue, the urgent issue of transportation funding should not be left to the last minute. Left to the last minute, in effect, this body would simply be surrendering its ability to have a genuine impact on an urgent national issue—an issue critical for our people, for our economy, and for our country in the days ahead.

Now, if the Senate were to vote tomorrow on transportation funding—and the majority leader, Senator REID, has assured me that would be acceptable to him—there would still be time to work out any differences between the Senate and the other body before the Congress recesses at the end of this week.

However, if the votes are delayed until later in the week, my judgment, as chairman of the Finance Committee, where Senator HATCH and I have put together a bipartisan bill is that if the votes are delayed, for example, on the bipartisan Wyden-Hatch amendment, it would become almost impossible for the Senate to have any input into the final transportation bill that goes to the President.

Just from my own standpoint, I think it would be legislative malpractice for the Senate not to have a role to play in this premier economic issue now before the Congress. The highway trust fund, colleagues, is going to be reauthorized this week. That is nonnegotiable. The reason it is going to be reauthorized this week and we will not accept anything else is that the stakes are just too great. If our country was to have the transportation equivalent of a government shutdown, more than 700,000 jobs could be affected, coming on the heels of a slowdown in home construction which we have just seen in the last few days. It would be a devastating blow for the construction industry and our whole economy.

Beyond the short-term impact and the threat to the already shaky recovery, my view is that every Senator, every Democrat and every Republican, understands transportation funding and improving our infrastructure is critical to our country's future. The reality is that it is just not possible to have a big league quality of life with little league infrastructure.

Now as I wrap up, I would like to talk about a couple of other points that are relevant to how the Senate conducts its business. I am especially grateful to Senator HATCH, who has consistently met me halfway. As we know, our distinguished colleague, the former chairman, Senator Baucus, is now Ambassador to China. I took up that position in February. From the very day I became chairman of the committee, Senator HATCH has been willing to work with me, meet me halfway and, in particular, has talked about the importance of the Senate functioning in its regular order.

I would point out that a number of colleagues have been saying just that, and that the Senate has not had a chance to vote on amendments to legislation this year. That is not how this great body is supposed to operate. We know, with respect to this transportation bill, if we can get it brought to the floor tomorrow so we can have a real debate, we could have two bipartisan amendments and two from the minority that will shape not only transportation policy but also policies in vital other areas, including taxes, pensions, and trade.

If the votes on these amendments, bipartisan amendments, are fairly structured so that both sides would have a chance to weigh in and if the votes on these amendments are going to be given full and fair consideration and not become some kind of exercise in futility, they have to be held tomorrow. So I hope we will be able to work this out. I had thought about coming here and advancing a procedural motion. My hope is we can work this out so we can really debate these critical issues.

I do think the other body goes too far on the issue of pensions smoothing. Given that position, the country is likely to have two big challenges in the future. First, how do we fund transportation? And second, what are we going to do about the hopes and aspirations of all of those workers relying on pensions and the future of the Pension Benefit Guarantee Corporation?

So I do think the bipartisan Senate proposal that Senator HATCH and I have authored—and there are other bipartisan proposals—gives us a chance to, in effect, have the Senate weigh in in a meaningful fashion on this critical issue.

I know we are going to have a vote in a little bit, and there will be a discussion between the leaders and colleagues. I may come back later tonight to discuss this further. I simply come this afternoon—more than anything else, what I have sought to do is to try to advance exactly what Senator HATCH has been talking about: Regular order and the chance for both sides to be heard on critical issues and to try to get beyond some of the polarizing, divisive kind of rhetoric that certainly you hear outside the Capitol.

I was home this weekend marching in parades, getting out across the State. That is what I heard continually, people coming up and saying: RON, can't the Senate and the Congress find a way to come together? Senator HATCH and I did that on a bipartisan proposal. There are other bipartisan proposals, proposals that ensure the minority has a chance to be heard. I just hope we can work it out this evening so both sides will have a chance to have a fair debate on this issue at a time when it is still meaningful.

I yield the floor, and I suggest the absence of a quorum and ask unanimous consent that the time in quorum calls be equally divided.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. 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. CARDIN. Madam President, in a few moments we are going to have the opportunity to vote on the confirmation of Pamela Harris for the Fourth Circuit Court of Appeals. I am very proud to have joined Senator MIKULSKI in recommending to President Obama the appointment of Pamela Harris to the Fourth Circuit.

I have interviewed many candidates for judicial appointments. I can tell you Pamela Harris is at the top, as far as her qualifications for this appellate court position. She is an extraordinarily talented person who has devoted the prime part of her life to public service and seeks this appointment for the right reasons—to continue her public service.

I mentioned that Senator MIKULSKI and I both recommended her appointment. Senator MIKULSKI has set up, as the senior Senator in our State, a process by which we solicit the strongest possible candidates of interest to fill judicial vacancies. We understand these are lifetime appointments. We understand the importance of these appointments. We have a screening process and an interview process in addition to the White House and Justice Department vetting process, which we think will give us the highest quality person to fill these lifetime appointments. In Pamela Harris's case, I am extremely proud. I thank Senator MIKULSKI for her commitment to a process that gives us the very best people for these positions.

Pamela Harris is the granddaughter of Polish-Jewish immigrants who came to this country to seek a better life for their children. Pamela's mother worked her way through law school. Pamela herself went to Yale College and then Yale Law School. She was helped in the process with Pell grants. She is a product of the Montgomery County public schools. We are very proud of the fact that she has really lived the American dream and has been able to accomplish so much in her career through hard work and believing in this country.

When we take a look at her professional accomplishments, I don't know what else we could ask. She has the highest rating from the American Bar Association, which gives us that information on the candidates who are nominated for judgeships.

She clerked for Judge Harry T. Edwards in the U.S. Court of Appeals for the District of Columbia, and she clerked for Justice John Paul Stevens in the Supreme Court of the United States. She has been an associate professor at the University of Pennsylvania Law School, codirector of Harvard Law School's Supreme Court and appellate litigation clinic, a visiting professor at Georgetown University Law Center, and she was in the Justice Department's Office of Legal Policy. At Georgetown University Law Center, her clinic prepares lawyers for their arguments before the Supreme Court of the United States. In other words, she is basically the person who teaches and gives practical experience for those who have to appear before the highest Court in this land.

It is interesting that she has dedicated about half of her time to civil cases and about half to criminal cases, so she is well versed on the responsibilities of our appellate court. I don't think we could have found a more qualified person to fill this extremely important position on the Fourth Circuit.

I also want my colleagues to know that she understands the responsibilities of a lawyer and a judge to provide access to all. She will take an oath if she is confirmed—and I am hopeful she will be in a few moments, literally—to serve justice regardless of a person's wealth or poverty. As a private attorney, she helped develop a relationship with the public defender of Maryland to provide help to indigent individuals who needed additional services. She is committed to pro bono service and she is committed to equal access to justice in addition to everything else she has done in her career. She really understands. She has the talent, she has the commitment to all in our communities, and she understands what the appropriate role is for a member of the bench, for a judge.

I know Senator GRASSLEY has mentioned his concerns, but Senator GRASSLEY asked a lot of questions for the record, which is the right of any Senator to do. These are lifetime appointments, and I fully support that. But I wish to state Pamela Harris's own words in response as to understanding the difference between an advocate and a judge, between a lawyer representing a client and a judge. I know when I practiced law, I gave everything I could to help the clients I represented. I didn't always 100 percent agree with their position, but it was my responsibility to advocate for their position. That is how our system of justice operates. That is our rule of law.

Pamela Harris said:

> 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.

She gets it. She understands what the role of a judge is.

Quite frankly, I want people who are active in the legal system to apply and become our judges because they understand the importance of the work a judge does.

She continues:

> It is inappropriate for any judge or Justice to base his or her decision on their own personal view 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.

Perhaps that is exactly what we want from our judges. We want them to be worldly. We want them to understand the law. We want them to have been involved in the law. In Pam Harris's case, she has been a professor, she has taught the law, and, yes, she has been actively engaged. But once they become a judge, they need to apply the

precedence from that circuit, from the Supreme Court, and that is exactly what Pam Harris said she would do. Her reputation for being straightforward and telling it exactly the way she believes has been well documented in the record before the Judiciary Committee.

I thank Senator LEAHY for the incredible manner in which he operates the Judiciary Committee in the best traditions of the Senate. They had a full hearing on Pamela Harris's nomination. They had a full record. One of the letters that is part of that record that is also part of the record of the Senate was a letter—the Judiciary Committee received numerous letters of support for Pamela Harris. I will quote from one letter that was signed by more than 80 of her professional peers, which included individuals appointed by Republican Presidents and Democratic Presidents to key positions, including Gregory Garre, the former Solicitor General for George W. Bush. In that letter where these 80 signatories to that letter strongly endorsed Pamela Harris's confirmation for judge on the Fourth Circuit, it says:

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.

Continuing:

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.

I pointed out before and I will again that there are many questions that were posed to Pamela Harris during the confirmation process. I would encourage my colleagues to take a look at those. I did. I read her answers to those questions. They were very well documented and very professional. Her reputation is one of being a straight shooter and saying exactly what is on her mind. Read her responses. She understands the role of a judge. She is well qualified to serve on this circuit.

She has the strong endorsement of the two Senators from her home State, and I urge my colleagues to vote for her confirmation. We are very proud of her record on the Fourth Circuit.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Under the previous order, all postcloture time has expired.

Under the previous order, there will be 2 minutes of debate equally divided prior to a vote on the Harris nomination.

Mr. CARDIN. I ask unanimous consent that the time be yielded back.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of Pamela Harris, of Maryland, to be United States Circuit Judge for the Fourth Circuit?

Mr. CARDIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Hawaii (Mr. SCHATZ) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Florida (Mr. RUBIO), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''nay.''

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

The result was announced—yeas 50, nays 43, as follows:

[Rollcall Vote No. 242 Ex.]

YEAS—50

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

NAYS—43

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

NOT VOTING—7

Alexander	Murkowski	Vitter
Begich	Rubio	
Landrieu	Schatz	

The nomination was confirmed.

NOMINATION OF ELLIOT F. KAYE TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION

NOMINATION OF ELLIOT F. KAYE TO BE CHAIRMAN OF THE CONSUMER PRODUCT SAFETY COMMISSION

NOMINATION OF JOSEPH P. MOHOROVIC TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION

NOMINATION OF BRIAN P. MCKEON TO BE A PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the following nominations en bloc, which the clerk will report.

The assistant legislative clerk read the nominations of Elliot F. Kaye, of New York, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2013; Elliot F. Kaye, of New York, to be Chairman of the Consumer Product Safety Commission; Joseph P. Mohorovic, of Illinois, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2012; and Brian P. McKeon, of New York, to be a Principal Deputy Under Secretary of Defense.

VOTE ON KAYE NOMINATION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote on the Kaye nomination.

The majority leader.

Mr. REID. Mr. President, I yield back whatever time is available.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Hearing no further debate, the question is, Will the Senate advise and consent to the nomination of Elliot F. Kaye, of New York, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2013?

The nomination was confirmed.

VOTE ON KAYE NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Elliot F. Kaye, of New York, to be Chairman of the Consumer Product Safety Commission?

The nomination was confirmed.

VOTE ON MOHOROVIC NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will