

themselves, the majority reminds us again how lucky we are to live in a country with a Constitution that prevents such abuses.

I am profoundly grateful for the wisdom of the Founders and proud to stand here today to defend the First Amendment that they gave us.

I will oppose this amendment today, tomorrow, and forever, and I ask my colleagues to do the same.

I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally to both parties.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### EXPRESSING THE CONDOLENCES OF THE SENATE TO THE FAMILIES OF JAMES FOLEY AND STEVEN SOTLOFF

Mrs. SHAHEEN. Mr. President, these last few weeks have been very trying for America. In August, as the result of the cowardly and barbaric acts of the terrorist group ISIS, America lost two courageous and inspiring journalists, James Foley and Steven Sotloff.

Along with my colleagues Senators AYOTTE, NELSON, and RUBIO, and Chairman MENENDEZ, I am submitting a resolution to honor the lives of James Foley, who was born and raised in New Hampshire, and Steven Sotloff, a Florida native but a graduate of Kimball Union Academy in Meriden, NH.

Our resolution mourns James and Steven, two outstanding journalists who pursued their profession under the most difficult and dangerous conditions in order to tell the stories that needed to be told of the struggles that people on the ground were facing in the middle of difficult conflicts. We will never forget the bravery of James and Steven and their dedication to the ideals of freedom they so embodied.

Our resolution strongly condemns the terrorist group ISIS, a group that has committed unspeakable atrocities against humanity and attempted to justify them through a perverted interpretation of Islam. ISIS fighters have targeted Iraqi Christians, killing many and forcing others to flee their ancient homeland, they have massacred Muslims who do not subscribe to their depraved ideology, they have threatened genocide against the ancient Yazidi population of Iraq, and they have targeted other religious and ethnic minority groups. They have threatened to conduct terrorist attacks internationally, including here in the United States. And of course ISIS brutally murdered these two American journalists, Jim Foley and Steven Sotloff.

Let us be clear. We must hold ISIS accountable for their despicable acts.

We must vigorously pursue those responsible and bring them to justice, and we must not let the deaths of these two Americans go unanswered. The terrorists who murdered Jim Foley are deeply mistaken if they think their barbaric acts will lessen Americans' resolve and pave the way for ISIS to continue terrorizing. We will bring an end to those who stand against everything these men stood for.

I hope the entire Senate—Republicans, Democrats, and Independents—will stand together to adopt this resolution. Let us show the world our Nation is united in its commemoration of the lives of James Foley and Steven Sotloff, and in our condemnation of the barbaric group that took these Americans from us.

Mr. President, I yield the floor, and 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. ISAKSON. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### PRYOR NOMINATION

Mr. ISAKSON. Mr. President, in about 19 minutes the Senate will exercise one of its constitutional responsibilities of advice and consent to President Obama on the appointment of Jill A. Pryor to be a U.S. Circuit Judge for the Eleventh Circuit of Georgia. I urge all of my colleagues to vote favorably for Ms. Pryor, a lawyer from the city of Atlanta and the State of Georgia, a great nominee and a great appointee.

As I make this recommendation, I want the Chamber to know loudly and clearly that I praise the President and his staff—particularly Kathy Ruemmler—for the job they did in coordinating with Senator CHAMBLISS and myself in seeking advice and consent to come up with a series of appointees to the district and circuit courts of Georgia.

Jill Pryor is an outstanding lawyer and an outstanding attorney. She is a graduate of William & Mary and Yale University, and was editor of the Yale Law Review.

An outstanding jurist and an outstanding person, she has practiced and specialized in business law, representing plaintiffs and defendants—not in the same case, I might add—in the areas of business torts, corporate governance, and shareholder disputes, class actions, trade secrets, fraud, intellectual property fraud, and the Georgia and Federal RICO statutes.

She is an outstanding member of the firm of Bondurant, Mixson & Elmore, and clerked for an Eleventh Circuit judge when she got out of Yale University Law School. She is an outstanding individual of impeccable credentials, impeccable integrity, and will be a

great credit to the Federal bench of the U.S. Court of Appeals for the Eleventh Circuit.

I commend her to each of my colleagues here today with my highest recommendation, and I again thank the President of the United States and his staff for their cooperation in nominating a superior judge to the Eleventh Circuit Court of Appeals.

Mr. President, I yield the floor and I ask unanimous consent that the time be equally divided.

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

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

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

#### CONSTITUTIONAL AMENDMENT

Mr. GRASSLEY. Mr. President, with all the problems facing the country and the world, the majority has decided the time has come to cut back on the Bill of Rights to be amended for the first time in our history.

We hear from the other side repeatedly that they revere the Constitution. But they want to restrict the core of free speech. That is speech that allows a self-governing people to choose in elections the people who will represent them. This proposed amendment would enshrine in our Constitution the ability of elected officials to criminally punish those who would dare to criticize them more than the elected officials think is reasonable.

Today Americans are free to spend unlimited money on behalf of candidates and political issues and messages of their choice. The amendment being proposed would put those who would engage in political speech on notice that they may be prosecuted for being active citizens in our democracy. That threat of criminal prosecution would not just chill speech, it would freeze political speech. This proposed amendment would be the biggest threat to free speech that Congress would have enacted since the Alien and Sedition Acts of 1798.

The First Amendment creates a marketplace of ideas. When people disagree on political speech, competing voices respond to each other and the public then decides. When speech is free, people are not shut up with the threat of jail if the government thinks they speak too much.

Since the 1970s, the Supreme Court has ruled repeatedly that because effective speech can only occur through the expenditure of money, government cannot restrict campaign expenditures by candidates or anybody else. The Court has recognized that effective campaign speech requires that individuals have the right to form groups that

might actually spend money on campaign speech.

The proposed amendment is very radical. It would not overturn just 1 or 2 but it would overturn 12 Supreme Court decisions. That was the testimony before the Judiciary Committee of the country's foremost First Amendment lawyer, Floyd Abrams.

The other side may think the Senate can simply filibuster the motion to proceed and then move on to some other political vote they may want to have us take. Proposals to amend our fundamental charter of liberty, the Bill of Rights, should be treated more seriously. We should have debate on this important amendment. The majority should be made to answer for why they want to silence their critics under threat of criminal prosecution.

I look forward to supporting the vote to move to that debate, and I now yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

#### PRYOR NOMINATION

Mr. CHAMBLISS. Mr. President, I rise today in support of the nomination of Jill Pryor to serve as circuit judge for the Eleventh Judicial Circuit.

Ms. Pryor's educational pedigree is beyond reproach. She worked to put herself through college at William & Mary, graduating phi beta kappa. She then went on to Yale Law School where she was the senior editor in chief of the Yale Law Journal. After finishing law school she clerked for Judge Edmundson on the Eleventh Circuit Court of Appeals in Atlanta, the very court for which she is today being considered.

Once she finished her clerkship, she decided to stay in Atlanta in private practice, where she has been practicing for the last 25 years. During that time she has played a pivotal role in some of the largest, most complex cases in the history of our legal system and in our great State of Georgia. But like any other well-rounded attorney, Ms. Pryor has taken time to give back outside the courtroom. She is currently on the State Bar of Georgia Board of Governors, and she is also on the Board of Governors of the Georgia Legal Services Program. She is the former chair of the appellate practice section of the State bar, and she is a past president of the Georgia Association for Women Lawyers.

The Eleventh Circuit will be well served by the addition of Ms. Pryor, and as I said in July before the Senate unanimously confirmed Judge Julie Carnes to this very same court, this is a vacancy that needs to be filled and needs to be filled quickly. Ms. Pryor certainly has the judicial as well as educational background to serve on the Eleventh Circuit. She has done extensive work inside the courtroom as well as at the appellate level, and she is well qualified to now go to the Eleventh Circuit.

I am pleased to speak on behalf of this highly qualified nominee, and I urge my colleagues to vote in support of Jill Pryor to the Eleventh Circuit judicial court.

Thank you very much. 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. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### NOMINATION OF JILL A. PRYOR TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT

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

The assistant legislative clerk read the nomination of Jill A. Pryor, of Georgia, to be United States Circuit Judge for the Eleventh Circuit.

Mr. LEAHY. Mr. President, today we will finally vote on the confirmation of Jill Pryor of Georgia to fill a judicial emergency vacancy on the U.S. Court of Appeals for the 11th Circuit. Her nomination has been pending in the Senate since February 2012—more than two and one-half years, which is longer than any other currently pending judicial nominee. She received the American Bar Association's highest rating of unanimously well qualified and has the support of both of her Republican home State Senators—Senator CHAMBLISS and Senator ISAKSON. Rather than vote to confirm her before the August recess, some Senate Republicans continued their senseless obstruction to keep the Senate from fulfilling its constitutional duty of advice and consent by filibustering her nomination for the sake of delay.

Despite this unyielding partisan strategy, the Senate has made great strides to fill vacancies on courts around the Nation. This year the Senate has confirmed 61 nominees to the circuit and district courts and in doing so, it has hit an historic milestone for diversity on the Federal appeals courts. More women and people of color are serving on the Federal appellate bench than ever before. Today I am happy that we will add to this laudable record with yet another well-qualified nominee.

From the outset, President Obama has understood that our Federal courts

should reflect the diverse communities that it serves. He has nominated more women and more lawyers of color than any previous President in American history. Since the first day of the Obama administration, former Senate staffer Christopher Kang has worked with home State Senators to implement President Obama's goal of finding judicial nominees who not only embody the necessary integrity, intellect, and commitment to the rule of law, but who are also drawn from diverse backgrounds. I urge my fellow Senators to vote to confirm Jill Pryor of Georgia and to agree to votes on the remaining district court judges on the calendar without delay.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Jill A. Pryor, of Georgia, to be United States Circuit Judge for the Eleventh Circuit?

Mr. CHAMBLISS. Mr. President, 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.

Mr. DURBIN. I announce that the Senator from New York (Mrs. GILLIBRAND) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT) and the Senator from Alaska (Ms. MURKOWSKI).

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 257 Ex.]

#### YEAS—97

Alexander	Graham	Murray
Ayotte	Grassley	Nelson
Baldwin	Hagan	Paul
Barrasso	Harkin	Portman
Begich	Hatch	Pryor
Bennet	Heinrich	Reed
Blumenthal	Heitkamp	Reid
Booker	Heller	Risch
Boozman	Hirono	Roberts
Boxer	Hoeven	Rockefeller
Brown	Inhofe	Rubio
Burr	Isakson	Sanders
Cantwell	Johanns	Schatz
Cardin	Johnson (SD)	Schumer
Carper	Johnson (WI)	Scott
Casey	Kaine	Sessions
Chambliss	King	Shaheen
Coats	Kirk	Shelby
Coburn	Klobuchar	Stabenow
Cochran	Landrieu	Tester
Collins	Leahy	Thune
Coons	Lee	Toomey
Corker	Levin	Udall (CO)
Cornyn	Manchin	Udall (NM)
Crapo	Markey	Vitter
Cruz	McCain	Walsh
Donnelly	McCaskill	Warner
Durbin	McConnell	Warren
Enzi	Menendez	Whitehouse
Feinstein	Merkley	Wicker
Fischer	Mikulski	Wyden
Flake	Moran	
Franken	Murphy	

#### NOT VOTING—3

Blunt	Gillibrand	Murkowski
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The nomination was confirmed.