

### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

### REPUBLICAN FILIBUSTERS

Mr. REID. Mr. President, I appreciate the Republican leader for taking credit for passage of bills they filibustered. He led the filibusters on these the last 4 years. It is unfortunate, but any one of those, with rare exception, would have been passed had we not had filibusters by the Republicans—the SGRs, and we could go through the whole list.

But I appreciate we are doing some things that are important because we are not filibustering. Remember, every one that we tried to do was stopped dead in its tracks and, as a result of that, we had to file hundreds of motions to invoke cloture. So my friend the Republican leader should be very happy we are not doing the same thing to him that was done to us.

### DEADLINES PASSED

Mr. REID. Mr. President, all Americans face deadlines. Ask any student or any working professional, and they will tell you they have to meet deadlines to be successful. It is part of life.

Senate Republicans, though, seem to reject the idea of finishing work on time. Instead, the Republican leader has repeatedly taken the Senate to the brink. Already the first few months of this year, Republicans have botched deadlines for funding the Department of Homeland Security, the Federal Intelligence Surveillance Court—that was a real debacle—and, most recently, the Export-Import Bank, which is now out of business.

There were 165,000 people working as a result of the Bank who now—if not gone and looking for employment, they will have to do it very soon because the Republicans are boasting they were able to kill this business-oriented program that has been successful all over the world, allowing us to export things that we would not have been able to had that law not been in effect. As a result of our not doing things, other countries—China and other countries—are now picking up the slack where Ex-Im Bank worked before. There is a lot of business being lost for the American people, and it is very unfortunate because, again, Republicans are not meeting deadlines.

Every one of those crises is accompanied by consequences that hurt our country: lost productivity, a volatile stock market, and lapses in national security. Every time Republicans miss a deadline who gets hurt worse than anyone else? The middle class does and our Nation is less safe.

Now, I realize we have another vitally important, time-sensitive matter that requires the Senate's attention as soon as possible. At the end of this month, our Nation is faced with a

looming expiration and insolvency of the highway trust fund. With 64,000 structurally deficient bridges and billions of dollars needed for construction projects across America—really, trillions of dollars. We have an infrastructure deficit in this country of about \$3 trillion, and 64,000 bridges are structurally deficient. It is irresponsible for Republicans to be content to let the authorization of the highway program lapse or maybe they will come up with another solution like they have in the past, 33 separate short-term extensions of the highway bill.

And now I understand that the chairman of the Finance Committee is working on another short-term extension. How really insensitive to the needs of the American people. There are some States that can't do construction work on highways in the winter-time. It is cold. But that doesn't seem to matter. These short-term extensions are what has become part of the Republican mantra.

There is also an urgent need to reach a bipartisan budget agreement. In less than 3 months, unless we act, the government will shut down. To avoid that, we will need a budget agreement between two parties. That is going to take time and a lot of work, but to this point, the deadline seems to be meaningless to my Republican colleagues. They are doing nothing, not a conversation about it, and they led the charge in the past about how phony the overseas contingency funding was to pay the bills of this country, but now they seem to embrace it. But I guess their theory is—why not put off until tomorrow what you can do today? I don't understand why what we have around here is, putting off until tomorrow everything that should be done today.

There is no need to wait until the end of July to address our Nation's roads, bridges, and rails. That is what we are doing. There is no need to wait until September to come to a sensible agreement funding our government, but that is what they are doing.

Democrats are ready to work with Republicans on these two issues—and now.

### PRESIDENTIAL NOMINATIONS

Mr. REID. Mr. President, another glaring deficiency is we are certainly ready to help Republicans fulfill their constitutional obligations to give due consideration to President Obama's judicial nominations and other nominations.

The Constitution gives the Senate the job to give its advice and consent to the President's nominations to the judiciary. So far, the Republican leader and his party are failing catastrophically. They are intent on delaying important confirmations, even in the face of increasing judicial emergencies all over this country.

Today marks the 182nd day of the 114th Congress. Yet today will be our

first circuit court nomination. That means for almost 7 months, the Republican Senate has not confirmed a single appellate court judge, but today we are going to finally consider one, and that is important. We will be hopefully confirming the first Latina on the Federal Circuit.

Kara Farnandez Stoll is well qualified by every measure. Her nomination was reported out of the Judiciary Committee months ago. Yet no Republican can explain why she has waited this long to have a vote. It is all part of a disturbing trend, I am sorry to say, of neglecting constitutional duties.

According to the Congressional Research Service, the new Republican Senate has doubled the average time for the confirmation of the first circuit judge for any President in the modern era. The new Republican Senate is once again making history but for all the wrong reasons. The Republican leader and his party are on pace to confirm the fewest judicial nominations in half a century.

President Obama's Federal judges are not getting a fair shake. They are bottled up in the Judiciary Committee. They are focused on I don't know what in that committee, but it is certainly not moving the President's nominations. Nominations are forced to wait longer than in past Congresses on the floor.

I have spoken before about the nomination of one very well-qualified person from Philadelphia, Luis Felipe Restrepo—another extremely well-qualified judge-to-be. The junior Senator from Pennsylvania delayed his confirmation by not returning the blue slip to advance his nomination. Before we left for the recess, the Judiciary Committee delayed his hearing again. Yet the junior Senator from Pennsylvania said he is not responsible for the delay because he does not sit on the committee.

This good man, Luis Felipe Restrepo, has waited far too long. He has been nominated to fill a judicial emergency. Judicial emergencies have skyrocketed under Republicans' lack of leadership. Justice delayed is justice denied. The people of Pennsylvania deserve to have him confirmed. So why doesn't the junior Senator from Pennsylvania simply ask to confirm Judge Restrepo immediately? I am confident that if that happened we would have that matter on the calendar. We could confirm Judge Restrepo to the Third Circuit next week if Republicans would quit playing games with nominations.

Time and time again, Democrats have asked for the fair consideration of President Obama's judicial nominations. It is not too much to ask the new majority to match the numbers of confirmations Democrats gave George W. Bush the last 2 years of his administration. By this point, Democrats had confirmed 21 of President George W. Bush's judges-to-be. President Obama has only had four confirmed to date.

And according to the senior Senator from Texas, we should not expect a

change anytime soon. Here is what he said. Speaking of Republicans' desire to keep nominations at a trickle, the assistant Republican leader said last week: "It'll be a slow, steady pace." The pace certainly has been slow, but not steady—more like nonexistent. One circuit court nominee in more than 6 months is an embarrassment. That puts the Senate on pace to confirm fewer than four circuit court nominees this entire Congress. It does not matter that there are judicial emergencies all over the country.

But Republicans' inaction on nominees is not just hurting our judicial system; it is also hurting our Nation's ability to combat terrorism, including ISIS. One way to help stop ISIS and other terrorist organizations is to go after their funding. Republicans know that. But listen to this, Mr. President. Since April, Adam Szubin, President Obama's nominee to the Department of Treasury as Under Secretary for Terrorism and Financial Crimes, has remained in limbo. It is so important to this country. We have the situation going on with Iran. We need people in the Treasury Department to help figure out all that is going on in regard to terrorism there and other places in the world. Yet Republicans will not confirm this good man. He cannot get a vote. And who knows why. Ask Republicans.

By any objective measure, the Republican Senate is failing in their basic constitutional responsibility to provide advice and consent. The American people deserve better. They deserve a Senate that does its work responsibly and completes it on time.

Mr. President, will the Chair announce the business of the day.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### EVERY CHILD ACHIEVES ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 1177, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (S. 1177) to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, if I could gain the attention of the Democratic leader for just a moment, before he leaves the floor. In a few moments, the Senator from Washington and I will make our opening statements on our proposed committee legislation to fix No Child Left Behind, but before we do that, I want to first express my appreciation to the majority leader for his putting it on the floor, bringing it

up. I know the majority leader has a variety of other options, and he is giving us a chance to take our bill, which we will be describing in a few minutes, and put it on the floor.

I also want to acknowledge and thank the Democratic leader because he has allowed the bill to come to the floor without delay so that we can move to the bill and allow Senators to begin to vote on it. We hope to begin having those votes tomorrow morning.

We have a good example of cooperation here with the majority leader bringing the bill to the floor, a unanimous bill by the committee. Senator MURRAY, a member of the Democratic leadership, played a major role in the legislation. In fact, it was her advice that I took which caused us I think to have success in the committee by presenting a bipartisan bill. But I specifically want to thank Senator REID for his attitude on the bill. I think that will create the environment in which we will have to frankly work through some contentious issues. This is not an issue-free piece of legislation. We are 7 years overdue. It should have been passed in the last two Congresses. But we have made a good start.

I thank both leaders for giving Senator MURRAY and me a chance to try to work in the next few days with other Senators to continue the amendment process, allow Senators to have their say, get a result, and work with the House to send a bill to the President that he is willing to sign.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, my friend from Tennessee is an expert in education. Not only was he the Governor of the great State of Tennessee, he was also the Secretary of Education. He knows education. And he has a good partner to work with, PATTY MURRAY. The senior Senator from Washington is a legislator first class, and the work they have done as leaders of this important committee has been very, very good.

I appreciate the kind words of my friend from Tennessee, but this is an example of what I talked about a few minutes ago. We are not treating Republicans the way they have treated us. I repeat, every piece of legislation I brought to the floor we had to file a motion to proceed on—with extremely rare exception, everything. We wasted months going through this senseless 2 days, 30 hours, and on and on with all the time spent on this. It was an effort to embarrass President Obama, and they did their best to do that. But as cynical as it was, it helped them in the 2014 elections, and I acknowledge that, and that is too bad. But it is too bad we had to go through all that because it has really hurt the country.

I say to my friend, I have great respect for this man from Tennessee. He is a good legislator, and I look forward to moving forward on this important piece of legislation involving elementary and secondary education. We have

to do a better job, and I think there are no two better qualified people than the two managers of this bill to accomplish that.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Democratic leader. Senator MURRAY and I will make our opening statements, but I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. ALEXANDER. Mr. President, we begin debate today on a bill to fix the problems with No Child Left Behind, the Federal law that has been causing confusion and anxiety in 100,000 public schools in our country.

This week, *Newsweek* magazine called this the "law that everyone wants to fix." There is a broad consensus about that, and, remarkably, there is a broad consensus about how to fix it. This is the consensus: that we should continue the law's important measurements of students' academic progress but restore to States, school districts, classroom teachers, and parents the responsibility for deciding what to do about the results of those tests. In my view, this change should produce fewer tests and more appropriate ways to measure student achievement. We believe this is the most effective path toward higher standards, better teaching, and real accountability.

Our Health, Education, Labor and Pensions Committee—the Senate's education committee—obviously believes that too. The committee reported the bill unanimously. Senator MCCONNELL, the majority leader, noted earlier that committee has on it some of the Senate's most liberal Democrats and several of the Senate's most conservative Republicans. It was a surprise to many people that the committee reported it unanimously. But the committee understood that this was a problem we needed to solve and that we had a fair and open process, everyone had a chance to participate, and that the bill was good enough to come to the floor, where we could continue to work on it.

Not only is there a consensus about how to fix it within the U.S. Senate committee on education, there is outside of the Senate. This bipartisan bill, which has come to the Senate floor, has been supported by teachers, by school boards, by school superintendents, by chief State school officers, and by Governors.

The Presiding Officer is a former Governor, as am I. Both of us would have to go back a long time to remember something that was supported as enthusiastically by both the National