

child, regardless of his or her background, regardless of his or her family's income, has access to the opportunities provided by a great education, a high-quality education.

Now, part of providing that opportunity is ensuring that every student is able to come to school and succeed in an environment that is safe, supportive, and free from discrimination. While the Every Child Achieves Act helps advance opportunity for students in numerous ways, it falls short in addressing a significant problem limiting the achievement of some of our most vulnerable students.

Unfortunately, there are still far too many stories of harassment, of bullying, and of discrimination against lesbian, gay, bisexual, and transgender students at the hands of their peers but also, sadly, sometimes at the hands of their teachers or administrators as well. There remains no Federal law that explicitly protects these students and provides them and their families with recourse when they face bullying and harassment that limits their educational opportunities.

No student can achieve if he cannot feel safe at school. No student will excel if she spends each day in fear of just being herself. I hear from so many students in my State about the need for us to stand up against bullying. For example, a young woman in Madison wrote to me, and I quote from her letter:

[A]s a student myself, I hear the words “gay”, “faggot”, “queer” and others get tossed around . . . daily, and I do what I can to deter these words from being used in negative ways by others, but one voice can’t make much of a difference. . . . I’m asking you to help raise awareness in schools anyway that you can.

I would tell this young woman in Madison that her voice speaking out on this matter can make a difference. Another young woman from Kimberly, WI, contacted me about her friend who committed suicide after suffering bullying. She wrote:

He made everyone else come alive and be the better people that they were inside. But he killed himself because he thought he had no way out of the pain, no way to make those kids stop, other than to make sure he was not living anymore.

Across the country, lesbian, gay, bisexual, and transgender or LGBT youth experience bullying harassment at school more frequently than their non-LGBT peers. According to a national survey by the Gay, Lesbian & Straight Education Network, in the past year, nearly three-quarters of students were verbally harassed and more than 16 percent were physically assaulted because of their sexual orientation.

More than 60 percent of students who reported an incident of harassment said that school staff did nothing in response. It is unsurprising, then, that nearly one-third of students reported missing school at least once in the last month because they did not feel safe. I believe we must fix this immediately. That is why I support including Sen-

ator FRANKEN's Student Non-Discrimination Act as an amendment to the Every Child Achieves Act currently being debated before the Senate. Senator FRANKEN's amendment would provide real and strong protections for LGBT students in public, elementary, and secondary schools. It would also provide recourse through the Department of Education and, if necessary, in the courts to help students vindicate their rights.

This amendment is closely modeled on existing Federal education protections, which have helped ensure that students have remedies when they face unfair treatment based on race, ethnicity, sex, and disability. LGBT students are just as deserving of the opportunity to succeed in the school environment that is supportive and nurturing rather than discriminatory and unwelcoming.

If we are truly to ensure through this legislation that every child achieves, we must act to address the bullying, harassment, and discrimination that limits educational opportunities of too many students. I urge my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk for the Alexander substitute amendment No. 2089.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Alexander amendment No. 2089 to S. 1177, an original bill to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

Mitch McConnell, Orrin G. Hatch, Lamar Alexander, Cory Gardner, Steve Daines, Pat Roberts, Johnny Isakson, Susan M. Collins, Michael B. Enzi, Kelly Ayotte, John Cornyn, Lisa Murkowski, Tim Scott, Richard Burr, Thom Tillis, Lindsey Graham, John Hoeven.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk for the underlying bill, S. 1177.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 1177, an original bill to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

Mitch McConnell, Lisa Murkowski, Pat Roberts, Lamar Alexander, Cory Gardner, Steve Daines, Johnny Isakson, Susan M. Collins, Michael B. Enzi, Kelly Ayotte, John Cornyn, Orrin G. Hatch, Richard Burr, Thom Tillis, Lindsey Graham, John Hoeven, Bill Cassidy.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum calls under rule XXII of the Standing Rules of the Senate with respect to the cloture motions be waived.

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

MORNING BUSINESS

PENDING NOMINEES TO THE U.S. COURT OF FEDERAL CLAIMS

Mr. LEAHY. Mr. President, the U.S. Court of Federal Claims has been referred to as the “keeper of the Nation’s conscience” and “the people’s court.” This court was created by Congress approximately 160 years ago and embodies the constitutional principle that individuals have rights against their government. As President Lincoln has said, “It is as much the duty of Government to render prompt justice against itself, in favor of citizens, as it is to administer the same between private individuals.” That is what this court does. It allows citizens to seek prompt justice against our government.

The court’s jurisdiction is authorized by statute, and it primarily hears monetary claims against the U.S. Government deriving from the Constitution, Federal statutes, executive regulations, and civilian or military contracts. The fact that the Court of Federal Claims is an article I court, as opposed to an article III court, does not render any of the cases that it hears any less significant.

For example, the court has presided over such important cases as the savings and loan crisis of the 1980s and the World War II internment of Japanese Americans. It also presides over civilian and military pay claims and money claims under the Fifth Amendment’s takings clause.

The takings clause under the Fifth Amendment of the U.S. Constitution provides: “nor shall private property be taken for public use without just compensation.” As a result of this court’s jurisdiction over takings’ claims, it considers cases such as the auto bailout suits against General Motors and Chrysler—companies who were required to terminate agreements with franchisees as a condition of receiving Federal bailout money. The court also resolves disputes that critically impact the environment and our economy, such as those involving the taking of wetlands to create solid waste landfills and disputes over water and drainage rights by agricultural landowners.

Last week, the chief judge of the court sent a letter informing the Senate that despite the court’s shortage of

judicial officers, its caseload continues unabated. She wrote that “[t]he statutory requirements dictating deadlines for certain types of cases unique to our court, including government contract disputes—some of which involve national defense and national security—remain in effect. The dollar amounts in dispute in our currently pending cases, which are often an indication of the complexity of the underlying issues, are in the billions of dollars. At least three different cases on the court’s pending docket reflect a demand for damages greater than forty billion dollars.”

This is no ordinary court. The Senate Republicans’ insistence on delaying the confirmation of qualified nominees to the Court of Federal Claims harms its ability to resolve issues of national importance in a timely and just manner. Since February 2013, the U.S. Court of Federal Claims has been operating with several vacancies. Only 11 of the 16 seats on the court are occupied by active judges.

We could have a court working at full strength if we confirm the five pending on the Senate Executive Calendar. All five of them were all nominated more than a year ago and have twice been voted out of the Judiciary Committee by unanimous voice vote. I have heard no objections to any of the five nominees to this court. There is no good reason to delay filling these vacancies.

This is especially the case because the nominees before us are superbly qualified. One of the nominees, Armando Bonilla, would be the first Hispanic judge to hold a seat on the court. He is strongly endorsed by the Hispanic National Bar Association. He has spent his entire career—now spanning over two decades—as an attorney for the Department of Justice. He was hired out of law school in the Department’s prestigious Honors Program, and has risen to become the Associate Deputy Attorney General in the Department.

Armando Bonilla’s story is that of the American dream. The son of a Cuban immigrant and Cuban-American father, Armando Bonilla has told the story of his mother’s flight from Havana with his aunt and his grandmother. He has told the story of his “Ti Mario,” who eventually disappeared trying to help other exiles. And he has told the story of his father, who dropped out of high school but would subsequently serve the country by joining the Marines and would ultimately take on several jobs to support Armando and his sister. As Mr. Bonilla has beautifully described, his father “exemplified the most outstanding qualities of the Hispanic culture and Hispanic people: the selfless sacrifice, the steely resolve and unbridled optimism and the genuine pride in an honest day’s work—all toward the cause of improving the lives of the next generation.” Mr. Bonilla should be confirmed without further delay.

Another nominee, Jeri Somers, retired with the rank of Lieutenant Colo-

nel in the U.S. Air Force. She spent over two decades serving first as a judge advocate general and then as a military judge in the U.S. Air Force and the District of Columbia’s Air National Guard. In 2007, she became a board judge with the U.S. Civilian Board of Contract Appeals and currently serves as its vice chair.

Armando Bonilla and Jeri Somers are just two of the five nominees that Senate Republicans have been obstructing. These are two individuals that have done right every step of the way in their careers and are willing to serve on this important court. They have dedicated the majority of their careers in service to our Nation. They deserve better than the treatment they are receiving now.

During the Bush administration, the Senate confirmed nine judges to the Court of Federal Claims—with the support of every Senate Republican. So far during the Obama administration, only three CFC judges have received confirmation votes. That is nine CFC judges during the Bush administration to only three so far in the Obama administration.

Unfortunately, the disparity in treatment of these nominees by Senate Republicans is not surprising. More than half a year into this new Congress, the Republican leadership has scheduled votes to confirm only five district and circuit court judges. This is in stark contrast to the 25 district and circuit court judges confirmed by July 13, 2007, when the shoe was on the other foot and Democrats had regained the Senate majority in the seventh year of the Bush administration. That is 25 district and circuit court judges under a Democratic majority compared to 5 under the Republican majority. That is five times as many judges confirmed under a Democratic majority with a President of the opposite party than today’s Senate Republican majority.

It is up to the majority leader now to treat President Obama’s judicial nominees fairly. I ask that he schedule votes this week on the five Court of Federal Claims nominees pending on the Senate Executive Calendar.

I ask unanimous consent that a recent post to The Hill’s Congress Blog by Professor Carl Tobias on the need to fill the vacancies on U.S. Court of Federal Claims be printed in the RECORD.

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

[From The Hill, July 9, 2015]

FILL THE U.S. COURT OF FEDERAL CLAIMS
VACANCIES

(By Carl Tobias)

The United States Court of Federal Claims was the most important federal court that many Americans had never heard of until last month. That is when Judge Thomas Wheeler of this court ruled that Hank Greenberg and AIG shareholders had proved that the federal government exceeded its authority by demanding an eighty percent equity stake in AIG during the great recession but that plaintiffs were not entitled to damages because they suffered no economic loss.

More critical than this high profile case is the fact that the court has experienced vacancies in five of its judgeships for more than a year, while the well qualified, consensus nominees whom President Barack Obama first tapped for those openings in 2014 have languished awaiting confirmation. Because the Court of Federal Claims needs its full complement of judges to deliver justice and each nominee is highly qualified and uncontroversial, the Senate must expeditiously provide the nominees floor debates, if warranted, and up or down votes.

This tribunal is the court in which citizens seek redress against the federal government for monetary claims. These include claims that the U.S. has taken private property without just compensation under the Fifth Amendment, claims pursued by veterans who seek disability payments for injuries received in combat and claims for compensation filed by persons who allege vaccines injured them. The tribunal’s recent caseload has increasingly encompassed complex, high-dollar cases and high profile disputes in fields, such as the 1980s savings and loan crisis and Second World War internment of Japanese Americans by the United States.

On April 10, 2014, Obama nominated Judge Nancy Firestone for reappointment and Thomas Halkowski to fifteen year terms, while on May 21, the White House nominated Armando Bonilla, Patricia McCarthy and Jeri Somers. Obama first nominated all five of the candidates more than one year ago, and they received Judiciary Committee hearings nearly a year ago. The panel unanimously reported all five out of committee rather soon after the hearings. Unfortunately, the Senate accorded none of the nominees a final vote before the 114th Congress adjourned.

Therefore, the White House renominated the five candidates in early January 2015. The Judiciary Committee in turn unanimously approved the nominees without substantive discussion in February. The five nominees have since languished on the floor over four months awaiting debates and yes or no ballots. In a June 24 Congressional Record statement, Sen. Patrick Leahy (D-Vt.), the Judiciary Committee Ranking Member, urged swift votes: “We have heard no opposition to any of these nominees, yet they have been in limbo for months and months because the Republican Leader has refused to schedule a vote.”

Now that the Senate has returned from its July 4 recess, one of the chamber’s first items of business must be debates and votes on the five Court of Federal Claims nominees. The tribunal needs all of the judges whom Congress has authorized to dispense justice for members of the public who seek redress because they claim that the federal government has injured them.

ADDITIONAL STATEMENTS

RECOGNIZING THE 15TH ANNIVERSARY OF THE COLORADO DRAGON BOAT FESTIVAL

• Mr. GARDNER. Mr. President, today I commemorate the annual Colorado Dragon Boat Festival on their 15th-anniversary celebration taking place on July 18 and 19 at Sloan’s Lake in Denver, CO.

The Dragon Boat Festival is a ritual that is more than 2,000 years old. This sporting event has spread to cities around the world, and Denver’s Dragon