

threat to American or even Israeli aircraft.

However, that is not where Iran's air defenses will be in 10 years. Under this agreement, the ban on conventional weapons sales to Iran will be lifted after 5 years. Russia has already agreed to sell Iran four batteries of S-300 vehicle-launched surface-to-air missiles. Depending upon the sophistication of these S-300 missile systems, they may be able to engage aircraft up to 200 miles away.

As we saw last month with Iran unveiling its new solid-fuel missiles, Iran's domestic military infrastructure will not remain static. Over the next decade, as Iran acquires more and more increasingly advanced weapons systems, its area denial capability will make airstrikes even more difficult. Will a future American President, therefore, have the same military options that we have today, as President Obama and Secretary Kerry claim? The answer is no.

We will still have military options available to us, but the calculus for carrying out a targeted airstrike will be much different down the road. Therefore, it is not realistic for President Obama to claim that future Presidents will have the same military options against Iran we have today. And the more the realistic possibility of a military strike decreases, the more likely Iran will be to violate the terms of the agreement and go after a bomb.

In 10 years' time, under this agreement, our best hope for Iran not attaining a nuclear weapon will be the Iranian Government voluntarily deciding it doesn't want one. That is not something I am willing to bank on.

Madam President, I also want to speak for a moment about Iran's support for terrorism and the idea put forward by President Obama that Iran will spend most of the soon-to-be-acquired economic wealth on its own economy. Even if we assume Iran's military spending remains what it is today as a percentage of Iran's budget, what would that mean going forward?

Well, there are many estimates on how much Iran spends on its military. Some experts put the figure at around \$10 billion per year, while others estimate the figure to be closer to \$15 billion or even higher. In addition, of the amount spent on Iran's military, about 65 percent is spent on Iran's Revolutionary Guard Corps—the IRGC.

In the first year of this agreement, between unfrozen assets and increased revenue from oil sales, Iran is expected to see an initial influx of around \$140 billion. Now, using conservative numbers, if Iran's military spending stayed the same in this coming year as a percentage of GDP, it would increase to almost \$15 billion, with \$9.5 billion going to the IRGC.

One of the main national security concerns we have regarding the IRGC is that Iran uses it to support terrorist organizations. Iran is the main supporter of Hezbollah in Lebanon and

Hamas in Gaza, both of which have provoked conflicts with Israel in recent years.

In addition, Iran's support of instability in the region is well known, with the Iranian Government providing funding to the Houthis in Yemen and military assistance to Assad in Syria. Many of our own casualties in Iraq were the result of Iranian-made bombs provided to insurgents by the Iranian Quds Force.

Last summer, the missiles being launched at Israel out of Gaza were primarily imported from Iran. It is no wonder Israel has been so opposed to this deal.

Even the Iron Dome system, which proved so successful during the last Israeli-Palestinian conflict, can be overwhelmed if enough missiles are fired at once. And now Iran, a country bent on Israel's destruction, is going to see a huge increase in military spending.

Even the Quds Force commander, Qassem Suleimani, the man responsible for supplying Iraqi insurgents with bombs that killed U.S. soldiers, will see United Nations and European Union sanctions lifted as a result of this deal.

President Obama keeps arguing that the danger of a nuclear-armed Iran far outweighs the short-term impact of Iran's increased support for terrorism. As we have discussed, I don't think this agreement prevents Iran from getting a nuclear bomb. But even if my colleagues disagree with me on that point, are we really willing to trade the lives of our allies in the short term to try to achieve this goal? That is not a risk I am willing to take.

In urging my colleagues to vote against this deal, I would also like to speak for just a moment about what would happen if Congress is able to stop this deal?

The President keeps saying a "no" vote on this deal will lead to war. Well, that is unrealistic and a clear attempt by the President to garner support for the agreement by stoking people's fears.

Iran is very aware of its own military limitations, and it knows what the outcome of such a war would be. For Iran, in the short term, a much more realistic response would be for it to try to keep its side of the agreement in an attempt to gain United Nations and EU sanctions relief. However, despite this attempt, the United States could double down on the U.N. sanctions that were in place prior to the December framework and threaten to use secondary sanctions against foreign businesses who wish to do business with Iran.

Given the size of the U.S. economy compared to Iran, this is a powerful deterrent. Since Iran's economy is already hurting, maintaining sanctions would provide more leverage for the P5+1 to get a better deal.

However, another plausible outcome following congressional rejection of the

deal would be for Iran to try to capitalize on congressional disapproval by seeking to divide Russia and China from the West to undermine the multilateral sanctions regime. Iran could try to achieve this by implementing certain commitments from the agreement but not others.

But even if China and Russia wish to do business with Iran, they both still have an incentive to try to achieve the original goal of the negotiations. It is not in China's interest for a nuclear-armed Iran to cause greater instability with global energy prices, and Russia doesn't want an Islamist regime in its backyard, which is prone to regional conflicts, acquiring nuclear weapons capabilities.

These scenarios I am describing have already been echoed by a chorus of experts who have pointed out the flaws in this agreement and offered alternatives. The vote this week is not—is not—a choice between supporting a bad deal or going to war. The vote this week is an opportunity to reject a bad deal in order to achieve a better outcome.

That is what we ought to be doing, and I hope we get the chance to get on this resolution and that we have the chance to get a full debate here in the Senate where the people's voices can be heard. I hope when it is all said and done, Members here in the Senate will come to the same conclusion I and many of my colleagues have, which is that this is a bad deal for our country, it is a bad deal for our allies in the region, and there is a much better outcome that can be achieved if the Senate will reject this bad deal and get us back to negotiations where we can achieve a better outcome.

I yield the floor.

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

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

EXECUTIVE SESSION

NOMINATION OF ROSEANN A. KETCHMARK TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI

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 senior assistant legislative clerk read the nomination of Roseann A. Ketchmark, of Missouri, to be United States District Judge for the Western District of Missouri.

The PRESIDING OFFICER. Under the previous order, there will now be 30

minutes of debate equally divided in the usual form.

The Senator from Missouri.

Mr. BLUNT. Madam President, I ask unanimous consent that the time during the quorum call be equally divided.

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

Mr. BLUNT. 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. LEAHY. 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. LEAHY. Madam President, today we are going to vote on the nomination of Roseann Ketchmark. She has been nominated to be a Federal district judge in the Western District of Missouri. Now, this is only the sixth judicial nominee that we have voted on since the Senate Republicans took over the majority 8 months ago, so less than 1 a month. In fact, if we continue at this rate the Republican majority has established, the Senate this year will confirm the fewest number of judges in more than a half century—resulting in a judicial vacancy crisis. I am concerned because the Senate Republican leadership has refused to schedule timely confirmation votes for consensus judicial nominees which, I think, demonstrates an astounding neglect of the needs of our independent third branch, which borders on contempt.

I am proud to be a lawyer. I have practiced both in the criminal and civil bars and served as a prosecutor. I have appeared before many different courts. I look at the men and women who have been on our courts, and I say: Here is an example of the way the judicial system should be—something every country in the world wants to emulate. But now, we are treating that third branch almost with contempt—with partisan contempt—and that is going to hurt the whole of the Federal judiciary.

When Senate Democrats were in the majority, we worked hard to reduce the number of judicial vacancies to just 43—the lowest level since this President took office. This was accomplished through the unyielding efforts of then-Majority Leader REID and Senate Democrats, who prioritized filling judicial vacancies so that our independent judiciary would be sufficiently staffed. Our success in reducing the number of judicial vacancies to such a level in 2014 was remarkable, given that we had begun the year with over 90 vacancies and the fact that Senate Republicans filibustered every single judicial nominee.

Throughout President Obama's tenure, we have seen Senate Republicans consistently prioritize partisan politics over the Senate's constitutional duty of advice and consent. Their relentless obstruction over the last 6 years has

resulted in an unacceptable number of vacancies—often hovering close to or exceeding 90. By the end of last year, the Senate made progress in reducing judicial vacancies to 43, but now we are seeing those gains reversed due to the Republicans' refusal to even schedule confirmation votes this year. In the 8 months since Republicans have been in the majority, judicial vacancies have increased by more than 50 percent. If Republicans keep on this dangerous course, we are heading to a judicial vacancy crisis. This is made worse by the fact that the number of Federal court vacancies deemed to be "judicial emergencies" by the non-partisan Administrative Office of the U.S. Courts has increased by 158 percent since the beginning of the year. There are now 31 judicial emergency vacancies that are affecting communities across the country.

I am going to show a couple of things. Republicans campaigned last year on the promise they would govern responsibly if they won the majority, but instead they have created divisive issues that play openly to their political base. One needs to look no further than the recent show vote to defund critical health services for women.

I was in Vermont all last month. Everywhere I went—especially rural Vermont, where it is so difficult and so essential to get health care to women—they are asking: Why do the Republicans want to cut off the health care for women in rural parts of our country? Rather than spending 2 days in an unnecessary political exercise, the Senate should have voted to confirm the many judicial nominees pending on the calendar. In fact, rather than pushing bills to strip funding from local law enforcement for obeying the rules on immigration enforcement, we should be confirming judges to ensure our entire criminal justice system works for everyone.

Let's give one example. The last 2 years of President Bush's tenure in office, the Democrats controlled the Senate. By this time, we had confirmed 26 of his judges. Now, with exactly the same situation, with Republicans controlling, they have only allowed five judges. What we did as Democrats for President Bush, we put through five times as many judges as Republicans have for President Obama. What you are seeing actually is we are going to politicize the Federal courts.

Supporting and strengthening our Federal judiciary is not a Democratic or Republican priority; it is a fundamental and constitutional duty of the Senate that we all must share. In fact, the Senate Republican leadership's decision to shirk this body's constitutional duty of advice is doing the most harm to States with at least one Republican Senator. Of the 67 current vacancies that exist, 48 of them—or more than 70 percent—are in States with at least one Republican Senator. Texas, for example, has nine judicial vacancies. Seven of those nine are considered

judicial emergencies. Incredibly, one of those district court positions has been vacant for over 4 years. A Fifth Circuit position in Texas has been vacant for more than 3 years. Pennsylvania and Alabama face similar crises. They have six and five current vacancies, respectively. Federal courts in several other States are grappling with extended vacancies. They desperately need to be filled.

The length of time that some of these vacancies have remained unfilled is staggering. In Texas, none of these vacancies currently have nominees because the Texas Senators have been slow in providing recommendations to the President. A similar pattern can be seen with the Alabama vacancies, where two of the positions have been vacant for over 2 years, and another has remained vacant for over 1½ years.

In Pennsylvania, there are six current vacancies and five nominees pending. Senate Republicans should be trying to move these nominees as expeditiously as possible. Of great concern is the treatment of Judge Luis Felipe Restrepo, who will fill an emergency vacancy on the U.S. Court of Appeals for the Third Circuit. Judge Restrepo was unanimously confirmed 2 years ago by the Senate to serve as a district court judge in Pennsylvania. I have heard no objection to his nomination, yet it took 7 months just to get him a hearing in the Judiciary Committee.

Judge Restrepo has strong bipartisan support from both Pennsylvania Senators, and he was voted out of the Judiciary Committee unanimously by voice vote. Once confirmed, Judge Restrepo will become the first Hispanic judge from Pennsylvania to serve on this court and only the second Hispanic judge ever to serve on the Third Circuit. No Senate Democrat opposes a vote on his nomination. Senate Republicans are the only thing holding up his nomination. I hope the Republican Senator from Pennsylvania will implore his leadership to bring this highly qualified nominee up for a vote. The continued delay of Judge Restrepo is a poor reflection on this body.

In the Western District of New York, located in Buffalo, there is not a single active Federal district judge, even though it has one of the busiest case-loads in the country. And there are more criminal cases than in Washington, DC, Boston, Cleveland, and they don't have a single active judge because Republicans will not allow a vote, up or down, even though they have the majority. If you don't like the judge, you vote them down. They will not even allow a vote. I should note that the highly qualified nominee to serve in Buffalo was voted unanimously out of the Judiciary Committee. They will not allow them to have a vote on the Senate floor.

Look at this, how we brought vacancies down when we controlled the Senate, and now look at how they shoot up when the Republicans control the Senate. It makes no sense at all. In fact, as

I said earlier, the Republican-controlled Senate allowed confirmation votes on just five judges—one, two, three, four, five. They have taken vacations, recesses, long weekends, and leave early—but we don't have time to vote on judges, which are normally unanimous votes anyway.

We are going to vote on the sixth today. Whoop-de-i-ay. Good for us. My goodness gracious. It hasn't been this way before. As I said, when I was chairman of the Senate Judiciary Committee, in the last 2 years of President Bush's term, I had put through 26 judges by now. The Republicans have only allowed five judges. This kind of partisanship is really wrong. In fact, it is on pace to be the lowest in recent history.

President Eisenhower had 47 judges confirmed in his last 2 years in office; President Reagan had 85 judges confirmed his last 2 years in office; President Clinton had 73 judges confirmed his last 2 years in office; and President George W. Bush had 68 judges confirmed his last 2 years in office. This is a clear double standard that is being applied to President Obama's nominees.

Republicans can provide some real leadership if the majority leader would go ahead and allow for a vote on all 14 of the judicial nominees pending on the Executive Calendar. All of these nominees have bipartisan support and were voted out of the Judiciary Committee by voice vote. Five of them would fill judicial emergency vacancies, including Judge Restrepo of Pennsylvania. Others would fill judicial emergencies in California, New York, and Tennessee. And the five nominees to the U.S. Court of Federal Claims have now been pending before the full Senate for a year or more.

Today we are voting on the nomination of Roseann Ketchmark to fill a judicial vacancy in the Federal district court in the Western District of Missouri. She has spent her entire 25-year legal career as a prosecutor on both the State and Federal levels. Since 2001, Ms. Ketchmark has served as an Assistant U.S. Attorney with the U.S. Attorney's Office for the Western District of Missouri. During her time in the U.S. Attorney's Office, Ms. Ketchmark has served in supervisory and management capacities as both the First Assistant U.S. Attorney and as the Executive Assistant Attorney. She began her legal career as an Assistant Prosecutor in Kansas City, MO, at the Jackson County Prosecutor's Office, and subsequently joined the Platte County Prosecutor's Office in Platte City, MO, as a First Assistant Prosecutor. Ms. Ketchmark has the bipartisan support of her two home State Senators, Senator McCASKILL and Senator BLUNT. She was voted out of the Judiciary Committee by voice vote more than 4 months ago. She has a strong background as a criminal prosecutor and I will support her nomination.

The majority leader has spoken recently about his desire to avoid an-

other Republican-led government shutdown. I agree, the American people deserve something better than obstructionist shutdowns. While the focus has been on the threat of Republicans shutting down the government over women's health services, the Senate Republicans have virtually shut down the judicial confirmation process. It is harming our justice system in the short and long term.

I have spoken to a number of Republican Senators who realize this is wrong. These are the same Senators who came to me at the time of President Bush and asked: Can you move these judges, even though you are in charge? And I said, of course, we will. Some have come sheepishly and said: We are sorry we didn't return the favor. What I say is reverse course; I urge Senate Republicans to reverse course and realize the short-term partisan decisions are undermining the ability of the judicial system to serve our communities.

Tonight's vote to confirm a district court nominee from Missouri is long overdue. I urge the Senate Republican leadership to schedule votes for the remaining 13 consensus judicial nominees on the Executive Calendar. They could all be done tomorrow morning in half an hour's time.

I have been in the Senate longer than any Member of this body. I have been here in the majority and the minority, numerous times in both. I have been here with Republican Presidents and Democratic Presidents, with the Republican leaders—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEAHY. I see nobody else seeking recognition. I ask unanimous consent for another 3 minutes.

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

Mr. LEAHY. I have been here with both Republican and Democratic leadership of this body, Republican and Democratic Presidents. I have never, in 41 years, seen the Federal judiciary treated in such a cavalier, mean-spirited and, I would say, irresponsible fashion. I know most Senators want to do the right thing. Let's start doing it. This Third Branch of government should be treated with respect. If you have a person who is not competent who is nominated, then vote them down, but if they are competent, let's have a vote on it. Let's not have this.

You are not going to find good men and women to agree to serve on the Federal bench if they think they are going to be delayed for partisan reasons for a year or more at a time. We can do better. We are all proud of our Federal judiciary. It is the best in the world, but this kind of partisanship could turn it into one of the worst in the world. This Senator does not want to see that happen.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. GARDNER). Without objection, it is so ordered.

Under the previous order, the question is, Will the Senate advise and consent to the nomination of Roseann A. Ketchmark, of Missouri, to be United States District Judge for the Western District of Missouri?

Ms. AYOTTE. 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.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) and the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. MARKEY) and the Senator from New Mexico (Mr. UDALL) are necessarily absent.

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

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 263 Ex.]
YEAS—96

Alexander	Fischer	Murphy
Ayotte	Flake	Murray
Baldwin	Franken	Nelson
Barrasso	Gardner	Paul
Bennet	Gillibrand	Perdue
Blumenthal	Graham	Peters
Blunt	Grassley	Portman
Booker	Hatch	Reed
Boozman	Heinrich	Reid
Boxer	Heitkamp	Risch
Brown	Heller	Roberts
Burr	Hirono	Rounds
Cantwell	Hoover	Sanders
Capito	Inhofe	Sasse
Cardin	Isakson	Schatz
Carper	Johnson	Schumer
Casey	Kaine	Scott
Cassidy	King	Sessions
Coats	Kirk	Shaheen
Cochran	Klobuchar	Shelby
Collins	Lankford	Stabenow
Coons	Leahy	Sullivan
Corker	Lee	Tester
Cornyn	Manchin	Thune
Cotton	McCain	Tillis
Crapo	McCaskill	Toomey
Daines	McConnell	Vitter
Donnelly	Menendez	Warner
Durbin	Merkley	Warren
Enzi	Mikulski	Whitehouse
Ernst	Moran	Wicker
Feinstein	Murkowski	Wyden

NOT VOTING—4

Cruz	Rubio
Markey	Udall

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.