

stimulate economic growth and protect the most vulnerable among us.

Carbon pollution entails costs, but right now taxpayers are footing the bill. By making polluters responsible for the damage they cause and returning all of the revenues to individuals and employers, we will send a signal that innovation in clean energy and other low-carbon technologies will be the driving force behind the global economy of the 21st century.

The United States should not cede leadership in those sectors to China, Germany or any other country. We always lead. It is what Americans do best. American ingenuity led to some of the most exciting developments in the last century—from the airplane and the assembly line to the microprocessors and solar cells. With the right policies, we can assure American leadership for the next century as well.

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.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

#### MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

#### RECOGNIZING RICHARD EVANS

Mr. REID. Mr. President, I rise today to recognize the distinguished career of Richard Evans, who has served as a Transportation Security Administration, TSA, aviation compliance inspector, passenger service manager, and county sheriff.

Richard Evans has always been a man of sound judgement and conviction. He began his law enforcement career at the Orange County Sheriff's Department in 1964 at the age of 21. As would become recurrent in his career, Richard rose through the ranks for 20 years and retired from the sheriff's department as an investigator. During Richard's exemplary career, he participated in numerous high-level, dangerous undercover cases. The department called upon Richard to participate in many joint Federal, State, and local task forces. He always answered the call and was willing to go above and beyond.

Following his service with the Orange County Sheriff's Department, Richard spent 17 years rising through the ranks of the world's largest airline fleet, American Airlines. Richard worked at the John Wayne Airport in

Orange County, the Ontario International Airport, and the Los Angeles International Airport. He completed his career with American Airlines at McCarran Airport in 2001.

In the aftermath of September 11, 2001, Richard answered the call to service yet again and joined the TSA. He was quickly assigned to the law enforcement liaison section, where he built upon his 20 year law enforcement career and his 17 years with American Airlines. For nearly two decades, Richard has been the point of contact for all dignitary movements and specialized screening at McCarran Airport. In conjunction with Federal, State, and local law enforcement officials, Richard seamlessly ensured the safe and security of dignitaries in one of the Nation's busiest airports.

Official records note thousands of successful escorts, which include escorts for the President of the United States, the Vice-President of the United States, and former Presidents. Richard has personally coordinated the movements of Kings, Queens, Prime Ministers, Princes, Princesses, Ambassadors, and senior officials from more than 57 different countries. Nearly every Governor in the United States, a vast majority of Executive Branch Cabinet Secretaries, multiple Supreme Court Justices, and countless Members of Congress have experienced Richard's unrivaled expertise and without fail everyone agrees: Richard is the standard for exceptional service.

Richard Evans is a wonderful man and one of the finest public servants I have had the pleasure of meeting during my career. His trustworthy, problem-solving nature was always apparent when crises or challenges presented themselves. Dignitaries in the United States and around the world were fortunate to have been in his capable care. I commend Richard for his service to this Nation, and I wish him the best in his retirement and future endeavors.

#### JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, this month, the Senate passed a resolution recognizing Hispanic Heritage Month and celebrating Hispanic Americans as dedicated public servants in the highest levels of government. These great Americans include a Supreme Court Justice, 3 U.S. Senators, 34 members of the House of Representatives, and 3 members of the President's Cabinet. I commend the U.S. Senate for passing this resolution celebrating Hispanic heritage, but we should be doing much more than approving a resolution. We should be working on a bipartisan basis to pass comprehensive immigration reform, as the Senate did last Congress under a Democratic majority. At the same time, the Senate should immediately confirm the several judicial nominees supported by the nonpartisan Hispanic National Bar Association.

There are three outstanding Hispanic judicial nominees that are currently

pending on the Senate's Executive Calendar: Luis Felipe Restrepo, nominated to a judicial emergency vacancy in the Third Circuit; Armando Bonilla, nominated to a judicial vacancy in the Court of Federal Claims; and John Michael Vazquez, nominated to a judicial emergency vacancy in the district of New Jersey. A fourth, Dax Lopez, has been nominated to a judicial vacancy in the Northern District of Georgia, and is still awaiting a hearing in the Judiciary Committee.

These dedicated public servants are eager to serve, but they have been blocked by the Republican leadership's virtual shutdown of the judicial confirmation process since they took over the majority in January. More than 8 months into this new Congress, the Republican leadership has allowed just six votes for judges. At this rate, the Senate this year will confirm the fewest number of judges in more than a half century. Luis Felipe Restrepo, Armando Bonilla, John Michael Vazquez, and Dax Lopez all deserve an up or down vote by this Senate.

Judge Restrepo was nominated last year to fill an emergency vacancy on the U.S. Court of Appeals for the Third Circuit in Pennsylvania. If confirmed, Judge Restrepo would be the first Hispanic judge from Pennsylvania to ever serve on this appellate court and only the second Hispanic judge to serve on the Third Circuit. He was unanimously confirmed 2 years ago by the Senate to serve as a district court judge. During his tenure as both a Federal district court judge and as a Federal magistrate judge, he has presided over 56 trials that have gone to verdict or judgment. He is superbly qualified, and I have heard no objection to his nomination. Despite his outstanding credentials and experience, it took the Republican majority 7 months just to schedule a hearing in the Judiciary Committee for this qualified nominee.

Judge Restrepo has bipartisan support from both Pennsylvania Senators and was voted out of the Judiciary Committee unanimously by voice vote. He has the strong endorsement of the nonpartisan Hispanic National Bar Association. At his confirmation hearing in June, Senator TOOMEY stated that "there is no question Judge Restrepo is a very well-qualified candidate to serve on the Third Circuit." Senator TOOMEY described Judge Restrepo's life story as "an American dream" and recounted how Judge Restrepo came to the United States from Colombia and rose to the top of his profession by "virtue of his hard work, his intellect, his integrity." I could not agree more.

Given his remarkable credentials, wealth of experience, and strong bipartisan support, the Senate should have confirmed Judge Restrepo months ago. Instead, for 10 months since his nomination back in November 2014, he has been denied a vote on his confirmation. No Senate Democrat opposes a vote on his nomination. He is being denied a confirmation vote by Senate Republican leadership. No one doubts that he

will be confirmed once Majority Leader MCCONNELL schedules his vote. I have heard Senator TOOMEY indicate his strong support and that he would like to see Judge Restrepo receive a vote, but I have yet to see him ask for a firm commitment on a vote. The people of Pennsylvania are no doubt wondering when this longstanding and emergency vacancy on their appeals court will be filled.

Another outstanding public servant is Armando Bonilla, who was first nominated to serve on the U.S. Court of Federal Claims back in May 2014. If confirmed, Mr. Bonilla would be the first Hispanic judge to hold a seat on that 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 into the Department's prestigious Honors Program and has risen to become an associate deputy attorney general in the Department.

Armando Bonilla's background is also one that reminds us of the American dream. The son of a Cuban immigrant and Cuban American father, Mr. 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 uncle, "Tío 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 served our country by joining the Marines and took 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.

The U.S. Court of Federal Claims has been operating with several vacancies since February 2013. 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 confirmed Mr. Bonilla and the other four nominees pending on the Senate Executive Calendar. All five of them were nominated more than a year ago and have twice been voted out of the Judiciary Committee by unanimous voice vote. There is no good reason to delay an up-or-down vote for these uncontroversial nominees.

John Michael Vazquez was nominated to a judicial emergency vacancy in the district of New Jersey in March. He has been a public servant for both the Office of the Attorney General for the State of New Jersey and as a Federal prosecutor in the U.S. attorney's office in the District of New Jersey. During his tenure in the U.S. attorney's office, Mr. Vazquez handled a wide array of Federal investigations

and prosecutions while serving in the general crimes unit, the major narcotics unit, the terrorism unit, and the securities and health care fraud unit.

The ABA Standing Committee on the Federal Judiciary unanimously rated Mr. Vazquez "Well Qualified" to serve as a district judge, its highest rating. He also has the support of his two home State Senators, Senators MENENDEZ and BOOKER. He was voted out of the Judiciary Committee by voice vote. There is no reason why Mr. Vazquez, along with Judge Restrepo and Mr. Bonilla, should not be confirmed today. Each of the outstanding Hispanic judicial nominees pending on the floor will be confirmed overwhelmingly if Majority Leader MCCONNELL will simply schedule a confirmation vote.

Over the past 7 years, the Senate has acted to confirm some outstanding Hispanic American judicial nominees. President Obama nominated the first Latina to serve on the U.S. Supreme Court, as well as the first Latino circuit judges in three circuits: Alberto Diaz on the fourth circuit, Adalberto Jordan on the 11th circuit, and Jimmie Reyna on the Federal Circuit; and has already appointed 35 Hispanic Americans to serve on the Federal bench, more than any other president in history. But this record does not mean that the Senate should shut down any further confirmations as some in the majority may desire. The Senate has an obligation to vote on judicial nominees in regular order and to consider them fairly based on their individual merit.

A recent report from The Brookings Institution dated September 18, 2015, confirms that the Republican obstruction on judicial nominees is unprecedented in recent history. It states: "Senate Republicans' aggressive slowdown in judicial confirmations so far in 2015 . . . are contrary to the confirmation records in the final two years of the other two-term presidencies since 1961—Ronald Reagan, William Clinton, and George W. Bush." And a recent report by the Alliance for Justice, dated September 17, 2015, notes that "the burgeoning vacancies are the result of playing politics with judicial selection. And the victims are the people and businesses who cannot access courts to seek justice and the judges who must shoulder the burden of increased caseloads and fewer resources."

I urge all Senators to read these reports as well as a recent story in the Associated Press that highlights the real consequences of Senate Republicans' judicial blockade. The story highlights a case brought by Latino migrant farmworkers for wage theft in Federal district court in eastern California. I ask unanimous consent that the Associated Press article be printed in the RECORD. The workers have waited more than 3 years to learn whether they can proceed with their claim. As years go by, the workers' attorney worries that her clients will have moved

and be impossible to reach if and when she is able to recover their stolen wages. This is another heartbreaking example that justice delayed is effectively justice denied. The Senate, however, can act right now to alleviate the considerable backlog of cases in the Eastern District of California by confirming the noncontroversial pending nominee for this court, Federal Magistrate Judge Dale Drozd. Judge Drozd was voice voted out of the Judiciary Committee in June, and there is no reason why we cannot vote today on his confirmation.

The Republican leadership's virtual shutdown of judicial confirmations has only served to undermine the judicial branch and harm the American people. I urge Senate Republicans to change course and lead responsibly. The Senate should immediately turn to the confirmation vote of Judge Luis Felipe Restrepo and then schedule confirmation votes for the other 15 judicial nominees, including Mr. Bonilla and Mr. Vazquez, without further delay.

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

[From the Associated Press, Sept. 27, 2015]  
WHEELS OF JUSTICE SLOW AT OVERLOADED  
FEDERAL COURTS

(By Sudhin Thanawala)

SAN FRANCISCO (AP)—Attorney Martha Gomez has been waiting more than three years to hear from a federal court whether a group of farm workers in California's Central Valley can proceed with their lawsuit alleging wage theft.

The case in California's Eastern District could result in payouts for thousands of migrant workers, but each passing day raises the possibility that they will have moved on and be impossible to track down, Gomez said.

"Everybody is in limbo, and it's hard to explain that," she said.

Across the country, federal district courts have seen a rise in recent years in the time it takes to get civil cases to trial and resolve felony criminal cases as judges' workloads have increased, according to statistics from the Administrative Office of the U.S. Courts.

The problem is particularly acute in some federal courts such as California's and Texas's Eastern Districts. Judges there have workloads about twice the national average and say they are struggling to keep up.

The result, the judges and attorneys say, is longer wait times in prison for defendants awaiting trial, higher costs for civil lawsuits and delays that can render those suits moot.

"I think it's fair to say that things are quite bad," said Matt Menendez, a lawyer with the Brennan Center for Justice at New York University School of Law who has studied judicial caseloads.

Legal scholars say Congress needs to fill judicial vacancies more quickly but also increase the number of judges in some districts—both issues that get bogged down in partisan political fights over judicial nominees.

California's Eastern District, which covers a large swath of the state that includes Sacramento and Fresno, has had an unfilled judicial vacancy for nearly three years, and it has the same number of judicial positions—six—it had in 1978, according to the Administrative Office of the U.S. Courts.

The Judicial Conference of the United States, the national policy-making body for

the federal courts, has recommended Congress double the number of judicial positions in the district.

In the late 1990s, the median time for civil cases to go to trial in the district averaged 2 years and four months. From 2009 to 2014, that number jumped by more than a year. The median time to resolve criminal cases nearly doubled to an average of 13 months.

"You're never out from under it," said Morrison England, the court's chief judge. "You're constantly trying to do what you can to get these cases resolved, and we just can't do it."

The weighted caseload per judge has climbed from an average of nearly 600 in the late 1990s to over a 1,000.

The Eastern District of Texas has seen similar increases.

"The way one older judge put it to me: 'If you have too many cases, you start to lose the time to think about them,'" said Ron Clark, the court's chief judge.

The vacancy in California's Eastern District is in Fresno, which is down to just one full-time district court judge.

Attorneys say they are reluctant to file cases in the Fresno court because of delays and have faced additional expenses from having to drive to Sacramento when their case gets assigned to a judge there who has been called in to help.

Gomez's April 2012 lawsuit was filed in Fresno and alleges that Castlerock Farming and Transport forced the workers—grape harvesters—to work off the clock and did not provide them with proper rest breaks.

Jim Hanlon, an attorney for Castlerock, said he does not comment on pending cases. The company says in court documents it did not directly employ the workers and has already defended their claims in a separate lawsuit.

Anthony Raimondo, an attorney for another defendant in the case, said at least some of the time it's taken to resolve the lawsuit can be attributed to its complexity.

The case lists multiple defendants and alleged labor code violations and seeks class action status on behalf of as many as several thousand employees. Early on, the judge overseeing the case, Senior U.S. District Judge Anthony Ishii, put it on hold pending a class certification ruling in a related case.

But Raimondo and Gomez say there have been delays that appear to have no explanation other than a backlogged court. Castlerock, for example, filed a motion to dismiss the lawsuit last September that the judge has yet to rule on.

A woman who answered the phone in Ishii's chambers said he would be away until the end of September and unavailable for comment.

Lawrence O'Neill, the one full-time district court judge in Fresno, said he could not comment on any pending case. But he said the court's caseload has made it difficult to get trial dates for civil cases.

He pointed to two cases on his docket—one alleging excessive force by police and the other race and sex discrimination by an employer—that were filed in 2013, but won't go to trial until 2017.

"We can slow things down because we simply can't work any harder or faster," he said. "But the real important effect of that is people who need our help to move their lives forward are delayed."

#### PERKINS LOAN PROGRAM

Mr. REED. Mr. President, unless we act quickly, our longest running student loan program—the Perkins Loan Program—will meet its demise on September 30. It will end not because it is

ineffective or because it does not make college more affordable for needy students or because we have debated and built consensus on how best to reform our Federal student loan programs. Rather, the Perkins Loan Program might end because some of my colleagues refuse to extend it as we routinely do with other programs awaiting reauthorization. We should not allow this to happen. I hope that my colleagues will swiftly approve H.R. 3594, the Higher Education Extension Act, a bipartisan bill to extend the Perkins Loan Program that the House of Representatives passed by a unanimous vote yesterday.

The Perkins Loan Program was created in 1958 as the National Defense Student Loan Program. Approximately 1,500 colleges and universities, including a dozen in my home State of Rhode Island, disburse more than \$1.2 billion in Perkins loans to students who have demonstrated exceptional financial need.

The Perkins Loan Program carries some of the most generous terms of all the Federal student loan programs. Perkins loans are offered at a low, fixed rate of 5 percent. No interest accrues until the student enters repayment, which starts after a 9-month grace period, giving the recent graduate time to get on his or her feet. The Perkins Loan Program also encourages public service, offering generous loan forgiveness for many public sector careers, including for school librarians, something that I have long championed.

Another compelling feature of the Perkins Loan Program is that participating institutions must contribute their own resources—\$1 for every 2 Federal dollars. Many institutions, including colleges and universities in Rhode Island, have invested more than their legal obligation. As students repay their loans, institutions are able to make new loans. In other words, participating colleges and universities have a real stake in students being able to repay their loans, something that is missing from our other Federal student loan programs and something that I have been advocating we need more, not less, of.

In Rhode Island during the 2013-2014 school year, over 9,000 students attending Rhode Island colleges benefitted from more than \$18 million in low-cost Perkins loans. Without this assistance, these students would face a gap in their ability to pay for college and could be forced into risky private loans or higher cost parent loans.

We need to maintain the Perkins Loan Program as we continue working towards a comprehensive reauthorization of the Higher Education Act. We cannot and should not leave needy students and families in the lurch by cutting off access to this vital program.

I urge all of my colleagues to support swift passage of H.R. 3594, the Higher Education Extension Act, to ensure there is no lapse in the availability of Perkins loans.

#### NUCLEAR AGREEMENT WITH IRAN

Ms. BALDWIN. Mr. President, I wish to discuss the international nuclear agreement with Iran, known as the Joint Comprehensive Plan of Action, JCPOA. Reached on July 14, 2015, after years of difficult negotiations among the United States and the other P5+1 countries—China, France, Russia, the United Kingdom, and Germany—and Iran, the agreement confronts the Iranian nuclear program, which has long been the subject of U.S., European Union, and United Nations sanctions.

Throughout these years of international negotiations, and more recently, during these months of congressional debate, I have been focused on one goal—ensuring that our dual-track policy of diplomacy and economic sanctions results in an outcome that verifiably prevents Iran from acquiring a nuclear weapon. Iran getting the bomb is simply unacceptable, and blocking that is in our national security interests and that of our allies, including Israel.

This international agreement impacts the safety and security of Americans and our allies and is an incredibly serious matter, deserving careful and considered scrutiny. That includes a thorough and responsible debate in Congress. That is why I voted for the Iran Nuclear Agreement Review Act of 2015, P.L. 114-17, which provided Congress with a 60-day window to consider the JCPOA prior to its taking effect. And that window was filled with vigorous debate in the Senate. Regardless of one's position for or against the international agreement, one thing is clear: every Senator has had an opportunity to pass their judgement on whether we are right to choose a path of international diplomacy to achieve our goal of verifiably preventing Iran from acquiring a nuclear weapon. In my judgement we are.

For me personally, I felt that it was critical to closely review the details of the agreement and hear from individuals on all sides of this debate, including experts and constituents, and listen to their arguments. I have attended numerous classified briefings with administration officials, including those with firsthand technical, scientific, and diplomatic expertise, heard from the Ambassadors of our P5+1 partners, and benefited from many candid conversations with Wisconsin constituents. All of these interactions have been invaluable and have informed my conclusion that rejecting this international agreement is not in our national security interest. According to the agreement, before receiving relief from sanctions, Iran must comply with a number of far-reaching and long-term obligations to limit its nuclear program, all of which will be verified by the International Atomic Energy Agency, or IAEA, through an unprecedentedly robust inspections and monitoring framework. Iran's obligations include redesigning the Arak reactor to eliminate the plutonium pathway to nuclear