

In contrast to Master Sergeant Wheeler's heroism and selflessness, let me remind you whom he was fighting against. In the days following the Paris attack, we understand that the barbarians of ISIL had no problem randomly killing people at a restaurant, soccer stadium, or concert. They kill for intimidation and pleasure. They do not even value their own lives, much less the lives of the people around them. The Islamic State has committed some of the most horrific acts of death the modern world has ever seen. Their fight is against all modern society, and their goal is to return the world to a medieval state ruled by fear. They have abducted girls and women, called them subhuman for practicing the wrong religion according to them, and sold them as sex slaves. In the world of ISIL, women can't get an education, drive a car, or even have their own rights. They kill and torture anyone who doesn't agree with them. Their reach extends to our own citizens. No one can forget the horrific deaths of James Foley, Stephen Sotloff, and Kayla Mueller, a 26-year-old woman who wanted to do good for the people of Syria but met pure evil when she got there.

Recently, FBI Director James Comey spoke about ISIL's attempts to inspire Americans to turn on each other with blind brutality. Go out and kill, they say. It doesn't matter who, just act. Good men stand up to such evil. They don't allow it to grow and multiply.

We honor Master Sergeant Wheeler's sacrifice and tenacious commitment to confront evil. We humbly thank his family for the sacrifice they made so that we may all live in a more peaceful world. Our Nation cannot say thank you loud enough or long enough to his family.

When I spoke to Ashley, Josh's wife, she recounted when the doorbell rang early that morning. It didn't even cross her mind that it was about Josh. He was so tough and so dedicated. Who would have ever thought he would be gone? The painful and long process of grieving over a lost hero has just begun. Master Sergeant Wheeler was killed in action defending our freedom on October 22. His final service will be this week—just a few days before his birthday. The long days of Thanksgiving and Christmas are still ahead.

Please join me in praying for the family of Master Sergeant Wheeler as our Nation grieves the loss of a husband, father, grandson, and friend to those who knew him. He is a hero to the Nation and the many lives he saved a month ago this week. May God bless Josh's family. May his boys grow up to be men who remember their dad's love for them and our Nation.

With that, I yield back.

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. LANKFORD assumed the Chair.)

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

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

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TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016—MOTION TO PROCEED

Mr. McCONNELL. Mr. President, I move to proceed to Calendar No. 138, H.R. 2577.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 138, H.R. 2577, a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

CLOTURE MOTION

Mr. McCONNELL. I send a cloture motion to the desk.

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 motion to proceed to Calendar No. 138, H.R. 2577, an act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, John Cornyn, Mike Crapo, Richard C. Shelby, Richard Burr, Daniel Coats, Ben Sasse, Thom Tillis, John Hoeven, Roger F. Wicker, Chuck Grassley, Susan M. Collins, Thad Cochran, James Lankford, Lamar Alexander, Roy Blunt, Steve Daines.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call under rule XXII be waived with respect to the cloture vote.

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

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TERRORIST ATTACKS AGAINST FRANCE

Mr. McCONNELL. Mr. President, I want to express what I know each of my colleagues feels today. We, the 100 men and women of the U.S. Senate, send our sincere condolences to the people of France. From across the Atlantic, Americans send condolences to the victims, to the families, and to the first responders.

We understand the pain and the loss that accompany a terrorist attack. Some feel it in the most personal way. Some never come home. But everyone shares in the loss. In our case, many shared in the response and the recovery as well.

In a dark hour we were reminded of the things that bound us together. I hope you will feel something similar take hold in your terrible hour as well.

We have already seen rays of light begin to shine through the darkness. We saw it even last Friday. Then, as Paris reeled, a soft hum emanated from a tunnel. "March," came the echo in French. "March on." Enemies in history and rivals on the soccer pitch had united around a common humanity. Dazed, disoriented but alive, French and German fans marched through the tunnels together. Some put defiance to verse. "Against us," they sang, "tyranny has unfurled its bloody banner." And indeed, that night it had. A song sung so many times before came alive with new meaning that horrible night. Many knew it as the French national anthem, but that night it became an aria for their sorrow and an ode to their fraternity. We heard it here, from an ocean away.

We add our voices to the harmony now. We know that the attacks were not just directed at the victims we mourn today but also at modernity and the free world.

President Obama has called ISIL the face of evil. It clearly presents a challenge to NATO, to our moderate Sunni allies, and to the United States. It has also shown that it can attack innocent victims in the West, too—right where they live. These terrorists have declared their intention to do so again and again.

We know that trying to contain ISIL's conventional advance as an operational concept has proven insufficient in the face of determined terrorist attacks, but we also know something else. With resolve and determination, ISIL can be defeated. It won't be easy. It won't come quickly or without cost, but we also have no other option.

I look forward to engaging with President Obama to determine his strategy and the tools that will be necessary to achieve it. We are looking forward to hearing the President's proposed strategy when Senators are briefed by the White House later this week. Whatever he does, though, I would encourage him to work cooperatively with both parties on the way forward. This is a challenge that is going to require all of our efforts to confront, and it is a discussion that will be ongoing.

But today is a time to remember and to reflect. We have the people of France in our thoughts today. That is true here in the Senate, and it is certainly true out across our country.

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MORNING BUSINESS

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JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, today we will vote on the nomination of LaShann Hall to be a Federal district judge in the Eastern District of New York. She was nominated over a year

ago, and her nomination was voted out of the Judiciary Committee by unanimous voice vote more than 5 months ago. Ms. Hall is an outstanding African-American attorney who will fill a judicial emergency vacancy. There is no reason Senate Republicans should have delayed her confirmation for this long.

The Senate this week should also vote on the next nominee on the calendar, who was nominated on the same day over a year ago as Ms. Hall. Judge Luis Felipe Restrepo will be the first ever Hispanic judge from Pennsylvania on the third circuit. Judge Restrepo has strong bipartisan support from his home State Senators, Senator Toomey and Senator Casey, and there is an urgent need to fill the emergency vacancy on the third circuit to which he has been nominated. I have heard no objection to his nomination, and Senator Toomey has said he not only strongly supports Judge Restrepo's confirmation, but he also recommended him to the President. I hope the majority leader will finally schedule his vote this week.

In the 11 months that the Senate has been under Republican control this year, the Senate has only voted to confirm nine judges. This obstruction has resulted in needless delays for hard-working Americans who seek justice in our Federal courts. Currently pending on the Senate floor are nominees who would fill judicial emergency vacancies in Pennsylvania, Tennessee, Minnesota, New Jersey, Iowa, New York, and California. Senate Republicans have refused to alleviate the urgent needs in those States. It does not have to be this way. When Senate Democrats were in the majority during the last 2 years of the Bush Presidency, we had already confirmed 36 judges by this same time. We made sure that we fulfilled our constitutional duty to provide advice and consent to ensure that the American people had a fully functioning Federal judiciary.

Senate Republicans' obstruction has caused judicial vacancies to pile up across the country. Since Senate Republicans took over the majority at the beginning of the year, judicial vacancies have increased by more than 50 percent. The number of "judicial emergency" vacancies since Senate Republicans took the majority has risen by a stunning 158 percent. The American people deserve better.

We should follow well-established Senate precedent by confirming all consensus nominees before the end of the year. Each of the judicial nominees pending on the Executive Calendar was reported out of the Judiciary Committee by unanimous voice vote. And each has the backing of their home State Senators, including Republican Senators. In fact, the next nominee after Ms. Hall and Judge Restrepo is Travis McDonough who has been nominated to fill a judicial vacancy on the Eastern District of Tennessee. Next week will mark the 1-year anniversary

since Mr. McDonough was nominated, but it appears there is no relief in sight as his nomination continues to be held up by Senate Republicans, despite the strong support he has from his home State Senators, Senator Alexander and Senator Corker. I see no reason why he and the rest of the nominees pending should not be confirmed before we recess at the end of the year. As the New York Times put it in an editorial last Friday urging confirmation votes on all pending judicial nominees, "With each day that passes without a vote on Judge Restrepo and other nominees, Republicans undermine the justice system, and the biggest victims are ordinary Americans who cannot count on fully functioning courts." I ask unanimous consent that this editorial be printed in the RECORD at the conclusion of my remarks.

Shortly we will begin voting on LaShawn Hall to fill a judicial emergency vacancy in the Federal District Court for the Eastern District of New York. She is currently a partner at the law firm of Morrison & Foerster, LLP, in New York, where she has practiced since 2010. She was previously in private practice at Gibson, Dunn & Crutcher LLP and at Cravath, Swaine & Moore LLP. She has the support of her two home State Senators, Senator Schumer and Senator Gillibrand. She was voted out of the Judiciary Committee by unanimous voice vote on June 4, 2015. I urge my fellow Senators to support her confirmation.

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

[From the New York Times, Nov. 13, 2015]  
CONFIRM PRESIDENT OBAMA'S JUDGES  
(By the Editorial Board)

On Nov. 12, 2014, President Obama nominated Luis Felipe Restrepo to a judgeship on the federal Court of Appeals for the Third Circuit. Judge Restrepo, who already sits on the United States District Court in Philadelphia, seemed to secure the support of both Pennsylvania senators—Bob Casey, a Democrat, and Pat Toomey, a Republican.

But that does not mean that Judge Restrepo, whom Mr. Toomey called "a very well-qualified candidate" who would "make a superb addition" to the appeals court, will actually get through the confirmation road-block led by Senate Republicans. Mr. Toomey, despite his professed support, is responsible for a big part of it, refusing for six months to sign off on the nomination by exploiting a pointless tradition that allows home-state senators to block a nomination with no explanation needed. He claimed that he was waiting for a background check, even though Judge Restrepo passed a check two years ago for his current job. The Senate Judiciary Committee approved Judge Restrepo for the appeals court seat in July. There has been no explanation for the holdup since then.

As a Hispanic and a former public defender, Judge Restrepo would bring a needed measure of ethnic and professional diversity to the court. But he is just one of many judicial nominees awaiting action. Thirteen have not received a hearing by the Judiciary Committee, and 16 others, including Judge Restrepo, have been approved by the committee, all unanimously, but are still waiting for a full vote on the Senate floor.

Since Republicans took over in January, the Senate has confirmed only nine of President Obama's nominees, the slowest pace in more than half a century. Meanwhile, the seat Judge Restrepo would fill is one of 30 long-vacant federal judgeships the court system deems "judicial emergencies," meaning they have a backlog of hundreds of cases.

Republicans say that Mr. Obama has seen more of his judicial nominees confirmed than President George W. Bush had by this time in his tenure in 2007. But that is mainly because Senate Democrats in 2013 stopped Republicans from repeatedly using the filibuster to block qualified nominees. After that, the Democratic-led Senate confirmed 96 of Mr. Obama's picks. The more relevant fact is there are 67 judicial vacancies today, far more than the number of vacancies Mr. Bush faced in 2007.

The larger problem here, of course, is that Republicans are blocking votes on highly qualified and noncontroversial nominees to vent their anger with the president, who infuriated them with his now-stalled immigration action, among other things.

Judges are not the only casualties of this interbranch crossfire. Attorney General Loretta Lynch, another unquestionably qualified candidate, waited almost six months before finally getting a vote.

Senate Democrats should make these inexcusable delays a national issue. Mr. Obama, meanwhile, could start selecting judges himself in states like Texas, Alabama, Wisconsin and Indiana, where senators refuse to give him any names at all.

With each day that passes without a vote on Judge Restrepo and other nominees, Republicans undermine the justice system, and the biggest victims are ordinary Americans who cannot count on fully functioning courts.

#### RECOGNIZING NATIONAL REVIEW

MR. TOOMEY. Mr. President, I wish to honor and congratulate National Review for 60 years of valuable contributions to American political discourse.

When a 29-year-old William F. Buckley, Jr., published National Review's first edition on November 19, 1955, it marked not just the birth of a magazine, but also the birth of the modern conservative movement. Under 45 years of Mr. Buckley's leadership, National Review served as the standard bearer of conservative thought in America, where readers could expect to find leading thinkers such as Ronald Reagan, Margaret Thatcher, and Milton Friedman to name a few. It influenced generations of conservatives, including this conservative, with its frequently humorous and always intelligent writing, and it consistently published valuable commentaries on public events and figures, foreign and domestic affairs, culture, politics, and the economy.

During Mr. Buckley's tenure, National Review did more than just observe and comment on the course of human events; it helped shape them. It played a central role in the "Reagan Revolution." Its steadfast defense of liberty, free markets, and personal responsibility provided much of the intellectual underpinnings of America's triumph over communist tyranny in Europe and around the world.