

to display on the Senate floor these two vials of liquid nicotine to tell what just passed.

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

LIQUID NICOTINE

Mr. NELSON. Mr. President, in the Senate last year we passed the childproofing of caps on liquid nicotine. That legislation just passed today in the House and will go to the President for signature. This is important because we found that these bottles of liquid nicotine for these e-cigarettes, or electronic cigarettes, have not been childproofed. Therefore, if a child gets one of these bottles and it does not have the cap that they can't get off, we now know the experience from several poison centers across the country in the last couple of years. If a drop of that liquid nicotine gets onto the child's skin or, as infants typically do, they put things in their mouth and they ingest that liquid nicotine, indeed it is fatal.

We have had a couple of fatalities in this country. Therefore, it was common sense for us to require—and thankfully, the liquid nicotine industry went along and did not object—to make these childproof. But that will now be in the law. Let me point out something. This is aside from the question of whether you should be inhaling this stuff in an e-cigarette. I think people are finding out that this is becoming quite dangerous as well. But aside from that issue, this was the issue of protecting children.

Look at this. It has pictures of fruit all over the label, and it is called "Juicy ejuice." It is something that is going to attract an infant's or a child's attention. It is the same thing over here. It has pictures of all kinds of happy things. I have seen others that have labels of juicy fruit. I have seen others that have multicolored labels that are very attractive. Common sense tells us if you are putting a product out that can kill children—just like some of the soaps that are put out for washing detergent in these little plastic bags that disintegrate when they get into water in your dishwasher or in your washing machine, and it smells so good, and they are grape scents—a child smells that and it feels so good and it is so soft. Where is it going to end up in an infant? They are going to put it in their mouth. We have had some deaths there. But that is another battle for another day. At least we have won one little battle.

I am happy to report to the Senate that what we passed in the Senate in a bipartisan manner last year now passed the House today and will go to the President to be signed into law.

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

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

TRANS-PACIFIC PARTNERSHIP

Mr. BROWN. Mr. President, I came from an informal hearing—not an official Senate hearing but a hearing downstairs called by Congressman LEVIN, who is the senior Democrat on the Ways and Means Committee. A number of other Members were there, including my colleague from Ohio, Representative KAPTUR, and a number of people the Presiding Officer served with in the House—Congressmen SARBANES, RANGEL, PASCRELL, DOGGETT, and SCHIFF. We discussed the Trans-Pacific Partnership.

I spoke earlier on this today. I know Senator MCCONNELL has said that he will not bring it up this year, I think in large part because of the opposition from the country. Senator Lott, the Republican leader, a decade or so ago said that you can't pass a trade agreement in an even-numbered year. He was a strong supporter of these trade agreements. I believe he and most in his party supported NAFTA and CAFTA. He wasn't here for CAFTA but he was for some of those other trade agreements. But he said that because he knows that politicians want to vote for these trade agreements in large part because of corporate lobbying. But the public doesn't want us to vote for these trade agreements.

My first year in Congress, I spent much of the year working in opposition to the North American Free Trade Agreement. I have seen a number of these: NAFTA, PNTR with China, CAFTA, the trade agreement with Korea, big promises about jobs, big claims about jobs, and exaggerated commitments about jobs. Every time we lose jobs from these trade agreements. Our trade deficit is up to a couple billion dollars a day now. But if you buy a billion dollars of products from another country rather than making them yourselves here, rather than American companies making them, we know that costs us jobs. When you think it is \$2 billion—almost \$2 billion every single day, well over a billion, but the numbers are not precise—in trade deficit, where we buy from other countries more than we export and sell to other countries, we know it is costing us jobs.

One of the other things that came out of this discussion with a number of Ways and Means Committee members, small business, a former trade negotiator, and a union representative there was how we have seen increasingly companies in Little Rock, in Dayton or in Toledo shut down production here and move it overseas and then sell those products back into the United States.

The auto industry has not done much of that. When the auto industry sets up in Asia and are manufacturing cars, they typically sell them in that part of the world. Unfortunately, GM just announced that they are going to be making an SUV plant in China and selling

those products back into the United States. That is a terrible trend.

The reason I stopped on the floor before the vote in a couple of minutes is to say this: The Trans-Pacific Partnership has set us up in way that will make that worse. Under NAFTA, Canada, the United States, and Mexico—I strongly oppose NAFTA. But under that trade agreement, products in automobiles—almost two-thirds of all of the components in an automobile—had to be made in one of these three countries in order to get the tariff benefits from NAFTA for those companies, those products. Now there are 12 countries in the Trans-Pacific Partnership and fewer than half the components have to be made in one of these 12 countries.

What does that mean? It means that more than half of an automobile can come from parts made in China but sold in the United States tariff-free under the Trans-Pacific Partnership. How can we possibly think that makes sense as a policy? That is fundamentally why the Trans-Pacific Partnership does not make sense for our country. It doesn't make sense for small businesses in Mansfield, OH, or in Springfield, OH, and it doesn't make sense for the up to 600,000 workers in my State—some 600,000 workers who are in the auto supply chain. We know a lot of them will lose jobs under the Trans-Pacific Partnership.

I yield the rest of my time to Senator LEAHY.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Ohio.

We are finally going to vote on the long overdue confirmation of Judge Luis Felipe Restrepo to fill a judicial emergency vacancy on the U.S. Court of Appeals for the third circuit in Pennsylvania. He was nominated way over a year ago—nearly 14 months ago—with strong bipartisan support from home State Senators. This is a case where, unfortunately, the Republican leadership has subjected Judge Restrepo to totally unnecessary delay as part of their wholesale obstruction of judicial nominees. Their actions hurt not only the people of Pennsylvania, but also Americans across the country as judicial vacancies have remained unfilled nationwide after Republicans took over the Senate majority last year.

I hope that today's vote and the agreement to vote on four district court nominees this work period signals a return to the Senate fulfilling its constitutional duty of providing advice and consent on the President's nominees. In all of 2015, Senate Republicans allowed votes on only 11 judicial nominations. This matched the record for confirming the fewest number of judicial nominees in more than half a century. I mention that because Democrats took the majority in the last 2 years of President Bush's term. We confirmed 40 judges during that year—

40. I was chairman. I remember that very well. I didn't want to repeat the things that we saw during the Clinton administration, where the Republicans came in and the then-Republican chairman of the Senate Judiciary Committee killed over 60 nominees of the Clinton administration by not allowing them to have a vote in committee. I said: Let's move faster. I moved 40 through. Did the Republicans do the same? No, they allowed 11.

Republicans also left town at the end of last year with 19 judicial nominees still pending on the floor, including Judge Restrepo. Each of the nominees has the support of their home state Senators and their nominations were reported out of the Judiciary Committee by voice vote. These are the kind of noncontroversial judicial nominees that the Senate has traditionally confirmed at the end of a session. During the Obama administration, however, Republicans have rejected this practice.

Judge Restrepo exemplifies the kind of consensus nominee that should have been easily confirmed at the end of the session. He is nominated to fill an emergency vacancy on the Third Circuit Court of Appeals, which has two vacant judgeships in Pennsylvania. He has the strong bipartisan support of his home state Senators, Senator CASEY and Senator TOOMEY. In fact, Senator TOOMEY has said he personally recommended Judge Restrepo to the President for the nomination. In 2013, this body confirmed Judge Restrepo's nomination to the Federal district court by voice vote. I have heard no objection from any Senator to Judge Restrepo's nomination. I cannot believe this man who will be the first Hispanic judge from Pennsylvania for the third circuit was humiliated by having to wait 14 months. This highly qualified Hispanic judge was told to go to the back of the line and wait 14 months. It is wrong. It is absolutely wrong.

I will vote to confirm Judge Restrepo. Since 2013, he has served as a judge on the U.S. District Court for the Eastern District of Pennsylvania. For the seven years prior, he served as a Federal magistrate judge on the same court. Before joining the bench, Judge Restrepo was in private practice as a named partner at Krasner & Restrepo. He began his legal career serving as a public defender as an Assistant Defender for the Defender Association of Philadelphia before becoming an Assistant Federal Defender for the Federal Community Defender Office for the Eastern District of Pennsylvania. He was voted out of the Judiciary Committee by unanimous voice vote on July 9, 2015. His nomination has the full support of the Hispanic National Bar Association. I ask unanimous consent to have printed in the RECORD a copy of the Hispanic National Bar Association's letter in support of Judge Restrepo at the conclusion of my remarks.

Republicans' obstruction of highly qualified judicial nominees with strong support, like Judge Restrepo, has resulted in a sharp rise in judicial vacancies. When Senate Republicans took over the majority in January of last year, there were 43 judicial vacancies. After a year of Republicans neglecting judicial confirmations, vacancies have dramatically increased to 72—an increase of more than 60 percent. Furthermore, the number of judicial vacancies deemed to be “emergencies” by the Administrative Office of the U.S. Courts because caseloads in those courts are unmanageably high has nearly tripled under Republican Senate leadership—from 12 when Republicans took over last year to 33 today. In his annual year-end report, even Chief Justice Roberts drew our attention to the “crushing dockets” and heavy caseloads that strain the Federal judiciary and prevent Americans from obtaining timely justice in our courts.

The high number of vacancies is entirely of the Senate Republican leadership's making, and Senate action is required to resolve it. The first step is to confirm the rest of the 18 judicial nominees pending right now on the floor. Under a bipartisan agreement reached at the end of last year, the Majority Leader will schedule confirmation votes on four district court nominees between now and the President's Day recess. After we vote on those nominees, we will still have nominees from Tennessee, Maryland, New Jersey, Nebraska, New York, and California pending on the floor, nearly all of whom would fill emergency vacancies. Votes on these nominees must be scheduled without further delay.

Let's start facing up to fact that we have enormous problems with judiciary emergencies in States where both Republicans and Democrats have supported the nominees. Let them come forward. Let them be voted on. Let's stop making the Federal courts a political pawn. It is bad enough with all the political shenanigans going on in this country anyway in an election year. Don't do them with the Federal court system. We have the best, the most honest, the least partisan Federal court system anywhere in the world. But don't say: Oh, you are a highly qualified Hispanic nominee, but you just wait there for 14 months, be humiliated, and then we will finally allow a vote. I don't care whether someone is Hispanic or non-Hispanic; we have so many men and women who are highly qualified.

In addition to the nominees pending on the floor, there are also four Pennsylvania district court nominees that the Senate Judiciary Committee is poised to report out this month. I sincerely hope the junior Senator from Pennsylvania can convince the Republican Majority Leader not to submit these additional Pennsylvania nominees to the extensive confirmation delay that Judge Restrepo endured. The people of Pennsylvania have wait-

ed long enough. I also understand that the White House has been working for months with Senator TOOMEY and Senator CASEY on the second Pennsylvania vacancy on the third circuit. I look forward to the Judiciary Committee considering that nomination soon.

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

MARCH 31, 2015.

Re Hispanic National Bar Association Endorsement of Nomination of The Honorable Luis Felipe Restrepo to the United States Court of Appeals for the Third Circuit.

Hon. CHUCK GRASSLEY,
U.S. Senate,
Washington, DC.

Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR CHAIRMAN GRASSLEY AND RANKING MEMBER LEAHY: On behalf of the Hispanic National Bar Association (“HNBA”), we write to recommend the confirmation of the Honorable Luis Felipe Restrepo to the United States Court of Appeals for the Third Circuit. As explained below, we believe that Judge Restrepo has all the requisite qualifications to serve in this role and will serve the Court and the parties that come before it with distinction and integrity.

The HNBA is a non-profit, non-partisan national membership association that represents the interests of Hispanic attorneys, judges, law professors, law students, and legal professionals in the United States and Puerto Rico. One of the HNBA's many institutional objectives is to advocate and work to ensure that the federal and state courts in our nation are diverse and reflect the citizenry that come before our courts daily.

Judge Restrepo sought the HNBA's endorsement shortly after President Obama nominated him to the United States Court of Appeals for the Third Circuit. The HNBA conducted a thorough due diligence process that included interviews of personal and professional references (including judges and attorneys), a review of his scholarly writings and legal opinions, and a thorough Internet search. We also have considered his background and qualifications in the context of the requirements of the position for which he was nominated, as well as the requirements of the HNBA's Policies and Procedures Governing Judicial Endorsements. After a careful review, it is clear that Judge Restrepo possesses the professional expertise, experience, personal integrity and judicial temperament to distinguish himself as a federal appellate judge. Accordingly, we urge you to confirm his nomination to the United States Court of Appeals for the Third Circuit.

Prior to being sworn in as a District Judge for the Eastern District of Pennsylvania in 2013 and his appointment as a Magistrate Judge in 2006, Judge Restrepo was a highly-regarded Philadelphia attorney and founding member of the firm of Krasner & Restrepo, concentrating on criminal defense and civil rights litigation. Before forming his law firm, he served as an assistant federal defender with the Community Federal Defender for the Eastern District of Pennsylvania, and an assistant defender for the Defender Association of Philadelphia. He is an adjunct professor at Temple University James E. Beasley School of Law, was an adjunct professor at the University of Pennsylvania Law School from 1997-2009 where he was appointed the Irving R. Segal Lecturer in advocacy, and has taught with the National Institute for Trial Advocacy in regional and national programs since 1991. He

has been a lecturer at seminars sponsored by a number of agencies and organizations and has written numerous articles appearing in a variety of national publications. Throughout his career, Judge Restrepo has stood out as an exceptional role model for community involvement and civic participation. He has devoted his time and expertise to a variety of boards and commissions as well as the Eastern District prisoner reentry program.

The HNBA's due diligence process has confirmed that Judge Restrepo's integrity, knowledge of the law, breadth of professional experience, and intellectual capacity make him well suited to sit as a federal appellate judge. Accordingly, it is with great pride that we have the privilege of endorsing the Honorable Luis Felipe Restrepo and recommending his confirmation to serve as a Judge on the United States Court of Appeals for the Third Circuit. Please do not hesitate to contact us at the HNBA National Office at (202) 223-4777, or you may contact Cynthia D. Mares directly at (720) 314-1295 or by e-mail at president@hnba.com, if we can be of any further assistance.

Thank you for your consideration.

Sincerely,

CYNTHIA D. MARES,
HNBA National President.
ROBERT RABEN,

Chair, HNBA Judiciary Committee.

Mr. LEAHY. Mr. President, I know the time for the vote is upon us.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. LEAHY. I yield back all time, and I yield the floor.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Luis Felipe Restrepo, of Pennsylvania, to be United States Circuit Judge for the Third Circuit?

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Louisiana (Mr. CASSIDY), the Senator from Indiana (Mr. COATS), the Senator from Idaho (Mr. CRAPO), the Senator from Texas (Mr. CRUZ), the Senator from South Carolina (Mr. GRAHAM), the Senator from Georgia (Mr. ISAKSON), the Senator from Florida (Mr. RUBIO), the Senator from South Carolina (Mr. SCOTT), and the Senator from Louisiana (Mr. VITTER).

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. FRANKEN), the Senator from Vermont (Mr. SANDERS), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

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

The result was announced—yeas 82, nays 6, as follows:

[Rollcall Vote No. 1 Ex.]

YEAS—82

Alexander	Fischer	Murphy
Ayotte	Flake	Murray
Baldwin	Gardner	Nelson
Barrasso	Gillibrand	Paul
Bennet	Grassley	Perdue
Blumenthal	Hatch	Peters
Booker	Heinrich	Portman
Boozman	Heitkamp	Reed
Boxer	Heller	Reid
Brown	Hirono	Roberts
Burr	Hoeven	Rounds
Cantwell	Johnson	Sasse
Capito	Kaine	Schatz
Cardin	King	Schumer
Carper	Kirk	Shaheen
Casey	Klobuchar	Sullivan
Cochran	Lankford	Tester
Collins	Leahy	Thune
Coons	Manchin	Tillis
Corker	Markey	Toomey
Cornyn	McCain	Udall
Cotton	McCaskill	Warner
Daines	McConnell	Warren
Donnelly	Menendez	Whitehouse
Durbin	Merkley	Wicker
Enzi	Mikulski	Wyden
Ernst	Moran	
Feinstein	Murkowski	

NAYS—6

Blunt	Lee	Sessions
Inhofe	Risch	Shelby

NOT VOTING—12

Cassidy	Franken	Sanders
Coats	Graham	Scott
Crapo	Isakson	Stabenow
Cruz	Rubio	Vitter

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 action.

MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Happy new year. Nothing says "Happy new year" like the "Time to Wake Up" speech, so I will kick off 2016 with my year-opener "Time to Wake Up" speech recapping some of last year's climate change milestones.

They say you only get one chance to make a first impression, and the first impression Senate Republicans chose to make in 2015 was to use their first 3 weeks of floor time—3 full weeks of precious floor time—to help a foreign oil company's tar sands pipeline. Even though it meant the government condemning American farms, even though the President was sure to veto it, that was their opener.

By the end of the year, things had changed. The Republican leader was burying the votes against the Clean Power Plan deep in the news of the terrible Paris massacres and collapsing votes together to minimize floor time on this issue. The Republican majority

opened 2015 with a big oil bang but crept out of the year with a whimper.

Things indeed changed in 2015. Of course, the scientific evidence continued to show that fossil fuel pollution was damaging our environment and our oceans and our economy. And 2015 was record-setting hot. This chart from November shows that 2015 is on track to being the hottest year globally since we began keeping records in 1880. We can see that the 2015 running monthly global temperature average is above the 6 next warmest years on record in every month for which data is available.

The Director of NASA's Goddard Institute for Space Studies estimates the probability of 2015 being the hottest on record at better than 99 percent. He has labeled 2015 a "scorcher." But that won't be official until later this month. It is no fluke.

The World Meteorological Organization reports the recent 5-year period—2011 to 2015—as the warmest 5-year period on record, and 2015 was the first year where monthly global average carbon dioxide concentrations exceeded 400 parts per million, and it did so for more than 3 months. Bear in mind that for as long as human beings have been on this planet Earth, we have existed safely in a range of 170 to 300 parts per million. We are outside of that by almost the entire range, and we know this from ice cores which contain tiny bubbles of ancient atmospheres. I saw those ice cores last October at Ohio State University. World-renowned atmospheric scientists, the husband-and-wife team Dr. Ellen Mosley Thompson and Dr. Lonnie Thompson, worked for years to retrieve cores from around the world and to test the ancient air captured inside. The lesson of these cores is that humans have fundamentally altered the chemistry of the Earth's air and that our greenhouse gas emissions are rapidly altering our climate. Scientists now say that we have so altered the Earth as to consider ourselves in a new geologic epoch, the Anthropocene.

In 2015, the oceans kept shouting at us to wake up. Throughout 2015, evidence continued to document our oceans warming, rising, and acidifying. And 2015 brought the first nationwide study assessing the vulnerability of America's \$1 billion shellfish industry to ocean acidification, documenting the risk to 15 coastal States, such as Louisiana, Texas, Maine, and Rhode Island.

The Proceedings of the National Academy of Sciences in October reported on climate change's threats to fish integral to human diets, predicting a dramatic collapse in the world's largest ecosystem, our oceans. The great corrupt denial machine the fossil fuel industry supports never talks about oceans. The machine doesn't care about evidence; it is just an obstacle to their fossil fuel PR campaign. They just want to create phony doubt. But since there is not much room for doubt