misery and the challenges of the dedicated law enforcement personnel along the border and also the folks who work trying to deal with the children, whether it is providing them medical care or trying to find them a safe place to live in the United States. This is not a manufactured crisis. This is a real crisis.

In a normal political environment, these numbers would raise the alarm bells, and we would take action—we would actually do something about it—but we aren't operating in a normal political climate, to be sure.

Back in 2006 and 2008, Republicans and Democrats voted on something called the Secure Fence Act. It wasn't particularly partisan or political. This year, the Speaker of the House, NANCY PELOSI, called physical barriers ''immoral.'' The Democratic leader of the Senate, the Senator from New York, said not one penny was going to be appropriated for any physical barriers along the border.

For those who would argue this is a fake crisis, I would ask them to check with the Texans who live across the border and deal with this every day.

I recently got an email from a friend of mine who has a ranch outside of San Antonio, my hometown. He said he and his wife basically have to arm themselves, and they have to take precautions against people coming across their land because they don't know whether it is going to be some hungry migrant who is just simply looking to find their way to San Antonio or to Houston and then north or whether it is going to be people wearing backpacks carrying fentanyl and heroin. They just don't know, so they have to prepare. They basically have to lock their doors, and they are captives in their own house.

So what has changed since we talked about this back in 2006? What has changed?

My question is more of a rhetorical one because we know Democrats will stop at nothing to prevent President Trump from delivering on his promise to provide border security, even if it means turning their backs on something they have historically supported.

As you might imagine, I have made a point to spend a lot of time in communities along the border. I have talked to the experts—our Border Patrol agents, sheriffs, mayors, landowners, and countless others—on how to best deal with this security and humanitarian crisis. These are the people who know best. They are the experts. They know how best to secure the border.

They will be the first to tell you that when it comes to border security, one size does not fit all. I have mentioned before my friend Judge Eddie Trevino from Cameron County. I was in a meeting with Senator CRUZ—my colleague from Texas—local stakeholders, elected officials, along with Customs and Border Protection and Border Patrol. What Judge Trevino told us then was: Look, if it is the experts, the Border Patrol agents, telling us what we need, we are all in, but if it is people from Washington, DC, trying to micromanage the border, who don't know anything about it, then count us as skeptical.

What we have heard from the experts is that border security is a combination of three things: barriers in hard-to-control places, people, and technology.

While a physical barrier may work best in an urban or high-traffic area, it doesn't make any sense in places like Big Bend National Park. Anybody who has been out west to Texas knows the cliffs over the Rio Grande River, in parts, can rise to 30 feet. It doesn't make much sense to put a physical barrier there.

The determination of what is needed and where it is needed should not be a top-down Federal mandate. It should come from the experts who know the threats and the challenges along every mile of the border and whom we entrust on a daily basis to secure it.

We should continue to listen to our vibrant border communities, which are the economic engine of the region, and ensure that we can maintain the flow of legitimate trade and travel also through these areas.

Implementing a solution that would allow our law enforcement experts to work with the Federal Government on the right combination of technology, people, and physical barriers is what we ought to be focusing our attention on.

I would add just a footnote to that on dealing with this problem of people abusing our laws on asylum. Again, the cartels have figured this out. I have worked with my friend HENRY CUELLAR, who is perhaps one of the last remaining Blue Dog Democrats in the House of Representatives. He represents Laredo, TX. We actually introduced a bill called the HUMANE Act, which would establish parity of treatment of immigrants coming from noncontiguous countries like Central America. Unfortunately, we weren't able to get that passed.

We could fix this pretty quickly, but it requires our Democratic friends to drop their Trump derangement syndrome and come to the negotiating table in support of something they have historically been for during this time of need.

The crisis is staring us in the face, and it demands action. I can only hope our colleagues across the aisle will answer that call.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SCOTT of Florida). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. FISCHER). Without objection, it is so ordered.

NOMINATION OF ERIC E. MURPHY

Mr. BROWN. Madam President, judges are making decisions around the country right now on voting rights, on civil rights, on LGBT rights, on women's rights, on healthcare, on sentencing, and on corporate power. Several times over the last couple of years, this body has said no even though almost every Republican in this body—all with good, government-paid health insurance, all with good salaries, all well-dressed, all of the above—has tried to repeal the Affordable Care Act or take away Medicaid or take away consumer protections so that people who have preexisting conditions would have their insurance canceled. They all stood on that.

Do you know what? Because millions and millions were affected, enough people in this country said no and pushed back and stopped the Republican majority from taking away the protections for preexisting conditions, and they stopped insurance companies from canceling people's insurance who got too sick and too expensive and who could never get insurance in the first place.

So do you know what those in the Republican majority did? They went through the courts. They voted for and supported Supreme Court Justices and district judges and circuit judges who have put their thumbs on the scales of justice and have picked corporations over workers, chosen Wall Street over consumers, and chosen insurance companies over sick people. Over and over again, this body tried to do it, but democracy rose up and said: No, you aren't going to take our health insurance. No, you aren't going to let the insurance companies run everything. No, you aren't going to let Wall Street run everything. No, you aren't going to do it.

Do you know what? Because they couldn't do it through Democratic participation and because they couldn't do it by going down to MITCH MCCONNELL's office, who is the Republican leader—they couldn't walk down the hall, all of their lobbyists, and stop that from happening—they decided to try doing it through the Federal judiciary. Remember what I said. They have put their thumbs on the scales of justice. They have chosen Wall Street over consumers. They have chosen insurance companies over sick people. That is what this vote is about. That is what this judge is all about today.

This body confirmed a judge yesterday who would limit rights for a generation. These are judges who are almost all inexperienced. These are lawyers who are in their thirties or early forties. They are not who we used to pick. President Obama used to do this; President Bush often did this; and President Bush, Sr., used to do this. They would pick sort of—''prudent'' would be the word that President Bush, Sr., would use—wise, prudent lawyers who believed in public service and didn't believe in some far-right agenda

whereby they would put their thumbs on the scales of justice and hurt workers and hurt consumers. They picked middle-of-the-road, thoughtful, prudent judges who actually believed in civil rights—shocking—who actually believed gay people should have a chance in this country, and who actually believed workers should get a fair shot.

Do you know what? Because they have picked judges who have put their thumbs on the scales of justice, we see the rich are getting richer and richer, and we see the middle class in New Hampshire and in Ohio and in Nebraska getting squeezed over and over and over again.

We see what has happened to this country. We see lobbyists going down the hall to Senator MCCONNELL's office, who is the Republican leader, writing tax bills. Do you know what that tax law does that President Trump signed? Do you know what it does? It says, if a company shuts down in Lordstown, OH, which General Motors has done this week—4,500 people have lost their jobs—General Motors will pay a tax rate of 21 percent. Do you know what? Under the Trump tax law, they can move south of the border and pay a tax rate of 10½ percent.

In other words, they get a 50-percent off coupon. Companies that shut down production in Omaha or in Manchester or in Cleveland and move overseas get a 50-percent off coupon on their taxes. That is what these fights are about. These fights are about the special interests that run this Senate, the companies that outsource, and the drug companies and Wall Street. Heck, the White House looks like a retreat for Wall Street.

The PRESIDING OFFICER. All time is expired.

Mr. BROWN. Madam President, I ask for an additional 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BROWN. This issue today we are about to vote on is about Eric Murphy. It is about confirming a very young, very inexperienced lawyer in Cleveland whose claim to fame is that he argued against marriage equality in the landmark Obergefell v. Hodges case. It is why Jim Obergefell has spoken out against his nomination.

Here is what he said. He actually argued that marriage equality would be disruptive—disruptive—to our Nation. Telling people who love each other that they can marry is disruptive to our Nation? Who does that harm? Why would it matter? A couple in Atlanta or Decatur or a couple in Sioux Falls or Topeka or Omaha or Lincoln or Manchester or Laconia or Cleveland or Mansfield—why would it matter? Why would it be disruptive?

This gentleman whom we are about to—I know every Republican, except maybe one courageous one, will vote for him because that is how we do it nowadays. You can't win through the democratic process; you win through the back door of the judiciary. That is what they are going to do. They are going to vote for a man who said it is disruptive to allow people who love each other to marry. He will make decisions on the rights of LGBTQ couples. Some in this body like to claim they support people regardless of their orientation. He has moved to restrict access to contraceptives for women. We are going to have women Republicans vote for somebody like that? He has defended Big Tobacco, as if there is any defense for addicting our children to tobacco.

We have had huge public health victories, but let's go back. Let's go back on voting rights. Let's go back on supporting public health. Let's go back on equal rights for people. Let's go back on civil rights. Is that what we are going to do today?

But maybe most despicable, on this day today 54 years ago, in Mr. Figures' State of Alabama—my wife has visited this bridge five times, crossed it since then—54 years ago, JOHN LEWIS, our colleague down the hall—you know, just on the other side of the special interest majority leader's office down the hall—JOHN LEWIS—I think he was 25 years old at that point—got his head beat in by Alabama State troopers. Do you know why? Because he wanted people to register to vote. He wanted people to have their full rights. That happened 54 years ago today—the day we are going to vote on Mr. Murphy.

Mr. Murphy defended Ohio's voter purge, taking registered voters off the rolls. He led the efforts to take away Golden Week in Ohio, passed by a Republican legislature on a bipartisan basis. He defended restrictive voter ID and provisional ballot rules.

This weekend, Connie and I walked across the Edmund Pettus Bridge. We saw foot soldiers who had been beaten up 54 years ago as they were trying to cross this bridge. We listened to their stories. These men and women were beaten. Many of them were 15, 16, 18, 20 years old. They did that so that in the future, they and their children would have the right to vote.

But judges around this country, judges supported by this majority—none of whom think for themselves when it comes to voting on these nominations—all the way up to the Supreme Court, they are dismantling these rights.

I can't imagine my Republican colleagues who came here from Georgia and Kansas and Nebraska and Montana—and I think he is going to vote right—I just can't imagine they came here thinking: I am going to take the oath of office—right in that corner—and do you know one of the things I am going to do? I am going to vote to restrict voting rights. I am going to vote to tell gay people they can't marry. I am going to vote to take away workers' rights. I am going to vote for judges who put their thumbs on the scales of justice and choose corporations that outsource jobs over workers. I am going to choose Wall Street over consumers. I am going to choose big health insurance companies, with their multimillion-dollar salaries for executives, and hurt sick people.

I can't believe that is why any of you came. So please vote no on Murphy. Please. As the 54th anniversary of Selma happens right about this time of day—I think they tried to cross the bridge around noon—I ask my colleagues to vote no.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

The Senator from Georgia.

Mr. ISAKSON. Madam President, I ask unanimous consent to speak for 60 seconds.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ISAKSON. Madam President, I just want to say to the gentleman from Ohio that I have been to the Edmund Pettus Bridge. I went there with JOHN LEWIS. JOHN LEWIS is a great American. I supported title V and the Civil Rights Act. So I appreciate your remarks and your candidness, but all of us should not castigate all the rest of us and throw us in groups because all of us are free thinkers, independent thinkers, and are committed to the betterment of the United States of America and seeing to it that everybody has a vote who deserves a vote, and I will always fight for that.

I yield the floor.

Mr. BROWN. Madam President, I ask unanimous consent to speak for 30 seconds.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BROWN. Madam President, I appreciate Senator ISAKSON's work as the leader of the Veterans' Affairs Committee, his bipartisan work to advance the causes of veterans in our country.

I was in Columbia, SC, last week, and a veteran who had attempted suicide seven times told us that veterans are more than paintings on the wall, and Senator ISAKSON embodies that as somebody who advocates for those veterans. I thank him for that.

Mr. ISAKSON. I thank the gentleman.

The PRESIDING OFFICER. Under the previous order, all postcloture time is expired.

The question is, Will the Senate advise and consent to the Murphy nomination?

Mr. SCHATZ. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Georgia (Mr. PERDUE).

Mr. DURBIN. I announce that the Senator from Alabama (Mr. JONES) is necessarily absent.

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

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 39 Ex.]

YEAS—52

Alexander	Fischer	Portman
Barrasso	Gardner	Risch
Blackburn	Graham	Roberts
Blunt	Grassley	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Isakson	Scott (SC)
Collins	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Cramer	Lee	Tillis
Crapo	McConnell	Toomey
Cruz	McSally	Wicker
Daines	Moran	Young
Enzi	Murkowski	
Ernst	Paul	

NAYS—46

Baldwin	Hassan	Sanders
Bennet	Heinrich	Schatz
Blumenthal	Hirono	Schumer
Booker	Kaine	Shaheen
Brown	King	Sinema
Cantwell	Klobuchar	Smith
Cardin	Leahy	Stabenow
Carper	Manchin	Tester
Casey	Markey	Udall
Coons	Menendez	Van Hollen
Cortez Masto	Merkley	Warner
Duckworth	Murphy	Warren
Durbin	Murray	Whitehouse
Feinstein	Peters	Wyden
Gillibrand	Reed	
Harris	Rosen	

NOT VOTING—2

Jones	Perdue

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.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of John Fleming, of Louisiana, to be Assistant Secretary of Commerce for Economic Development.

The PRESIDING OFFICER. The time until 1:45 p.m. is equally divided.

The Senator from Iowa.

SHOOTING OF BIJAN GHAISAR

Mr. GRASSLEY. Mr. President, I want to speak to my colleagues about two things. One will take less than 1 minute, and the other will take about 5 or 6 minutes. The first one deals with why I can't get answers for citizens of the United States for the murder of a son.

In 2017, the U.S. Park Police fatally shot Bijan Ghaisar, after a minor traffic accident led to a police chase in Virginia. Since then, his family has been looking for answers, but they have only encountered silence.

The FBI took over the investigation but has not shared any findings or even an update with the family. So last December, I asked the FBI where things stand. Even this Senator got silence from the FBI.

Investigations into the use of deadly force should be handled in a manner that reinforces accountability and public confidence in law enforcement. The FBI's silent treatment is concerning. The Ghaisar family, Congress, this Senator, and the public shouldn't have to wait years to get an answer from the FBI.

FILING SEASON

Mr. President, on the subject of taxes, we are now in our sixth week of the tax filing season. Over 50 million Americans have filed their tax returns. As in previous years, the IRS is moving forward in the filing season at a pace very consistent with previous years. In some aspects, they are exceeding benchmarks set by last year's filing season. This has been one of the most scrutinized filing seasons I can remember. In some ways, that is understandable.

As I have alluded to, this is the first filing season after our Tax Code received the largest overhaul in three decades. After the massive tax bill we passed, you would expect some difficulties. The filing season began shortly after our government experienced the longest shutdown in history. So the longest shutdown in history, added to the fact that we have a new tax bill, makes this tax filing season very different. Despite these factors, this filing season has run relatively smoothly.

Consistent with previous years, the IRS has processed over 95 percent of the returns the Agency received, and 80 percent of those returns were sent a refund. Based on data covering returns filed through February 22 of this year, over $121 billion in refunds have been returned to the American taxpayers, with an average refund of $3,143.

This is up slightly over the 2018 filing season. I only mention this because some of the media and some here in the Congress have been obsessing over the size of refunds.

As I pointed out many times, obsessing over the average size of refunds is simply wrongheaded and misleading. A week-to-week focus on the size of tax refunds makes no sense, given how wildly refunds can vary early in the filing season.

Recent filing season data makes this very clear. Within a week, the average size of refunds went from being down 17 percent to being a little over 1 percent higher than last year so far this filing season.

We have over 5 weeks of filing season to go. I expect there will continue to be variations in the data. Most importantly, the size of the tax refund is a stupid barometer of how taxpayers are faring this season compared to last—in other words, whether they had a tax increase or a tax decrease as a result of the tax bill of December 2017.

A refund merely represents the extent to which a taxpayer has overpaid their taxes during the course of the year. It absolutely provides no insight into whether a taxpayer's tax burden has gone up or, for that matter, down.

I hope the relative silence in the media about the filing season data released at the end of last week indicates that that media and Members of Congress who have complained about it finally come to understand all of this—that a refund up or down has nothing to do with whether you have a tax increase or decrease. Any further swings up or down will not generate sensational headlines that only confuse and misinform taxpayers. Those headlines have misled the American people.

I hope this recent data will help put to rest accusations of some of my Democratic colleagues that the IRS sought to manipulate withholding tables to goose paychecks in 2018, because nothing could be further from the truth.

The primary objective of the IRS in updating withholding tables was for a very sound reason of making sure that they are as accurate as possible. A report by the Government Accountability Office bears this out. In fact, there is not a single indication in the GAO report to suggest otherwise.

The IRS followed the same process and procedures in updating withholding tables this year as it has in the previous years. Moreover, the report documents the extensive outreach that Treasury and the IRS conducted to inform taxpayers of the changes and to suggest that taxpayers check their withholding.

Their outreach included updating and creating pages on their website using IRS email LISTSERVs and social media campaigns and sharing withholding materials with partners, including tax-related groups, large employers, employer associations, and organizations representing small businesses. So you see, they went to great lengths to alert the public to observe changes in the tax tables.

However, no withholding table has been or ever will be perfect. Common sense dictates that. Every wage earner may be affected a little differently under the new law based on his or her personal circumstances. Because of personal circumstances, if there are 157 million tax filings, then, there could be 157 million different answers.

The IRS continues to consider whether future improvements to the withholding structure may be necessary. I support these efforts and will monitor the outcome as chairman of the tax-writing Finance Committee.

If the tables had not been updated, my guess is that our colleagues on the other side of the aisle would be singing a different tune. Instead of criticizing efforts to ensure that withholding tables more accurately reflect the new law, they would be claiming that we were trying to back-load the tax benefits, tricking taxpayers into believing their tax cut was larger than it was through oversized refunds.

This actually may have been the right thing to do politically, but it would have been wrong, as a matter of principle or tax policy, and, quite