vote today to get on the bill, and we will move ahead.

REGULATION ON RETIREMENT SAVINGS

Mr. MCCONNELL. Mr. President, today the administration will unveil a set of regulations many believe will make it harder for lower to middle-class families to save for retirement. The regulation has been a long time coming, and there will be changes made from what was initially proposed. However, the fundamentals are likely to remain the same.

If that is the case, here is what we can safely say. Some have estimated that investment fees could more than double under this regulation. Here is what that could mean: access to critical retirement advice for those who can afford it and restricted access to affordable advice, and fewer retirement savings as a result, for too many lower and middle-class Americans.

It sounds a lot like ObamaCare. Here is why. Like ObamaCare, it threatens to upend an entire industry, threatens to increase costs and decrease access, and it threatens to hurt the very people it is aimed at helping. This regulation could have the effect of discouraging investment advisers from taking on clients with smaller accounts. What that means is that smaller savers, everyday Americans trying to plan for their future, could have less access to sound investment advice. One report projects the rule could cost middle-class families $80 billion in lost savings over the next decade.

I have already heard from Kentuckians who fear the negative repercussions this rule could have. For example, one financial adviser in my State shared with me his concerns about how the rule, as proposed, could impact his clients. There is the single mom with a daughter in college who fears she could see significant investment fee increases under the rule—increases she simply cannot afford. There is also the small business which could have a harder time accessing investment advice, potentially leading it to stop offering retirement plans to employees all together, and retirees living off their lifesavings could see reductions in their fixed income because of potential increases in investment costs.

From its initial proposal at a campaign-style event to its rollout today, this regulation seems to have always been more about politics than good policy. According to a report released by the Senate Homeland and Governmental Affairs Committee chairman, the administration seems to have ''disregarded . . . concerns and declined to implement recommendations'' from career, nonpartisan staff and government officials. Chairman JOHNSON's report goes on to say that the administration ''frequently prioritized the expeditious completion of the rulemaking process at the expense of thoughtful deliberation.''

America's middle class deserves responsible solutions, not far-reaching regulations that could jeopardize the retirement security of the very people it purports to help.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

FAA REAUTHORIZATION BILL

Mr. REID. Mr. President, in the last 12 hours or so, the Republican leader and I have had some very productive discussions on the FAA bill and the associated tax title. Those discussions have been productive, as the Republican leader said, and so I say to all my Members, we are going to go ahead and support invoking cloture on this part of the bill. We are going to proceed to this legislation. We should know in a few hours how much of the postcloture time will have to be used. I hope not very much. I hope we can get right to offering amendments.

As the Republican leader said, Senators NELSON and THUNE will manage this bill and the committee did a good job. There are airport security measures in the bill. I think we need to do more, but what they did is certainly a step in the right direction, so there will be amendments dealing with airport security coming from our side. There could be some other amendments, but we will see. I do hope we can yield back whatever time is left on the motion to proceed to the bill. I hope we can do that no later than this afternoon.

RULE ON INVESTMENTS

Mr. REID. Mr. President, I commend the administration for the rule issued with fiduciary duties on investments. These advisers on investments will do a better job for consumers because of this rule. This issue is so important that it is estimated that it will save consumers at least $17 billion a year—not over 10 years, but a year. So that is something that is very important. I hope people understand that.

NOMINATION OF MERRICK GARLAND

Mr. REID. Mr. President, yesterday the assistant Republican leader made an interesting statement as he spoke to reporters just off the Senate floor. This is what he said and I quote: ''Even though this is an election year, it is no excuse for not getting the people's work done.'' We all agree. On this side of the aisle, we all agree.

Even though this is an election year, it is no excuse for not getting the people's work done. I didn't write that for the Republican whip, but I couldn't have done any better had I tried to write it. That is why Senate Republicans should put aside election year politics and do their job regarding President Obama's nominee to the Supreme Court, Judge Garland, hopefully to be Justice Garland soon. And what is that job? As the Republican leader said a decade ago, and I quote:

> Our job is to react to the nomination in a respectful and dignified way, and at the end of the process to give that person an up-or-down vote as all nominees who have majority support have gotten through the history of the country. It's not our job to determine who ought to be picked.

So says the senior Senator from Kentucky. By the Republican leader's own admission, our job is to carry out a respectful nomination process. That means hearings, and at the end of the process we must give the nominee an up-or-down vote. That is our job, and we should do it.

Will the Chair announce what the Senate is going to be doing for the remainder of the day.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

AMERICA'S SMALL BUSINESS TAX RELIEF ACT OF 2015—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 636, which the clerk will report.

The senior assistant legislative clerk read as follows:

> Motion to proceed to Calendar No. 55, H.R. 636, a bill to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes.

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

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

FILLING THE SUPREME COURT VACANCY

Mr. BARRASSO. Mr. President, for weeks now we have seen Democratic Senators come to the floor and attack the chairman of the Senate Judiciary Committee. The tone of these attacks against Senator GRASSLEY have been vicious and they have been very personal. I believe Democrats have embarrassed themselves, and they have done a disservice to their constituents and to the U.S. Senate.

Senator GRASSLEY is an outstanding public servant. He has been relentless in representing the interests and the views of the people of his home State of Iowa. He has not missed a vote in 27 years. He holds townhall meetings in every one of Iowa's 99 counties every

single year. That is how seriously CHUCK GRASSLEY takes his responsibility to serve and to represent the people of his home State. Every other Member of this body should be trying to copy his example, not coming to the floor to criticize him or take cheap shots, as the Democrats have been doing in an attempt for political gain.

What Senator GRASSLEY wants should be the same thing all of us want when it comes to momentous decisions—decisions like who will have a lifetime appointment to the Supreme Court of the United States. He wants to give the people a voice. That is what Senator GRASSLEY wants for the people of Iowa, and that is what I want for the people of Wyoming.

Senator ENZI and I had a telephone townhall meeting last month, talking to people around the State of Wyoming. The great majority of the folks in Wyoming agree with Senator GRASSLEY, agree with Senator ENZI, and agree with me about the next Supreme Court Justice and giving the people a voice. This isn't just something that Republicans are making up because we don't like this nominee, although there is plenty not to like; it is what past chairmen of the Senate Judiciary Committee have done, Democrats as well as Republicans.

In 1992 Senator JOE BIDEN—now Vice President JOE BIDEN, but then Senator JOE BIDEN—came to the Senate floor to explain his rule, called the Biden rule, and it had to do with Supreme Court nominations. On this Senate floor, JOE BIDEN said that once the Presidential election is underway, ''action on a Supreme Court nomination must be put off until after the election campaign is over.'' That is what Vice President JOE BIDEN said when he was a Senator. Those are JOE BIDEN's words—former chairman of the Senate Judiciary Committee, which is the same position Senator CHUCK GRASSLEY currently holds. Senator BIDEN at the time said the temporary vacancy on the Court was ''quite minor''—''quite minor,'' he said—''compared to the cost that a nominee, the president, the Senate, and our nation would have to pay for what would assuredly be a bitter fight.''

Senator BIDEN was one of the Democrats who voted to filibuster Samuel Alito's nomination to the Supreme Court. So was Senator PAT LEAHY, who once also chaired the Senate Judiciary Committee. Senator Obama and Senator HARRY REID—that is right, Barack Obama, currently President of the United States, then-Senator Obama, and Senator HARRY REID, once majority leader, now minority leader—voted for that filibuster.

Back in 2005, when Senator REID was the Democratic leader, he said: ''Nowhere in [the Constitution] does it say the Senate has a duty to give presidential nominees a vote.'' Senator REID even went so far as to unilaterally change the rules of the Senate on nominations a few years ago. He was in the majority then; now he is in the minority.

That is what Democrats have done and what they have said about things like nominations to the Supreme Court and other important jobs for the country.

We have elections in this country for a reason—it is so we can hear directly from the people what they think and how they want us to act on their behalf.

In 2014, the American people rejected the path the Democrats in Washington were taking. They put Republicans in charge of the House and the Senate because they wanted us to act as a check and a balance on what President Obama was doing. Democrats want to ignore the will of the people on this Supreme Court nomination.

The President wants to say it is his decision and his alone. Well, it is not just his decision. Now that the election season is upon us, it should be the people's decision. Republicans understand that, Senator GRASSLEY clearly understands that, and Democrats actually used to understand it. We need to give the people a voice.

ENERGY INDUSTRY JOBS

Mr. President, I would also like to speak briefly about something going on in my home State of Wyoming. Late last week, two of our State's largest coal mines announced they would let go 15 percent of their workers—465 families now living with the terrible pain of loss of a job. Wyoming has seen thousands of hard-working men and women lose their jobs in the energy industry over the past few years, people working in oil, gas, and coal.

Democrats in Washington should never forget that the regulations they and this administration impose have real impact on real people. When Members of the Congress focus obsessively—and it is a misguided obsession—on ideas like climate change, they do grave damage to the hard-working families all across this country who are trying to provide energy for America and provide for their families.

When Democratic Presidential candidates say they want to keep our resources in the ground, they send shock waves through communities that depend on energy jobs. When the Obama administration promotes green energy at any cost, it does great harm to Americans who are working to produce red, white, and blue energy. Seven years of overregulation has taken its toll on coal country. The Obama administration has taken away these people's jobs, and now it is trying to take away their dignity because a person's job is related to their identity and dignity in so many ways.

My goal is to make American energy as clean as we can, as fast as we can, without raising costs and causing pain to American families. That means investing in new ways to develop Wyoming's incredible energy resources and finding new markets for those resources. Energy is known as the master resource. It is the master resource for a reason, and America provides and produces the energy we need for a strong economy as well as a healthy environment. There are bipartisan ideas and bills here in the Senate to help us do both. We should never give up on that goal.

American energy production has powered our economic recovery and has been the workhorse for the American economy for the last 7 years through the economic recovery. It is time for us here in the Senate, here in the country, certainly here in Washington, to return that favor and to help get these Americans back to work.

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

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

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The 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. 55, H.R. 636, an act to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes.

Mitch McConnell, Orrin G. Hatch, Daniel Coats, Lamar Alexander, John Boozman, James M. Inhofe, Chuck Grassley, Mike Crapo, Richard Burr, Thad Cochran, Johnny Isakson, Roy Blunt, Dean Heller, John Thune, John McCain, John Cornyn, Steve Daines.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 636, an act to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Texas (Mr. CRUZ).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

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

The yeas and nays resulted—yeas 98, nays 0, as follows:

[Rollcall Vote No. 40 Leg.]

YEAS—98

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

NOT VOTING—2

Cruz	Sanders

The PRESIDING OFFICER. On this vote, the yeas are 98, the nays are 0.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Iowa.

WHISTLEBLOWER INVESTIGATION

Mr. GRASSLEY. Mr. President, I come to the floor to tell a story about how a distinguished naval career was ruined by abuse of suspected whistleblowers. The end result is a mixed bag of good and bad.

In doing oversight of the Defense Department whistleblower cases, I have learned a difficult lesson. As hard as we may try, whistleblower cases rarely have good outcomes. Now, true, a wrong may be made right, a measure of justice may have been meted out, but the victims—the whistleblowers—have been left out in the cold. They may never get the remedy they seek and deserve.

At the center of this case is an honored naval officer, RADM Brian L. Losey. He can only blame himself for what happened. No matter how you cut it, though, the destruction of a distinguished military career—especially one devoted to hazardous duty in Special Operations—is very unfortunate and very sad as well. Yet that is accountability's harsh reality. This admiral allegedly broke the law and must now pay the price.

In the end, under pressure from several quarters, Secretary of the Navy Ray Mabus was forced to deny Admiral Losey his second star. This promotion was hanging fire for 5 long years, mostly because of ongoing investigations. Admiral Losey had allegedly retaliated against several whistleblowers.

If the Secretary of the Navy and the Navy's top brass had their way, Admiral Losey would be wearing that second star today, but late last year it got tossed into a boiling cauldron. Mounting opposition was coming from four different directions.

First, on November 13 of last year, after learning about the controversy, a bipartisan group of Senators weighed in with a request for all the reports on the Losey matter. The requests came from Senators WYDEN, KIRK, BOXER, JOHNSON, MARKEY, MCCASKILL, and BALDWIN, along with this Senator from Iowa. We happen to be members of the Whistleblower Protection Caucus. Other Senators also made similar requests for those reports.

The second operation. On December 2, 2015, we received four of the five Department of Defense Office of Inspector General reports on that investigation. One is still being reviewed, and I will tell you about that particular report in a minute.

In reviewing these documents, we quickly realized that Admiral Losey appeared to be a serial retaliator of whistleblowers. The evidence was overwhelming. He allegedly broke the law.

It all began in July 2011 at the Norfolk naval base Travel Office. There was a minor dispute over who should pay for his daughter's airline ticket to Germany. As a Coast Guard Academy cadet, that daughter was not entitled to travel as a dependent at taxpayers' expense. Although Admiral Losey, his wife, and staff allegedly ''pestered'' the Travel Office to pay for the ticket, Admiral Losey eventually purchased it with his own money. Nonetheless, this incident triggered a hotline complaint on July 13, 2011. Admiral Losey was informed of the complaint 2 months later, and then from that point it was all downhill.

After learning of the anonymous hotline tip, Admiral Losey was reportedly ''livid.'' He saw it as an act of disloyalty and ''a conspiracy to undermine his command.'' He reportedly developed a list of suspects and began a punitive hunt for more. Reports indicate he was determined to find out who blew the whistle, and when he did, he allegedly said he ''would cut the head off this snake and end this.''

So in his drive to root out moles, he created a toxic environment in his command. His seemingly reckless behavior and blatant disregard for the law and well-being of his subordinates led to his downfall. The end result of the admiral's misguided search for moles was a series of reprisals against suspected—just suspected—whistleblowers.

His choice of suspects was gravely mistaken. No one, in fact, had blown the whistle. Yet each was allegedly subjected to adverse personnel action at his direction and with his concurrence. His targets were mostly senior members of his command staff at Stuttgart, Germany. The person who actually blew the whistle worked at the Travel Office in Norfolk, VA. Clearly, this was a case of misdirected retaliation, which makes his alleged abuses even more egregious.

As soon as Senators finished reviewing these reports and started asking pointed questions, the Navy knew the watchdogs were on the case. The Navy brass went to general quarters. According to reports in the Washington Post, the top brass turned up the pressure. They arbitrarily dismissed the inspector general's findings and put the promotion on a fast track.

Now for the third part of this story. My good friend from Oregon, Senator RON WYDEN, on December 18 of last year, upset the apple cart. He placed a hold on the pending nomination for a new Under Secretary of the Navy, Dr. Davidson. His hold was not directed at Dr. Davidson; instead, it was directed at Admiral Losey's pending promotion. He had grave concerns about revelations in the inspector general's reports. His hold restored much needed leverage lost when the Senate confirmed the admiral's promotion in December 2011. He wanted the Secretary of the Navy to reconsider the promotion. So I commend my friend from Oregon for taking this action because it was an immediate game-changer.

Fourth, on January 14, 2016, there came a bolt out of the blue. The Senate Committee on Armed Services fired a shot across the bow that stopped the Navy dead in the water. The committee's letter to the Secretary of the Navy began with this damaging assessment. After reviewing the investigative reports, we—meaning the committee—''maintain deep reservations'' about Admiral Losey's ability to successfully perform as a two-star admiral. This was the death knell, but the committee's condemnation didn't end there. If it had known in 2011 what it knew in January of this year, the committee said it would never have confirmed Admiral Losey's nomination in the first place. The inspector general's damaging investigative reports had turned its earlier assessment upside down. The committee then very much slammed the door shut.

The committee urged the Secretary of the Navy to use his authority to deny the promotion. There was no gentle nudge. This letter effectively ended Admiral Losey's career. The Secretary of the Navy had run out of options. The Secretary had to do what he had to do. The committee of jurisdiction had laid down the law. The admiral should not be promoted. End of story. Admiral Losey will now step down as leader of the Naval Special War Command and retire.

The committee's groundbreaking letter was signed by Chairman MCCAIN and Ranking Member REED, and what is important about this letter is that it is a very sharp departure from actions taken by past Armed Services Committees in questioning a lot of these things that go on in the Defense Department. During the course of my oversight work, I have had several beefs with this committee over issues exactly like this. All were about the need to hold senior officers accountable for alleged

misconduct based on evidence in inspector general reports. The response back then was very different from what I see of the work of the committee today.

I see this letter as a breakthrough. I see it as a masterpiece. I am proud of the Committee on Armed Services. This about-face came under new leadership, and I hope it signals the dawning of a bright new day. So it shouldn't surprise anyone that I would thank Chairman MCCAIN and thank Ranking Member REED from the bottom of my heart for this outstanding leadership. Their actions send a message to whistleblowers: Reprisals will not be tolerated. That is a real morale booster for all whistleblowers suffering under the weight of reprisals.

From what I know about whistleblowers, most of them are very patriotic people. They just want the government to follow the law and spend the money appropriately. They just want the government to do what the government is supposed to do. When they see it isn't being done, and they work up the chain of command but do not see any changes, then they come to Members of the Senate and the Congress. So I thank them again for having the courage to do the right thing. Holding such a distinguished naval officer accountable was no easy task. To the contrary, it was as difficult as they get.

Mr. President, now that the question of the admiral's promotion has been laid to rest, I would like to turn to that unfinished business I earlier referred to. The true scope of the admiral's retaliation actions is still being examined because there is a fifth report out there. The focus of the fifth and final report of the Losey investigation is more like a phantom than a real report.

Over 1,150 days have passed since this investigation began, and it is still not finished. It should be a piece of cake. The cast of characters, the facts, the evidence, and the findings should be essentially the same as in other Losey reports published long ago.

So I ask: What is really going on here? I have received several anonymous tips. What I hear is very disturbing. This report is allegedly being doctored, causing bitter internal dispute over across the river. On one side are the investigators just doing their job. They appear—as we would expect—to be guided by the evidence. On the other side is top management at the Defense Department. They appear very eager to line up with the Navy's decision to arbitrarily dismiss evidence.

From the get-go, the findings in the draft report substantiated reprisal allegations against Admiral Losey—consistent with the other reports. Top management initially concurred with those findings. So then, what is wrong? Why not issue the report?

However, in response to alleged pressure from the Secretary of the Navy's office, they caved and agreed to take Losey out of the report. How could they get such a bad case of weak knees? The evidence staring them in the face seems irrefutable—rock solid. Plus, it was just reaffirmed by an unlikely source—the U.S. Air Force.

Because two Air Force officers were allegedly involved, the Air Force had to conduct its own review. The Air Force also found the evidence very compelling. As a result, the Air Force officer—who was Admiral Losey's command attorney—reportedly faces potential legal trouble. He allegedly facilitated the admiral's retaliatory actions against the whistleblowers. The other officer will retire.

Despite the red flags and the need for caution, caution has been tossed to the wind. On March 31, 2015, Deputy Inspector General Marguerite Garrison gave the Navy a green light to proceed. She notified Admiral Losey by letter that he ''was no longer a subject of the investigation.'' How could she do such a thing with all the evidence that is already out there in the other four reports and what we think we know in this report that is not public?

At that point in time, Admiral Losey's alleged retaliation was the centerpiece of the report. True, it was a draft report in the midst of review. True, there were questions about Admiral Losey's role. Yet, after the passage of 1 year, the dispute remains unresolved. The report is still in draft and, obviously, mired in controversy.

I think this all shows that there is something rotten at the Pentagon. To send such a letter, which was inconsistent with the evidence in an unfinished report, seems inappropriate. The Garrison letter set the stage for what has followed, and I will tell you what followed.

To conform to the Garrison letter, the findings in the draft report had to be allegedly changed from ''substantiated'' to ''not substantiated.'' The investigators, thank God, dug in their heels and stood their ground. The evidence was apparently on their side.

In early December of last year, as the Losey promotion issue reached a critical juncture, top management allegedly ''directed'' the investigators to change the report's findings from ''substantiated'' to ''not substantiated.'' The investigators were also allegedly directed to change facts and evidence to fit the desired findings. In other words, key pieces of evidence had to be allegedly ''removed'' to ensure that the evidence presented in the report was aligned with the specified conclusions.

These are very serious allegations. Deliberately falsifying information in an official report constitutes a potential violation of law. If the directed rewrite of this report really happened, and if it is allowed to stand, it could undermine the integrity of the whole investigative process.

The new acting Defense Department inspector general, Mr. Glenn Fine, whom I know from a similar position in the Justice Department to be a pretty good inspector general, needs to grab the bull by the horns in this case, and he has the authority to do it.

He needs to call the top officials involved on the carpet. This would include Mrs. Garrison, her deputy, Director Nilgun Tolek, and Deputy Director Michael Shanker. The IG needs to ask them to explain and justify their actions. Next, he needs to ask the investigators to present their side of the story. Then, he needs to weigh independently and objectively the evidence and figure out what needs to be done to get this solved and get this report out. I think Mr. Fine has the capability to be independent and objective, and I ask him to do that.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SASSE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered

FILLING THE SUPREME COURT VACANCY

Mr. REID. Mr. President, I am here to defend Chief Justice John Roberts. I am here because he has been attacked, without cause, by the chairman of the Judiciary Committee.

Yesterday afternoon the senior Senator from Iowa hit a new low in trying to justify his unprecedented obstruction of President Obama's Supreme Court nomination of Judge Merrick Garland. The chairman of the Judiciary Committee accused Chief Justice John Roberts of being ''part of the problem'' when it comes to the politicization of the Supreme Court. That is without any foundation.

I don't agree with the Chief Justice on every opinion he has rendered, nor, frankly, do I agree with any of the other seven on opinions they have rendered. We have had some disagreements on a number of opinions they have authored and participated in. Again, I don't agree with the Chief Justice on many of the opinions he has written, but his observations about the Supreme Court confirmation process have obviously struck a nerve in the Republican caucus.

Here is what happened. Days before the unfortunate death of Justice Scalia, before anyone could have anticipated the Supreme Court vacancy, Chief Justice Roberts made the commonsense assertion in a speech he gave that partisan politics hurt our Nation's highest Court. This is what he said:

> When you have a sharply political, divisive hearing process, it increases the danger that whoever comes out of it will be viewed in these terms. . . . It's natural for some member of the public to think you must be identified in a particular way as a result of that process. And that's just not how—we don't work as Democrats or Republicans. I think it's a very unfortunate perception the public might get from the confirmation process.

I was a Member of the Senate when we had the hearings regarding Justice

Roberts. He came from the same court on which Merrick Garland served. They served together, and they are friends. In the past, Justice Roberts has said many glowing things about Merrick Garland. But yesterday afternoon on this floor, the senior Senator from Iowa had the audacity to accuse Roberts of being part of the problem, even going so far as to tell the Chief Justice—listen to this one—''Physician, heal thyself.''

I say to the senior Senator from Iowa, Justice Roberts isn't the one who needs healing. What needs mending is the Judiciary Committee under his chairmanship, which he has annexed as a political arm of the Republican leader's office. Senator GRASSLEY has sacrificed the historical independence of the Judiciary Committee to do the bidding of the tea party and obviously the Koch brothers.

I have news for Senator GRASSLEY: The American people don't think the process of nominating a Supreme Court Justice is political because the Supreme Court's rulings don't match expectations of the political right or the political left. I have confidence that these men and women who serve on the Court do the very best they can to rule on the law as they see it. The American people don't think it is political because the senior Senator from Iowa is refusing to give a fair hearing to a highly qualified nominee purely because he was nominated by a Democratic President. The American people think it is political when the Judiciary Committee and the Republicans on his committee meet behind closed doors and make pacts to blockade our Nation's judiciary, from the Supreme Court, to the circuit courts, to the district courts.

I know that my friend, with whom I have served for decades in this body, is grasping for something, anything to get himself off the hook. President Harry Truman said, ''The buck stops here.'' Senator GRASSLEY wants the buck to stop with anyone but himself. He has done more to politicize the process than any chairman of the Judiciary Committee in the history of this country.

If the senior Senator from Iowa really wants to understand why Americans think the process of nominating Supreme Court Justices is so partisan, he should consider his own actions. He has only himself to blame for not doing his job.

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

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

Mr. THUNE. Mr. President, just a little earlier today, the Senate moved to proceed to the FAA reauthorization bill. My hope is that we—the distinguished Senator from Florida, who is the ranking member on the Commerce Committee, and I—will move to have a substitute considered, and, hopefully, that will happen very soon.

At this time, I wish to speak about the subject that is before us, and that is the FAA reauthorization bill.

This week the Senate is taking up something that is a very important piece of legislation when it comes to aviation reforms that will support U.S. jobs, increase safety, improve drone operations, and make travel easier for airline passengers. The bill before us today, the Federal Aviation Administration Reauthorization Act of 2016, will help update aviation law to reflect the rapid advances in technology we have seen over the last few years.

For example, since the last reauthorization of the Federal Aviation Administration in 2012, the use of drones has increased dramatically. The FAA has sought to keep up by using the authority it already has to safely advance this burgeoning industry, but there are limits to what the FAA can do with only outdated authority to manage this rapidly advancing technology. Passing this reform bill will help the FAA remove barriers to innovation and address unacceptable safety risks when it comes to unmanned aircraft.

Just last month the Los Angeles Times reported on an incident where a Lufthansa A380 jumbo jet approaching the Los Angeles International Airport experienced a near miss with a drone that flew just 200 feet over the airliner. While fortunately in this case, the two did not collide, the prospect of a jumbo jet carrying hundreds of passengers striking a drone while flying over a heavily populated area is chilling.

Our colleague from California, Senator FEINSTEIN, noted in a statement on this incident that our FAA bill includes key reforms that will keep drones out of the path of airliners. She added: ''We must pass this bill and strengthen the law wherever we can.'' Well, I could not agree more. To keep drones out of the paths of commercial airliners, the Senate bill would implement standards so that existing safety technologies could be built into unmanned aircraft. This legislation also takes steps to require drone users to learn basic rules of the sky so they understand the limits of where and when unmanned aircraft may operate. This is critical as we move into an era where drones share airspace with commercial aircraft, emergency medical flights, low-altitude agricultural planes, and general aviation pilots.

Our focus on safety in this legislation doesn't stop at promoting safe use of unmanned systems. Our legislation addresses safety issues across the aviation spectrum. Lithium batteries, the batteries that power laptops and mobile phones, have helped to grow our digital economy, but the bulk transport of these items poses serious shipping challenges. Our bill ensures swift implementation of new international safety standards for the bulk transport of these batteries.

Although the sequence of events preceding the tragic Germanwings murder-suicide almost certainly would not have happened in the United States due to existing rules, our bill recognizes the importance of mental health and strengthens evaluations for commercial pilots.

Our legislation also improves a voluntary safety reporting program for pilots and sets a deadline for creating a commercial pilot record database to ensure air carriers have all available information about pilots' training, testing, and employment histories when hiring.

In response to an independent recommendation completed after our experience with the 2015 Ebola virus outbreak, our bill directs Federal agencies to establish aviation preparedness plans for any future outbreaks of communicable diseases.

Our legislation also directs the FAA to update guidance regarding flight deck automation, such as the use of autopilot, a key factor in recent fatal accidents. This legislation also makes existing funds available for a $400 million increase in the Airport Improvement Program to strengthen infrastructure and safety measures at our airports.

While our top priority is safety, the Senate's aviation bill also makes consumer friendly reforms to improve air travel for passengers. I commute weekly from my home in South Dakota to Washington, DC. So I understand the many frustrations that passengers face, and my colleagues and I are immensely proud of the pro-consumer provisions in this bill. Our legislation has been hailed by a consumer columnist for the Washington Post as ''one of the most passenger-friendly Federal Aviation Administration reauthorization bills in a generation.''

Under our bill, airlines must return fees consumers have paid for baggage if items are lost or delayed. We also require airlines to automatically return fees for services purchased but not delivered so that travelers don't have to go through the hassle of trying to reclaim their money from an airline. And for customers frustrated by lengthy legal jargon that can make it difficult to understand fees, our bill creates a new and easy-to-read uniform standard for disclosing baggage, ticket change, seat selection, and other fees. Our proposal also helps families with children find flights where they can sit together without additional costs by requiring airlines to tell purchasers about available seat locations at the time of booking.

As a resident of a rural State, the needs of the general aviation community were a priority of mine when we wrote this bill. I am pleased we were able to build a consensus for including reforms from the Pilot's Bill of Rights 2 offered by many of my colleagues and led by Senators INHOFE and MANCHIN.

These provisions include reforms to the third class medical certificate required for noncommercial pilots and new protections for pilots in their interactions with the FAA.

To reduce the risk of aircraft accidents for low-altitude fliers, such as agricultural applicators, our bill includes requirements for highly visible physical markings on small towers posing hazards.

This bill would also strengthen the aviation industry by improving the FAA's process for certifying aircraft designs and modifications and ensuring that these certifications benefit manufacturers competing in global markets. This would help manufacturers move U.S. aerospace products to market faster without compromising safety standards.

While I expect and encourage robust debate on this bill, I hope the debate will go forward with the same bipartisan and constructive spirit that Senator NELSON and I witnessed during consideration of this bill in the Commerce Committee. At the committee markup, we voted to include dozens of amendments reflecting ideas from both sides of the aisle. On final passage, we approved this bill by a voice vote, without a single committee member recording an objection. Part of reaching this consensus was an agreement Senator NELSON and I had reached not to include certain proposals that would divide our colleagues. We worked hard to find middle ground on a number of issues to enable us to move this bill forward. Air traffic control reform and a passenger facility charge increase were excluded from the package because, at present, these proposals lack sufficient support and their inclusion could have jeopardized the legislation. Senator NELSON and I also agreed to limit the length of this bill to 18 months. This allows us to enact important reforms now while providing an opportunity to revisit other issues reasonably soon.

As we debate this bill, we should remember the urgent need for safety improvements and good government reforms to improve our aviation industry. There are numerous reforms in this bill that are simply too important to delay, and I look forward to a productive debate.

Finally, I took to the floor earlier this week to discuss the recent horrific attacks perpetrated by ISIS and the implications for security and our aviation policy. In addition to this FAA bill, the Commerce Committee has approved two bipartisan aviation security bills. The first is S. 2361, the Airport Security Enhancement and Oversight Act, which Senator NELSON and I introduced along with the bipartisan leadership of the Homeland Security Committee as cosponsors, and the second is H.R. 2843, which is the TSA PreCheck Expansion Act offered by Representative JOHN KATKO in the House.

Historically, the Senate has passed aviation security enhancements separate from a reauthorization of the Federal Aviation Administration. While I still prefer this separate approach, I will pursue every option to enact these improvements and will vigorously oppose any efforts to water down the security enhancements in these bills.

I know we all share the goal of keeping aviation secure, and I will listen to the views of my colleagues on whether we pursue enactment of these bipartisan aviation security proposals through this reauthorization or through separate legislation.

I thank my partner on the Commerce Committee, Ranking Member BILL NELSON, as well as Senators KELLY AYOTTE and MARIA CANTWELL, who lead our Aviation Subcommittee, for their work on the Federal Aviation Administration Reauthorization Act.

I look forward to the ensuing debate on the bill, and I urge—at the end of that debate—my colleagues to move forward and pass this legislation because it is important for America's economy and the safety of our traveling public.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Mr. President, I think the chairman, Senator THUNE, has pointed out that what we have tried to exhibit is the way the Senate is supposed to work. We are supposed to work in a bipartisan way to forge consensus in order to be able to govern. The subject matter of the FAA reauthorization bill is one that we shouldn't dilly-dally around. Indeed, we take some of the very serious consequences we are facing with our national aviation system head-on.

I also want the chairman to know how much I appreciate the spirit with which we have worked, not only on this issue but on the many issues we have discussed in the Commerce Committee. I think the proof is in the pudding, and I think we will see an amendment process that will run fairly smoothly as a result of the example and the spirit we have tried to set with regard to this legislation.

This is a comprehensive bill. It has been months in the making, and in working together in the fashion that I indicated, the bill reflects our broad agreement on aviation. At the same time, we have refrained from the controversial proposals, such as the plan in the House bill that has come out of the House committee and has not gone to the floor. They had a plan to privatize air traffic control and that has stopped the House FAA bill dead in its tracks.

We have a good bill in front of us here in the Senate, and in this robust process we will consider many amendments and improvements as we continue the legislative process. There is no basis for the chatter coming from some in the House that hearts and minds will change here in the Senate on air traffic control privatization. Air traffic control privatization is just not going to happen. I have made myself very clear on that issue. Such a privatization scheme would seriously impact the overall success of our aviation system. It would dismantle the longstanding partnership between the FAA and the Department of Defense and needlessly disrupt the progress the FAA is making in its modernization efforts. Let me underscore that. The Defense Department operates in about 20 percent of our airspace. They cannot afford to have a private company handling that airspace. Of course, this privatization could also lead to increased costs for the traveling public and users of the National Airspace System.

We think the measured approach we are taking in this bill is the better path, and we are not alone in this view. This bipartisan bill enjoys the support of a huge number of organizations. Now, nothing is perfect, and so it was my hope that we could find a way to help our busiest airports by increasing the resources they need to improve and maintain vital facilities. We couldn't reach that agreement. That is one reason the term of this bill is somewhat limited through fiscal year 2017, so we have an additional opportunity to revisit this and other issues in the not-too-distant future. It is a consensus bill, and it contains, as the chairman has just mentioned, many new consumer protections for airline passengers, critical improvements in drone safety, and reforms that boost U.S. aircraft manufacturing and exports, and it will do all of this without disrupting the safest and most efficient air transportation system in the world.

Let me highlight some of these consumer protections. How irritating is it to passengers that they don't know about this-and-that fee, this-and-that charge? At the end of the day, consumers feel nickeled and dimed. They deserve to know, and they need some relief. Well, this bill makes progress on that. Last summer, this Senator released a report that found that airlines failed to adequately disclose the extra fees and the add-on costs charged to the flying public. In many cases, passengers didn't know they could get a seat without having to request a special seat with a fee. In many cases, passengers didn't know about the fees they had to pay for airline baggage. That report had a number of comprehensive recommendations, and this legislation builds on that report to protect the flying public—many things in the bill. For example, it requires fee refunds for lost or delayed baggage. It requires new standardized disclosure of fees for consumers. It requires increased protections for disabled passengers.

As the chairman mentioned, drone safety is a very important area of this bill. Remember Captain Sully Sullenberger, who became a national hero when, upon takeoff and ascending out of LaGuardia, he encountered a flock of seagulls which were sucked into his jet engines? Now, that is flesh

and blood and feathers and webbed feet. You can imagine what would happen if a plane, on ascent or on descent of a passenger airline, sucks in the plastic and metal of a drone. There are lives at risk, and there might not be a Hudson River that Captain Sullenberger could belly it in, in the Hudson River, and save all the lives of his passengers.

Last year alone, the FAA recorded over 1,000 drone sightings near airports and aircraft. That is unacceptable, and we must do everything we can to protect the flying public from these dangers posed by drones. So this bill creates a pilot program to test various technologies to keep drones away from airports, and it requires the FAA to work with NASA to test and develop a drone traffic management system. We have seen the technology already available that can suddenly capture a drone, if it goes into a prohibited area, and land that drone or take over that drone and take it someplace else. The identification of drones that go in and out of prohibited areas is also important. We are going to have to face this because, sooner or later, it will not be what happened at the Miami International Airport with a drone within hundreds of feet of an inbound American Airlines airliner into Miami International. So we want to avoid that catastrophic outcome. This legislation also provides reforms in the FAA certification process that will boost U.S. manufacturing and exports and most importantly create really good jobs for hard-working Americans.

Those are just some of the key features in the bill when it comes to reauthorizing the FAA, and that is what brings us here today with the bill on the floor. We know we are in a new context of world terrorism, having just been reminded in Brussels. The dual attacks on a Brussels metro station and the airport are a grim reminder that both aviation and surface transportation networks remain attractive targets for terrorists. It is now almost 15 years after September 11. The terrorists are still out there seeking these vulnerabilities. In November of last year, we saw the ability to penetrate airport perimeter security in Egypt enabled an employee to get an explosive device on a Russian passenger jet, and that killed 224 civilians. So we have amendments to address these issues. We think these amendments are noncontroversial, we think they are bipartisan, and they certainly are timely.

As our debate unfolds over the next few days, aviation security will be an important factor in the discussion. The chairman and I have talked at length, and we have some of the ideas that we are going to present for consideration on security. One such proposal, as the chairman has mentioned in his opening remarks, we already passed in the commerce committee. It is right there, the Airport Security Enhancement and Oversight Act. That bipartisan legislation, sponsored by a number of us on the committee, would improve background checks for airport workers and increase employee screenings—obviously, a reminder of the Russian jetliner—this is important—and a reminder of the gun-running scheme in the Atlanta airport: over 100 guns over a 3-month period put on airliners, transporting them from the Atlanta Airport to New York. It is an area that requires attention.

So I look forward to collaborating with our colleagues as we move these important issues.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

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

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

FILLING THE SUPREME COURT VACANCY

Mr. MERKLEY. Mr. President, I rise today to talk about an issue that affects a part of our Constitution. The Constitution begins with these three words: ''We the people.'' You can talk in any townhall across America and ask ''What are the first three words of the Constitution?'' and they will respond ''We the people.'' They know that the Constitution starts with those words written in a super-sized font, because that is really the heart of what our system of government is all about—not ''we the powerful commercial interests,'' not ''we the titans of industry,'' not ''we the richest in America.'' No. ''We the people,'' the citizens, ordinary citizens. Our Constitution, our system of government is set up to honor and respect and address the concerns of ordinary citizens. That is very different from so many other countries where our early residents came from, from across the sea. So those three words capture the spirit of what our new Nation was all about, or, as President Lincoln later summarized, a government of the people, by the people, and for the people.

I have come to the floor periodically to address various issues related to ''we the people,'' related certainly to honoring the spirit of the Constitution. In that regard, this week I am coming to the floor to address the responsibility of our Senate and its advice and consent role under our Constitution.

The President's duty is to nominate a Supreme Court Justice when there is a vacancy. That responsibility is clearly written into our Constitution. The Senate's duty is to consider whether that nominee merits being appointed. In the early ages of our country, as we went from the Revolution of 1776 to the drafting of the Constitution, our Founders were of mixed minds as to how this appointment process should work. Some said the appointments should all be done by what they referred to as the assembly—that is, by all of us in Congress. So the executive branch would have a check on it, but the position would be filled by Congress. Others said: No, no, no, no, that is too difficult. Too much horse trading is going to be going on. The responsibility needs to be vested in the President. That is accountability.

But what happens if the President engages in appointments of dubious merit, people of dubious character, of dubious qualifications? So they came out with this compromise that the President nominates and our responsibility here in the Senate is to determine whether the nominee is of fit character.

One can get a little flavor of this from the writings of Hamilton in the Federalist Papers, Paper No. 76. He writes:

> To what purpose then require the cooperation of the Senate? I answer, that the necessity of their concurrence would have a powerful, though, in general, a silent operation. It would be an excellent check upon a spirit of favoritism in the president, and would tend greatly to prevent the appointment of unfit characters.

That is our responsibility—to vet the nominee and to vote upon determining whether the individual is of fit character, and that certainly can be broadly interpreted to include personal characteristics and qualifications for a job that requires specific qualifications. That is our responsibility.

Every Senator here took an oath to the Constitution, pledged to honor their responsibilities here as they are laid out in the Constitution. That is why I am so disturbed that at this moment we have Senators in this body who have said: I am not going to do my responsibility under the Constitution. I am going on a job strike. I don't want to work and do my responsibility under advice and consent. I don't want to do the work of vetting candidates and voting on candidates. I am just going to sit on my hands and sing ''la la la'' instead of doing the work the Constitution requires.

That is unacceptable. To my colleagues who are sitting on their hands and failing to do their constitutional responsibility, I simply say: Do your job.

On March 16 President Obama nominated Merrick Garland to serve on the U.S. Supreme Court. Certainly the President has now fulfilled his responsibility under the Constitution. He put forward a nominee to fill this critical vacancy on the Supreme Court. I certainly look forward to meeting with Merrick Garland, reviewing his credentials, and learning more about his vision for the Supreme Court. That is part of the vetting process. That is something all of us should be doing. Then it will be time for the Senate as a body to act. That means the Judiciary Committee proceeds to collect information on Mr. Garland's background and on his decisions, and then they hold a hearing and members of

the committee ask penetrating questions: Why did you say this in a particular opinion? He has a whole record to be examined, and that is what we should be doing right now.

Not since the Civil War have we left a vacancy on the Supreme Court for over a year, but the job strike my colleagues are engaged in today says: We are going to leave this vacancy on the Court. We are going on a job strike for an entire year and not do our responsibility under the Constitution because we just don't want to.

That is a dereliction of duty, and I encourage my colleagues to rethink their positions.

Since 1975 it has taken on average only 67 days to vet and vote on a Supreme Court nominee—just 67 days or a little over 2 months.

There are some folks here in the Chamber who say: Well, this is a unique circumstance because we are in the last year of a Presidency, and therefore we should just wait and leave the Court spot empty for a year. Wait until the election next November and wait for the new President to come in in January and then get a new nominee and hold hearings then.

That argument fails on several accounts. First of all, there is nothing in the Constitution that says one will only do their job in a year, if you will, that is in the first 3 years of the Presidency instead of the fourth year. That is not written in the Constitution. For any of my colleagues who make this argument, I would be happy to read the Constitution to them. Better yet, read it yourselves. Look at the Constitution and our responsibilities under the Constitution. The President is required to nominate in all 4 years, and we here in the Senate are required to proceed to determine whether that nominee is of unfit character or of fit character, and that means vetting and that means voting. The President doesn't get a break in his fourth year and get told to do nothing, and we don't get a break in our sixth year. We are not told that in the sixth year we should wait to make decisions because we have to run for reelection and therefore we should wait until our citizens vote. No. We have a term that runs a full 6 years, and we have a responsibility for the entire 6 years. The President has a term of 4 years, and he or she has the responsibility for the entire 4 years. There is nothing in the advice and consent clause that says that at a certain point in time, we are just not going to do our advice and consent responsibility.

It is conceivable that the Founders could have written into the Constitution that in the fourth year of a Presidency, the Senate will not fill any positions, but they didn't write that into the Constitution, and it would not have made sense for them to have done so because the work of the Court is ongoing and the work of the executive branch is ongoing.

Indeed, if we want any form of precedent, we can look to the recent past. Justice Kennedy, who sits on the Court today, was confirmed in the last year of President Reagan's final term, and he was confirmed under a Democratically controlled Senate. I have not heard a single Member come to this floor and say that if they had been here in that year, they would have advised that we leave President Reagan's nominee hanging, unvetted, not voted on for an entire year, waiting for the next President. No one here made that argument back then, and nobody is making it now. What we are seeing is a purely political effort to pack the Court to politicize an institution that shouldn't be politicized.

From the moment of nomination through the end of this administration, we still have 310 days. The average, after a nomination, to confirm a nomination, is 66 days. In other words, we have five times as many days as needed for the average to confirm. There is no argument that there is not enough time.

A job strike based purely on partisan politics designed to polarize and pack the Court is going to do a tremendous amount of damage to this important institution.

Our Founders laid out in the Constitution a vision of three coequal branches, but, colleagues, if you take the advice and consent power to undermine the ability of the executive branch to operate or the ability of the Court to operate, you will damage in a serious way the quality of the three branches. You will be saying that one branch has the power to derail the ability of the other two to function. That is absolutely, clearly, completely, 100 percent not the vision that was laid out in the Constitution and not the vision that was laid out for advice and consent.

Let me remind you that advice and consent is the responsibility to determine if the nominee is of unfit character. How can we determine if someone is of unfit character if we won't meet with them? How can we determine if someone is of unfit character if we are not willing to review their writings? How can we determine if they are of unfit character if the Judiciary Committee doesn't hold a hearing to actually raise questions and ask the nominee to respond to them? How can we as a body determine and make the decision that someone is of unfit character if we don't hold a vote?

Consider the precedent that is being established and the damage it will do. Let's say for example that by refusing to do their job, my Republican colleagues delay until the next administration comes in. It is a Republican administration, and they get a nominee who they feel has far-right views that they like better than the nominee before us.

By the way, Merrick Garland's views are about as straight down the center as anyone can ask for. He has been praised voluminously by Republicans in the past. Justice Roberts said that if one disagreed with Justice Garland, one would really have to look carefully as to why. A key Member of this body who has been here a very long time said: If someone like Justice Garland was nominated, well, that would be a very reasonable nomination. So we have a very reasonable, down-the-middle nomination.

But what if this tactic of going on strike and failing to do your job worked, so that in the next administration you could secure a Supreme Court Justice who is way to the right?

First, it has been a clear and complete effort to pack the Court. You have destroyed the integrity of the Court as one that rises above partisan politics.

Then along comes another vacancy, and you have a different President and/or maybe the same President. Now the minority says: Well, we are going to go on strike, or maybe the majority is going to go on strike because they don't like this particular President or they don't like this particular nominee. And they say: We are not going to vet, we are not going to vote, we are going to wait. It is only 3 years until the next President. Let's let the people decide or wait till the next President.

Perhaps if the Republican side succeeds in packing the Court and then the question becomes another vacancy, Democrats say: Well, look, we have to restore the balance of the Court, so we are going to absolutely refuse to act on the next nominee of this Republican President.

This you can see. This precedent is not only a dereliction of duty; it is deeply damaging to the integrity of the Court. It is deeply destructive of the integrity of the Court. This is a path we do not want to go down as a body, exercising our advice and consent responsibilities, politicizing our judicial system, polarizing our judicial system, destroying the integrity of our judicial system.

I appeal to my colleagues, rethink the oath of office that you took to do your job, decide to end this job strike, and do your job. Rethink how important the responsibility that we have as a Senate is to maintain the integrity of our institutions. For short-term gain, destroying the Supreme Court, polarizing, diminishing the Supreme Court is not in the interest of our Nation.

I will go back to where I began, with our system of ''we the people''—our ''we the people'' Constitution—designed to create laws of, by, and for the people. There are three coequal branches of government; one creating laws, one executing those laws, and one determining whether or not those laws are within the balance of our Constitution.

This action of trying to pack the Court through a job strike is equivalent to shredding key parts of this beautiful document. It is wrong in terms of the short-term action, and it is certainly wrong in terms of our long-term responsibilities.

Let's end this show. Let's end this highly politicized moment. Let's actually hold the hearing to vet the candidate. Let's meet with the candidate so we can develop our individual understandings. Let's review the candidate's writings, and let's gather on the floor to vote whether we believe this candidate is a fit character or unfit character. That is our responsibility. Let's do our responsibility.

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

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

NUCLEAR DEAL WITH IRAN

Mr. CORNYN. Mr. President, last Saturday marked the 1-year anniversary of the Obama administration's deal with Iran, known as the Joint Comprehensive Plan of Action. This is the nuclear deal with Iran that officially went into effect last October.

Briefly summarized, in exchange for billions of dollars in near-term and long-term sanctions relief, Iran made some very modest nuclear concessions—and that is if you believe the inspection regime is not fundamentally flawed, which I do not believe. So instead of trust and verify, we can't even verify Iran is complying with the terms of the agreement. Indeed, I think we can pretty much be guaranteed that Iran will do its dead-level best to cheat.

To make matters worse, the administration all but admitted the deal wasn't going to stop Iran from exporting terrorism—which is the No. 1 state sponsor of terrorism in the world—or violating the human rights of its own citizens or advancing its ballistic missile program. We have seen a lot of evidence of that recently.

All of these major bipartisan concerns were highlighted by Congress but totally ignored by the administration. President Obama himself warned that ''this deal is not''—is not—''contingent on Iran changing its behavior. That is the President of the United States, the leader of the free world, the Commander in Chief. The President of the United States said: ''This deal is not contingent on Iran changing its behavior.'' Unbelievable and outrageous.

My concerns with this agreement have done nothing but grow ever since the deal was done, and Iran continues to prove it was not negotiating in good faith—to the contrary, that it was negotiating in bad faith and would take every advantage it could to advance its nuclear ambitions and to continue its state sponsorship of global terrorism.

Iran is still working to undercut the United States and its priorities in the Middle East by fueling proxy wars in the region in places such as Iraq, Yemen, and Syria. The administration has even made clear that it knew the money that was released as a result of the sanctions relief—that it knew—that the tens of billions of dollars of intermediate sanctions relief going to Iran would be funneled to terrorist groups across the Middle East. So we have an unverifiable deal, and we have money going to finance terrorism. What is not to love about that? That is the administration's attitude.

In fact, earlier this week it was reported that the U.S. Navy—the U.S. Navy—for the third time in just 2 months intercepted an Iranian shipment of weapons in the Arabian Sea believed to be headed from Iran to rebel groups in Yemen.

One has to wonder how Iran paid for those weapons. Well, one logical explanation would be perhaps with the sanctions relief authorized by the President's misbegotten deal with Iran. That was a huge cash infusion. It is only logical to believe that Iran used that money to pay for the weapons they were then trying to ship to the rebels in Yemen. And, of course, as we have seen recently, the deal certainly didn't keep Iran's Revolutionary Guard from test-firing ballistic missiles. The fact is, the Iranian nuclear deal is not worth the paper it is written on. I hope the next President will rip it to shreds day one in office and give it the sort of respect that it has really earned.

Unfortunately, Iran serves as just one of the many examples of how the administration's rudderless strategy is advancing America's interests in the complex world we are living in. On President Obama's watch, the United States has methodically ceded our irreplaceable leadership role throughout the world. This is most evident in the Middle East—a caldron of violence and instability.

In Syria, we don't see the JV team that President Obama referred to in ISIS. We see an emboldened terrorist group that exports death and destruction to our allies in cities such as Paris and Brussels, with the intention to do the same thing right here in the United States, anywhere and everywhere they can, including places such as Garland, TX, where thankfully an alert security guard was able to thwart two ISIS-inspired terrorists from killing innocent civilians.

In Iraq, where Americans spent their treasure and spilled their blood to bring relative peace and stability just a few short years ago, we now find complete chaos. President Obama's precipitous withdrawal of U.S. forces from Iraq helped turn the region back into a powder keg.

Much like the Obama administration's promised redline on chemical weapons in Syria, the border between Syria and Iraq has literally been erased. It doesn't exist anymore. As the Obama administration has stood by, today the black flag of ISIS flies high over places such as Mosul and Fallujah.

We all know that ISIS has carved out a safe haven in the heart of the Middle East, while Syria has plunged deeper and deeper into civil war and chaos. Millions of people have become displaced as refugees, both internally in Syria and in surrounding countries, causing further instability in the region. And now, of course, we are seeing them not only in refugee camps in Turkey, Jordan, and Lebanon, but escaping to Europe and creating huge challenges for the governments in Europe. That is not even to mention the hundreds of thousands of Syrians who have lost their lives in this civil war while the world has stood back and by and large watched with negligible strategy or effort to try to change the outcome.

What is the result? Well, beyond this hard reality, this sends a message to our allies and our adversaries. Our allies are questioning our commitment and our reliability. Our adversaries are interpreting our lack of strategy and action as weakness and opportunity. Israel, along with several of our gulf partners, has found a White House that repeatedly seems to care more about the interests of our common enemy than Israel's security interests. In Europe, North Atlantic Treaty Organization countries—NATO countries—question our dedication and commitment to transatlantic peace and prosperity as Russia prowls at their back door. Our adversaries have noticed. They have been emboldened by the lack of American leadership and strategy, and they have taken full advantage.

This administration's abdication of leadership has allowed China to grow more belligerent in the Asia-Pacific; North Korea to test what they claim is a hydrogen bomb and to threaten our allies, such as South Korea and Japan; and Russia to quickly fill the leadership vacuum left by the United States in Europe and the Middle East.

If we had any doubt about it, once again we have learned a hard lesson, and that is, weakness is itself a provocation. Weakness is a provocation. What this world needs, what America needs, is leadership and a strategic vision that doesn't just respond to every crisis on an ad hoc basis.

Fortunately, the Founding Fathers gave the Congress some tools to be able to help when the Chief Executive of the country seems to be without any particular direction or without a particular strategy. The Senate can play an active role in holding the administration accountable and putting forth a strategy to help keep us safe.

For example, yesterday the Senate Foreign Relations Committee held a hearing to discuss Iran's recent transgressions. I am glad the chairman of that committee, Senator CORKER, and the ranking member, Senator CARDIN, are working together on a bipartisan basis on legislation to levy more comprehensive sanctions on the Iranian regime to make up for what should have been done in the Iran nuclear deal but was essentially ignored. The administration had consciously decided to ignore Iran's role as a state sponsor of

terrorism and decided we are just going to try to deal with the Iranian nuclear aspirations and not the terrorism aspirations. In doing so, I think they literally failed on both counts. They not only created a testing regime that can't actually verify when Iran is cheating, but at the same time they have unleashed tens of billions of dollars to help finance terrorist activity.

The administration has made clear that it simply doesn't have much interest in holding Iran accountable. They seem now absolutely nervous about doing anything that Iran might use as an excuse to walk away from the nuclear deal, which they could do on a moment's notice, meanwhile keeping the benefits they have already gotten from this deal; namely, the billions of dollars in sanctions relief.

I hope the Senate will move forward on this legislation soon. Our allies and our friends need to know that if the President will not stand by them and challenge our adversaries, Congress will.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

FILLING THE SUPREME COURT VACANCY

Mr. HATCH. Mr. President, I rise once again to address the Supreme Court vacancy created by the untimely death of Justice Antonin Scalia. The Constitution gives the nomination power to the President and gives the advice and consent power to the Senate but does not tell either how to exercise their power. Our job of advice and consent begins with deciding how best to exercise this power in each situation, and the Senate has done so in different ways at different times under different circumstances. I don't think there is any question about that.

For two reasons, I am convinced that the best way to exercise our power of advice and consent regarding the Scalia vacancy is to defer the confirmation process until the current Presidential season is over. The first reason is that the circumstances we face today make this the wrong time for the confirmation process. This vacancy occurred in a Presidential election year with the campaigns and voting already underway. Different parties control the nomination and confirmation phases of the judicial appointment process. The confirmation process, especially for Supreme Court nominees, has been racked by discord in the past, and this is one of the bitterest and dirtiest Presidential campaigns we have seen in modern times. Combining a Supreme Court confirmation fight and a nasty Presidential campaign would create the perfect storm that would do more harm than good for the Court, the Senate, and of course, our Nation.

The circumstances I mentioned are identical to those that led Vice President BIDEN in 1992 to recommend exactly what we are doing today. In June of 1992, when he chaired the Judiciary Committee, he identified these very circumstances and concluded: ''[O]nce the political season is under way, and it is, action on a Supreme Court nomination must be put off until after the election campaign is over.'' To be fair, something significant has changed since 1992. The confirmation process has become even more partisan, contentious, and divisive.

In 2001 Democrats plotted a procedural revolution by launching new tactics to prevent Republican judicial nominees from being confirmed. Over the next several years, they led 20 filibusters of appeals court nominees and prevented several from ever getting appointed.

Then in 2013, Democrats used a parliamentary maneuver to abolish the very filibusters they had used so aggressively. The minority leader knows this because he was in the middle of it all. If the condition of the confirmation process was bad enough in 1992 for Chairman BIDEN to recommend deferring it to a less politically charged time, Democrats' actions since then have only made this conclusion more compelling today.

The second reason for deferring the confirmation process for the Scalia vacancy is that elections have consequences. In 2012 the election obviously had consequences for the President and his power to nominate, but the 2014 election had its own consequences for the Senate and its power of advice and consent. The reason the American people gave Senate control to Republicans was to be a more effective check on how the President is exceeding his constitutional authority.

The 2016 election also has consequences for the judiciary. The timing of the Scalia vacancy creates a unique opportunity for the American people to voice their opinion about the direction of the courts.

On Monday the minority leader reminded us of an important axiom. Let me refer to the chart again. ''No matter how many times you say a falsehood, it is still false.'' I agree.

The minority leader claims that the Senate has a constitutional duty, a constitutional obligation to hold a prompt hearing and timely floor vote for the President's nominee to the Scalia vacancy. Yesterday The Hill quoted him saying this: ''The obligation is for them to hold hearings and to have a vote. That's in the Constitution.'' By my count, then, the minority leader has made this claim here on the Senate floor more than 40 times. He said it as recently as this morning. No matter how many times he says this falsehood, it is still false. The minority leader's claim is false because the Constitution says no such thing. This is what the Constitution actually says about appointing judges: The President ''shall nominate, and by and with the Advice and Consent of the Senate, shall appoint.'' Nothing about hearings or votes, nothing about a timetable or schedule.

I say this to my Democratic colleagues: Do you really want to stand behind a completely fictional, patently false claim like that? Do you really want to base your position on what the Washington Post Fact Checker called a ''politically convenient fairytale''? I understand that you want the Senate to conduct the confirmation process now for the President's nominee. We can and should debate that. But will none of you be honest enough to at least say what everyone in this Chamber knows—that the Constitution does not require us to do things that way?

The minority leader not only contradicts the Constitution; he contradicts himself. The minority leader was serving here in the Senate in 1992. Senator REID took no issue with Chairman BIDEN's conclusion that the circumstances at the time—the same circumstances that exist today—counseled deferring the confirmation process. Senator REID did not tell Chairman BIDEN that the Senate must do its job. Senator REID did not assert then what he repeats so often today—that the Senate has a constitutional duty to give nominees prompt hearings and timely floor votes.

On May 19, 2005, during the debate on the nomination of Priscilla Owen to the U.S. court of appeals, the minority leader said of the Constitution—and I will refer to this chart again—''Nowhere in that document does it say that the Senate has a duty to give Presidential appointees a vote.''

In that 2005 speech, the minority leader was particularly adamant about this point. Claiming that the Senate has a duty to promptly consider each nominee and give them an up-or-down vote, he said, would ''rewrite the Constitution and reinvent reality.'' That is what the minority leader said then. The circumstances have changed, of course. Today the political shoe is on the minority leader's other foot, and he is the one claiming that nominees must have prompt consideration and up-or-down votes. By his own standard, the minority leader is rewriting the Constitution and reinventing reality. Now that it serves his own political interests and that of his party, the minority leader has reversed course and claimed in a recent Washington Post opinion column that the Senate has a constitutional duty to give nominees ''a fair and timely hearing.''

Let me once again mention 1992, when Chairman BIDEN denied a hearing to more than 50 Republican judicial nominees. He allowed no hearing at all, whether fair or unfair, timely or otherwise. In September 1992 the New York Times reported on page 1 that this was part of an obstruction strategy to keep judicial vacancies open in the hopes

that Bill Clinton would be elected. Senator REID served here at that time, but I can find no record of him demanding that every nominee get a timely hearing. Instead, he wholeheartedly supported his party's strategy of obstruction.

In his recent Washington Post column, the minority leader also wrote that the Senate has a constitutional duty to give nominees a floor vote. Between 2003 and 2007, however, he voted 25 times to deny any floor vote at all to Republican judicial nominees. As far as I can tell, we have the same Constitution today as we did in 1992, 2003, 2005, and 2007. We have the same Constitution today with a Democrat in the White House as we did in the past with a Republican President in the White House. The minority leader cannot have it both ways. He cannot today insist that the Constitution requires the very hearings and floor votes he and his fellow Democrats blocked in the past. I suppose they will say those were lesser court judges. Well, they were still judicial nominees.

On Monday, the minority leader again attacked the Judiciary Committee and its distinguished chairman, Senator GRASSLEY. You have to go a long way to find anybody who is nicer, more competent, and more dedicated than Senator GRASSLEY; yet he is being attacked again. I guess they think that somehow makes a difference.

The minority leader held up a quote from an editorial in an Iowa paper about how the chairman is conducting the confirmation process. I don't know when the minority leader started caring about what hometown newspaper editorials said about the confirmation process, but this appears to be yet another epiphany.

On February 19, 2003, the Reno Gazette-Journal criticized Democrats for their filibuster of Miguel Estrada to the U.S. Court of Appeals. A few weeks later, the Las Vegas Review-Journal called the filibuster campaign promoted by Senator REID ''nothing more than ideological posturing and partisan blustering.''

As I mentioned earlier, the minority leader went on to vote 25 times for filibusters of Republican judicial nominees.

Also on Monday, the minority leader claimed that the Judiciary Committee is not doing its job and that the chairman is ''taking his marching orders from the Republican leader.'' Later in the day, the Senate unanimously passed the Defend Trade Secrets Act. The minority leader dismissed this legislative accomplishment because it was reported out of the Judiciary Committee unanimously. He said: ''I don't see today why the Judiciary Committee should be given a few pats on the back.'' Well, that is OK with me; we don't need pats on the back. The minority leader knows better though. He knows that the strong bipartisan outcome for this legislation was the result of nearly two years of work behind the scenes, primarily at the staff level.

It is painfully obvious that the minority leader desperately wants to score political points and to spin everything he can to his advantage, but to disparage and belittle the arduous work of both Democrats and Republicans, by both staff and Senators, is disgraceful and insulting. Before he denigrated this significant bipartisan achievement, he should have read the Obama administration's statement of policy on the bill. The Defend Trade Secrets Act will, the administration says, promote innovation and help minimize threats to American businesses, the economy, and national security interests. The Obama administration calls this an ''important piece of legislation'' that would ''provide important protection to the Nation's businesses and industries.''

This morning, the minority leader once again said that the Senate must do its job regarding the Scalia vacancy, and he asked, ''What is that job?'' The Senate's job is to determine how best to exercise its advice and consent power under the particular circumstances we face today. We have made that determination. We have done our job. We are making the same determination that the minority leader apparently supported in 1992. The Constitution no more dictates our decision than it did in 2009 when the minority leader correctly said that the Senate is not required to vote on nominations.

No matter how many times you say a falsehood, it is still false. No matter how many times the minority leader falsely claims that the Constitution dictates how and when the Senate must conduct the confirmation process, it is still false. No matter how many times he claims that the Senate is not doing its job, it is still false. No matter how many times the minority leader questions the integrity and character of the Judiciary Committee chairman, those questions are still false. No matter how many times the minority leader contradicts himself and tries to avoid his own judicial confirmation record, his claims today are still false.

The Senate today has the same power of advice and consent as when Democrats were the majority. We have the same responsibility to determine the best way to exercise that power in each situation. In 1992 Chairman BIDEN recommended deferring the confirmation process so that ''partisan bickering and political posturing'' did not overwhelm everything else. The false claims and disreputable tactics being used today, including by the minority leader, only confirm Chairman BIDEN's judgment and its application today.

All of this is disappointing to me, to be honest with you. We have an honest disagreement as to when this nomination should be brought up. We have an honest disagreement as to how it should be brought up. We have an honest disagreement about the times we are in. We think this Presidential race is horrific on both sides. And I, for one, as former chairman of the Judiciary Committee, am deeply concerned that we bring up this nominee in the middle of this awful mess called the Presidential election, with all of the politics and screaming and shouting and arguing from both sides. Considering a nominee now would demean the Court. It would demean what we are trying to do around here. Waiting to consider a nominee only makes sense given that voting in this election is already underway. For reasons I have explained before—and no doubt will do so again—the confirmation process for the Scalia vacancy should be deferred until the election season is over.

I am also troubled by the minority leader's attacks on Chairman GRASSLEY. I am concerned because I think that to have any leader attack somebody as decent and as honorable as CHUCK GRASSLEY is below the dignity of this body. Whether someone has disagreements with CHUCK or not, they can explain those disagreements without being slanderous or libelous.

There are very few people in this body who are as honest and as decent as CHUCK GRASSLEY. I think all of my colleagues are honest and decent, but very few of them would rise to the level CHUCK GRASSLEY does. He is an old farmer who believes in doing right and who, to the best of his ability, always does right. I have been around Chairman GRASSLEY for a long time, and I have the utmost respect for him. He is not even an attorney. Yet he is running the Judiciary Committee very well. He is a good man. He deserves to be treated like a good man and a good leader and a good chairman.

We are going to have our differences in this body, but we should treat each other with the utmost respect and not accuse people of being things they are not. I can say one thing. I have served here for 40 years and CHUCK GRASSLEY has been one of the best people I have served with on either side.

I think my friends on the other side understand that I care a great deal for them and that I like working with them. Sometimes we have to modify things so they are pleased, but that is part of this process. Sometimes we very vehemently disagree. That is one of the great things about the Senate—we can disagree without being disagreeable. We can find fault in the issues, but I think it is time to quit finding unnecessary fault in each other.

This is the greatest deliberative body in the world. I feel good to have been able to serve as long as I have here, and I respect my colleagues on the other side of the aisle.

Even so, we have a disagreement on when this body should consider a nominee, and that disagreement is a sincere one. The fact is, it would be terrible to bring up the nominee in the middle of this particular Presidential election.

Let me just conclude by saying I love this body and I love my colleagues. I

just hope we can open the door to understanding each side a little bit better than we do.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

IRAN

Mr. COONS. Mr. President, I rise to talk about the recent bad behavior of Iran and some important steps that have been taken by the administration to push back on their support for terrorism, for illegal actions, and for their support for disorder in the Middle East but to also sound the alarm that this series of steady actions continues to raise the specter that Iran has an expanding reach in the region and poses a greater and greater threat to our allies and, in particular, our vital ally, Israel.

Just over a year ago, leading world powers came together in support of a framework for blocking Iran's path to developing a nuclear weapon. That framework ultimately became the JCPOA, or the Joint Comprehensive Plan of Action. In the months since that agreement took effect, Iran has taken steps to significantly restrain its nuclear program. That is true. They filled with concrete the core of their reactor at Arak. They shipped out of the country 98 percent of their accumulated stockpile of enriched uranium, and they have allowed searching inspections by the IAEA. Those are all good steps. Yet the Iran regime continues to engage in dangerous actions outside the nuclear agreement, including ongoing human rights abuses, support for terrorism in the Middle East, and its repeated illegal ballistic missile tests. All of those are ongoing reminders to us that America's security and the security of our allies demand constant vigilance and close scrutiny of Iran's actions.

Since last September, I have regularly called upon my congressional colleagues, the Obama administration, and our European allies to be wary of Iran's intentions and to continue to seek ways to effectively push back on its bad behavior.

The international community and the United States possess three major nonmilitary tools to lawfully counter Iran's continued bad behavior: financial sanctions, criminal charges, and weapons seizures. So let me first offer a number of examples of how each of these tools have recently been put to work.

First, financial sanctions. On March 24, the Treasury Department imposed new sanction designations on a number of entities and individuals who have supported Iran's ballistic missile program and on an Iranian airline, Mahan Air, which provides support services—transportation—to the Quds Force, an elite Iranian military corps designated as a terrorist organization by the U.S. Treasury Department.

On this floor in early March, I called for the United States and our European allies to further punish Mahan Air by eliminating the airline's access to international markets and airports. Since then, the Treasury Department has taken action against two companies, one based in the United Kingdom, another in the United Arab Emirates, that have provided financial and materiel support to Mahan Air.

I commend the Obama administration for effectively deploying another tool in our diplomatic toolkit—criminal charges. On March 21, the Justice Department unsealed charges against three individuals who allegedly acted on behalf of the Iranian Government and associated entities to engage in hundreds of millions of dollars of transactions barred by U.S. sanctions. These three Iranian individuals stand accused of illegally laundering the proceeds of these transactions and defrauding the banks to which the transactions were processed.

Two days later, on March 23, a consultant to Iran's mission to the United Nations was also charged with violating U.S. law. The seven charges levied against this individual include conspiracy to evade U.S. sanctions against Iran, money laundering, and arranging false tax returns.

Then the following day, March 24, the Justice Department unsealed an indictment of seven Iranian ''experienced computer hackers'' who led a coordinated campaign of cyber attacks from 2011 to 2013 that targeted 46 U.S. banks and a dam in Upstate New York in Rye. Unsurprisingly, the seven individuals charged have been linked to the Iranian Revolutionary Guard Corps, the IRGC, the hardline conservative military force committed to the preservation of the radical revolutionary Iranian regime.

Just yesterday, the Justice Department announced that the United States negotiated the extradition from Indonesia of a Singaporean man conspiring to send U.S. equipment to Iran—equipment later found in unexploded roadside bombs in Iraq.

These various criminal charges demonstrate to Iran and the world that responsible members of the international community seek to resolve disputes through international norms and institutions or accepted ways of conduct, not provocative missile tests and ongoing violations of sanctions.

In addition, the fact that each of these indictments occurred after the implementation of the nuclear deal—while Iran did fulfill the letter of its commitments under the agreement—these ongoing violations demonstrate that the United States can continue to counter Iran's bad behavior and regional aggression without undermining the ongoing implementation and enforcement of the JCPOA.

That brings us to the third tool in our arsenal: weapons seizures. On Monday, the U.S. Navy announced that the previous week, the USS *Sirocco* and USS *Gravely* intercepted a vessel in the Arabian Sea that contained an illicit Iranian arms shipment to the Houthi rebels in Yemen. After boarding the ship, American sailors confiscated 1,500 AK–47s, 200 rocket-propelled grenade launchers, and 21 .50-caliber machine guns, including the various weapons pictured in this photograph I have in the Chamber. This marks the third successful interdiction of illicit arms in the Arabian Sea since late February. On March 20, a French Naval destroyer seized nearly 2,000 AK–47s, 64 sniper rifles, nine anti-tank missiles, and much more. That followed an interdiction a month earlier, on February 27, in which an Australian naval crew intercepted another shipment off the coast of Oman that contained 1,900 AK–47s, 100 grenade launchers, 49 machine guns, and other illicit arms, headed to Yemen by way of Somalia. All of these interdictions were done with coordination and support of the United States.

These interdictions are not just military exercises. They prevent weapons from falling into the hands of dangerous terrorists or Houthi rebels. Just as importantly, these actions send a strong signal to Iran that the international community continues to refuse to tolerate Iran's destabilizing actions and its support for terrorism.

The picture to my right shows an Australian vessel, the crew from the HMAS *Darwin*, part of a U.S.-led, multinational coalition intercepting and boarding a dhow that held a shipment of illicit arms, likely intended for the Houthi rebels of Yemen. The conflict in Yemen pits the Yemeni government stacked by a military coalition led by Saudi Arabia against the Houthis, a group allied with a former President and the radical Iranian regime.

Iran's support for the Houthis has devastated Yemen and the Yemeni people. Over a year of fighting has led to more than 6,000 deaths, including thousands of civilians, and more than 30,000 injuries. The human suffering has been dramatic. According to the World Health Organization, more than 21 million people—more than 80 percent of Yemen's population—today require humanitarian aid. Instead of aid, Iran sends weapons. These are not the actions of a responsible member of the international community. These are not the actions of a government the U.S. can trust. As the United Arab Emirates' Ambassador to the United States, Yousef Al Otabia, recently wrote in the Wall Street Journal, ''The international community must intensify its actions to check Iran's strategic ambitions.''

While I am pleased at recent actions by the U.S. Navy and our key allies from Europe and around the world in the region off the Arabian Sea, I think there is more that we can and should do. That is why in the months to come,

instead of talking about giving Iranians access to U.S. dollar transactions, I think the U.S. should lead coordinated international efforts to enforce existing sanctions and seize the illicit arms shipments through which Iran continues to fan violence, terror, and instability—not just in Yemen, but in Syria, Iraq, Lebanon, and the broader Middle East.

The imposition of further sanctions, the levying of criminal charges, and the successful interdiction of weapons all show that the international community has an array of tools to push back against Iran. But just having the tools is not enough. We must continue to take action, and when multilateral mechanisms fail, Congress should work on a bipartisan basis to see what new tools or authorities we can give the administration to further crack down on Iran unilaterally.

Lest we need another reminder that Iran remains unwilling to meet the obligations required of a responsible member of the international community, on March 30, their Supreme Leader Ayatollah Khamenei claimed that ballistic missiles are central to Iran's future—despite Iran's commitments under U.N. Security Council Resolution 2231.

The Obama administration should continue to designate bad actors for sanctions, pursue criminal charges where appropriate, and seek accountability for Iran's ballistic missile tests in the U.N. Security Council.

We must continue to work hand-in-hand with our international partners to interdict arms shipments to Hezbollah, to the Houthis in Yemen, and to the murderous Assad regime in Syria. We must not accommodate Iran in any way, given its continued ballistic missile launches, its repeated human rights abuses, and its continued support for terrorism.

I remain concerned about the message sent by rumors of allowing offshore financial institutions to access U.S. dollars for foreign currency trades in support of so-called legitimate business with Iran. We must keep in mind that both our words and our deeds send a strong signal to Iran, to our European allies, and our vital ally, Israel.

In the months and years to come, we must make clear to Iran not just that we will not waiver in enforcing the terms of the JCPOA, but also that our commitment to a successful nuclear agreement will not prevent us from taking action when Iran's bad behavior warrants it.

With that, I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I want to talk a little about the Court and the vacancy on the Court.

First of all, I want to express my shared concern with my good friend from Delaware about what is happening in Iran and how we are reacting to what is happening in Iran and how much we need to be focused on that country, still understood to be the No. 1 state sponsor of terrorism in the world and designated by the current administration and current security agencies that it is bad. I am pleased to see that topic is one of the things we are talking about today.

FILLING OF THE SUPREME COURT VACANCY

Mr. President, the Supreme Court has gotten a lot of attention since the unfortunate loss of Justice Scalia. When I was home a few days ago, in at least one meeting when this question came up, somebody said: Well, the Constitution says that the President is supposed to nominate somebody and the Senate is supposed to have hearings.

Well, I am not a lawyer. I have been a history teacher, and some days that is better than being a lawyer. In fact, I have argued that most days it might be better than being a lawyer. But when that came up, I said that is not what the Constitution says at all. It is easy to talk about what the Constitution says, but that is not what the Constitution says. The Constitution says the President will nominate someone to serve on the Court, and the Senate will give its advice and consent. This is a 50–50 obligation, a two-part puzzle that has to come together before this happens.

Understand that the people at the Constitutional Convention thought about doing it differently than that. They thought about doing it so that the President would nominate, and if no one in the Senate objected or the majority of the Senate didn't object, then the nominee would just serve. They decided not to do that. What they decided to do was to have both things happen in order for someone to serve.

Early on, it was clear that there were no hearings about who would be on the Court. There was no Judiciary Committee, and there were no hearings to be held. As a rule, either someone was confirmed or often, when they weren't confirmed, the Senate just didn't deal with the nomination because their part of the necessary things that had to come together wasn't ready to come together.

What the Senate has to decide when there is a nomination to the Supreme Court is this: Is this the right time for this vacancy to be filled, and then is this the right person?

In election years, the Senate for most of the history of the country has decided it wasn't the right time. The last time a vacancy was filled in an election year was March of 1988, but that was a vacancy that occurred in the middle of 1987. Then the Senate, with President Reagan, went through hearings for Judge Bork, and they looked at Judge Ginsburg—not the Justice Ginsburg that is currently on the Court, but another Judge Ginsburg—and, eventually, 9 months or so later, Justice Kennedy was put on the Court. That wasn't a vacancy that occurred in an election year. It took 9 months to fill a vacancy that occurred in the year before the election year.

The job of the Senate has always been to decide if this was the right time to do it. The last time a vacancy that was created in an election year was filled was 1932. The last time a vacancy was filled in a previous election year when the House, Senate, and Presidency were of different parties was 1888. In 1968, President Johnson tried to move Abe Fortas from Justice on the Supreme Court to the Chief Justice, and Democrats in control of the Senate would not let the President fill that vacancy in an election year.

The idea that there is anything extraordinary going on here—the case has been made over and over again by our friends on the other side and even by the Vice President himself that filling a vacancy in an election year is just something the Senate should be very thoughtful about. If you follow what Vice President BIDEN said or what Senator SCHUMER said or what Senator REID said, what they were saying is: Don't fill a vacancy in a Presidential election year. They were right.

They were right because we are now 7 months from the Presidential election. One of the things people ought to be thinking about is what happens when whoever is elected President puts someone on the Supreme Court for life. This is an appointment that if the person determines that they are going to serve for the entire rest of their life, they can.

Justice Scalia, whose death created this vacancy, was put on the Court by Ronald Reagan and served more than a quarter of a century after Ronald Reagan left the Presidency. He was put on the court by Ronald Reagan and served more than 12 years after Ronald Reagan died. This is a long shadow or a long ray of sunlight, however you want to look at it, that goes out way beyond the life of this President.

You can make the argument that, well, we had a Presidential election already, and why couldn't that election that was held in 2012—why wouldn't that determine—why wouldn't that be good enough? Well, No. 1, it was held in 2012, and following the election that was held in 2014, the American people sent a Republican Senate. The most recent election of those two parts it takes to fill this vacancy produced a Republican Senate that is at least 50 percent of this determination of who goes on the Court. We can wait.

It is not unusual in the history of the country for the Court to have an even number. In fact, the first Court had six people. Is there anything in the Constitution about the size of the Court? No. The Constitution creates a Supreme Court and other courts as the Congress determines necessary.

Originally, there were six Justices on the Court, mostly because that is how many circuits the original Congress thought were needed. Those Supreme Court Justices each served as a circuit judge in the six circuits in the country.

So you actually had something we don't see now, where a Supreme Court Justice would sit on an appeals case of a case where that same person had been the original circuit judge, the lower appeal before the Court.

There was no thought that the Court was going to be a legislative body, no idea that you would have to worry about a tie-breaker because these six people were supposed to figure out what the Constitution and the law said and reach the conclusion that six good lawyers would reach. Very often, in the next 100 years, the Court had an even number. It had a changing number that changed with some frequency, but it wasn't seen that the Court couldn't function if somehow there were fewer than nine Justices. In fact, there have been at least 15 times since World War II when there were eight Justices. The longest Court that had 8 Justices was 13 months. When Justice Fortas resigned in May of 1969, the Democrats in the Senate didn't fill that vacancy until June of 1970—13 months, 8 Justices. No one has come forward talking about what great devastation was done to the country while we were waiting to get the right person for the country—at least what the Senate at the time thought was the right person for the country to serve for the rest of their working lifetime, which has generally been the standard.

When Justices are split, they always have the opportunity to just defer to the lower court and say: Well, there is an appeals court decision here. We can't decide it better than the appeals court did, so that becomes the decision.

They also can say: This is complicated enough. You might have differing views of two different courts of appeals. We need to rehear this at a later date.

That also would not be unusual.

While only one time in the 20th century have we had a vacancy of over 300 days, there have been 10 times when the Court had vacancies above 200 days, 300 days in the life of the Court. Of the 36 people who have been nominated to the Court who didn't get on the Court under the Congress they were nominated, 25 of them didn't have a vote.

We are not plowing any new ground. We are not coming up with any new legal philosophy. In fact, we are looking at what the Senate is supposed to do.

I think the President of the United States has done exactly what he should do. There is a vacancy, and the President's job is to nominate somebody to fill that vacancy, but often that nominee has not been put on the Court or not been put on the Court by that Congress at that time.

I can speculate that the only good reason for that—certainly in recent years—has been the argument that people need to have a voice in this decision. This is a decision that in all likelihood will outlast the next Presidency. Even if the next Presidency is a two-term Presidency, the person who goes on the Court—more likely than not—will serve beyond the time that this President is elected.

When John Tyler was President, he nominated nine people. He made nine nominations of people who didn't get on the Court. By the time he left the Presidency, I think there were multiple vacancies on the Court because the Senate was not prepared to confirm the people he nominated. Probably their excuse at the time was he was the first Vice President to become President, so maybe they wondered, well, maybe this is not someone who gets the deference of a President, and Presidents in their last year have never received much deference.

This is a lifetime appointment. These are important cases. As an example, just look at the cases that are before the Court now. There is a case on appeal from a Texas Circuit Court where the President—as many of us said at the time, the Court says the President's amnesty Executive decision was way beyond the power of the President. If the President wants to change immigration laws, he has to come to the Congress and change the law.

As much as—maybe more—than this President would like to do it, Presidents don't have the authority to change the law by themselves. They can do a lot of things with the law, but the one thing they cannot do is change the law. The Texas Court of Appeals said you can't change the law. The Texas Circuit Court said you can't change the law, and we will see what the Supreme Court says about that. If they are tied, unless they decide to rehear it, the result will be they cannot change the law. Executive amnesty doesn't work, and you are not going to be allowed to make it work.

The administration is suing a number of religious entities. One is the Little Sisters of the Poor. The lawsuit is that they are trying to force those entities—Little Sisters of the Poor is an example—to have health insurance coverage that violates their faith principles. As I understand it, the purpose of the Little Sisters of the Poor, the order of the Little Sisters of the Poor, is something such as this: We are here to serve elderly people without means, no matter what their faith is, as if they were Jesus Christ. It doesn't sound like a bad thing for somebody to be willing to do, a Christian organization to serve elderly people without means no matter what their faith is—as if they came to the door and they were Jesus Christ. That is what their order says.

Would the United States of America be irreparably harmed if the government allowed the Little Sisters of the Poor to have health insurance that met with their faith principles? I don't think so.

Would the country be harmed in a significant way if we decide it is the overwhelming purpose of the government to make you do things for no particular reason at all that violates your faith principles? The first freedom in the First Amendment is freedom of religion. I don't think that is by accident. Those are the kinds of cases the Court decides.

In a regulatory case that they just heard a few days ago, the argument appeared to be with a company in Minnesota that grows peat moss. The EPA is saying we have the authority to regulate navigable waters, and so we are going to get involved in your peat moss farm, because even though it is 120 miles from any navigable waters, the water from your peat moss farm could run into other water that could run into other water that 120 miles away would run into navigable waters. Look right here in the Clean Air Act. It says we have the ability to regulate navigable waters.

No reasonable person would believe that is what ''navigable waters'' means, but that is the kind of thing we ask the Supreme Court to do. It is not just what the Court will do in the next 7 months. Even if somehow a nominee began the process right now, I think the average has been about 54 days. That is the 9 months it took to get to Judge Kennedy and less than that it took to get to somebody else. By the time you are through the 54 days, you are through most of the arguing period for this Court anyway, and you are not supposed to participate in the decision if you didn't hear the argument.

This is a lifetime appointment to the Court. This is an appointment that has to be nominated by the President and approved by the Senate. They both have to agree, before it is over, that this is the right person at the right time.

I think the history of these nominations and the common sense of Americans would lead them to believe that the American people deserve to be heard on a decision that has this much impact and lasts this long.

While I am not on the Judiciary Committee, I certainly am supportive of the determination that the chairman and others on this committee have made. There will be time to deal with this lifetime appointment when the American people have had a chance to weigh in one more time 7 months or so from today.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. TOOMEY). The Senator from Delaware.

Mr. COONS. Mr. President, I come to the floor to address the question of the ongoing vacancy on the U.S. Supreme Court. I listened with great interest to the remarks of my friend and colleague from the State of Missouri, and I think we have reached a different conclusion about how and when the American people should have their say in the question of the filling of this vacancy.

In my view, vacancies on the Supreme Court of the United States have consequences, and vacancies that go on for a great length of time have even bigger consequences. I don't believe there has been a vacancy that has

lasted a year since roughly the time of the Civil War. Although we don't know this today, we don't know how long this vacancy may last.

My concern is that in the absence of a willingness to meet with the President's nominee—to hold hearings and to proceed to a vote—should that position remain firm on the part of my colleagues on the other side, we are likely looking at a year-long vacancy.

I certainly agree with my colleague, my friend from Missouri, that the Supreme Court plays an absolutely central role in our constitutional order. As he recited at length, the cases decided are of great significance. I bring to my colleague's attention that in recent weeks, on March 22 and March 29, the Court handed down tied decisions in two central cases. These four decisions are not just a waste of judicial resources, they fail to provide clarity to the litigants, the American people, and leave lower courts without a controlling precedent.

In the 3 weeks since President Obama did his job under the Constitution and nominated Chief Judge Merrick Garland to fill the vacancy created by the untimely passing of Justice Scalia, we have already seen these consequences of the Senate's refusal to engage proactively in advice and consent and consider this nomination.

Much has been made of what was said on this floor by my predecessor in this seat, the now-Vice President, then-chairman of the Senate Judiciary Committee, former Senator JOE BIDEN. I just wish to draw my colleague's attention to the entire remarks made by Senator BIDEN. His entire remarks include a section near the end where he said that if the President—there was not then a vacancy on the Supreme Court—would consult with the Senate and moderate in his choice and advance a consensus candidate, that candidate might well be deserving of it, might well win then-Senator BIDEN's support, as had been the case in several other nominations.

I will simply put to my friend and my colleague that President Obama has advanced for our consideration a nomination in Chief Judge Garland who is genuinely qualified and who has a long record in his 19 years on the DC Circuit of rendering decisions that put him right in the center of the American judiciary.

I very much look forward to having the opportunity to meet with him in person tomorrow. I think it is important that all of us give the deference and respect to the President's constitutional role implicit in our being willing to meet with his nominee. Frankly, I have profound questions about whether advice and consent by this body can be given by refusing to hold hearings and refusing to take a vote.

My Republican colleagues, friends, have asserted that the American people should have a voice in the selection of the next Supreme Court Justice, and I agree. I think the best way for the American people to exercise that voice is for this body to do its job, for the Senate Judiciary Committee to conduct full, fair, and open hearings, and to allow Judge Garland to answer searching questions of the sort that many of us are asking him privately, but then we should ask publicly and then have a vote—a vote by the people's representatives in this body.

That is the purpose of this Senate. There has been an election for President, the President has done his job under the Constitution, and we have a nominee. This is a fully constituted Senate—some of us in our last year of service, some in our sixth, and some in our first or second. We can be the appropriate channel of the people's voice following an open hearing, and we should cast a vote. We should not leave this Supreme Court with a vacancy that lasts months and months, maybe as long as a year.

Every term the Supreme Court receives over 7,000 petitions for certiorari. The Supreme Court hears a carefully chosen fraction of those cases, weighing constitutional principles and legal issues that are dividing the circuit courts. It is a sacred duty, a central duty in our constitutional order for the Supreme Court to be rendering important and meaningful decisions. Why would we delay the filling of this vacancy on the Supreme Court a full year? I can't see the value in that position. I understand many of my colleagues have cited precedent, have cited history, and have reached different conclusions than me.

I simply hope the 16 of my Republican colleagues who have expressed a willingness to meet with Judge Garland will continue to grow and that more of my colleagues will meet with him and then consider carefully what the consequences are for our role in advice and consent, not just for this vacancy but for the many more that may follow in the decades to come.

Thank you.

Mr. President, 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. MURPHY. 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.

GUN VIOLENCE

Mr. MURPHY. Mr. President, as my colleagues know, I come to the floor every week or so to share the stories of those victims who have been lost to the epidemic of gun violence that is plaguing this Nation. The news covers the episodes of mass shootings, such as those that happened in my State in Sandy Hook, but, of course, on average there are 80 people who are killed in episodes of gun violence every day. Approximately 50 or so of those are suicides, the remaining 30 are in ones and twos and threes and fours and fives all across the country.

I think the data alone is overwhelming, and I am not sure why the numbers alone have not caused us to act. There are a variety of ways that we could step up and act. We could do something about illegal guns on the street, we could fix our broken mental health care system, and we could give law enforcement more power so they could track illegal guns and criminals. But we don't do any of that. We remain silent and complicit even with this rash of murder.

The data hasn't moved this Congress, and so my hope is that the stories of those who have been lost and the families they have left behind might move this place to action. So today I will focus on those victims of gun homicides who were at the hands of their domestic partner. Of those 30 or so people who are killed by guns that are not suicides, an alarming percentage of them every single day are killed by someone they know—a husband or a spouse or a boyfriend. It is usually someone who is very close to them. They often leave notes. Oftentimes they have notified the police that they were in danger, but somehow that loved one still managed to find a way to get their hands on a firearm and to commit the heinous act of murder.

On February 27 of this year in Woodbridge, VA, which is only a short drive away from where we sit today, Crystal Hamilton was killed. Crystal's friends described her as kind, humble, and energetic—a wonderful person. She actually spent her time working with wounded soldiers returning from Afghanistan and Iraq.

One of her friends said:

> She was so beautiful. She dressed to the nines and loved her high heels. She didn't need any makeup.

She had an 11-year-old son who is now left without a mother. She was supposed to be going out one Saturday night for a girls' night with a group of her friends, but after arguing all day with her husband, she finally called 911. She was really upset and feeling gravely in danger, and it is believed that at some point between when she called 911 and when the police arrived, her husband fatally shot her.

A neighbor said that she saw the 11-year-old running away and looking back at the house as he ran down the street. She said:

> He ran so fast I can't even imagine how scared he must have been. It broke my heart.

About a month later, on March 29—just about 2 weeks ago—Ruby Stiglmeier was shot and killed in what was believed to have been a murder-suicide by her boyfriend. Ruby was a dental hygienist in a small firm in Orchard Park, NY. She worked there for 20 years. Her coworkers said that her patients absolutely loved Ruby. Ruby was friendly, outgoing, athletic, and loved life. Her coworkers said that Ruby had been a rock for her family after the recent deaths of both of her

parents. Her boyfriend shot her three times before turning the gun on himself. They had been dating on and off for about 2 years.

Just last week, Christina Fisher, 34 years old, was killed in Leesburg, VA. She was the proud mother of three young children, a teenage daughter and two young boys. She was shot multiple times and killed inside her home on Saturday evening, April 2, by her ex-boyfriend during a domestic dispute. Her 15-year-old daughter was home at the time of the altercation and promptly called 911, but by the time she got to the hospital, it was too late.

Her friends remembered Christina much in the same way as the previous victims. They said:

[Christina] was so sweet, so caring . . . she was a great mom. She did everything she could for her kids.

Christina leaves behind her teenage daughter and two young boys.

This is just a sample of three people in the last 3 months who have been killed in episodes of gun homicides by their boyfriend, domestic partner, or husband. We should just know that there is something happening in the United States that isn't happening anywhere else in the world. As a woman, you are about 10 times more likely to die in an episode of domestic violence by your husband or boyfriend than you are in any other OECD country. It is hard not to read the difference as anything other than a difference in gun laws—a difference in the number of guns that are available to people who would decide to murder their spouse. Why? Because there is no evidence that men are less violent in any of these other countries. There is no evidence that these countries spend any more money on mental health. In fact, the United States, on average, likely spends more. But there is nothing different about the United States other than the number of guns that we have and the relatively loose gun laws that create this tragic outlier status.

The data on a State-by-State basis backs up the idea that there is something about our gun laws that tells us the story of women being in danger and being killed by their spouse. What we know is that in States that do require a background check for every handgun that is sold, there are 38 percent fewer women who are shot to death by an intimate partner. We can't get around that fact. In States that are universal in their application of background checks, there are 38 percent fewer women shot by their intimate partner. You can't argue about that. There are States that are universal in their applicability of background checks and there are States that are not. The data on women murdered by their husbands with guns is publicly available. It is not a 5, 10, 20, or 25 percent difference. It is a 38-percent difference.

Women's lives could be saved if we required people to go through background checks. Why is that? Well, because there have been 250,000 gun sales that have been blocked to domestic abusers since the National Instant Criminal Background Check System was started. These are people who were convicted of domestic abuse crimes and known to be domestic abusers, walked into a gun store, tried to buy a gun, and were stopped from doing so because of the Federal law.

Now, that is just the number of people who walked into the store and had the audacity to try to buy a gun even though they knew they had been convicted of domestic abuse. Again, that number is 250,000. Obviously there are 10 times that number who never walked into the gun dealership because they knew they weren't going to be able to buy the weapon. So guess where they went. They went online or to gun shows. In 2012 alone it is estimated that 6.6 million guns were exchanged in private transfers without a criminal background check. In just 1 year alone, over 6 million guns were transferred without the purchaser having to prove that they weren't a domestic abuser or that they hadn't committed murder in the past with a weapon. It is easy to buy guns at gun shows or online, and so that is why 90 percent of Americans believe that we should have universal background checks—because it works and because increasingly people who want to buy guns and use them for malevolent purposes are able to do so outside of the criminal background check system.

The numbers are not small, and 38 percent fewer women die in States that do universal background checks. The States that have decided to fill the loophole that we, as a Congress, have created have 38 percent fewer women die from gunshot wounds. We have blood on our hands because if we just got together and closed that loophole, the data tells us there would be fewer deaths.

Let me close by suggesting a couple of other ways that we could try to address this epidemic of domestic abuse and gun homicide perpetuated by intimate partners. Let me first do so by telling the story of Lori Jackson, who was 32 years old when she died in 2014 in Oxford, CT.

Lori and her husband Scott had a long and difficult history together. All of her friends knew about the difficulty that the two of them were having. It finally caused Lori to go and submit an application for a temporary restraining order. Scott had become that violent. In the application she wrote:

Scott yelled in my face . . . and got very angry. I felt threatened and told him I didn't feel safe and was going to leave with the twins.

She had 18-month-old twins.

She said:

He then told me I wasn't going anywhere and grabbed my right thumb and twisted my wrist.

That happened while the two children were in her arms.

She said:

He acts out violently and I am afraid for my kids and myself.

Judge Robert Malone ordered Scott to stay away from his wife and the two 18-month-old twins. But because there is a loophole in the law that allows you to buy and own guns while you have a temporary restraining order—not when you have a permanent restraining order—one day before that temporary restraining order was going to become permanent, Scott shot Lori Jackson Gellatly four times in the head and torso with a .38-caliber handgun. So today her two little twins have no mother, their father is in jail, and the twins will grow up only hearing stories about her. Why? Because we can't pass a bill that says when you have a temporary restraining order against you, you shouldn't be able to buy a gun. During that moment of terror for the domestic spouse, the police should be able to go in and see if you have weapons that you might use in that immediate moment of anger. We could come together on that. We could come together on simply saying that while you have a temporary restraining order, you can't buy guns. You are on the list of prohibited purchasers during a restraining order period of time. If we had done that prior to 2014, Lori Jackson might be alive today.

Let's take the case of Jennifer Magnano. She was killed in Terryville, CT, in 2007. She was in the process of trying to end her marriage to her husband Scott, who was a controlling and abusive husband. Scott and Jennifer had two children, and Jennifer had an older daughter who had been sexually abused by Scott for about 3 years.

On April 14, 2007, while he was taking a shower, she finally escaped. After the end of their time together, Scott became so angry that he came back to their house and murdered her. She was always posting inspirational sayings on to Web sites. She was a really positive person, but that couldn't stop her husband from murdering her.

Now, Scott had a protective order that was permanent. So he was actually prohibited from purchasing a weapon, but he walked into a gun store and asked to see two handguns. He was handed weapons and the ammunition for each of them, and despite being the only customer in the store, he was left alone. He saw an opportunity, and so he walked out of the store with the handguns and the ammunition and went straight to kill his wife. Now, the store didn't report the stolen weapons for 3 days. By that time, it was too late. Had they monitored the weapons so they couldn't have been taken out of the store or reported the stolen weapons, it is possible Jennifer might be still alive today.

Well, the administrator of Jennifer's estate filed a lawsuit against the retailer bringing claims regarding their inability to secure the weapons and their complete inability to notify local law enforcement that somebody, who they themselves said looked like a suspicious customer, stole weapons from the store. The judge dismissed that

lawsuit, saying a statute Congress passed giving gunmakers and dealers virtual immunity for their actions ''goes directly to the heart of the jurisdiction here.'' Congress was clear these cases must be dismissed. Congress has granted gunmakers and gun dealers almost complete immunity from lawsuits that would hold them liable for irresponsibly selling weapons or irresponsibly making unsafe weapons.

The fact is, the gun industry is held to a standard that no other product maker is held to. They are granted an immunity that is carved out from the broader products liability law. In fact, the maker of a toy gun is held to a higher standard of liability than a maker of a real gun. This Congress passed that statute simply because the gun industry asked for it and because they knew they were liable for making guns that were intentionally unsafe because they knew there were dealers that were conducting their activities in an irresponsible manner.

So for the Magnano family, they don't even get to bring their case to court. They don't even get to litigate this claim simply because Congress has given a level of immunity to the gun industry that they give to no other industry. If we were to repeal that law, it would be another way to address this epidemic of gun violence that plagues this country and specifically women who have the great misfortune of being the subject of domestic abuse.

I am going to continue to come down to the floor and tell these stories. I hope there are ways we can come together. I understand we might not be able to pass a background checks amendment between now and the end of the year, but we could close that domestic violence loophole. We could put more resources into the mental health system. We could give more resources to law enforcement. There has to be an answer to the thousands of women who are being killed all across this country by domestic abusers and 80 individuals a day who are being killed by guns all across the United States of America.

Thank you, Mr. President.

I yield back.

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

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

Mr. MORAN. Mr. President, I am pleased to be on the Senate floor as we begin the debate and discussion of legislation that I think is critical to certainly my home State of Kansas and important and valuable to the rest of the Nation as well. Kansas is known as an aviation State. Wichita, KS, is known as the air capital of the world, and one would expect a Senator from Kansas to be especially supportive of things that improve the opportunity for aviation, and that is certainly true.

We care about the jobs that are in our State as a result of general aviation manufacturing, as a result of aviation manufacturing for large commercial airlines, and it matters. The FAA is an important component of the environment in our State as a driver of our State's economy, but I also point out that I am a strong supporter of general aviation and reauthorization of the FAA as a result of representing a very rural State. Kansas is made up of a number of larger communities, but small cities and towns dot our State. Those local airports and the ability to connect with those communities as a result of general aviation—the ability to fly to visit somebody but perhaps more importantly the ability for a business to be in a community, a small rural community—exist in part because of those general aviation airports and those planes and pilots. So in communities across our State, we are able to have manufacturing and service industries that probably otherwise, in the absence of an airport and aviation, would have to be located in larger cities in Kansas or elsewhere.

GA and FAA reauthorization is important to every Kansan, regardless of whether they are a factory line worker or engineer in Wichita and South Central Kansas or whether they are a hospital, a manufacturing business, or a service located in a small community in our State.

I am pleased the Senate is beginning to do its work on the FAA reauthorization. I serve on the Committee on Commerce responsible for this product, and I am pleased the chairman and ranking member have worked closely together to get us to this point today in a bill that I hope—I assume subject to some amendments—I hope this bill then passes with strong support across both sides of the aisle.

This FAA Reauthorization Act of 2016 will strengthen the industry by improving the FAA's process for certifying aircraft. Again, in that manufacturing sector in our State, one of the things that would be of great value is to have a process by which an improvement, a development, the manufacturing process, the product we manufacture is more readily and more quickly, more efficiently certified by the Federal Aviation Administration, making certain that those certifications allow those airplane manufacturers to compete in the global marketplace.

This bill also addresses the Pilot's Bill of Rights. I see I have been joined on the Senate floor by the Senator from Oklahoma, the champion of this issue. We are pleased it is in this bill, and it reforms, among other things, the third-class medical certificate process for general aviation pilots—something that has been long overdue and something the Senator from Oklahoma, Mr. INHOFE, has championed and continues to champion. Just this week, he called me asking for assistance as we make certain that this bill advances and the House approves language that is included in this bill.

Another essential piece of this bill text, S. 2549, is the TSA Fairness Act. This is a bipartisan piece of legislation that was originally introduced by Senator MERKLEY and Senator BARRASSO. The language provides protection for some of our small airports that have commercial air service. Generally, it is possible that air service is there, that small commercial airline flight is there because of the Essential Air Service Program, but in order for Essential Air Service to work and to meet the needs of a community and the traveling public, we need to make certain the TSA, the Transportation Security Administration, provides the necessary screeners and screening equipment that you would find in a larger airport.

We want to make certain our rural communities that have commercial service—often flying to Denver International Airport—are screened before they enter the plane to fly to DIA, and this legislation includes language that would enhance that circumstance.

I am also encouraged by the efforts in this bill to address the rapidly evolving circumstance we face with unmanned aerial vehicles. That industry is moving forward, again another Kansas industry that matters greatly. This legislation moves the ball forward for an environment where businesses, universities, and countless others can tap into the potential and the vast economic benefits of UASs, while maintaining high safety standards we would expect in the aviation world.

I know my colleagues remember—I remember well—the 23 short-term FAA reauthorizations that have occurred leading up to the 2012 FAA reauthorization bill. It is hugely detrimental to our aviation system to have to tolerate, to have to figure out how to abide by these short-term extensions that eliminate the opportunity for long-term planning and create great uncertainty. I am pleased we are headed down the path of a longer term, more permanent FAA Reauthorization Act represented by this legislation, this act of 2016.

I would ask my colleagues to work, all of us together, to make sure the end product is something we can be proud of. We certainly start in a position in which that is the case.

Again, I commend Mr. THUNE, the Senator from South Dakota, for his leadership and working with the Senator from Florida, Mr. NELSON, getting us to this point today. This is an important piece of legislation for our country, its economy, and our citizens, and matters greatly to the folks back in Kansas.

Mr. President, I yield the floor to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, I ask unanimous consent to be recognized as in morning business to use as much time as I shall consume.

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

Mr. INHOFE. Mr. President, I want to comment that I have dramatically shortened my presentation, as I was crossing off things from my list that have already been more eloquently expressed by my friend from Kansas, and I think it shows. He brought out a point I think is significant; that the first of the year we were able to pass the highway bill, which is a major piece of legislation. It is the first time since 1998 we were able to get that reauthorization bill, and it was because of the interim period of time we had the short-term fixes that the Senator from Kansas was talking about. Those are expensive, and you can't do major overhauls, improvements, and modernization unless you have an authorization bill, and this covers a lot of areas.

I want to repeat one thing the Senator from Kansas stated, and that is in reference to Senators THUNE and NELSON. Any time you—and I would say this to all of the members of the Commerce Committee—any time you get a major piece of legislation that covers a lot of stuff, there is always a lot of confusion and some opposition, although not as much opposition to this as we had anticipated would be taking place.

So there are areas I want to visit that I have a special interest in. One is the certification process for general aviation pilots. I know this was mentioned by Senator MORAN, but this is something that is very significant. I want to cover it in perhaps a little bit more detail, along with the other areas and an amendment we have. I am getting a lot of Democratic support on my amendment, amending the use of drones, the allowable use of drones.

First of all, on the Pilot's Bill of Rights, I refresh everyone's memory that the first Pilot's Bill of Rights was something we passed in 2012. It was one that for the first time took care of a problem that had been out there. The only group of people in America who did not have the opportunity of the protections, the legal protections in our jurisprudence system, was general aviation pilots and other pilots because it allowed the FAA to come in and make all kinds of accusations without giving people the benefit of the evidence that was being used against them. We passed a good bill called the Pilot's Bill of Rights.

Last year, in Oshkosh—Oshkosh is the largest general aviation event of the year. It is one that involves hundreds of thousands of people and actually thousands of aircraft on the field. I say to the Presiding Officer, I can remember this was the 37th annual convention that I have attended and flown in, in the last 37 years, so I am very familiar with this. Of course, when I got there, they were interested in the successes that were in the Pilot's Bill of Rights, but there are some things that weren't in there that should have been in there. So we had a session with people—I mean, there are people from all 50 States and countries around the world, and so one of the areas of concern has been about the medical certification process. It is called a third-class medical. A third-class medical is something that goes into a lot of things that are not necessary and sometimes deter the safety factor that is built into medical certification. So we reformed that system.

By the way, I have to say that we have already passed this bill in the Senate. The last thing we did before breaking for Christmas, 10 minutes before we recessed, was to pass a free-standing bill that is worded exactly the same way that is in this bill. This is a backup. Since that got bogged down in the House for a period of time, we thought we would put this in here just to make sure that one way or another this does become a reality. It is singularly the greatest concern for large organizations, including the Experimental Aircraft Association and the Aircraft Owners and Pilots Association, the AOPA.

We put a system in there that provides—first of all, the pilots will still have to do some of the elements of what was considered to be a third-class medical. A third-class medical—10 years ago we repealed that, or reformed it, for pilots of very small aircraft, the light aircraft. In fact, there hasn't been one injury or death in the last 10 years that could be related to anything, any change that was made in that system. So this just allows the other pilots to have the same benefits the pilots did in the small aircraft.

Pilots still have to complete an online medical education course. Pilots are going to have to maintain verification that they have seen a doctor concerning anything that might impair their ability to safely fly an airplane. Pilots have to complete a comprehensive medical review initially by the FAA. So those safeguards are built in.

The Pilot's Bill of Rights 2 increases its due process protections established for pilots in the original Pilot's Bill of Rights. The original Pilot's Bill of Rights—since I have been active in aviation for over 60 years, it was only natural that when problems came up, people would contact me as opposed to their own Senators, in many cases. I was concerned and always tried to help people. But until those abuses occurred to me, and I realized all of a sudden that I was at risk of losing a pilot certificate and didn't have the means to defend myself—that is when this whole effort started.

Well, this was carried out in the reforms that we intended to put in the first bill that were not really strong enough to get the FAA to comply with, which we have in this bill. One of those is called NOTAMs, Notices to Airmen.

By the way, when I talk about this, this doesn't mean a lot to a lot of other people, but there are 590,000 single-issue general aviation pilots in America to whom it means a lot. So these guys are all very much concerned about it, and they are all anxious for this to become a reality.

A Notice to Airmen is something that is required and has been required for a long period of time so that people will know—if you are going to make a flight from airport A to airport B, if there is any problem at that airport where you are going to land in terms of work on the runway or in terms of lights being out or new towers being erected or something like that, they have NOTAMs, which are Notices to Airmen. So this is going to carry into reality the reform that we intended to do in 2012.

It also ensures that pilots are going to have access to the flight data, such as air traffic communication tapes and that type of thing. So it is good. I know it doesn't mean a lot to a lot of other people, but it sure does to 509,000 people.

The contract towers—this is a major program. It is kind of interesting. We established a program of contract towers intended to reach areas that didn't really have the unique, normal necessity of information and assistance that we would have in normal towers, and the towers do a great job. And I am now talking about the regular towers, but the contract towers have also done a good job.

In 2013 the Obama administration targeted our Nation's air traffic control towers as an unnecessary mechanism to make the public feel the pain of nondefense budget cuts. Well, that was back during sequestration time, and at that time they were going to close all of the contract towers. They were saying that these towers don't—one of the arguments they used is that they don't have the traffic that many other towers have. Well, I suggest to my colleagues that in my State of Oklahoma, we have a number of great universities and colleges, and the two largest are Oklahoma State University and Oklahoma University. They are located in Stillwater, OK, and Norman, OK. I can tell my colleagues right now that if they had been successful in closing down those two contract towers, on football days, when we have literally hundreds of airplanes coming in, all converging at about the same time, it would have been a life-threatening event. We now have been able to maintain those contract towers in a cost-sharing program that has been very successful in the past, and that is in this bill also.

Aircraft certification is an issue some of us are very concerned about. The Oklahoma aerospace industry is a vital and growing component of the State's economy. It is responsible for billions of dollars of economic output and employs thousands of people. The aerospace industry in Oklahoma includes commercial, military, and general aviation manufacturing, testing

and maintenance activities, as well as a vibrant and cutting-edge culture of research and development that is located in my State of Oklahoma. Both of our major universities are an important part of this.

With this in mind, I applaud the bill's inclusion of reforms to the FAA's process for certifying general aviation aircraft and aviation products such as engines and avionics, removing government redtape that is so prevalent that we are all so sensitive to and aware of.

The bill also ensures that the FAA maintains strong engagement with industry stakeholders, so the FAA's safety oversight and certification process includes performance-based objectives and tracks performance-based metrics. This is key to eliminating bureaucratic delays and having increased accountability between the FAA and the aviation community for type certificate resolution or the installation of safety-enhancing technology on small general aviation aircraft.

Now, I have an amendment. The Senator from Kansas was talking about some of the uses and restrictions and the expansion of the use of the UAVs. We are talking about drones now. Drones sometimes have a bad reputation, and normally it is not well-founded. But there are some areas where there were restrictions in the use of drones, which we are—I have an amendment that will allow drones to be used in areas where it does make sense. I already have several Democratic supporters and cosponsors of this amendment, including Senator WHITEHOUSE and Senator HEITKAMP and Senator BOOKER, who are all very enthused about this.

It would direct the FAA to establish rules to allow critical infrastructure owners and operators to use unmanned aircraft systems to carry out federally mandated patrols of an area, and that could be a pipeline or anything else that is currently being patrolled, some by foot and some by aircraft, and this would allow unmanned aircraft to do that same thing. It is a safety thing because some of these patrols have to take place in bad weather and sometimes risk is involved. But if you don't have a person in the airplane—an unmanned plane—then this is an ideal use for it. It does establish a pathway for critical infrastructure operators to use the airspace under the FAA guidelines. It is still under FAA guidelines, but nonetheless it is an opportunity to use it.

Today, critical infrastructure owners and operators are required to comply with significant requirements to monitor facilities and assets, which can stretch thousands of miles. This is something to which I think there should not be any opposition. We haven't had anyone whom I have asked to be a cosponsor deny us so far, and I don't anticipate that we will have a problem.

The amendment is supported by a wide array of stakeholders, including the National Rural Electric Cooperative, the American Public Power Association, Edison Electric Institute, CTIA—The Wireless Association, the American Gas Association, the Interstate Natural Gas Association of America, the American Petroleum Institute, and I could go on and on. So far, there is neither organized nor just normal opposition, as one would normally find, so it is very popular. No one that I know of is against it. This is an amendment I will be offering as soon as we start working on amendments. This amendment will make this bill an even better bill.

Again, I applaud all the work that has been done by the members of the Commerce Committee and particularly by the chairman and the ranking member, Senators THUNE and NELSON, in getting this done. We are getting into an area where we are really being productive in this body, and I am very proud to be a part of it.

We need to keep our eyes open on this. I would encourage any Members who have amendments they want to be included in this to come to the floor with their amendments and do what I am doing right now so that we can get in the queue, we can get started and get this done. I don't know when we are anticipating finishing this bill, but I don't see any reason why we can't do it, if everyone gets amendments done, by the end of next week.

With that, I will yield the floor. I think we have several speakers lined up who are going to be here.

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

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

Mr. CASEY. Mr. President, I rise today to speak about an amendment which Senator TOOMEY and I are working on, amendment No. 3458. I will have some remarks about this amendment, as will my colleague from Pennsylvania, Senator TOOMEY.

We know that since 9/11, we have made a good deal of progress on airline security, but we know there are still a number of commonsense steps we can take to bolster security at our airports and on our airplanes. We also know that since 9/11, there have been 15 hijacking attempts around the world, and we know that terrorists still aim to repeat those actions and improve on their deadly tactics. It is also a concern that Federal programs designed to increase aviation security, such as the Federal Flight Deck Officer Program—the acronym being FFDO—to train and arm pilots, continue to experience drastic cuts and reduced budgets.

After 9/11, Congress mandated the installation of reinforced cockpit doors, and the FAA regulations stated that the reinforced cockpit doors should remain locked while closed. However, pilots and flight attendants must open the door frequently for a variety of reasons, all of them reasons we understand, whether it is to use the restroom, get a meal, or rest times for pilots on international flights when they are not in the cockpit. So we know they have to open that door on a regular basis. Simulations have shown that when the door of the cockpit is open, the cockpit can, in fact, be breached and the plane can be hijacked—by one estimate, in less than 4 seconds.

A voluntary airline industry movement toward adopting secondary barriers—meaning a barrier other than the actual cockpit door—began in 2003, but a commitment to deploying these devices has waned significantly since the year 2010.

Senator TOOMEY and I have submitted an amendment that would close a gaping hole in our airline aviation security systems, thus achieving what Congress intended when it mandated installation of the fortress door after 9/11. The amendment we are working on together is named after a Bucks County, PA, resident, Captain Victor Saracini, who piloted United Flight 175 when it was hijacked by terrorists and flown into the World Trade Center. The amendment would require that each new commercial aircraft install a barrier other than the cockpit door to prevent access to the flight deck of an aircraft.

A secondary cockpit barrier is a lightweight wire mesh gate installed between the passenger cabin and the cockpit door that is locked into place and blocks access to the flight deck. While the cockpit doors are currently reinforced, secondary barriers provide significantly more security to airline companies, their employees, the pilots, and, of course, more security for passengers as well.

A 2007 study concluded that the secondary barrier dramatically improves the effectiveness of the other onboard security measures currently in place and also works as a stand-alone security layer and is the most cost-effective, efficient, and safest way to protect the cockpit.

There is no way to fully and completely pay tribute to the extraordinary courage of Captain Saracini and the others who were lost on that tragic day. He gave the full measure of his life—as Lincoln said in another context, the last full measure of devotion to his country. He also, of course, gave the full measure not only for his Nation but for his wife Ellen and his family. Ellen, whom I have come to know, and others have worked tirelessly in the years since to increase airline safety for other pilots, passengers, and the airlines themselves.

I am urging our colleagues in the Senate to adopt this amendment to continue to strengthen and secure our Nation's airspace and to further improve airline safety.

I look forward to hearing Senator TOOMEY's remarks, and I am grateful to be working with him on this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Thank you, Mr. President.

I want to thank Senator CASEY for his great work on this. We have been partnering on getting this accomplished for some time now. This is the opportunity to do it. This is the right legislative vehicle. This is the right bill. This is the FAA reauthorization bill. This is exactly where we ought to be taking a commonsense step toward making commercial aircraft safer. It is as simple as that.

I am hoping that very soon we will adopt the motion to proceed so that we are on the bill. We have already filed this amendment. As soon as we can, we will bring it up so that it is pending, so that we can adopt this amendment.

This passed the House Transportation Committee unanimously. I don't know why it wouldn't have the same outcome here. I want us to get on this bill, I want to offer this amendment, and I want to get on with this because Senator CASEY is exactly right. In the immediate aftermath of that appalling attack on September 11, Congress passed legislation to require that the cabin door be reinforced, become a stronger barrier, and that is exactly what happened. It is a terrific barrier. It is very hard to see how anyone could break down the cabin door and access the cockpit when that door is closed. The problem is that the door is not always closed. As Senator CASEY pointed out, it is necessarily opened from time to time during a flight. This creates the threat. It creates the opportunity for a terrorist who is so inclined to rush that open door. A very well reinforced door is useless when open, but that is the risk.

That isn't just our assessment; the FAA has acknowledged the very serious nature of this threat. Let me quote from their April 2015 advisory. The FAA said:

> On long fights, as a matter of necessity, crewmembers must open the flight deck door to access lavatory facilities, to transfer meals to flightcrew members, or to switch crew positions for crew rest purposes. The opening and closing of the flight deck door (referred to as ''door transition'') reduces the protective anti-intrusion/anti-penetration benefits of the reinforced door. . . . During this door transition, the flight deck is vulnerable.

This is not some theory; this is an objective fact. It is observed by the FAA advisory. The 9/11 Commission also observed that terrorists were very keyed in to the notion that the best time to strike would be when the door was open. That was at a time when the primary door was not as reinforced as it is now. The opening of the door clearly creates the opportunity for terrorists. This threat is real. It persists. There have been attempts to breach cockpits since 9/11. There have been successful attempts, including the successful hijacking of a Turkish Airlines flight in 2006.

We know that the secondary barrier Senator CASEY and I are proposing would be extremely effective. It is low cost, it is lightweight, and it is not intrusive. It is not deployed at all except immediately prior to opening the primary door. This is just a commonsense solution. It will provide a significant upgrade in the safety of these aircraft.

We have an amendment. It has been filed, and as soon as we can, we would like to make this pending. I would urge all of my colleagues to support this amendment. Let's get this adopted. Let's pass the FAA reauthorization bill and get it to the President.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I thank the chairman and ranking member of the Commerce Committee for all their hard work on this FAA reauthorization bill. The Commerce Committee has done very hard work on it. I am especially pleased the committee included a provision that directly affects my home State and the city in which I live, Phoenix, AZ.

Since September of 2014, residents in Arizona around the Phoenix Sky Harbor International Airport have had their daily lives impacted by changes to flight paths. These changes were made without formal notification to the airport or community engagement before the changes were implemented.

These flight changes in Phoenix were made as part of the Federal Aviation Administration's ongoing implementation of NextGen. I support the aims of NextGen to improve the safety and efficiency of air travel and modernize our Nation's air space. We will all benefit from the improvements that come from NextGen, and this provision is not intended to undermine those efforts or diminish the efficiencies that have already been achieved through NextGen.

However, the experience my constituents have gone through in Arizona demonstrates that improvements need to be made to the process surrounding the implementation of NextGen. The airport and affected community must be part of the process before these changes are made.

It is important that those on the ground—the individuals who have their daily lives impacted the most by this process—have an opportunity to be heard. Input from local stakeholders is necessary to ensure that community planning and noise mitigation efforts that have been underway for decades are now taken into full account.

The language in this bill would require the FAA to review certain past decisions and take steps to mitigate impacts when flight path changes have a significant impact on affected communities, and that is certainly the case in my home city of Phoenix, AZ.

Importantly, this provision would also require the FAA to notify and consult with those communities before making significant changes to flight paths moving forward, as has happened, which has caused so much difficulty and so many ill effects on the citizens of Phoenix, AZ—indeed, the entire valley.

The FAA has acknowledged the need to improve community outreach and is undertaking efforts to update their community outreach manual, but more needs to be done to guarantee this outreach takes place.

The Senate had previously agreed unanimously to this language as an amendment to the Transportation, Housing and Urban Development appropriations bill. However, that bill did not advance in the Senate. Also, the FAA reauthorization bill that passed the House Transportation and Infrastructure Committee earlier this year also included similar language at the request of myself and my colleague Senator FLAKE.

This legislation is necessary to create a long-awaited, much needed opportunity for residents around Phoenix Sky Harbor International Airport negatively impacted by flight noise to have their voices heard by the FAA. It is important that the process surrounding changes to flight paths include the local officials, airport representatives, and residents—most of all, residents—who know the issues best, both around Sky Harbor and in communities across the country.

I urge my colleagues to support this legislation.

I also thank my colleague Senator FLAKE for working hard on this reauthorization and this provision that is in this bill. He and I both have been contacted by literally thousands of our fellow citizens and the people we represent in Phoenix, AZ, concerning the noise problems around Phoenix Sky Harbor International Airport. It didn't have to happen this way. I hope the FAA will go back and meet with the people and hear the complaints, hear their problems, and fix them.

I thank my colleague Senator FLAKE for his hard work on this issue. Again, I appreciate the Commerce Committee and its chairman and ranking member for including this language in this legislation that is so important to our community.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Mr. President, I wish to say a few words on this subject, and I thank the senior Senator from Arizona for all the work he has put into this. As he has mentioned, we have heard from thousands of residents in the Phoenix area who have been impacted.

This language is important because in September of 2014, the FAA instituted new flight path changes for Phoenix Sky Harbor International Airport without adequately engaging the community and the stakeholders. These flight paths, as Senator MCCAIN said,

have greatly impacted residents in the surrounding areas. We have heard from them with concerns about both the noise and the frequency of these flights.

Section 5002 of the FAA reauthorization bill would simply approve the FAA's process for instituting new flight paths. The fact that this language is retroactive is especially important because of what we have mentioned. Communities in Phoenix have already been negatively impacted by these recent flight path changes.

This language would create a process to review those changes and to require the FAA to consult with airports and to determine steps to mitigate the negative effects, including the consideration of new or alternative flight paths. Going forward, this language would ensure that communities and airports have the opportunity to fully engage with the FAA before these flight paths changes are made.

Again, I commend Chairman THUNE and Ranking Member NELSON for including this critical language. I hope that it is supported. We have support for this amendment.

With that, I yield back the remainder of my time.

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

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

TRIBUTE TO FEDERAL EMPLOYEES

JOHN WAGNER

Mr. WARNER. Mr. President, I rise today to call attention to the significant contributions public servants make to our Nation every day.

Since 2010, I have tried to come to the Senate floor on a fairly regular basis to recognize exemplary Federal employees. This is a tradition started by my friend Senator Ted Kaufman from Delaware when he was here for a few years—somebody who, as much as anybody in this body, having served as a staff member for so long, recognized the enormous value that people who work for our Federal Government provide to our national purpose and to making sure we get things done.

Earlier this week, I met with some of these outstanding public servants. Convened under the umbrella of the Performance Improvement Council, I had a discussion with individuals participating in the Leaders Delivery Network and the White House Leadership Development Program fellowships. These senior administration officials, who are working—oftentimes in obscurity—to improve government performance, come together on a regular basis to collaborate and share best practices.

Oftentimes on this floor, we talk about costs and budget issues. One challenge I think we don't spend enough time on is oversight. The fact is, there are many folks within the Federal Government who are focusing on improving government performance and making sure that we at the end of that also save resources.

In the spirit of the work of the PIC, with which I met earlier this week, I am pleased to honor one exceptional Federal employee today who happens to be a Virginian—John Wagner.

As Deputy Assistant Commissioner of U.S. Customs and Border Protection, Mr. Wagner conceived, developed, and implemented two groundbreaking programs that overhauled the way American citizens and a growing number of foreign travelers enter the United States.

At the time, CBP was facing the need for heightened security—obviously, something that continues—while contending with an increase in the number of international travelers, which resulted in long wait times for arriving passengers, a surge in missed flight connections, and strained personnel capacity.

Mr. Wagner's innovative solutions to making our century-old process work more effectively and efficiently are now familiar to millions of travelers worldwide: the Global Entry Trusted Traveler Program and the kiosk-based Automated Passport Control Program.

As somebody who participates in the Global Entry Trusted Traveler Program, it has obviously sped my transit through many international airports. Global Entry saves travelers time and ensures a high level of security by employing a screening process that includes background checks, personal interviews, and fingerprinting. Approved travelers then bypass the regular immigration control lanes and proceed to the automated, biometrics-based, self-service kiosks that validate passports, verify fingerprints, and perform database queries. This back-end security allows approved travelers to quickly clear through Customs without the need for an interview with a Customs officer. Global Entry is now offered at 48 U.S. airports, including Dulles International Airport in my State of Virginia.

In addition to streamlining the international arrivals process, the program has resulted in saving over 287,000 working hours and reducing the average wait time for members 84 percent when compared to travelers not enrolled in the program.

Mr. Wagner's other brainchild has shown similar results. The kiosk-based Automated Passport Control Program automates the entry processes for those with U.S. passports and travelers from a number of foreign countries. This automation allows CBP officers to focus solely on questioning the individual and observing his or her behavioral responses, rather than getting bogged down with administrative procedures. The automated kiosks have resulted in decreases in average wait times for travelers and efficiencies in allocating human resources.

Mr. Wagner described his work best, saying that ''it has contributed to the national security of the country, helped promote travel and tourism that benefits the economy, and delivered a public service that has been well received.''

I hope my colleagues will join me in thanking Mr. Wagner and government employees at all levels for their willingness to shake up the status quo and their commitment to providing exceptional service to Americans across the country.

Today the Presiding Officer and I were at a budget hearing where, as former business members, we sometimes feel like our heads will explode in terms of our ability to get an appropriate audit of Federal spending and Federal programs. We talked about different processes, like the DATA Act, where we try to get more transparency. We have to do all this, but we also have to recognize and celebrate Federal employees who, at the work level, are coming up with great innovative programs, such as Mr. Wagner has done.

So while we may disagree on many items in terms of how we get to ultimate policy issues—the Presiding Officer has had a very successful career in business—we know, as former businesspersons, that oftentimes some of the best ideas come from the workforce, and we need to do more to celebrate individuals like Mr. Wagner who come forth with good ideas that have been implemented on a cost-effective basis and that save time, save money, and increase national security.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PERDUE). The clerk will call the roll.

The bill 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.

Mr. BROWN. I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

FILLING THE SUPREME COURT VACANCY

Mr. BROWN. Mr. President, in 1988—almost 30 years ago—when Justice Kennedy was elected to the Supreme Court, President Reagan said: ''Every day that passes with a Supreme Court below full strength impairs the people's business in that crucially important body.'' President Reagan realized in 1988, during the last year of his Presidency, what President Obama realizes in 2016, the last year of his Presidency: that an eight-person Supreme Court runs counter to our national interest and runs counter, frankly, to the intent of our Founders, especially as we modernized the Supreme Court.

There is a reason the Supreme Court—I believe for 150 years or something like that—has had an odd number of Justices, and that is so they can

make decisions. Since Justice Scalia's death, we have seen the Supreme Court deadlock a couple of times, and when the Supreme Court deadlocks, it is as if the cases weren't even heard. It also means that if there are two different appellate cases that contradict one another, the Supreme Court would rule, as a referee would, to decide on the law of the land. When there is a vote of 4 to 4, it is as if there were no Supreme Court decision at all, and as a result, we have conflicting laws in different parts of the country. So you can live under one set of rules in Ohio and live a few miles away in Pittsburgh under another set of rules. As a result, this prolonged vacancy is damaging to our country's highest Court.

Fifty cases remain on the docket for this term, and the Supreme Court is going to likely set a record for most tied votes. The 50 cases are for this term right now. When the Court meets again—according to Senator MCCONNELL, it will be before Judge Garland is considered and brought up for a vote, if he is ever brought up for a vote—there will be another whole set of issues Judge Garland will not be able to rule on.

We are really sentencing ourselves as a nation to a potential 4-to-4 vote on case after case after case, week after week after week, month after month after month, through two Supreme Court calendar years, for want of a better term. No term since 1990 has included more than two tied votes—a benchmark the Court has now hit in a single week. It means we have no national standard on important issues, and it diminishes the important role the Supreme Court plays in our country. It is part of a pattern that is damaging the judiciary. Last year the Senate confirmed just 11 Federal judges—the fewest in any year since 1960. It is the fewest in almost six decades.

Chief Judge Garland's qualifications are without question. The President really did reach across party lines—reaching into the center aisle, perhaps—in choosing Judge Garland. He picked somebody who is significantly older as a nominee, which is something most Presidents don't want to do. They want to pick somebody in his or her forties or early fifties so they have—at least mathematically—the opportunity to serve more years. He picked somebody who had Republican support in the past and has had glowing things said about him by people like the former judiciary Republican chairman, Senator HATCH. His qualifications are without question, but in the end, the Senate has said they don't want to do their job.

The last time there was a vacancy on the Supreme Court for more than a year was during the Civil War, and it was because we were in a civil war. The last time a Republican Senate ratified or confirmed a Democratic Presidential nominee on the Supreme Court was 1895.

This is a Senate that needs to do its job. When I hear Senator MCCONNELL say he doesn't care and will not do anything until the next election, well, we had an election. President Obama was elected to a 4-year term—not a 3-year term and not three-fifths of a term but a 4-year term. He is doing his job. The Constitution says that the President shall nominate and the Senate shall advise and consent.

The Senate needs to meet with this nominee—and I will meet with Judge Garland tomorrow—the Senate needs to have hearings on Judge Garland, and the Senate then needs to bring him to a vote.

Of the eight Supreme Court Justices sitting on the Court today, the average time was 66 days to confirm that Justice. This President still has close to 300 days left in his term. There is plenty of time to do that. Pure and simple, the Senate needs to do its job. It is incredible to the country, and it is incredible to all of us who really love this institution and think our government should work—and does work most of the time—that Senators are so dug in that most of my Republican colleagues will not even meet with Judge Garland. None of them, except for a couple of courageous exceptions, called for hearings. I believe only one or two said we should vote on his confirmation. The country doesn't understand why Republicans are failing to do their jobs. It is important, election year or not, that the Congress do its job.

THE STEEL INDUSTRY

Mr. President, for generations our steelworkers and manufacturers have made the steel that built this country. Manufacturers are the cornerstone of our economy. We know that every dollar invested in manufacturing adds an additional $1.48 to the economy, but our steel industry is being left behind. Years of outsourcing and years of illegal dumping—dumping means foreign competitors will sell steel into the United States below the cost of production so it is just impossible to compete on price or quality with them—have taken their toll on our companies and our workers.

I want to read a letter I got this year from a group of Ohio steelworkers. I want to read one that I chose to read from this. Thomas Kelling wrote:

As of January 11, 2016, there are 12,000 steelworkers laid off. I am one of them. When you include other manufacturers that deal with steel—aluminum, refractory, etc.—there are 35,000 men and women out of work.

Thousands of immigrants came to this country looking for work years ago, and the steel industry supplied them with work. Without the steel industry, the country would not be what it is today. Every building, car, motorcycle, bridge, and so on is made of steel.

The steel industry has taken a big hit because of illegal dumping by China, Korea, India, and Italy, among others. These countries subsidize their companies—

I would add—he didn't say this in the letter—sometimes these companies are State owned and subsidized by the State.

These countries subsidize their companies so they are able to sell steel at a much lower cost, which in turn causes the U.S. steel industry to decline—hurting thousands of families, and the economy in general.

Mr. Kelling is right. It is time for us to stand up for American steel manufacturers and workers who play by the rules but drown under a sea of illegal, subsidized imports. Far too many politicians seem content to throw up their hands and write off the industry and say: Well, that is an old industry. We can buy our steel from somewhere else. They seem to assume that because it is a tough problem, because it is complicated, it is not even worth trying to fix. Imagine if we had said that about the auto industry. I know what this body did. I know there was a lot of Republican opposition. Some Republicans like Senator Voinovich, my colleague from Ohio back then, were supportive. Most of my Republican colleagues tried to block the Bush administration—a fellow Republican. Then with the Obama administration, they really dug in in opposition to the auto rescue.

We know what happened. Chrysler posted 7 percent gains in sales last year. GM and Ford were not far behind with 5 percent. More vehicles were sold in 2015 than at any time in American history. When that number had dropped close to 10 million, it was back up to 16 million vehicles. That is a lot of autoworker jobs in Ohio at Chrysler, Ford, GM, and Honda. It is also a lot of autoworkers' supply chain jobs—some union, some not, some autoworker union, some other unions, some nonunion, but thousands of jobs in the supply chain making glass and tires and all kinds of hubcaps and metal tops—hard tops for the Chrysler, whatever they are—in gear shifts and transmissions and engines in plants all over Ohio.

So don't tell me we can't save the steel industry. Don't tell workers like Thomas Kelling it isn't worth saving. There are concrete steps to enforce a level playing field. We enacted a law last year to make it easier to petition our government when foreign producers are cheating on the rules. We know this happens all too often, especially in this industry, because so many countries around the world have their own steel industry. Some don't even use much of the steel they make but know they have a country—us—where they can dump the steel. This law is only as strong as its enforcement.

The Commerce Department needs to apply so-called adverse facts available, or AFA, in trade cases where a foreign company is not cooperating. If we don't apply adverse facts when it is warranted, we allow countries and companies that are cheating to get away with violating the law at the expense of our companies, at the expense of workers in Lorain, Niles, Youngstown, and Middletown—all over our State and all over our country.

Second, we need to fully fund the Office of Enforcement and Compliance. This office investigates charges of illegal subsidies and dumping by foreign

producers. There are so many violations, this office is overwhelmed. Trade investigations are lengthy. They are difficult. They are labor intensive. We are a Nation of laws. We enforce laws. We enforce rules. We follow laws. We follow the rules so that we can play fair on trade cases, but that takes time and expertise, and that is why we need to fund the Office of Enforcement and Compliance.

Third, the administration needs to do everything in its power to address global overcapacity, particularly from China. It is the single biggest challenge facing our domestic steel industry. China has excess steelmaking capacity of 300 million metric tons. Was does that mean? They can make 300 million metric tons more than they use in their country. What does that mean? That means they are looking for a market, and they are willing to subsidize their steel production to dump their steel into Ohio, into Detroit, in auto plants, and dump their steel where we build roads, bridges, and appliances.

Last year, China exported more steel than the total tonnage of steel produced by U.S. manufacturers. Think of that. Chinese capacity in steelmaking is about the same as the rest of the world combined. As I said, China exported more steel last year than the total tonnage of steel produced by U.S. manufacturers. No wonder our companies face such serious challenges. China is the single biggest contributor in excess capacity, but the problem is spreading elsewhere. The Chinese have committed to reducing steel production, but have failed to follow through.

Our steel industry has done the right thing. Our industry restructured to a sustainable model a decade ago—competitive, smart, productive—but it is now under threat again from Chinese imports. We have to file complaints and petitions against this unfair competition. These cases take too long.

To stop the flood of cheap illegal imports once and for all, we need a permanent shutdown of production in countries where the steel industry is not driven by the market. Let me give you an example. South Korea was making something called oil country tubular goods, OCTG. These are pipes made for drilling, for fracking, for drilling for oil and gas. It makes sense, right? Except South Korea didn't have a domestic industry. They used not one of these steel pipes that they manufacture. What were they doing? They were selling them under cost to the United States. They basically created an industry to make steel, to dump that steel in the United States and keep their workers going at the expense of our companies and our workers. We won trade cases against them, but it often took long, and by the time we won these cases, a lot of damage was done to those companies and those workers.

Finally, renegotiate the auto rules of origin, the Trans-Pacific Partnership. These provisions determine how much of a car is made in these 12 countries of the Trans-Pacific Partnership regions. Unfortunately, the TPP rules of origin are even weaker than they were in the North American Free Trade Agreement. What does that mean? That means only 40 percent of an auto sold in a TPP country needs to be made in TPP countries. So what that means is that more than 50 percent of the components for a newly made car can come from China sold into the United States or Mexico or Canada or any of the 12 countries with no tariffs. The whole point of the Trans-Pacific Partnership is to strengthen the auto supply chain and strengthen these countries' economies, but the way our negotiators did it was to drop the percentage components—the so-called rules of origin—from 60-some percent to 40-some percent so China could backdoor.

Think about this: 35,000 women and men out of work—35,000 families have been forced to have terrible conversations around the kitchen table. They have to sell their house. Maybe they are going to get foreclosed on because they are not working. They have to cut back on sports at the local school because, frankly, of a State government in our State that underfunds schools. If kids want to play sports—no matter if they are low-income kids—they have to pay for it. There was nothing like that when I was growing up, but it is a different world. We have a State government that doesn't respond in so many ways to the concerns of young parents that they have to come up with money. They can't do that now. They have lost their jobs. All of this impacts families.

The bad news doesn't stop with family layoffs. These conversations don't stop with mom and dad getting laid off. They lead to mom having to take a second job at night and to selling a car to save the house from being foreclosed.

Mr. Kelling writes: ''The livelihood of thousands are counting on you.'' I ask my colleagues to think about what that means. That doesn't just mean their income and job; it is so much more important than that. It is the ability to put food on the table, send their kids to college, and save something for retirement. It is the difference between a thriving community and a dying community.

We can't stand by and watch communities turn to ghost towns because foreign competitors don't play by the rules. It means we have to take action that levels the playing field and holds our trading partners accountable. If the administration doesn't take bold, decisive action soon, we will get thousands more letters, as do more and more of my colleagues who also get these letters. Thousands more workers like Thomas are going to lose their livelihoods, and our country will be worse off because of that.

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. THUNE. 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.

Mr. THUNE. Mr. President, I know of no further debate on the motion to proceed.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the motion to proceed.

The motion was agreed to.

AMERICA'S SMALL BUSINESS TAX RELIEF ACT OF 2015

The PRESIDING OFFICER. The clerk will report the bill.

The senior assistant legislative clerk read as follows:

A bill (H.R. 636) to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes.

AMENDMENT NO. 3464

(Purpose: In the nature of a substitute)

Mr. THUNE. Mr. President, I call up substitute amendment No. 3464.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 3464.

Mr. THUNE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. THUNE. Mr. President, I ask unanimous consent that the next amendments in order be the following and that it be in order to call them up and considered offered in the order listed: Gardner No. 3460; Thune No. 3512; Heinrich No. 3482, as modified; Thune No. 3462; Schumer No. 3483; Thune No. 3463; and Cantwell No. 3490.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 3460 TO AMENDMENT NO. 3464

Mr. THUNE. Mr. President, I call up Gardner amendment No. 3460.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE], for Mr. GARDNER, proposes an amendment numbered 3460 to amendment No. 3464.

Mr. THUNE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require the FAA Administrator to consider the operational history of a person before authorizing the person to operate certain unmanned aircraft systems.)

On page 89, line 3, insert ''and any operational history of the person, as appropriate'' before the period at the end.