

time, and that is not an excuse not to do our work." That is absolutely right. I would ask the Republicans to do their job.

Madam President, on the Zika matter, I would add the following: "The news from the House virtually guarantees that the Republican Congress will provide too little aid, too late to address the looming Zika crisis."

The way things are going around here, the appropriations bills are not going to be finished until right before the end of this fiscal year, late September. The crisis will long have arrived and we will be talking about cases that exist in the continental United States. It is wrong to wait.

I don't see anyone here on the floor, so I would ask the Chair to announce the business of the day.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 4:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The assistant Democratic leader.

#### ZIKA VIRUS

Mr. DURBIN. Madam President, 3 months ago President Barack Obama asked this Congress for funding to address a public health emergency: combating the Zika Virus. I am pleased that this week, 14 weeks after his request, we are going to respond. We are not responding in full. The President asked for \$1.9 billion to address this serious public health challenge. We are not responding without some theatrics and posturing first, but we are going to vote on some amendments this week, and it is about time.

It has been 14 weeks since representatives from the Centers for Disease Control and Prevention and the National Institutes of Health testified at the Senate Appropriations Committee on the dire need for immediate action to combat the Zika virus.

I visited the Centers for Disease Control about 14 weeks ago. By then, they had been able to verify that the tissue samples from miscarriages and other serious health problems coming in from Brazil were linked to the Zika Virus. So there was no question that these mosquitoes carrying this virus had serious public health consequences—so serious that the Centers for Disease Control dedicated 1,000 staffers to deal with this issue. That was about 12 or 14 weeks ago.

The President used his authority to come to Congress and say: We have a public health emergency; treat it like

it is an emergency. Here we are 14 weeks later getting around to discussing it.

When I think back in times of American history when Congress has been called on to respond to an emergency, there have been amazing examples where partisanship was set aside and people said: In the interest of America, we need to act and act now. Whether we are talking about mobilizing for a war, whether we are talking about responding to terrorism, we have done it. We can do it. This time we have failed. We have failed for 14 weeks. In that period of time, 1,200 Americans in 44 States, Washington, DC, and 3 U.S. territories, including over 110 pregnant women, have contracted Zika. Six more have contracted Guillain-Barre, an autoimmune disorder that can cause paralysis and death. Recently, the first Zika-caused death and the first Zika-related microcephaly cases were reported in Puerto Rico. In my State of Illinois, 16 people have tested positive for Zika, including at least 3 pregnant women.

Over the past few months, we have learned more about Zika and how dangerous it can be. We now know it is carried by two types of mosquitoes. We now know it is linked to serious neurological damage and birth defects in children. We now know it can be sexually transmitted. We also know that the mosquitoes carrying the Zika virus thrive in the warm summer months, which is why this action should have been taken long ago and must be taken this week.

The best way to fight a public health threat such as Zika is to have a strong, stable public health infrastructure in place. That is what the President asked for. That means reliable and stable funding year after year.

Our public health agencies have to be viewed as the first line of defense, just as we view the Pentagon as the first line of defense when it comes to military and terrorist threats. Our public health agencies are the first line of defense when we are speaking of Ebola, the Zika virus, and a variety of other challenges that could literally threaten the health and lives of innocent Americans.

We must ensure robust and stable funding for agencies like the Centers for Disease Control. These invasive problems can pop up at any time. We can't rally to each and every occurrence after it happens; we have to be prepared. The Centers for Disease Control is not only the best, it is the best in the world, but it cannot operate without adequate funding.

The National Institutes of Health is working on a vaccine right now to protect all of us from the Zika virus. That is the answer, but it takes time—a year. We should have been moving on it sooner.

We must provide critical resources to the Food and Drug Administration. Their reviewers are responsible for ensuring that any Zika treatments or

vaccines are safe and effective, and in order to ensure the safety of those vaccines and treatments, they have to be clinically tested.

For years we have heard congressional Republicans rail against Federal spending and even embrace the notion of a sequester—a blind across-the-board cut. Case in point: Over the past few months, we have heard Republicans protest, stall, and push back on providing funding to help combat the Zika virus. There have been a variety of excuses for their delay, but the outcome has always been the same: We have lost time in responding to this public health emergency.

For years, those of us on this side of the aisle have been arguing that this approach—one of starving funding and endless delays—is shortsighted and irresponsible. Yes, we must be good stewards of the taxpayers' dollars, but I would argue that there is no better use of the taxpayers' dollars than investments in public health—investments in the National Institutes of Health, the Centers for Disease Control, and the Food and Drug Administration. These are investments that prepare our Nation for the unforeseen, such as Zika or Ebola, but they are also investments that help us prepare for the foreseen situations that Americans face every day, such as Alzheimer's, cancer, Parkinson's, and diabetes. That is why I introduced the American Cures Act—legislation that would provide our Federal health research agencies reliable and robust funding increases every year into the future.

We are not going to win a war against Zika, Ebola, Alzheimer's, or cancer if our response is tepid, delayed, watered down, or subject to the whims of political fate. Big budget cuts make a good talking point in a speech somewhere, but the results can be devastating.

I look forward to continuing to work with my colleagues on the Senate Appropriations Committee to find a path forward to address the funding of these critical Federal health agencies. There is more to do, and we must do it together. If we don't do it together, we will pay a heavy price.

This week we will take up the issue. We will be voting on three Zika-related amendments this week. The first, offered by Senator NELSON of Florida, is one that I fully support. It would fulfill the President's request by providing the \$1.9 billion in needed funding to ensure an immediate and comprehensive response to Zika. We need to treat this public health emergency like a public health emergency. Senator NELSON's amendment would ensure that the CDC has the money they need to support States in conducting surveillance, vector control, emergency communications, and research. It would ensure that the National Institutes of Health has the money to develop this vaccine, and it would ensure that USAID has the money they need to build up a global health response to Zika.

I am proud to be a cosponsor of the Nelson amendment. It would provide the United States, as well as pregnant women in many affected countries, with the very best chance of minimizing the damage done by the Zika virus. Let's not be penny wise and pound foolish. Cutting back on this money for pregnant women and running the risk that a baby is born with a lifetime of medical challenges and expenses is not a way to save money; it is a disaster for the family and a disaster for our budget.

Then comes the second amendment, offered by Senator CORNYN of Texas. This is a misguided amendment. I urge my colleagues to defeat it. Senator CORNYN's amendment would provide a portion of the funding needed to adequately respond to the Zika virus. He picked the number \$1.1 billion and said: Let's take the money out of the Prevention and Public Health Fund for America—money that is currently being invested to deal with other health challenges around our country. In order to deal with the Zika virus, Senator CORNYN would take money away from other efforts to keep Americans healthy.

The prevention fund accounts for 12 percent—nearly \$900 million—of the Centers for Disease Control's core public health efforts, such as lead poisoning prevention, breast and cervical cancer screening, and tobacco prevention and control. Think about that for a second. Senator CORNYN of Texas wants to take the money out of those areas—legitimate public health concerns—and put it in Zika. He is going to move some of the pieces around on the chessboard in the hope of moving the right one. Sadly, it will endanger innocent people.

There is something else to be considered. His amount is \$1.1 billion, and the President asked for \$1.9 billion. For some reason, Senator CORNYN believes that we can reduce the threat of the Zika virus by 40 percent on the floor of the Senate. I don't buy it. This is a public health emergency. Reducing the funding for it from what the President requested by 40 percent is playing Russian roulette with innocent lives across America and around the world. Senator CORNYN's amendment cuts base funding that would ordinarily be provided to the Centers for Disease Control.

We are also dealing with lead poisoning issues across America, which was yesterday's front-page story in the Chicago Tribune. All of the lead testing around my State of Illinois finds that areas you wouldn't dream of—the suburbs of Chicago, including some of the wealthier suburbs of Chicago—sadly have too much lead in the water. We know that after what happened in Flint, we have to take it seriously. The impact on innocent children is obvious. Cutting back on funding for that to pay for the Zika virus is robbing Peter to pay Paul.

Lastly, we have an amendment that will be offered by Senator BLUNT. It is

like Senator CORNYN's approach in that it would only provide \$1.1 billion, and I take exception to that number. As I said, it is 40 percent less than what the President believes is needed for this emergency, but it would not cut the money out of the prevention fund, so that is a positive thing to say about the Blunt amendment over the Cornyn amendment. This amendment is an improvement, but still, it is important for us to adequately fund public health defense for innocent Americans.

When Dr. Frieden of the CDC tells us how much the CDC needs to fight Zika, I trust the doctor. I do not believe we should second-guess his approach, and I don't believe we should provide the Centers for Disease Control with less money than what Dr. Frieden says is needed.

That said, I appreciate that Senator BLUNT is trying.

I hope the initial amendment by Senator NELSON passes. That is the responsible amendment to deal with the public health emergency.

We have seen Zika coming for months. We had the administration's detailed, comprehensive plan of action sitting up here for over 3 months. The time to act is way overdue.

It is my hope that the Senate will finally approve Zika funding this week and that House Republicans will stop their stalling as well and get to work and do the same. We have lost enough time already.

I yield the floor.

The PRESIDING OFFICER (Mr. BARASSO). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I wish to share some remarks and ask unanimous consent that I be allowed such time as I may consume.

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

Mr. SESSIONS. Mr. President, I appreciate Senator DURBIN's comments, and I believe there is clear bipartisan support for dealing with the Zika virus. And something will be done on that, but make no mistake—there is a disagreement, and our colleagues on the Democratic side, as they always do, just want to add whatever new expense comes up during the year to the deficit of the United States of America.

There are many ways we can save money to pay for new expenditures, and that is what Senator CORNYN is talking about. He wants to have it paid for so we don't add more debt.

You say: How can that be?

Well, we are already in debt. This year we borrowed approximately \$540 billion to fund the government. We spent \$4 trillion and we borrowed \$540 billion of that. That is a very large number. It is unsustainable, and it is getting worse.

We have to start paying for things that we want to do around here and make some choices and set some priorities. That is the entire dispute about this matter, if you want to know the truth about it. There is no way we can't find the money to fund this Zika

challenge—sufficient funds to do that—within the spending we already have.

NOMINATION OF PAULA XINIS

Mr. SESSIONS. Mr. President, I wish to speak in opposition to the nomination of Paula Xinis to the U.S. District Court for the District of Maryland. By all accounts, she is a nice person and has a number of admirers. I don't question her integrity. I had an exchange with her at the Judiciary Committee hearing when she came before the committee. I think this nominee has perhaps the most hostile record toward police of any I have seen in a long time. Her background is troubling to me, and I believe it justifies us not allowing her to have a lifetime appointment where she is unaccountable to anyone as she conducts her daily duties involving, on a very frequent basis, the appearance of police before her in criminal cases of all kinds. She would even hear cases against police officers for misconduct that may come before her over her career.

I was a prosecutor for almost 15 years in Federal court before Federal judges. I was blessed to appear before Federal judges of high quality who gave the prosecutor a fair trial and gave the defendant a fair trial, and that is what we are looking for. I am aware of a lot of Federal judges who have a clear bias against law enforcement and have made the communities less safe, made prosecuting a nightmare, and I don't believe it is good for the legal system. There is nothing you can do about it. A judge can declare that the evidence is insufficient to convict on his or her own motion which nobody can appeal. That is the final word even though a jury, had they been able to hear the case, might have found otherwise.

Yesterday was Peace Officers Memorial Day, and this week is Police Week. We take special occasion each year to remember the service and sacrifice of law enforcement officers and their indispensable role in ensuring law and order in our cities and towns throughout the country.

Too often when something goes wrong on the streets today, the media is quick to point their fingers at the police, and that is why we have an impartial justice system—so that the facts can come out in open court. In my experience, when those facts do come out—and I have had the duty of prosecuting police officers—many more times than not, we learn that the police did everything they could according to the procedures and that the complaints we heard about in the media and through others are not accurate. That is what the facts show us time and time again.

It is critical that we have judges who respect the rights of the accused but also respect the role of law enforcement and the dangers they face on a daily basis.

We have a nominee for the Federal court in Maryland before us, and every police officer in the country needs to know where she stands and how she approaches the duties, responsibilities,

and requirements of the police and how she approaches law enforcement. Will she give them a fair hearing? Aren't they entitled to that?

Ms. Paula Xinis worked as a Federal public defender for the District of Maryland for 13 years; that is, she was on a paid defender's staff who defended the criminals who were being prosecuted in Federal court, those accused for a whole lot of crimes. There is nothing wrong with that. It is a perfectly honorable profession, and I certainly want to emphasize that. For 6 of those 13 years, she simultaneously served as a complaint examiner in the Office of Police Complaints for the District of Columbia here in DC. During the course of her work there, she heard complaints against police officers for conduct as part of their duties. She heard six complaints, and in every one of those cases, every single one, she found against the police officers.

It troubled me, and I asked her some questions about it. In one of the cases, an officer arrested a man who was loitering amidst a group of individuals outside a grocery store while talking on his cell phone. When he was asked to move along, he refused to do so. Then the man became belligerent and repeatedly swore and cursed at the police officer. The officer eventually arrested the man for disorderly conduct. On the panel, Ms. Xinis concluded that the police had harassed the man and found the police officer guilty of misconduct.

When I asked her about this decision at her confirmation hearing in the Judiciary Committee, she said she didn't even know what consequences this finding might have on the career of a police officer as a result of having this on their record.

In 2011, Ms. Xinis began work with her current 11-attorney law firm in Baltimore, where she focuses her practice emphasis on lawsuits against the police. According to her firm's Web site, she and two of her colleagues recently settled a \$5 million police brutality lawsuit. Notably, her firm also represented the family of Freddie Gray, Jr., the 25-year-old man who was arrested on April 12, 2015, for possessing an illegal switchblade and who subsequently tragically died in police custody, causing riots in Baltimore, if my colleagues recall. On September 8, 2015, the suit against the city and the police department, in which her firm represented the plaintiff, settled for \$6.4 million.

This may have been a totally justified settlement. I certainly believe that any death in the custody of a police officer by any accused is entitled to and requires a thorough investigation. But in a big city like Baltimore, when there is civil unrest and huge public attention, cities are under political, if not legal, pressure to reach some sort of financial settlement. This was a tragic case. The details were disputed. But it appears that some of the facts were not clear, certainly.

The point is, Ms. Xinis has built a career of dealing with lawsuits against police and police departments and dealing with complaints against the police. In every complaint case she heard, she ruled against the police, which, frankly, makes me uneasy, as it does many law enforcement officers. When a lawyer sits as a complaint examiner in a case involving alleged police misconduct, the examiner—the judge, almost, in that case—should know and understand the reality of police work and what our people have to do every day to defend us from crime.

I asked her about her findings that the arrest of a loud, cursing loiterer outside a store was police harassment. In other words, the cursing loiterer was OK, but the police officer was wrong.

I would think that someone who has spent their entire professional career in this arena would be familiar with some of the concepts and procedures in policing in cities around the country today.

For example, broken windows policing is well known. I think most people know what broken windows policing is. It is a short-hand way to describe a policy that originally grew and became predominant in New York City under Mayor Rudy Giuliani, and many believe it saved New York City. Crime was surging, disorder was about, the city's financial status was at risk, and they started a systematic smart method of policing, and the murder rate is less than half of what it was in New York City. The entire city has been transformed.

So here she is judging police officers about how to handle confrontations on the street and how to make our communities safer. Shouldn't she know about these things?

Broken windows policing suggests that when law enforcement consistently enforces the law in cases involving minor crimes—not just big crimes but even minor crimes—that consistency helps to prevent major crimes. It is proven to work. It is a major trend. Virtually every city in America does it.

Yes, we have people who are out on the streets causing trouble or risks, and they get their backs up and complain when anybody says anything to them. Police officers have to use judgment. But this police officer, to me, did what one would normally expect him to do. He certainly didn't need to be charged and convicted of harassment.

Her statement that she did not know what "broken windows" was and was not familiar with it I think evidenced a real lack of understanding.

There is concern about this appointment by people who have to deal with this every day. Here is a letter from the Fraternal Order of Police, the Baltimore City lodge, signed by Lieutenant Gene Ryan, President. Again, this is the Baltimore City Fraternal Order of Police:

On behalf of almost 5,000 members of the Baltimore City Fraternal Order of Police,

Lodge #3, I write this letter in extreme opposition to the appointment of Paula Xinis as a United States District Judge in the Federal District Court system.

While on paper, Ms. Xinis appears to be a highly qualified criminal attorney, our membership is urgently concerned about her obvious disdain for the law enforcement profession as expressed time and again through the various court appearances in which she has represented citizens claiming harm caused by police personnel. In fact, her current partnership in the Baltimore firm of Murphy, Falcon, & Murphy itself is of concern as this is a firm well known in our area for hostility toward our profession and our members and, as a result, we question the ability of Ms. Xinis to remain impartial in any Federal cases involving law enforcement.

Senators, we respectfully request that you give consideration to our request to deny the appointment of Paula Xinis to the Federal bench at this time.

I also have a letter from the Maryland State Lodge of the Fraternal Order of Police, President Ismael Vincent Canales. He writes:

As President of the Maryland Fraternal Order of Police and on behalf of over twenty-thousand active and retired law enforcement officers throughout the State of Maryland, I respectfully request that members of the U.S. Senate vote unfavorably on the appointment of Paula Xinis as a Judge to the United States District Court of Maryland.

I believe that Ms. Xinis at this time fails to have the requisite temperament and ability to be fair and impartial on matters that directly affect law enforcement.

And he goes on.

Mr. President, I ask unanimous consent that these two letters be printed in the RECORD.

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

FRATERNAL ORDER OF POLICE,  
BALTIMORE CITY LODGE NO. 3,  
Baltimore, MD, May 16, 2016.

TO ALL MEMBERS OF THE UNITED STATES SENATE: On behalf of the almost 5,000 members of the Baltimore City Fraternal Order of Police, Lodge #3, I write this letter in extreme opposition to the appointment of Paula Xinis as a United States District Judge in the Federal District Court system.

While, on paper, Ms. Xinis appears to be a highly qualified criminal attorney, our membership is urgently concerned about her obvious disdain for the law enforcement profession as expressed time and again through the various court appearances in which she has represented citizens claiming harm caused by police personnel. In fact, her current partnership in the Baltimore law firm of Murphy, Falcon & Murphy itself is of concern as this is a firm well known in our area for hostility toward our profession and our members and, as a result, we question the ability of Ms. Xinis to remain impartial in any Federal cases involving law enforcement.

Senators, we respectfully request that you give consideration to our request to deny the appointment of Paula Xinis to the Federal Bench at this time, and any time in the future.

Most sincerely,

LT. GENE RYAN,  
President, Baltimore City Fraternal  
Order of Police, Lodge #3.

MARYLAND STATE LODGE,  
FRATERNAL ORDER OF POLICE,  
Baltimore, MD, May 16, 2016.

Hon. JEFF SESSIONS,  
Senate Judiciary Committee,  
Washington, DC.

DEAR SENATOR JEFF SESSIONS: As President of the Maryland Fraternal Order of Police, and on behalf of the over twenty-thousand active and retired law enforcement officers throughout the State of Maryland, I respectfully request that the members of the United States Senate vote unfavorably on the appointment of Paula Xinis as a Judge to the United States District Court of Maryland.

After careful review and consideration, I believe that Ms. Xinis at this time fails to have the requisite temperament and ability to be fair and impartial on matters that directly affect law enforcement. Based on prior and recent experience, Ms. Xinis has shown a clear bias towards law enforcement which began in her position as a complaint examiner in the Office of Police Complaints for the District of Columbia and culminated with her involvement in the civil suit surrounding the Freddie Gray Case in Baltimore City, MD. Ms. Xinis is clearly a consummate advocate which we commend her for. However, at this time, I do not believe that she has displayed throughout her professional career a sufficient ability to equitably apply the law.

It is for these reasons that I respectfully request that the Senate vote unfavorably on the appointment of Paula Xinis to the United States District Court of Maryland.

Sincerely,

VINCE CANALES.

Mr. SESSIONS. Mr. President, Federal judges decide cases every day that have a significant real world impact on our criminal justice system—sometimes good, sometimes bad.

Let me point out this case. It gives an insight into the kinds of things I saw every day as a prosecutor, and it is happening every day right now in courts all over America.

Here is the case before United States District Judge Royce C. Lamberth. He denied a request by the prosecutor for early release of two top associates of Rayful Edmond III, a notorious drug kingpin in Washington, DC. I think they made a movie about him or a film about him, one of the most notorious gang leaders around. The Washington Post described Judge Lamberth's astonishment when the U.S. Attorney did not object to the drug felon's request for early release. Quote:

The judge rebuked the Office of acting United States attorney Vincent H. Cohen Jr., of the District, saying prosecutors did not give due weight to the criminal history of Butler, 52, the Los Angeles-based cocaine broker and partner of D.C. drug lord Rayful Edmond III, and Jones, 58, one of four top armed enforcers of Edmond's violent trafficking network. The group imported as much as 1,700 pounds of Colombian cocaine a month.

That is almost a ton a month. That is the largest amount I have ever seen. I thought the biggest case I had ever seen was 600 pounds flown in on about 20 plane loads over several months. This is 1,700 pounds a month.

Edmond's organization enabled drug addiction on a scale that until then "was unprecedented and largely unimaginable" in Wash-

ington, Lamberth wrote, and the harm the defendants caused "is immeasurable and in many cases irreversible."

"To put it bluntly, the court is surprised and disappointed by the United States Attorney's decision to not oppose the present motions," Lamberth said.

Quote:

"The court struggles to understand how the government could condone the release of Butler and Jones, each convicted of high-level, sophisticated and violent drug trafficking offenses."

So that is a Federal judge doing their duty. I am not sure where Ms. Xinis would be on this.

Contrast that with many courts across the country that are currently rubberstamping motions for early release for Federal drug trafficking felons under the Sentencing Commission's reductions to the sentencing guidelines that have already occurred and that are impacting the prison population significantly, as we will see. That is according to an October 2015 article in the Los Angeles Times entitled "The face of the federal prison release: A heavy dose of meth, crack, and cocaine."

This is what the article says:

A federal analysis of the expected impact of the first wave of those approved for early release shows 663 prisoners from California had filed for shorter sentences as of late July. Federal judges denied 92 of them.

It looks as though six out of seven were granted.

According to an October 2015 article regarding offenders released in the Pittsburgh area, the U.S. Attorney's Office there "erred on the side of granting" the motions.

So the U.S. attorney's office is not defending the legitimate, original sentence that was imposed. They walk in and just don't—if there is any doubt about it, they just go along with the prisoner's request.

According to a November 2015 article entitled "Upstate NY gang members on secret list of 6,000 freed early from prison," it is happening in New York too.

Quote:

In the Northern District of New York, the [Court, prosecutors, and defense attorneys] agreed on the eligibility of almost all of the inmates, and disagreed on only five cases that became subject to litigation. . . . Of those five cases, a judge ordered early release for three and rejected one. A fifth case is pending.

So out of all the cases, only one was rejected.

Judges have a duty to make sure that they—they don't have to take everything the prosecutor says. The prosecutor sometimes asks for a higher sentence than a judge wants to give, but a judge is equally required to reject a prosecutor's failure to oppose unjustified reductions.

This is, frankly, President Obama's policy, and the policy of the Attorney General, whom he has appointed—Loretta Lynch and Eric Holder before her—basically to cut people's sentences that have been lawfully imposed throughout this country. In my opin-

ion, it is impacting public safety and will continue to do so in the future.

Judges must protect the rights of the accused, absolutely, and give them a fair hearing, as they are required to do, but they must give the people, the police, and the prosecutor the right to a fair trial also. These kind of cases cause concern about who is protecting the public. Would Judge Xinis be more likely to follow the pattern of Judge Royce Lamberth in saying no or go along with these other cases?

Over the past year, our law enforcement officers across the country have been shot at, assaulted, and murdered, too often simply because they wear a badge. Last year we lost 123 police officers—35 in the first 4 months of 2016. Violent crime and murders have increased across the country at alarming rates.

Let me share with my colleagues some of the things we are seeing in trends in violent crime. Recently, the Major Cities Chiefs Police Association, a long-established group, called an emergency meeting to deal with the numbers I am going to share with you today. The numbers I will quote represent the percentage of increase in total murders in the first quarter of this year, 2016, over the first quarter of 2015: Las Vegas, 82 percent increase; Dallas, TX, 73 percent increase; Chicago, 70 percent; Jacksonville, FL, 67 percent; Newark, NJ, 60 percent increase; Miami-Dade, 38 percent; Los Angeles, 33 percent; Atlanta, 20 percent; Baltimore, 10 percent. These are substantial increases in crime.

The FBI Director, Mr. Comey, a long-term experienced law officer, who served at the top of the Department of Justice as a prosecutor, recently said he believes the pushback on police officers—this trend of attacking and blaming police officers—has caused some drawback and reluctance of police officers to take on situations like the guy at the store standing out front that was cursing the police officer. Properly handled, those kinds of things reduce crime. They help violence not to start. Once it gets started, bad things can happen. Oftentimes, somebody gets killed. It is not like on television where somebody punches somebody and they get up and walk away and laugh about it. A good punch breaks teeth, jaws, and can kill. This increase in murder rates is significant, and we have to be aware of it. Lives are at stake, many innocent people. If we get off the right path, we will lose lives as a result of criminal conduct.

Think about some of the cases, such as that of Kate Steinle in California, who was out with her father and was murdered by an illegal immigrant who had been deported multiple times. Judges have to know this isn't a game. We don't want to put anybody in jail, but if we don't maintain order in cities, chaos can result, innocent people will die, and prosperity will be reduced.

According to the FBI statistics released just this year, the number of

violent crimes committed across the country was up in the first half of 2015 compared to the same period of 2014. The number of murders, rapes, assaults, and robberies were up all over the first 6 months of 2015. There was a 6.2-percent increase in murder. Violent crime across America rose 5.3 percent in large cities, and overall violent crime increased 1.7 percent, an increase that followed two consecutive years of decline.

In my judgment, what I am seeing is this is a long-term trend. I think we will continue to see this increase. I wish it weren't so, but I am afraid it is. According to statistics released Friday by the Major Cities Chiefs Police Association, the number of homicides increased in the first months of 2016 in more than two dozen major cities. The Washington Post reports "the numbers were particularly grim for a handful of places—Chicago, Los Angeles, Dallas and Las Vegas—where the numbers of homicides increased in the first three months of 2016. . . ."

The article goes on to quote FBI Director Comey. He said:

I was very worried about it last fall, and I am in many ways more worried, because the numbers are not only going up, they're continuing to go up in most of those cities faster than they were going up last year. Something is happening. I don't know what the answer is, but holy cow, do we have a problem.

He also said before our committee that he remembered the last crime-wave in the seventies and the sixties and how enforcement brought it down dramatically. He said we don't want to forget the lessons we learned previously. Director Comey has further suggested that possible explanations for this spike in violent crime included gang and drug violence. He has also suggested that greater scrutiny of police as they do their duty has possibly changed the way officers and communities interact, something he calls the "viral video effect," which he believes leads to less aggressive policing. Less aggressive policing means more crime and more deaths.

On Mother's Day weekend in Chicago, more than 50 people were shot between Friday afternoon and early Monday. During a 3½-hour period early Saturday, one man was killed and 14 others wounded, as the Chicago Tribune said, "the equivalent of someone being shot every 14 minutes."

According to the Tribune, Police Superintendent Eddie Johnson "saved his harshest criticism for a criminal justice system that he said isn't putting away the city's most dangerous offenders for long enough periods. 'Until we have real truth in sentencing and hold these offenders accountable, this will be the unfortunate reality in the city of Chicago.'"

According to an article in the Washington Post, April 2 of this year, "violence is occurring at levels unseen for years [in Chicago]. In the first quarter of 2016, 141 people were killed, up from

82 last year, according to police department data. The number of shootings surged to 677 from 359 a year earlier. The city is on track to have more than 500 killings this year, which would make this just the third year since 2004 that Chicago topped that figure."

Some say we have too many people in prison. We have heard that. It is certainly our responsibility, in part, in Congress, to set sentencing laws that are smart, that protect the public, don't put too many people in jail, and strike the right balance.

In the early to mid-1980s, Congress passed, in a bipartisan, overwhelming vote, mandatory minimum sentences and sentencing guidelines. They allowed dangerous people to be denied bail on appeal. They allowed people who made frivolous appeals—for the judge to assert that there was no substantial basis for the appeal and he could leave them in jail while they made their appeals because too many people were filing for appeals just to stay out of jail and committed crimes while they were out. All of these are great reforms. They are now under systemic attack. During that entire period of time, the crime rate in America went down. The murder rate in the late nineties was half what it was in 1980. How many good people are alive today because of this improvement in law enforcement? We ended the revolving door, where people were arrested, released, arrested. They came in another time and they are arrested and then they would get out and murder somebody. It was happening all the time. We didn't have the jail capacity to put the people in jail. We didn't have enough police to deal with the surging crime rate. When you have 20-, 30-, 40-percent increases in crime, you are talking about doubling the crime and murder rate in America in 2 or 3 years, after we spent 20 years bringing it down by half.

We have to be sure that what we are doing, colleagues, is smart, and we are not signing death warrants for thousands of American innocent citizens.

Well, what is the prison situation today? Is the population going up? According to the Bureau of Justice Statistics, the rate of imprisonment in the United States is at its lowest in a decade. The Federal prison population—195,914 as of May 12, 2016—is at its lowest level since 2006. Since 2013, the Federal prison population has decreased by over 20,000, and it is projected to continue downward. According to the Federal Bureau of Prisons, the population is projected to drop another 10,000 this year, which will bring it to its lowest levels since 2005. The Bureau of Prisons, which houses prisoners, "projects that the inmate population will continue to decline for the next couple of years, particularly as a result of retroactive changes to sentencing guidelines."

Indeed, the 46,276 Federal drug trafficking inmates made eligible for early release comprise 25 percent of the cur-

rent prison population. Admissions to Federal prisons have declined every year since 2011 and will likely decline further due to the Obama administration's policy directing prosecutors not to charge certain criminal offenses.

I don't think this Congress has a duty to confirm everyone who is appointed by the President. We know the President has hostility toward prisons. He has directed his Attorney General to reduce prison populations, and that is happening. He has directed the Bureau of Prisons to participate in this. He has directed the Attorney General and the Attorney General has agreed and issued policy that rejects Attorney General Thornburgh's policies when I was a U.S. attorney. Basically, the Thornburgh policy was, if a person used a gun during a crime, a bank robbery, or drug dealing, they were required, under the law, to get an additional 5 years' penalty in addition because the goal was to deter people from carrying guns during the criminal act, therefore, having fewer people killed in this country. It actually worked. In my opinion, it was part of the reason for the decline in the murder rate, clearly. You were required to charge them because the law said, if you carried a gun, you must get 5 years in addition to the other penalties. Now the Attorney General tells everybody: Well, prosecutors, you don't have to charge that; in fact, we don't want you to charge too much on these kinds of cases. As a result, the prosecutions are down, drug prosecutions are down 21 percent, and sentencing is down too.

When I asked the Attorney General why the prosecutions of these cases are down so much, she said they are prosecuting bigger cases. I have to say that for the last 50 years, that is the excuse that prosecutors use for having a decline in statistics. They say: Well, we are working bigger cases. But regardless if you are working bigger cases, why are the sentencing numbers down? Presumably, she is saying: We are prosecuting more serious criminals, but the sentences are going down. We are seeing from the prosecutorial end a significant retrenchment or backing off of strong prosecution policy.

A judge who gets a lifetime appointment and is no longer accountable to the American people—or anyone else, for that matter—is not entitled to confirmation if we have doubts about the ability over the years to treat police fairly and protect the public from serious criminals.

Certainly, it does not send a positive message to police and the community in Baltimore, where she will hear cases if confirmed. Last year was the deadliest year in Baltimore's history—344 murders and countless crimes against persons and property.

I believe Ms. Xinis's record demonstrates such a lack of understanding of the reality of law enforcement and the duty of our whole criminal justice system to protect the public as to disqualify her from the Federal bench.

That is why I will oppose the nomination.

I do not believe she lacks the personal qualities or the integrity needed to be a judge or be a successful person throughout her life, whatever job she holds. She certainly has many admirers. I am not questioning that, but her record, as I have discussed, indicates an approach to law enforcement that does not justify the support of a lifetime appointment.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LANKFORD). 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.

### ZIKA VIRUS

Mr. CORNYN. Mr. President, over the past few months the Zika virus has not only spread across the Caribbean and Latin America, but it has become a matter of grave concern in the United States.

Although many of the symptoms are relatively minor, Zika has been found to cause severe birth defects in children if the virus is acquired by a woman of childbearing age who is, in fact, pregnant. In places where the virus has been especially active, experts have found alarming rates of infants born with something called microcephaly—in other words, basically a shrunken skull. Obviously, it is a profoundly damaging birth defect. This is due to the mother being infected by the virus while pregnant.

As the weather continues to warm, Texans are rightly concerned about the continued spread of the virus in our State because it is transmitted primarily by mosquitoes. But it is not just any mosquito but those known to be present in places such as Texas, Florida, Louisiana, and some of the warmer areas. But we don't know if that will always be the case or whether they will expand their range or exactly how this could unfold.

In fact, cases in 11 Texas counties have already been confirmed, including Austin, Houston, and Dallas. One important distinction in these cases is that they are tied to people traveling to Latin America, Puerto Rico, or Central America right now. In other words, there has been no confirmed case, I believe, by the Centers for Disease Control of anybody actually being bitten by a mosquito in the United States and having acquired the Zika virus. But that doesn't mean that it is not potentially dangerous, in fact, for the reasons I have mentioned, along with the fact that we now have at least a couple of cases of confirmed sexual transmission of the Zika virus.

Fortunately, top research and medical facilities in Texas have been work-

ing on ways to prevent the spread of the Zika virus and to protect all Americans from its symptoms. A few months ago, I visited with some of those at the University of Texas Medical Branch at Galveston, where they told me about their work in Brazil studying this virus. As the world leader in mosquito-borne viruses, their research is continually groundbreaking.

In fact, recently the Brazilian Ministry of Health announced a collaboration with researchers at the University of Texas Medical Branch at Galveston to help them develop a Zika virus vaccine. They have also had experience when it comes to tackling other large-scale viruses. Last year UTMB was named one of the first regional Ebola treatment centers in the country, and UTMB researchers went on to develop an effective, quick-acting Ebola vaccine.

When they stressed the urgent need for the United States to approach this virus in a careful and deliberate manner, I listened to what they were telling me. I heard a similar message when I recently visited the Texas Medical Center in Houston. They, too, are medical pioneers and are working to create a rapid test for the virus and to strengthen mosquito control in potential hot spots. Interestingly, this is one of the most important components of dealing with the Zika virus; that is, mosquito control.

Indeed, we will hear more about some of the EPA regulations that are currently in effect which discourage or inhibit the ability of local public health units in places such as Houston, Galveston, and elsewhere to actually control the mosquito population. We will talk more about that later.

But like the researchers in Galveston, these folks at the Texas Medical Center urge congressional action so that our country can be better prepared to handle this potential health crisis, instead of having to react after the fact. When the cases of Ebola were confirmed in Dallas, I remember very clearly how people felt overwhelmed by the fast-developing situation on the ground, so much so that they really did not feel that they were totally prepared ahead of time to deal with it. We don't want to make that mistake twice when it comes to the Zika virus.

Conversations I have had with these Texas institutions, as well as the Secretary of Health and Human Services and the Director of the Centers for Disease Control, the CDC, have underscored to me the need to act with urgency to avert what could become a major public health crisis in this country.

Because States like mine boast a warmer climate and they are in closer proximity to where the mosquitoes that currently carry the Zika virus are located, we will likely serve on the frontline in dealing this summer with this response nationwide.

Congress can't afford to sit back and do nothing. I don't hear anybody say-

ing: Do nothing. I hear everybody saying we need to act clearly, with dispatch, and without unnecessary delay.

But part of what we need to do is to make sure we have a plan in place and that we are executing a plan in a way that maximizes the effectiveness in combatting not only the mosquitoes that carry this virus but also the virus itself. We have to make sure our public health officials on the frontline of research and prevention have the resources they need to get the job done too.

Fortunately, tomorrow, the Senate will vote on several pieces of legislation designed to provide additional Federal funding so public officials can handle this impending crisis head on.

The first proposal is from the President of the United States. President Obama has made a spending request of nearly \$2 billion that isn't paid for. It is emergency funding, meaning that the funding would be deficit-increasing and debt-increasing. Also, the President's proposal to spend \$2 billion comes without very much in the way of a plan about how the administration would use the money. I guess they are asking us to trust them, but, frankly, I think we have a greater responsibility to make sure that the money will be put to good use and that we have appropriated an adequate amount of money—but not more money than is necessary—to deal with this potential crisis.

The second piece of legislation we will vote on is a compromise package that was negotiated between the chairman and the ranking member of the Labor, Health and Human Services Appropriations Subcommittee in a bipartisan and commonsense way. I congratulate Senator BLUNT and Senator MURRAY for working through this in an orderly sort of process, and I commend them on reaching an agreement.

Their compromise bill is basically for \$1.1 billion. In other words, it is not the \$1.9 billion or \$2 billion that the President requested. They thought the \$1.1 billion was a more accurate and justifiable number.

Unfortunately, the legislation that has been negotiated between the chairman and the ranking member of the Labor, Health and Human Services Appropriations Subcommittee is not paid for either. What this would essentially do is borrow from our children and grandchildren to meet the present exigencies of this crisis.

The good news is we have a third option, which I want to talk about briefly. It is a third piece of legislation that I have introduced and which is nearly identical to the Blunt-Murray proposal, the Appropriations subcommittee proposal. It would also provide a compromise of \$1.1 billion in Federal funding targeted toward health care professionals across the country.

But my bill has a key distinction. It is fully paid for. You might ask: Where does that money come from?

When the Affordable Care Act—or ObamaCare, as it has come to be