country has an ambassador except Norway and Sweden.

I ask unanimous consent that the Senate proceed to executive session to consider the nomination of Samuel D. Heins, Calendar No. 263; that the Senate proceed to vote without intervening action or debate on the nomination; that if confirmed, the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER (Mr. LANKFORD). Is there objection?

The majority leader.

Mr. MCCONNELL. Mr. President, on behalf of the junior Senator from Texas, Mr. CRUZ, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination that is to the country of Sweden: Azita Raji, Calendar No. 148; that the Senate proceed to vote without intervening action or debate on the nomination; that if confirmed, the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The majority leader.

Mr. MCCONNELL. Mr. President, on behalf of the junior Senator from Texas, Mr. CRUZ, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, as I said, this has been a bipartisan effort to get these two nominees confirmed. There is no one holding up the vote on these nominations except for Senator CRUZ. We asked him to remove these holds. He has not voiced any concerns about these individual nominees. He has voiced concerns about unrelated foreign policy issues. There have been other holds in the past, but everyone has lifted their hold. I note that even Senator COTTON from Arkansas has said that there are no issues with the qualifications of these nominees and that these nominees should proceed to a vote.

As I said, this is the fifth time I have come to the floor. I have also been joined by Senator CARDIN, Senator SHAHEEN, and Senator FRANKEN. This is something that has to get done.

Listen to these numbers: Sam Heins has been waiting for 293 days to be confirmed as the U.S. ambassador to Norway. Azita Raji has been waiting 474 days to be confirmed as the first female U.S. Ambassador to Sweden. Both of these nominees were voted out of the Senate Foreign Relations Committee without controversy and with significant bipartisan support. Not a single Senator has questioned the qualifications of Sam Heins or Azita Raji. That is because they are both qualified to take these jobs.

We have an ambassador in France. We have an ambassador in England. We have an ambassador in Italy. We have an ambassador in Germany. We have an ambassador to nearly every European nation but not these two Scandinavian countries.

More than 1,200 refugees seek asylum in Sweden every single day. I cannot tell my colleagues how many times I have heard people on both sides of the aisle talk about how during this refugee crisis we need a strong and unified Europe, and we need to be their allies, and they need to be our allies. While we may have disagreements on how to solve all of the refugee crises, we have to at least give support to our allies who are taking in these refugees.

Sweden accepts more refugees per capita than any other country in the European Union. Norway expects to take in as many as 25,000 refugees this year. It has already provided more than $6 million to Greece to help respond to the influx of refugees seeking a way to enter Europe. All of us on both sides of the aisle have talked about this. Yet, right now, no Ambassadors are in those two critical countries.

I would note they have Ambassadors from China in those countries. They have Ambassadors from Russia. They have Ambassadors. So the people of their countries who love the United States, who respect the United States, who travel to the United States, they want to know: How come every major nation has an ambassador to our country but not the United States of America?

We also understand the important economic contributions Sweden and Norway make to our country. These diplomatic relations are 200 years old. That is why we have widespread support for these nominees. Yet one Senator—how can one Senator stand in the way of a vote affecting relations that are 200 years old?

Our economic partnership with these countries is enormous. Sweden supports over 330,700 American jobs across 50 States. In the case of Norway, our trade partnership is $16 billion—$7 billion in exports, $9 billion in imports. Leaving these countries without a U.S. Ambassador is a slap in the face to their governments, their people, and all of the American workers who are supported by Swedish and Norwegian investment in the United States. That is happening today.

In addition to Sam Heins and Azita Raji, there are other nominees who are vital in our fight against terrorism; however, I am going to focus today on these two nominees.

We have two countries, Norway and Sweden, that are members of NATO, that have joined us in the fight against Islamic extremists, that have joined us in the fight against ISIS. This is no way to treat them.

I would also add, in kind of a combination of our national security interests and economic interests, that Norway has now signed to purchase 252 fighter planes—22 just recently—from Lockheed Martin. Those fighter planes are made in America. The country of Norway could have decided to buy those fighter planes from any nation in the world. They could have bought those fighter planes from Europe. Where did they buy those fighter planes from? They brought them from the United States, from Lockheed Martin, and that company is located in Texas. Those fighter planes are made in Fort Worth, TX, Senator CRUZ's home State.

So what do we say to Norway when they invest? We can do the math—nearly $200 million a plane, 22 planes. So they have strong national security, as we see Russian aggression and Islamic extremism and as they join with us in fights across the world. What do we say? You are not worthy of an ambassador. Because one Senator—the Senator from the State where those fighter planes are made, from Fort Worth, TX—has decided to hold this up.

What are we doing when we say to a major company in the United States that got a major deal with a foreign government that that government is not worthy of having an ambassador? What kind of encouragement do we give when we don't even let them have an ambassador?

This is one of many examples of what is going on and why the people are so angry. We have heard from the Foreign Minister. We have seen comments from people of Norwegian descent and Swedish descent who do not understand how this could be going on right now, given everything Europe is confronting.

It is my hope that we will be able to work these things out. We have been given various reasons from letters that have been written, to streets in front of embassies, for this hold. But we are hopeful that somehow we are going to be able to work this out. This is because of one Senator who is not even here in this Chamber day after day after day when I return to put these names in for Ambassador.

We are not stopping. Senator SHAHEEN and I are going to come to this floor every single day and make the case for these countries. I am hopeful we will be able to resolve this.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I ask unanimous consent to enter into a colloquy with the junior Senator from Montana for 20 minutes.

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

EQUAL JUSTICE UNDER THE LAW

Mr. SULLIVAN. Mr. President, I rise today to speak about a very important issue for our Nation's judicial system and two bills that I and my colleague from Montana have introduced. The bills' primary focus is what all of us in the Senate want, and that is equal justice under the law.

One of the bills would split the dysfunctional and unwieldy U.S. Court of Appeals for the Ninth Circuit. The other bill would form a commission to evaluate the court and make recommendations based on its findings.

Like a lot of us here, when I am in Washington I like to get out and try to get a run in in the morning and look at the beautiful monuments, memorials. Oftentimes I run past the U.S. Supreme Court, and I often look at the inscription etched on the beautiful Court there that says simply ''Equal justice under law.'' I think of Supreme Court Justice Lewis Powell's famous quote restated:

> Equal justice under the law is not merely a caption on the facade of the Supreme Court building, it is perhaps the most inspiring ideal of our society. It is one of the ends for which our entire legal system exists. . . .

I also think of the thousands of lawyers and judges and clerks, past and present, who have lived their lives attempting to fulfill its important ideal and how our democratic system of government is dependent on striving for this ideal.

We should do everything in this body to make sure that simple concept—equal justice under the law—is a reality for all Americans. All Americans should feel assured that when we seek justice, the burdens we encounter, the time we encounter to achieve justice won't be smaller or greater depending on the part of the country in which we live.

Unfortunately, that is not the case. Unfortunately, if you are a citizen of the United States and you live in one of the States over which the U.S. Court of Appeals for the Ninth Circuit has jurisdiction over your legal issues in the administration of justice, one in five Americans do not get equal justice under the law. What our bills are focused on doing is righting that wrong because the U.S. Court of Appeals for the Ninth Circuit is simply too large, its scope is too wide, and it has long passed its ability to provide equal justice and to contribute as a functional court system in the U.S. court of appeals Federal court system in our country.

This is no surprise. We have known this for decades. Dividing the Ninth Circuit is not a new idea. In fact, not doing it is radical. If you look at the history of the United States, when Federal courts of appeals have grown in terms of population, what has happened every time for decades, for well over 100 years, is that when the court grows too big and the administration of justice grinds to a halt, the court is split so that you have that justice. That is the usual course of American history. What is not usual is the refusal to do this.

To give a few examples, in 1973 a congressionally chartered Commission recommended to this body that for the administration of justice for American citizens, the Ninth Circuit should be split. It actually recommended that the Fifth and Ninth Circuit should be split. The Fifth Circuit was eventually split, but according to the Commission, the Ninth Circuit, which it said had serious difficulties with backlog, delay, and justice for Americans, was not split, and it has only gotten worse.

To give a few facts, there are 65 million people living within the boundaries of the Ninth Circuit. That represents 20 percent of the total population of the United States—one in five Americans. That is almost two times as many people as there are in the next biggest circuit in the U.S. court of appeals system, and it is almost three times the average population of all the other circuits combined. It is not only just the size of the court.

The caseload is what is inhibiting justice for Americans in the Ninth Circuit. At the end of a 12-month period last year, the Ninth Circuit Court of Appeals had almost 14,000 pending appeals; the next largest court of appeals had about 4,700. Justice delayed is justice denied.

In previous hearings in the Senate, we found that it takes, on average, for the Ninth Circuit, almost 40 percent longer to dispose of an appeal than in any other circuit in the country. This is simply a function of a court that is too big and too unwieldy. Because of the size and inefficiency of the court, the court has started to come up with creative shortcuts—questionable procedural shortcuts which I believe are shortchanging justice for tens of thousands of Americans every year in this court of appeals.

Let me give you a few examples. Every court in the U.S. Federal system, in order to have uniformity of law, when they have difficult issues, they meet as a court in what they call an en banc meeting. This provides uniformity in all the courts. There is only one court that doesn't do that. Because it has 29 judges—much more than any other court—the Ninth Circuit does not meet as a whole court; therefore, limiting its ability to address intracircuit conflicts, with no uniformity in the law in the Ninth Circuit, and it is seen again and again and again. Further, and perhaps most alarming—again because of its size—the Ninth Circuit is the only court of Federal appeals where a nonelected, nonappointed, nonarticle II judge called an appellate commissioner rules on matters by the thousands that should be handled by article III life-tenured judges—not an appellate commissioner who is none of those things.

In a 2005 congressional hearing, one of the Ninth Circuit judges testified ''that the appellate commissioner resolved 4,600 motions that would otherwise have been heard by judges.'' This is fast-food justice for one in five Americans who are part of the Ninth Circuit.

This Senator plans to come down to the floor over the next several weeks and speak to my experience on the Ninth Circuit Court of Appeals. I had the opportunity—the honor—to be a judicial law clerk for one of the most esteemed judges, Judge Kleinfeld of Fairbanks, AK, many years ago, but I did see firsthand how the unwieldy size of this court of appeals limits justice, not just for Alaskans but for any citizen who is under the jurisdiction of this court.

Chief Justice Warren Burger warned in 1970 that ''a sense of confidence in the courts is essential to maintain the fabric of ordered liberty for a free people.'' He cautioned that inefficiency and delay in our courts of appeals could destroy that confidence. Unfortunately, as it is currently constituted, the Ninth Circuit is inefficient, it delays, and therefore denies justice for millions of Americans, and we cannot allow the confidence in our system of justice to be undermined by continuing a court of appeals that is so large and so unwieldy. That is why the Senator from Montana and I intend with our bills to bring equal justice for all Americans.

I turn to my colleague from Montana for his views on this very important issue.

Mr. DAINES. I thank the junior Senator from Alaska, and I appreciate him joining me in this most important effort and also for the leadership he has demonstrated on this issue. As the junior Senator from Alaska knows, the Ninth Circuit Court is broken. It is overburdened and is unable to provide quality service and expeditious justice for the Americans it is supposed to serve.

When we offer the Pledge of Allegiance, we close with ''and justice for all.'' As I frequently tell my staff, we in public service are ultimately in the customer service business. As U.S. Senators, our No. 1 job is to represent and to serve the people in our States. Our courts should reflect the same serving mentality as they uphold their responsibility to justice, but when our courts are overburdened and overworked, it is the American people who are left underserved and waiting far too long for justice. Unfortunately, under the current structure, the Ninth Circuit Court of Appeals is unable to provide Americans in the West the service they deserve.

Take a look at this chart behind me. At 64.4 million people served, the current Ninth Circuit is the largest circuit by population as well as the largest land area. As the junior Senator from Alaska will sometimes remind us, if they divide Alaska in two, Texas is the third largest State in the Nation. It is not just about the geographical size of the West. Look at the number of people who are served in the Ninth Circuit. It includes Montana, Alaska, Washington, Oregon, Idaho, Nevada, Arizona, California, and Hawaii, not to mention several U.S. territories, Guam, and the Northern Mariana Islands. That alone amounts to 20 percent of the Nation's population.

Let's put this in context. That is 85 percent larger than the next largest

circuit which serves just 34.8 million people, and this chart illustrates that well. Needless to say, the Ninth Circuit's caseload is significantly greater than any other circuit, and that means backlogs and that means delays. Not only is it larger, it is disproportionately larger. On average, the Ninth Circuit has had more than 32 percent of all cases pending nationally. As the junior Senator from Alaska mentioned, it currently has over 14,000 cases pending. As you can see in this next chart behind me, that is three times more than the next closest circuit, the Fifth Circuit, which has around 4,700 cases pending. Processing all these cases takes time; in fact, on the average, over the last 5 years, nearly 15 months from appeal to determination.

It is time to take a serious look at how our court system can better serve the American people, and that is why Senator SULLIVAN and I have introduced two separate bills to address these challenges. Our bills would bring much needed reform, not just to the Ninth Circuit but also to the entire Federal circuit courts of appeals system. The Circuit Court of Appeals Restructuring and Modernization Act would split the Ninth Circuit Court of Appeals into two circuits, providing a more manageable balance of population and geography for both circuits so western Americans can be better served by our courts.

The Federal Courts of Appeals Modernization Act would establish a commission to study the Federal circuit courts of appeals system and identify changes needed to promote an expeditious and effective disposition of the Ninth Circuit caseload. Keep this in mind. When we split the circuits into a new Ninth and the Twelfth Circuits, the Ninth Circuit would still have a larger caseload than any other circuit. In the new Ninth Circuit's jurisdiction, there would be 40.8 million people. It would continue to maintain its status as first in population. In the Twelfth Circuit's jurisdiction, this new circuit we would establish, there would be 24.3 million people, which makes it the seventh largest in population among the circuits. It is just a little bit below the average. Those numbers alone should make it clear reforms are needed.

It is worth remembering that the challenges facing the Ninth Circuit have been longstanding, and the efforts to find solutions are bipartisan. In fact, two prior Commissions—one in 1973 and the other in 1988, which, by the way, was championed by California Senator DIANNE FEINSTEIN—both determined that the Ninth Circuit had an overly burdensome size and scope and suggested that changes be made with the structure of the Federal courts of appeals.

It is time to move forward with concrete solutions to address this problem. The bills introduced by the junior Senator from Alaska and I will do so.

I was trained as an engineer. As an engineer, one identifies a problem and most importantly finds a solution. We have a capacity constraint which can be alleviated. In thinking about our communities, as our communities grow, we need to add more schools, add more teachers, and add more police officers.

We need to ensure that all Americans have access to the justice they deserve. It is time to split the Ninth Circuit.

I want to thank the junior Senator from Alaska for championing this important issue, and I look forward to working with him to find a resolution.

Mr. SULLIVAN. I thank my colleague from Montana and for his point in particular. The charts make a very compelling case, but I think his point in particular about constraints—when things get too large, they become an organization that cannot function.

I think when you look at the debate that has occurred previously about the Ninth Circuit, somehow we have gotten to the point where it is some kind of radical idea to split the Ninth Circuit. But if you look at the history of our country, the radical idea is actually not splitting the Ninth Circuit. The outlier position is not to take a court either that has this many cases pending or that controls this much of the population and not do something about it.

The history of this body, starting with the Judiciary Act of 1789 that created three circuit courts: Eastern, Middle, and Southern—only a few years later, Congress acted again—in 1802, a mere 13 years later—and Congress doubled the number of circuit courts to six. What we have seen throughout our history is when this kind of situation exists where one court has an enormously oversized population, Congress—as my colleague from Montana mentioned—acts in a bipartisan manner, and they act for the sole reason to make sure all Americans are getting effective administration of justice.

When your citizens wait longer than any other Americans and have delays more than any other Americans and when your court that you are subject to the jurisdiction of starts to create procedural shortcuts, not a lot of which are known—and we are going to talk about some of those over the next several weeks—and no other court does that, you start to see that one in five Americans is burdened by this and burdened by the lack of what the Supreme Court says: ''Equal Justice Under Law.''

I again thank my colleague from Montana. I know he has some views on what would happen again if this doesn't happen in his State or in my State. But this isn't just about the West; this is about all Americans. We all deserve the same justice.

Just by looking at these two posters, cases pending, as I talked about earlier, and the time it takes to get appeals completed and the enormous population of just one circuit, what is clear to me is that the Congress needs to act.

I am honored to be working with my good friend from Montana where we are offering Congress a variety of different ways to approach this—a commission, a bill to split the circuit.

But I want to emphasize that this is not a radical idea; the radical idea that is out of step with American history is to not do something about this.

Every time in America's history since the Judiciary Act of 1789 when this type of situation has occurred, Congress has acted, and they acted because they knew equal justice under the law was at stake.

Mr. DAINES. I remember as we were raising our four children, sometimes it would be late at night with a sick child, and I would turn on ''Sesame Street'' with the child. I remember there was that ''One of These Things (Is Not Like the Others)'' song. As I look at that chart, this could be a ''Sesame Street'' illustration. One of these circuits is not like the others. It is such a stark contrast to what we see with the Ninth Circuit.

With the disproportionate number of cases that are pending in the Ninth Circuit, this is not that complicated of a problem in terms of trying to identify where the problem lies. It is simply a factor of constraints, and it starts with the population chart my colleague from Alaska has, but then it results in a disproportionate share of cases coming out of that population. That is why something must be done.

These two prior Commissions that have studied this before, the one in 1973—which, by the way, in 1973, I was 11 years old. I was about ''Sesame Street'' age then. At that point they said the Ninth Circuit had an overly burdensome size in 1973. Yet again in 1998, I am grateful that California Senator DIANNE FEINSTEIN was championing that Commission. She looked at this same issue 18 years ago and determined that the Ninth Circuit was overly burdened and suggested changes be made to the structure of the Federal courts of appeal.

So I look forward to working with my colleague from Alaska as we have identified this problem and now move forward to a solution. If there is something we hear over and over again from the American people, it is this: You are not solving the problems facing this country.

We have a problem. We have a solution. I look forward to vigorous discussions and continuing to get more information, and I look forward to the alternatives. We think this is the best solution—to split the Ninth, add the Twelfth Circuit. Even after that is done—you take the Ninth and create the new Twelfth Circuit—the Ninth Circuit will still be the largest circuit by population in the United States.

I again thank the junior Senator from Alaska for taking the lead in this effort and look forward to continuing this discussion.

Mr. SULLIVAN. I appreciate my colleague's efforts as well. We will continue to be focused on this.

I will end by mentioning—my colleague mentioned the Sesame Street adage ''One of these things is not like the other.'' But one other area where this is the case, as I mentioned before, is in the en banc procedures. That is when the courts of appeal—every one of them in the country with the exception of one—when they have difficult issues, they sit together. All the active judges sit together. This provides uniformity and predictability in these courts. But one of these courts is not like the others. The Ninth Circuit cannot do this. It is too big. So they have developed what is called a limited en banc review, which by definition is incorrect and an oxymoron because ''en banc'' means the whole court. So that is why you have so many opinions in this court that are not uniform, that are problematic, and that undermine the administration of justice for the one in five Americans who is subject to this court's jurisdiction.

I look forward to working on this with my good friend the Senator from Montana and Members on both sides of the aisle. This should be a bipartisan issue for every Member of this body who wants to make sure their citizens have equal justice under the law.

I yield the floor.

BUDGETARY REVISIONS

Mr. ENZI. Mr. President, I previously revised allocations, aggregates, and levels in the budget resolution pursuant to section 4305 of S. Con. Res. 11, the concurrent resolution on the budget for fiscal year 2016, for H.R. 3762, the Restoring Americans' Healthcare Freedom Reconciliation Act of 2015. On January 6, 2016, the House of Representatives passed H.R. 3762, which had been amended by a complete Senate substitute. On January 8, 2016, the President vetoed the measure. On February 2, 2016, the House was unable to override the President's veto. As such, I am reversing my previous adjustments for this legislation.

I ask unanimous consent that the accompanying tables, which provide details about the adjustment, be printed in the RECORD.

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

BUDGET AGGREGATES—BUDGET AUTHORITY AND OUTLAYS

(Pursuant to Section 311 of the Congressional Budget Act of 1974 and Section 4305 of S. Con. Res. 11, the Concurrent Resolution on the Budget for Fiscal Year 2016)

$s in millions	2016
Current Aggregates:	
Spending:	
Budget Authority	3,045,629
Outlays	3,066,946
Adjustments:	
Spending:	
Budget Authority	24,200
Outlays	24,300
Revised Aggregates:	
Spending:	
Budget Authority	3,069,829
Outlays	3,091,246

BUDGET AGGREGATE—REVENUES

(Pursuant to Section 311 of the Congressional Budget Act of 1974 and Section 4305 of S. Con. Res. 11, the Concurrent Resolution on the Budget for Fiscal Year 2016)

$s in millions	2016	2016–2020	2016–2025
Current Aggregates:			
Revenue	2,618,967	14,034,414	31,240,399
Adjustments:			
Revenue	57,000	381,500	992,700
Revised Aggregates:			
Revenue	2,675,967	14,415,914	32,233,099

REVISION TO ALLOCATION TO THE COMMITTEE ON FINANCE

(Pursuant to Section 302 of the Congressional Budget Act of 1974 and Section 4305 of S. Con. Res. 11, the Concurrent Resolution on the Budget for Fiscal Year 2016)

$s in millions	2016	2016–2020	2016–2025
Current Allocation:			
Budget Authority	2,177,749	12,337,951	29,444,376
Outlays	2,167,759	12,318,105	29,419,399
Adjustments:			
Budget Authority	2,000	4,600	−16,200
Outlays	2,000	4,600	−16,200
Revised Allocation:			
Budget Authority	2,179,749	12,342,551	29,428,176
Outlays	2,169,759	12,322,705	29,403,199

REVISION TO ALLOCATION TO THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

(Pursuant to Section 302 of the Congressional Budget Act of 1974 and Section 4305 of S. Con. Res. 11, the Concurrent Resolution on the Budget for Fiscal Year 2016)

$s in millions	2016	2016–2020	2016–2025
Current Allocation:			
Budget Authority	12,406	83,087	160,659
Outlays	14,540	85,369	171,718
Adjustments:			
Budget Authority	0	4,200	13,700
Outlays	0	2,400	10,900
Revised Allocation:			
Budget Authority	12,406	87,287	174,359
Outlays	14,540	87,769	182,618

REVISION TO ALLOCATION TO UNASSIGNED TO COMMITTEE

(Pursuant to Section 302 of the Congressional Budget Act of 1974 and Section 4305 of S. Con. Res. 11, the Concurrent Resolution on the Budget for Fiscal Year 2016)

$s in millions	2016	2016–2020	2016–2025
Current Allocation:			
Budget Authority	−952,199	−6,477,783	−16,637,575
Outlays	−906,718	−6,350,658	−16,317,826
Adjustments:			
Budget Authority	22,100	463,500	1,368,800
Outlays	22,100	463,500	1,368,800
Revised Allocation:			
Budget Authority	−930,099	−6,014,283	−15,268,775
Outlays	−884,618	−5,887,158	−14,949,026

ADDITIONAL STATEMENTS

REMEMBERING FORREST R. JARVIS

● Mr. MANCHIN. Mr. President, today I wish to honor Forrest R. ''Dick'' Jarvis, a beloved native of north central West Virginia who passed away on January 27, 2016.

Dick was a remarkable community leader, veteran, family man, and friend; and he left a tremendous legacy throughout my home State. Put simply, Dick stood out among others. He was the epitome of what West Virginians are all about, with his hospitable nature and unwavering commitment to helping those in need.

Upon graduating from Rivesville High School in 1948, Dick enlisted in