

is also a crowning of the principle of consensual solutions adopted by Tunisia”;

Whereas the Norwegian Nobel Committee stated on October 10, 2015, “The broad-based national dialogue that the Quartet succeeded in establishing countered the spread of violence in Tunisia . . . the prize is intended as an encouragement to the Tunisian people, who despite major challenges have laid the groundwork for a national fraternity which the Committee hopes will serve as an example to be followed by other countries”;

Whereas Tunisia continues to face serious threats to its security from violent extremist groups operating within Tunisia as well as in neighboring countries;

Whereas a terrorist attack on November 24, 2015 on Tunisia’s Presidential Guard killed 12 people and represents another effort to undermine democracy and stability in Tunisia;

Whereas Tunisia faces economic challenges, including high inflation and high unemployment, especially among young Tunisians;

Whereas the United States is committed to continuing a strong economic partnership with Tunisia as it undertakes reforms to transform its economy to meet the aspirations of all of its citizens;

Whereas the United States and Tunisia have enjoyed friendly relations for more than 200 years;

Whereas in accordance with the United States-Tunisia Strategic Partnership, both countries are dedicated to working together to promote economic development and business opportunities in Tunisia, education for the advancement of long-term development in Tunisia, and increased security cooperation to address common threats in Tunisia and across the region;

Whereas in July 2015, President Obama designated Tunisia a Major Non-NATO Ally;

Whereas Tunisia is a member of the Global Coalition to Counter the Islamic State of Iraq and the Levant (ISIL);

Whereas at the second United States-Tunisia Strategic Dialogue in November 2015, Secretary Kerry reaffirmed the historic friendship and growing strategic partnership between the United States and Tunisia and praised the role of civil society organizations in Tunisia’s democratic transition;

Whereas the United States Government allocated approximately \$580,000,000 in foreign assistance during fiscal years 2011 through 2014, which is 10 ten times the bilateral assistance appropriated for Tunisia during the previous 4 fiscal years;

Whereas the President’s Budget Request for fiscal year 2016 included a substantial increase in bilateral assistance to support Tunisia’s democratic transition;

Whereas it is in America’s interest to see that a pluralist democracy and a vibrant economy develop in Tunisia;

Whereas the United States should provide a level of funding to strongly assist and reinforce Tunisia’s transition to democracy, stability, and prosperity;

Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Tunisian National Dialogue Quartet on winning the 2015 Nobel Peace Prize;

(2) commends the leaders of The Tunisian General Labor Union; The Tunisian Confederation of Industry, Trade, and Handicrafts; The Tunisian Human Rights League; and The Tunisian Order of Lawyers for negotiating solutions to political crises;

(3) commends Tunisian political leaders for their willingness to compromise and work together in the interest of the Tunisian people;

(4) encourages the Government of Tunisia to build upon its successes and move swiftly

to implement necessary political and economic reforms that will benefit the Tunisian people and consolidate Tunisia’s democratic transition; and

(5) reaffirms the commitment of the United States to support the Government of Tunisia and its people as they continue on the path to democracy and fulfill their desire for a stable and prosperous country.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2920. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 2393, to amend the Agricultural Marketing Act of 1946 to repeal country of origin labeling requirements with respect to beef, pork, and chicken, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2920. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 2393, to amend the Agricultural Marketing Act of 1946 to repeal country of origin labeling requirements with respect to beef, pork, and chicken, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ REPEAL OF DUPLICATIVE MANDATORY INSPECTION PROGRAM.

(a) FOOD, CONSERVATION, AND ENERGY ACT OF 2008.—Effective June 18, 2008, section 11016 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2130) is repealed.

(b) AGRICULTURAL ACT OF 2014.—Effective February 7, 2014, section 12106 of the Agricultural Act of 2014 (Public Law 113–79; 128 Stat. 981) is repealed.

(c) APPLICATION.—The Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) shall be applied and administered as if the provisions of law struck by this section had not been enacted.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. CORKER. Mr. President, I ask unanimous consent that following disposition of the McDonough nomination, the Senate proceed to the consideration of the following nominations: Calendar Nos. 373 and 374; that the Senate vote on the nominations en bloc without intervening action or debate; that following the disposition of the nominations, the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nominations; that the President be immediately notified of the Senate’s action and the Senate then resume legislative session.

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

ORDERS FOR TUESDAY, DECEMBER 8, 2015

Mr. CORKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it ad-

journal until 10 a.m., Tuesday, December 8; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate resume consideration of the conference report to accompany S. 1177; finally, that notwithstanding rule XXII, the cloture vote with respect to the conference report to accompany S. 1177 occur at 11:30 a.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. CORKER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned after the resumption of legislative session, following the disposition of the Etim nomination.

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

Mr. CORKER. 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. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Travis Randall McDonough, of Tennessee, to be United States District Judge for the Eastern District of Tennessee.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate.

Mr. LEAHY. Mr. President, today we will vote on the nomination of Travis McDonough to be a Federal district judge in the Eastern District of Tennessee. He was nominated over a year ago, and his nomination was voted out of the Judiciary Committee by unanimous voice vote nearly 5 months ago. Despite having the support of his home State Republican Senators, Mr. McDonough’s nomination has nevertheless been held up by Republican leadership for no good reason.

I will further note that, while Mr. McDonough's vote is long overdue, Republican leadership has skipped over Judge Luis Felipe Restrepo—who is ahead of Mr. McDonough on the Executive Calendar. I recall Republican leadership promising regular order when they took over the majority, so they should explain how skipping over a consensus and eminently qualified nominee with bipartisan support is following regular order.

Judge Restrepo was nominated to a judicial emergency vacancy in the third circuit over a year ago. If confirmed, he would be the first ever Hispanic judge from Pennsylvania on the third circuit. Judge Restrepo has the strong support of the Hispanic National Bar Association and has bipartisan support from his home State Senators, Senator TOOMEY and Senator CASEY. Senator TOOMEY has said not only that he strongly supports Judge Restrepo's confirmation, but that he also recommended him to the President. I cannot explain why Senate Republicans are not allowing Judge Restrepo to be confirmed today.

As we approach the end of the year, the Senate Republican majority is coming closer and closer to matching the record for confirming the fewest number of judicial nominees in more than half a century. While most Senators I have served with over the last 40 years would shudder at this fact, the current Republican leadership seems content to accomplish as little as possible when it comes to confirming nominees to our third branch of government.

In the 11 months that Republicans have controlled the Senate, only 11 judges will have received a confirmation vote, including today. When Senate Democrats were in the majority during the seventh year of the Bush Presidency, we had already confirmed 36 judges by this point. We should take action right now and hold confirmation votes on the 19 other judicial nominees pending on the floor. Confirming the remaining 19 nominees would fulfill a basic duty of the Senate and would result in a total of 30 judicial nominees confirmed this year. That number is still short of the 36 nominees that Senate Democrats confirmed at the same point of the George W. Bush administration, but it would mark a significant effort by this Senate to reduce vacancies. There is no reason not to do this. All 19 of the nominees were voted out of the Judiciary Committee by voice vote, but Republicans still refuse to bring them up for a vote.

This obstruction has resulted in needless delays for hard-working Americans who seek justice in our Federal courts. Currently pending on the Senate floor are nominees who would fill judicial emergency vacancies in Pennsylvania, Tennessee, Minnesota, New Jersey, Iowa, New York, and California. Senate Republicans have not responded to the urgent needs of those States to the detriment of their own constituents.

Throughout his tenure, President Obama has worked with Senators to have the Federal judiciary better reflect the people they serve. Today there are more women and minorities than ever before on the Federal bench. This is an accomplishment that helps ensure the public's confidence in their court system. Unfortunately, that meaningful progress has slowed down under the Senate's Republican control. Today, several nominees of color with outstanding qualifications are being held up for no good reason, including Judge Luis Felipe Restrepo.

Senate Republicans are also holding up four exceptional African-American district court nominees and an exceptional Hispanic district court nominee. Two of the African-American nominees—Waverly Crenshaw and Edward Stanton—have been nominated to district court positions in Tennessee. Both have the support of their home State Republican Senators and were unanimously approved by the Judiciary Committee by voice vote; yet they continue to wait for the majority leader to schedule their votes. The three other nominees of color being held up—Wilhelmina Wright to the District of Minnesota, and John Vazquez and Julien Neals to the District of New Jersey—are all nominated to judicial emergency vacancies. They also all have the support of their home State Senators and were voted out of the Judiciary Committee by voice vote.

In addition to the article III nominees, five nominees to the U.S. Court of Federal Claims, who were all nominated more than a year ago, continue to be held up by a single Republican Senator—the junior Senator of Arkansas. The Court of Federal Claims has been referred to as “the People's Court” because it allows citizens to seek prompt justice against our government. Of the five nominees, one is a Cuban American who has devoted his entire career to public service at the U.S. Department of Justice; another is an African-American woman who spent over two decades serving as a judge advocate general and as a military judge. All five were voted out of the Judiciary Committee by unanimous voice vote, but Senator COTTON continues to object to any of them receiving an up-or-down vote. He claims to have concerns with the caseload, but a recent letter from the chief judge of the Court of Federal Claims to the Judiciary Committee has indicated that only one of the nine senior judges is willing to be recalled for full-time duty, and the other three would only agree to be recalled on a limited basis. Moreover, the court's overall caseload has increased 9 percent over the last year. There are no good reasons for Senator COTTON to continue blocking these nominees. They deserve to have their confirmation votes scheduled. Senators can vote for or against them, but they should not be denied a simple up-or-down vote.

In a letter dated December 2, 2015, from the American Bar Association to

Majority Leader MCCONNELL, the president of the ABA states that “our courts are unfortunately worse off today than they were at the start of this Congress.” The letter urges the majority leader to schedule votes on the confirmation of all the article III judicial nominees currently pending on the Executive Calendar. I ask unanimous consent that a copy of this letter be printed in the RECORD at the conclusion of my remarks.

The process of confirming judges is about ensuring that the American people have a fully functioning judiciary. Because of Republican obstruction, judicial vacancies have increased by more than 50 percent since they took over the majority, and caseloads are piling up in courts throughout the country. Judicial emergencies have more than doubled since the beginning of this year.

I am concerned that the Republican leadership's refusal to confirm judicial nominations this year is undermining the judicial branch and harming the American people who seek justice. I urge Senate Republicans to conclude this year by showing leadership and by scheduling confirmation votes on the remaining judicial nominees pending on the Executive Calendar.

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

AMERICAN BAR ASSOCIATION,
Chicago, IL, December 2, 2015.

Hon. MITCH MCCONNELL,
*Senate Majority Leader, Capitol Building,
Washington, DC.*

Hon. HARRY REID,
*Senate Democratic Leader, Capitol Building,
Washington, DC.*

DEAR MAJORITY LEADER MCCONNELL AND DEMOCRATIC LEADER REID: On behalf of the American Bar Association, I write to urge you to schedule votes on the confirmation of 15 nominees pending on the Senate floor before the Senate recesses for the year. Seven of the pending nominees have the backing of their Republican home-state senators and all 15 have been reported out of the Senate Judiciary Committee by unanimous voice votes. Most importantly, if confirmed, nine of the pending nominees would fill vacancies that have been declared judicial emergencies by the Administrative Office of the U.S. Courts. Courts with emergency vacancies have too few judges to handle their workload effectively and deliver timely justice.

Regardless of how one views confirmation data comparisons among recent presidents or the fact that the vacancy rate has not reached crisis proportion, our courts are unfortunately worse off today than they were at the start of this Congress. There are 22 more vacancies (with three more in the pipeline this month) and more than twice the number of judicial emergencies today than there were this past January. In some of our courts with judicial emergencies, litigants have to put their businesses or private lives on hold indefinitely while waiting for their day in court. This is unnecessary and unfair.

Action on the 15 pending nominees has proceeded slowly to date. Most of them received their nominations over 200 days ago and had to wait over 4 months to be voted out of committee without objection.

Even though we appreciate the Senate's full agenda and the short amount of time remaining in the session, we urge you to give

every pending nominee a floor vote before you leave for your recess. Absent legitimate concerns over a nominee's qualifications, we believe that this can best be accomplished over the next few weeks by voting on multiple nominees at a time.

We know from the daily experience of our more than 400,000 members that vacancies must be filled promptly so that courts have the resources to deliver timely, impartial justice. By putting politics aside, an opportunity is provided for the Senate to use its time in the next two weeks to afford considerable relief to the federal courts.

Thank you for the opportunity to present the views of the American Bar Association.

Sincerely,

PAULETTE BROWN,
President.

The PRESIDING OFFICER. The Senator from Oregon.

EMBRACING ALL RELIGIONS

Mr. MERKLEY. Mr. President, earlier today Donald Trump called for the United States to ban all Muslims from entering our Nation. This is the single worst idea I have heard from any Presidential candidate, ever. It is inconsistent with our American values. It is inconsistent with our national history.

The Nation has looked back on events in our past—for example, the Chinese Exclusion Act or the internment of Japanese American citizens—and realized it was a huge mistake to make one significant group our enemy. It is inconsistent with the vision of our Constitution, in which all came to the United States seeking to escape persecution and to be able to practice whichever religion they chose. The Founders of the United States did not seek to make our Nation one in which only a single religion could be practiced. They did not seek to establish one religion as a preeminent religion. They instead wanted a safe haven where people could worship as they pleased, which is the heart of our First Amendment.

This idea is wrong and wrongheaded. It is wrong in the context that we are not at war with Islam. In fact, we are working in partnership with Islamic nations to take on a terrorist group known as ISIS. It is wrong in that all patriotic Americans of every religion are working together to take on this terrorist group known as ISIS. In addition to being wrong, it is wrongheaded in that making Islam the enemy is playing straight out of ISIS's playbook, which wants to create a war between America and Islam. In that sense, this type of irresponsible statement endangers our national security rather than strengthens it.

So let others stand up and embrace our citizens of every religion and recognize the partnership we are in together to take on terrorist forces, that we are working in partnership with a variety of nations that have a whole variety of religions, including Islam, to take on the terrorist force known as ISIS.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, in a few minutes we will be voting on the

President's nominee to fill a vacancy in the Eastern District of Tennessee. Mr. McDonough is well known to me and is well known to my colleague, Senator CORKER.

Mr. McDonough received his undergraduate degree from Sewanee before going on to law school at Vanderbilt. He was a member of a prominent Chattanooga law firm, Miller & Martin. He was chief of staff to Chattanooga's mayor. He is a well-qualified man. We are fortunate that he is willing to serve, and we are fortunate the President nominated him. I urge my colleagues to vote for him.

I yield the floor.

Mr. President, I yield back all time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from Indiana (Mr. COATS), the Senator from Texas (Mr. CRUZ), the Senator from South Carolina (Mr. GRAHAM), the Senator from Georgia (Mr. ISAKSON), the Senator from Illinois (Mr. KIRK), the Senator from Kansas (Mr. MORAN), the Senator from Kansas (Mr. ROBERTS), the Senator from Florida (Mr. RUBIO), and the Senator from Pennsylvania (Mr. TOOMEY).

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

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

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 332 Ex.]

YEAS—89

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

Vitter
Warner

Warren
Whitehouse

Wicker
Wyden

NOT VOTING—11

Blunt
Coats
Cruz
Graham

Isakson
Kirk
Moran
Roberts

Rubio
Sanders
Toomey

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the following nominations, which the clerk will report.

The legislative clerk read the nominations of Kenneth Damian Ward, of Virginia, a Career Member of the Senior Executive Service, for the rank of Ambassador during his tenure of service as United States Representative to the Organization for the Prohibition of Chemical Weapons; and Linda I. Etim, of Wisconsin, to be an Assistant Administrator of the United States Agency for International Development.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Ward and Etim nominations en bloc?

The nominations were confirmed en bloc.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 6:05 p.m., adjourned until Tuesday, December 8, 2015, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

CHARLOTTE P. KESSLER, OF OHIO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2018. (REAPPOINTMENT)

ESPERANZA EMILY SPALDING, OF OREGON, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2020, VICE LEE GREENWOOD, TERM EXPIRED.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

MARCELA ESCOBARI, OF MASSACHUSETTS, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE MARK FEIERSTEIN, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 7, 2015:

THE JUDICIARY

TRAVIS RANDALL McDONOUGH, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TENNESSEE.