

home recovery with his mom, myself, doctors, and those physicians recommended by John Knox.

The great story is that the night before my son was injured, he started as defensive end for Walton High School. One year later, after this terrible wreck and recovery, he again started as defensive end for Walton High School. The miracle of medicine put my son back together, but if it wasn't for John D. Knox, my son might not be here today.

I wanted John D. Knox, a great doctor in Marietta, GA, to know that what he did in 1989 for my son and what he has done for countless thousands of citizens in my community for years and years never will go unappreciated and will always be recognized. I am glad my family was a part of his 50 years of service as a physician. God bless John D. Knox, and congratulations on his service to our great community of Cobb County, GA.

I yield the floor.

#### FISCAL ISSUES

Mr. COATS. Mr. President, yesterday the President indicated that we need to pivot back to the fiscal issues facing this country and facing Congress. This comes after a year with little sense of urgency on perhaps the most pressing and challenging domestic issue before us. Of course, issues such as Syria and foreign policy have to be addressed, but we have had a year in this Congress to address our fiscal issues knowing we were moving toward a drop-dead date fiscally of September 30, and here we are now, more than halfway through September, just beginning to take up these issues that will direct the fiscal future of this country. The clock is ticking away, and we have spent little time preparing for what is coming. But here we are once again careening toward another fiscal cliff.

The American people are sick and tired of this. I think the Senate and the Congress are sick and tired of doing this. Yet we find ourselves once again careening up against a deadline to provide funding to keep our economy moving forward and to keep our government providing essential services.

Clearly, we could all argue there are a number of things that don't need to be funded or can be postponed, but there are essential functions of the Federal Government that can't be handled any other way and must be funded. National security is one of those top priorities, along with homeland security. We continue to have issues in terms of providing safety for American workers in the workplace, such as the tragedy that occurred yesterday at the Naval Yard, and these all come under the rubric of providing law enforcement and homeland security enforcement for our people.

These are essential functions of government, and unless we come to some agreement by the end of this month, we are going to shut all that down. Our

troops won't get paid, our homeland security personnel won't get paid, and a whole number of other essential functions will not be able to take place. So we have a lot of work before us and very little time to do it.

We also know that very quickly—shortly after the end of this month—if we don't pass an ongoing resolution to provide funding while we work out some of our differences, we will also reach the national debt limit. We are going to have to address whether or not to raise it and, if so, how much to raise the current borrowing limit. Today we are looking at an unimaginable national debt of \$16.7 trillion, and it is growing every day. All of us who have seen the debt clock ticking away are astounded at the rate we spend and how much we have to borrow in order to cover our spending because the revenues do not match the spending. Washington has had this spending addiction for decades, as if money just falls from trees or can just be printed down at the Fed and we won't have to pay any financial consequences.

We have had 5 years of stagnant growth in our economy, timid progress that is not putting people back to work. Our economy is not working well. Yet we are still spending way beyond our means. That also has to be addressed. In the last 20 years Federal spending has grown 63 percent faster than inflation. So it is clear that without changes, mandatory spending, including net interest, is going to consume three-fourths of the Federal budget in just one decade. Almost half of that Federal spending will go toward Social Security and health care entitlements. In 2002 that percentage was 25 percent, and now it is 45 percent.

Far too little has been done to address this runaway spending train. Instead of waiting for a crisis to hit, instead of governing from one fiscal cliff to another, isn't it time we worked together on a plan to reduce our debt and curb the rate of mandatory spending? This is a matter of extreme importance. It can't be solved with a deal at the eleventh hour.

There has been a lot of talk around here about putting us on a path to fiscal solvency but no real action, and the clock continues to tick. I would like to ask the President and the Senate majority leader at what point they think we should start acting on a plan to reduce our debt—\$17 trillion, \$20 trillion, \$25 trillion? At what point, Mr. President, do we say this is unsustainable? This is driving us toward insolvency. We need to take action. How much red ink is too much?

When will the President draw a red line on debt and borrowing? When pressed, the President says he actually has a fiscal plan: just continue to raise taxes, pass another one of his stimulus spending plans—the last one didn't work too well—and adopt his budget proposal that doesn't even have the support of his own party.

Clearly, the President is unwilling to lead on addressing our fiscal crisis. Ab-

sent his leadership, I am urging my colleagues in the Senate, Republican and Democratic, to focus on this important issue. Let's put something on the President's desk and ask him to either sign it or reject it. But let's stop waiting for the White House to come forward with a plan because their plan is going nowhere. It doesn't have the support of either side of this body, Republicans or Democrats. I am urging the majority leader to focus the Senate's attention on reducing our debt, growing our economy, and getting Americans back to work.

The best way to grow the economy and secure our country's fiscal future is by creating a long-term budget plan that focuses on restructuring mandatory spending programs, reforming our Tax Code, and cutting unnecessary Federal spending. This has been a mantra of mine ever since I came back to the Senate. I came back for this very reason, and here we are 3 years after the 2010 election, when the public was urging us to address this issue, and we still have not accomplished this task. It is because we have not had leadership from this President to address the underlying issues that are so plain, that are so evident, that are so consequential to our fiscal future. When we boil it down to what it means to American families, whether it be saving money to send their kids to college, getting a decent job after they graduate with a huge debt and being able to pay that back or getting middle-class people back to work who have been laid off for years, getting our economy moving again at more than a timid 1.8 percent or 1.5 percent, stumbling along after 5 years of recession—the policies, whether we think they are right, frankly, haven't worked. Isn't it time to deal with something everyone knows we need to deal with; that is, excessive spending, this addiction to spending, the plunging into debt that is holding us back from doing what we need to do.

I am committed to working toward a solution to address our debt, to strengthen our economy, and help provide full-time jobs for the millions of Americans who are without those jobs. It is time to stop procrastinating. It is time to start acting. It is time that the President and this Congress stop delaying the hard choices and start representing the American people who sent us.

It is so unfortunate that we cannot rely on the President—the leader of our country—to act. He has announced he would not even discuss this incredibly important issue that determines the financial viability of our country. The President says: I will not negotiate with Congress on the debt limit. I will not negotiate with Congress on the resolution coming before us to fund the government going forward.

How does this provide results to the American people? How can we work on a plan to reduce the debt if the President refuses to even negotiate it? He is

willing to negotiate with President Putin of Russia, but he refuses to negotiate with Congress on how we can address our rising debt. This isn't leadership. We can't rely on Putin to pull us out of this one.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ISAKSON. 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

##### NOMINATION OF PATRICIA E. CAMPBELL-SMITH TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS

##### NOMINATION OF ELAINE D. KAPLAN TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS

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

The bill clerk read the nominations of Patricia E. Campbell-Smith, of the District of Columbia, to be a Judge of the United States Court of Federal Claims, and Elaine D. Kaplan, of the District of Columbia, to be a Judge of the United States Court of Federal Claims.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate equally divided in the usual form.

Mr. LEAHY. Mr. President, today, we are voting on 2 nominees to serve 15-year terms in the United States Court of Federal Claims. The Court of Federal Claims is an Article I court that is authorized to hear monetary claims that arise from the Constitution, Federal statutes, executive regulations, or contracts with the United States. We are finally voting on two well-qualified nominees for these positions, but we should also be voting on any of the 9 other Article III judicial nominees that are pending on the Executive Calendar.

As I have consistently noted, Senate Republicans have unnecessarily and persistently delayed nominees on the floor throughout this President's tenure and today's vote is another example. Rather than moving these two uncontroversial Article I nominees by unanimous consent, we are forced to take up scarce time on the Senate

Floor, when we know that both of these nominees will be confirmed by overwhelming margins. There is no good reason why we could not also vote to confirm the consensus and non-controversial Article III nominees on the Calendar. One effect of these unnecessary delays is that for the first time in nearly 2 years, our Federal district courts are again facing what the nonpartisan Congressional Research Service calls "historically high" vacancies. This means that there are now more seats empty on the districts courts than there were during 90 percent of the time during the 34 years after the Ford Administration. Despite this, judicial nominees languish on the Executive Calendar.

The two women we are considering today for the Court of Federal Claims are highly qualified, and their nominations have been stalled unnecessarily. Patricia Campbell-Smith has served as a Special Master for the United States Court of Federal Claims since 2005 and as Chief Special Master since 2011. Ms. Campbell-Smith previously served as a law clerk to Emily Hewitt, chief judge of the United States Court of Federal Claims, from 1998 to 2005, as an associate in private practice at the firm of Liskow & Lewis from 1993 to 1996, and again from 1997 to 1998. She served as a law clerk for Judge Sarah Vance of the Eastern District of Louisiana from 1996 to 1997, and for Judge Martin Feldman of the same court from 1992 to 1993.

Elaine Kaplan is currently the General Counsel for the U.S. Office of Personnel Management, and has served as the Acting Director of the Office of Personnel Management since April 2013. She previously served as Senior Deputy General Counsel and in other legal capacities for the National Treasury Employees Union from 2004 to 2009, and as the Senate-confirmed head of the U.S. Office of Special Counsel from 1998 to 2003. From 2003 to 2004, Ms. Kaplan served in private practice as a counsel at Bernabei and Katz PLLC. She has also served as a staff attorney for the State and Local Legal Center in Washington, D.C., and as an attorney with the Office of the Solicitor of the U.S. Department of Labor. The Senate Judiciary Committee reported these nominations to the Senate by voice vote on June 6, 2013.

As we vote on these nominees today, it is also important that we begin taking steps to address the urgent needs of our Federal judiciary. Last week, Senator COONS chaired a hearing before the Subcommittee on Bankruptcy and the Courts to consider these urgent needs. At that hearing, we heard testimony from a Federal judge from the District of Delaware, who stated that while she loved her job, she felt sorry for the judges who were just coming on because of the daunting caseload that many of these judges would be facing. A law firm partner testifying on behalf of the American Bar Association explained that the shortage of judges and resources were leading to harmful

delays in resolving cases brought by individual civil litigants and businesses.

These delays have a real life impact on the American people and the economy. It does not benefit anyone if litigants have their cases delayed for months and months because our Federal courts are understaffed. When an injured plaintiff sues to help cover the cost of his or her medical expenses, or when two small business owners disagree over a contract, they should not have to wait years for a court to resolve their dispute. Americans are rightly proud of our legal system and its promise of access to justice and speedy trials. This promise is embedded in our Constitution.

Sequestration has also had an especially damaging impact on the Federal judiciary. I continue to hear from judges and other legal professionals about the serious problems that sequestration presents. Chief Justice John Roberts said in July that these cuts "hit [the judiciary] particularly hard . . . When we have sustained cuts that means people have to be furloughed or worse and that has a more direct impact on the services that we can provide." We must look to streamline our Federal budget wherever we can, but we should do so with care and not simply cut indiscriminately across the board. The Federal judiciary's budget takes up substantially less than 1 percent of the entire Federal budget. That is correct. We have the benefit of the greatest justice system in the world for less than 1 percent of our budget. Yet, we refuse to provide this co-equal branch with the adequate resources it needs. Let us work to reverse the senseless cuts to our legal system from sequestration so that we can help our coequal branch meet the Constitution's promise of justice for all Americans.

The Senator from Georgia.

Mr. ISAKSON. Mr. President, I yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

##### VOTE ON CAMPBELL-SMITH NOMINATION

The question is, Will the Senate advise and consent to the nomination of Patricia E. Campbell-Smith, of the District of Columbia, to be a Judge of the United States Court of Federal Claims?

The nomination was confirmed.

##### VOTE ON KAPLAN NOMINATION

The PRESIDING OFFICER. The question is now on the Kaplan nomination.

Mr. ISAKSON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Elaine D. Kaplan, of the District of Columbia, to be a Judge of the United States Court of Federal Claims?

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Montana (Mr. BAUCUS) is necessarily absent.