

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

I further announce that, if present and voting, the Senator from Montana (Mr. BAUCUS) would vote “aye.”

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

The result was announced—yeas 64, nays 35, as follows:

[Rollcall Vote No. 202 Ex.]

YEAS—64

Alexander	Hagan	Murphy
Baldwin	Harkin	Murray
Begich	Hatch	Nelson
Bennet	Heinrich	Portman
Blumenthal	Heitkamp	Pryor
Blunt	Hirono	Reed
Boxer	Isakson	Reid
Brown	Johnson (SD)	Rockefeller
Cantwell	Kaine	Sanders
Cardin	King	Schatz
Carper	Klobuchar	Schumer
Casey	Landrieu	Shaheen
Chambliss	Leahy	Stabenow
Chiesa	Levin	Tester
Collins	Manchin	Udall (CO)
Coons	Markey	Udall (NM)
Corker	McCain	Warner
Donnelly	McCaskey	Warren
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	
Gillibrand	Murkowski	

NAYS—35

Ayotte	Flake	Paul
Barrasso	Graham	Risch
Boozman	Grassley	Roberts
Burr	Heller	Rubio
Coats	Hoeven	Scott
Coburn	Inhofe	Sessions
Cochran	Johanns	Shelby
Cornyn	Johnson (WI)	Thune
Crapo	Kirk	Toomey
Cruz	Lee	Vitter
Enzi	McConnell	Wicker
Fischer	Moran	

NOT VOTING—1

Baucus

The nomination was confirmed.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from Arkansas.

ORDER OF PROCEDURE

Mr. PRYOR. I ask unanimous consent that at 2:15 p.m. the Senate be in a period of morning business until 2:30 p.m., with the time controlled by Senator UDALL of Colorado and Senator BENNET; further, that at 2:30 p.m. the Senate resume consideration of S. 1392.

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

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period of morning business until 2:30 p.m., with the time controlled by the Senator from Colorado.

The Senator from Colorado.

COLORADO FLOODS

Mr. UDALL of Colorado. Madam President, I thank the Chair for the recognition, and I rise today to talk about the unimaginable losses all of us in Colorado have experienced over this last week.

While much of the Nation's attention was focused on Syria or on the activities here in Washington, those of us in Colorado watched rain fall for 1, 2, 3, and 4 days straight with no end in sight. Creeks, such as the one that runs behind my home in Eldorado Springs, swelled. Culverts, such as those in Commerce City, quickly filled with rushing water. Rivers, such as the Big Thompson near the beautiful town of Estes Park, turned into walls of water that threatened entire communities. From the foothills of the Rocky Mountains to the Eastern Plains, rivers overtopped their banks—crumbling highways, drowning family homes, and transforming entire farms into lakes.

Many Americans have seen photos like this one that show the widespread and indiscriminate path of the floodwaters. In some places even today entire communities are still underwater, with families and homes uprooted by the ferocious strength of nature.

We say that water makes the West possible, but this past week Mother Nature gave us rain for 5 straight days, and now at least eight people are dead and hundreds are still missing or in need of rescue. We pray that we find every single one of those missing persons alive and in good health.

As of today the President has issued major disaster declarations for 4 counties and 15 counties are in a state of emergency, where lifesaving rescue efforts are still underway. In these areas active search and rescue operations are being conducted 24 hours a day by the Colorado National Guard, local police and fire departments, and rescue teams flown in from across the State and around our country. At least 19,000 homes have been damaged or destroyed. Several towns, such as Jamestown and Lyons, have been washed out and lack even the most basic public services. The town of Estes Park, which I mentioned earlier, the gateway community to the Rocky Mountain National Park, has literally been cut off from the rest of the State because the two major highways to it have literally been destroyed and the only access road will soon be closed for the winter.

There are some wonderful, inspiring stories that have come out of these events that we couldn't possibly comprehend or predict, and I want to start with the National Guard.

The National Guard has been amazing, doing outstanding work and rescuing thousands of Coloradans who have been affected by this disaster. They tell me that more people have been rescued by air in the past few days than at any time since the devastation we saw with Hurricane Katrina.

We saw—Senator BENNET, who is here with me, and I, along with the Governor and many members of our congressional delegation—the devastation from these floods with our own eyes. Just a few days ago—Saturday, to be exact—Senator BENNET and I joined others to fly over flooded areas in Boulder and Larimer Counties with a Colorado National Guard unit. At one point, as we circled over an area, we spotted a couple of families waving for help. We were able to land and be a part of the effort that brought them out of one of those isolated situations. That experience impressed upon me the very human side of this disaster.

As we all know, behind these graphic images being shown on TV are the lives of thousands of Colorado families, some forever changed. While so much of this disaster has taken on the grand proportions of a historic disaster, those whose lives have been affected by this flood have endured it on a very personal scale. I think this photograph says it all. It is the family who has to dig through mud and debris just to get into their kitchen or the older couple who returns from the evacuation to see their lifelong home completely destroyed or even, as I mentioned earlier, the extended family members who sit by the phone waiting for a call from a missing aunt, a niece, a child, or a friend. These are the very human faces of this tragedy.

This is a tragedy from which we can't recover alone. The outpouring of support from our friends and neighbors has been crucial to early response efforts, and this generosity will only strengthen us as we begin to recover. After all, there is no “i” in Colorado, and it is this strong sense of community which will allow us to recover from this disaster and to rebuild stronger and more resolute than before.

We are also going to rely on the full support of our Federal partners. I have long supported disaster aid, such as during Hurricanes Sandy and Katrina, as well as when we have experienced other countless acts of God, and now it is time for us to come together as one Nation and rebuild.

This will not be fast. It will not be easy. Many of our narrow mountain highways that had been carefully built through steep canyons have been destroyed and washed downstream. These highways, such as those in the Presiding Officer's State, are the economic basis for our Mountain State. Without them, trade and movement of any kind comes to a complete standstill.

I took this photo as we flew over what looks to be a river, but it actually used to be a stretch of U.S. Highway 34 outside of Estes Park. That