

Grassley	Lee	Rubio
Heller	McCain	Scott
Hoever	McConnell	Sessions
Inhofe	Moran	Shelby
Isakson	Paul	Thune
Johanns	Portman	Toomey
Johnson (WI)	Risch	Vitter
Kirk	Roberts	Wicker

ANSWERED "PRESENT" —1

Hatch

NOT VOTING—2

Levin

Nelson

The PRESIDING OFFICER. On this vote the yeas are 55, the nays are 42, 1 Senator voting "present." The motion is agreed to.

The majority leader.

Mr. REID. Madam President, Chairman LEAHY has told me that he has no need for a rollcall vote. I would hope others would also agree.

NOMINATION OF JAMES DONATO TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of James Donato, of California, to be United States District Judge for the Northern District of California.

Mr. GRASSLEY. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, all postcloture time is yielded back. There will be 2 minutes of debate equally divided between the two leaders or their designees.

The Senator from Iowa.

Mr. GRASSLEY. Madam President, for the benefit of the people of this country who have been listening to the complaints in the Senate from Senators about not approving judges, let me remind everybody that at this point we have approved over 220 judges appointed by this President. Only two have been disapproved. That is more than 99 percent.

As far as the second term of this administration is concerned, I want to say that after the Senate confirms the three district court judges we will approve today, we will have confirmed 50 of President Obama's judicial nominees during his second term. Up to this point in President Bush's second term, the Senate had confirmed only 21. So that is 50 to 21 as far as the production of this Congress for approving judges.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I have deep respect for my friend the senior Senator from Iowa. But he has been listening to himself talk too much and he is starting to believe it. Everyone knows we are in this situation because the Republicans are slow-walking every nomination—every nomination.

There is no reason, no reason whatsoever, that we are having votes on cloture on these judges, as Senator LEAHY pointed out earlier, reported out unanimously.

It is a waste of the taxpayers' time to go through the process we have been going through. We are going to continue working to move the backlog. We have scores of judges, district court judges, and we have a number of circuit court judges. We are going to, in the near future, file cloture on all of them. If that is what the Republicans want us to do, then that is what we will do. The American people will see the colossal waste of time we have been going through, not only on district court judges but circuit court judges and all nominations.

I would suggest to my friend the senior Senator from Iowa he not believe his own words because they are simply not true.

The PRESIDING OFFICER. All time is expired.

The question is, Will the Senate advise and consent to the nomination of James Donato, of California, to be U.S. District Judge for the Northern District of California?

The yeas and nays were ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Illinois (Mr. DURBIN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Florida (Mr. NELSON), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Tennessee (Mr. CORKER).

Further, if present and voting, the Senator from Tennessee (Mr. CORKER) would have voted "yea."

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

The result was announced—yeas 90, nays 5, as follows:

[Rollcall Vote No. 41 Ex.]

YEAS—90

Alexander	Flake	McCaskill
Ayotte	Franken	McConnell
Baldwin	Gillibrand	Menendez
Barrasso	Graham	Merkley
Begich	Grassley	Mikulski
Bennet	Hagan	Moran
Blumenthal	Harkin	Murkowski
Booker	Hatch	Murphy
Boozman	Heinrich	Murray
Boxer	Heitkamp	Paul
Brown	Heller	Portman
Burr	Hirono	Pryor
Cantwell	Hoever	Reed
Cardin	Inhofe	Reid
Carper	Isakson	Rockefeller
Casey	Johanns	Rubio
Chambliss	Johnson (WI)	Sanders
Coats	Kaine	Schatz
Coburn	King	Schumer
Cochran	Kirk	Scott
Collins	Klobuchar	Sessions
Coons	Landrieu	Shaheen
Cornyn	Leahy	Stabenow
Cruz	Lee	Tester
Donnelly	Levin	Thune
Enzi	Manchin	Toomey
Feinstein	Markey	Udall (CO)
Fischer	McCain	Udall (NM)

Vitter	Warren	Wicker
Walsh	Whitehouse	Wyden

NAYS—5

Blunt	Risch	Shelby
Crapo	Roberts	

NOT VOTING—5

Corker	Johnson (SD)	Warner
Durbin	Nelson	

The nomination was confirmed.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided between the two leaders or their designees prior to a vote on the motion to invoke cloture on the Freeman nomination.

Who yields time?

If no one yields time, time will be charged equally.

Mr. COATS. I yield back the remaining time.

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

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Beth Labson Freeman, of California, to be United States District Judge for the Northern District of California.

Harry Reid, Patrick J. Leahy, Benjamin L. Cardin, Mark L. Pryor, Mark Begich, Robert Menendez, Tom Harkin, Amy Klobuchar, Christopher Murphy, Patty Murray, Jon Tester, Richard J. Durbin, Barbara Boxer, Angus S. King, Jr., Claire McCaskill, Richard Blumenthal, Sheldon Whitehouse, Jack Reed.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Beth Labson Freeman, of California, to be United States District Judge for the Northern District of California shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. HATCH (when his name was called). Present.

Mr. DURBIN. I announce that the Senator from Florida (Mr. NELSON) is necessarily absent.

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

The yeas and nays resulted—yeas 56, nays 42, as follows:

[Rollcall Vote No. 42 Ex.]

YEAS—56

Baldwin	Cardin	Franken
Begich	Carper	Gillibrand
Bennet	Casey	Hagan
Blumenthal	Collins	Harkin
Booker	Coons	Heinrich
Boxer	Donnelly	Heitkamp
Brown	Durbin	Hirono
Cantwell	Feinstein	Johnson (SD)

Kaine	Mikulski	Shaheen
King	Murkowski	Stabenow
Klobuchar	Murphy	Tester
Landrieu	Murray	Udall (CO)
Leahy	Pryor	Udall (NM)
Levin	Reed	Walsh
Manchin	Reid	Warner
Markey	Rockefeller	Warren
McCaskill	Sanders	Whitehouse
Menendez	Schatz	Wyden
Merkley	Schumer	

NAYS—42

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

ANSWERED "PRESENT"—1

Hatch

NOT VOTING—1

Nelson

The PRESIDING OFFICER. On this vote the ayes are 56, the nays are 42, 1 Senator responded "present."

The motion is agreed to.

The majority leader.

Mr. REID. Madam President, I ask unanimous consent that the vote on the motion to invoke cloture and the motion to proceed to S. 1982 now occur at 3:30 p.m. this afternoon and the time from 2:15 p.m. to 3:30 p.m. be equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, I have also spoken to the chairman of the Judiciary Committee, and he does not desire a rollcall vote on this next nomination.

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

NOMINATION OF BETH LABSON FREEMAN TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Beth Labson Freeman, of California, to be United States District Judge for the Northern District of California.

The PRESIDING OFFICER. Under the previous order, all postcloture time is yielded back. There will be 2 minutes of debate equally divided between the two leaders or their designees.

Mr. GRASSLEY. I yield back my time.

Mr. REID. As do we.

The PRESIDING OFFICER. All time is yielded back.

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

The PRESIDING OFFICER. The yeas and nays are requested.

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 Beth Labson Freeman, of California, to be United States District Judge for the Northern District of California?

The yeas and nays are ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Florida (Mr. NELSON) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

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

The result was announced—yeas 91, nays 7, as follows:

[Rollcall Vote No. 43 Ex.]

YEAS—91

Alexander	Franken	Moran
Ayotte	Gillibrand	Murkowski
Baldwin	Graham	Murphy
Barrasso	Grassley	Murray
Begich	Hagan	Paul
Bennet	Harkin	Portman
Blumenthal	Hatch	Pryor
Blunt	Heinrich	Reed
Booker	Heitkamp	Reid
Boozman	Heller	Rubio
Boxer	Hirono	Sanders
Brown	Hoeven	Schatz
Burr	Isakson	Schumer
Cantwell	Johanns	Scott
Cardin	Johnson (SD)	Sessions
Carper	Johnson (WI)	Shaheen
Casey	Kaine	Stabenow
Chambliss	King	Tester
Coburn	Klobuchar	Thune
Cochran	Landrieu	Toomey
Collins	Leahy	Udall (CO)
Cooms	Lee	Udall (NM)
Corker	Levin	Vitter
Cornyn	Manchin	Walsh
Cruz	Markey	Warner
Donnelly	McCain	Warren
Durbin	McCaskill	Whitehouse
Enzi	McConnell	Wicker
Feinstein	Menendez	Wyden
Fischer	Merkley	
Flake	Mikulski	

NAYS—7

Coats	Kirk	Shelby
Crapo	Risch	
Inhofe	Roberts	

NOT VOTING—2

Nelson	Rockefeller
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The nomination was confirmed.

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

Mr. LEAHY. Mr. President, I would like to thank the majority leader and the Democratic floor staff for taking the necessary steps to confirm the four judicial nominees we have just confirmed between last night and today. I am sure the people in Connecticut, Arkansas, and California are thankful that their districts now have judges to help alleviate the heavy caseload in those districts and that they will now be able to have their cases decided in a more expeditious manner.

There are 28 more judicial nominees still currently pending on the Executive Calendar in States such as Tennessee, Kansas, Massachusetts, Michigan, Missouri, Pennsylvania, Wash-

ington, Illinois, Maine, Maryland, and Wisconsin.

I hope Senate Republicans will not continue to politicize the filling of judicial vacancies. Americans in those States want a functioning Federal judiciary at full capacity so they can seek and obtain justice in an expeditious manner.

VOTE EXPLANATION

Mr. DURBIN. Madam President, I was regrettably unable to be present for vote number 41, the confirmation of James Donato to be a United States District Judge for the Northern District of California. I was happy to see that he was confirmed, and if I had been present, I would have voted yeas on the nomination.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

RECESS

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

Thereupon, the Senate, at 12:59 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

COMPREHENSIVE VETERANS HEALTH AND BENEFITS AND MILITARY RETIREMENT PAY RESTORATION ACT OF 2014—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Under the previous order, the time until 3:30 p.m. will be equally divided between the two leaders or their designees.

If no one yields time, the time will be equally divided between both sides.

The Senator from Vermont.

Mr. SANDERS. Madam President, every Veterans Day and every Memorial Day many of us, regardless of our political views, go out into our communities and we speak about our respect and admiration for the veterans of this country. As chairman of the Senate Committee on Veterans' Affairs for the last year, I have learned that regardless of political ideology, virtually all Members of the Congress in fact mean what they say and do understand and do appreciate the enormous sacrifices veterans and their families—and their families—have made for our Nation.

Sadly, everybody in this country knows we are living at a time when the Congress is virtually dysfunctional and partisanship runs rampant. But I have found on my committee and in the Congress as a whole that Members do understand the sacrifices made by the men and women who put their lives on the line and do, although we have differences of opinion, want to do the right thing to defend those who have defended us.

The good news is that President Obama and the Congress, in a bipartisan way, have made significant