

crucial function of the judge in our system. She has served with great distinction on the Utah Court of Appeals during those intervening years.

For that reason I am confident, based on the knowledge she has acquired, the skills she has developed and honed over the years, and the commitment to public service she has displayed up to this point in her career, Judge McHugh will, in fact, excel as a judge on the U.S. Court of Appeals for the Tenth Circuit. I strongly urge my colleagues to support her confirmation.

Thank you, Madam President.

MR. LEAHY. Madam President, in the last few weeks, we have wasted precious floor time and energy to overcome filibusters on several judicial nominations. The majority leader was forced to file cloture on judicial nominees in Arkansas, California, Connecticut, Puerto Rico, and Tennessee. This was the case, even though every single one of those nominations had the support of home State Senators—whether Democrat or Republican. In fact, seven of the eight judges confirmed in the last 2 weeks after filibusters were defeated were confirmed overwhelmingly with 90 or more votes. So why were we forced to overcome unnecessary procedural obstacles even though these judges were non-controversial and were filling longstanding vacancies in their districts? It is because Senate Republicans continue to try to slow down all confirmations in the Senate.

Today, we must again vote to end a filibuster on a judicial nomination. Carolyn McHugh, nominated to fill a vacancy on the U.S. Court of Appeals for the Tenth Circuit, is a distinguished jurist who has served on the Utah Court of Appeals for nearly a decade. She has the support of both her home State Republican senators—Senator HATCH and Senator LEE. Her nomination could and should have been confirmed last year. She was unanimously reported out of the Judiciary Committee on November 14, 2013, but because Republicans refused to consent to a confirmation vote by the full Senate and Senate Republicans would not consent to holding her nomination in the Senate, Judge McHugh's nomination was returned to the President at the end of last year. She then had to be re-nominated and re-processed through committee this year and was again reported out of the Judiciary Committee without opposition on January 16, 2014.

After tonight's vote to end this unnecessary Republican filibuster, the Senate will waste up to 30 hours waiting for post-cloture time to burn, even though Judge McHugh will then be confirmed overwhelmingly. It is unlikely that much, if any, of the 30 hours will be used to explain why Republicans found it necessary to block the Senate from promptly considering Judge McHugh's nomination last year and again this year.

Republicans continue to obstruct on every nomination, even though there

are currently 89 Federal judicial vacancies, 34 of which have been deemed emergency vacancies by the Administrative Office of the U.S. Courts. In stark contrast, there were only 56 judicial vacancies at the same point in President Bush's tenure. The comparison is even more troubling when you consider the 33 judicial nominees currently pending on the Executive Calendar. We could lower the number of judicial vacancies today to less than 70 if Senate Republicans would simply consent to voting on the pending nominees. We have not had fewer than 70 vacancies since May 2009, more than 4 years ago. And for most of President Obama's tenure in office, judicial vacancies have hovered around 80 and 90 because of Senate Republican obstruction. Nevertheless, Senate Republicans continue to object to votes on judicial nominations even when they cannot muster anything upon which to justify their delay.

There are no excuses for the delays except sheer partisanship. Twenty-one of the 33 judicial nominees currently pending on the Executive Calendar had hearings before the Senate Judiciary Committee last year. And 31 of the 33 judicial nominees currently pending on the floor were voted out of Committee with bipartisan support. It is clear that Senate Republicans have decided to use the rules change as another excuse to further accomplish their partial government shut down. Before the rules change, Senate Republicans used anonymous holds to delay confirming qualified judicial nominees, and dragged their feet every step of the way to slow down the confirmation process. Senate Democrats changed the rules precisely because of these delay tactics, which were causing great harm to the judicial system and negatively impacting those Americans who were seeking justice in our Federal courts. The American people who have sought to obtain justice in our Federal courts deserve speedy and prompt justice. These petty partisan tactics on display are not worthy of the Senate.

Shortly, I hope we can overcome the filibuster of the nomination of Judge Carolyn McHugh to fill a vacancy in the Tenth Circuit Court of Appeals. She has served since 2005 as a judge on the Utah Court of Appeals and as the presiding judge of that court since 2012. She previously worked in private practice at Parr Brown Gee & Loveless as an associate (1983–1987) and subsequently as a shareholder (1987–2005). She has served as an adjunct professor at the University of Utah Law School and at the University of Utah College of Social and Behavioral Science. Judge McHugh earned her J.D., Order of the Coif, from the University of Utah Law School in 1982. After law school, she clerked for Judge Bruce S. Jenkins of the U.S. District Court for the District of Utah. The ABA Standing Committee on the Federal Judiciary unanimously rated Judge McHugh "Well Qualified" to serve on the U.S.

Circuit Court of Appeals for the tenth Circuit, its highest rating. She has the support of her home State senators, Senator HATCH and Senator LEE. The Judiciary Committee reported her unanimously by roll call vote to the full Senate on November 14, 2013, and by voice vote on January 16, 2014.

I thank the majority leader for filing a cloture petition to end the filibuster of Judge McHugh's nomination. I hope my fellow senators will join me today to end this filibuster so that she can begin working on behalf of the American people.

CLOTURE MOTION

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

The assistant legislative 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 Carolyn B. McHugh, of Utah, to be United States Circuit Judge for the Tenth Circuit.

Harry Reid, Patrick J. Leahy, Carl Levin, Richard J. Durbin, Barbara Boxer, Debbie Stabenow, Charles E. Schumer, Patty Murray, Jeanne Shaheen, Amy Klobuchar, Tom Udall, Sheldon Whitehouse, Mazie K. Hirono, Joe Donnelly, Jack Reed, Brian Schatz, Tom Harkin.

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 Carolyn B. McHugh, of Utah, to be United States Circuit Judge for the Tenth Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

MR. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH) and the Senator from Iowa (Mr. HARKIN) are necessarily absent.

MR. CORNYN. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Arizona (Mr. McCAIN).

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

The yeas and nays resulted—yeas 62, nays 34, as follows:

[Rollcall Vote No. 61 Ex.]

YEAS—62

Ayotte	Feinstein	Landrieu
Baldwin	Flake	Leahy
Bennet	Franken	Lee
Blumenthal	Gillibrand	Levin
Booker	Graham	Manchin
Boxer	Hagan	Markey
Brown	Hatch	McCaskill
Cantwell	Heinrich	Menendez
Cardin	Heitkamp	Merkley
Carper	Heller	Mikulski
Casey	Hirono	Murkowski
Collins	Johnson (SD)	Murphy
Coons	Kaine	Murray
Donnelly	King	Nelson
Durbin	Klobuchar	Pryor

Reed	Shaheen	Walsh	Heinrich	McConnell	Schumer
Reid	Stabenow	Warner	Heitkamp	Menendez	Scott
Rockefeller	Tester	Warren	Heller	Merkley	Sessions
Sanders	Toomey	Whitehouse	Hirono	Mikulski	Shaheen
Schatz	Udall (CO)	Wyden	Hoeven	Moran	Shelby
Schumer	Udall (NM)		Inhofe	Murkowski	Stabenow
			Isakson	Murphy	Tester
			Johanns	Murray	Thune
			Johnson (SD)	Nelson	Toomey
Alexander	Cruz	Portman	Johnson (WI)	Paul	Udall (CO)
Barrasso	Enzi	Risch	Kaine	Portman	Udall (NM)
Blunt	Fischer	Roberts	King	Pryor	Vitter
Boozman	Grassley	Rubio	Klobuchar	Reed	Walsh
Burr	Hoeven	Scott	Landrieu	Reid	Warner
Chambliss	Inhofe	Sessions	Leahy	Risch	Warren
Coats	Isakson	Shelby	Lee	Roberts	Whitehouse
Coburn	Johanns	Thune	Levin	Rockefeller	Wicker
Cochran	Johnson (WI)	Vitter	Manchin	Rubio	Wyden
Corker	McConnell	Wicker	Markey	Sanders	
Cornyn	Moran		McCaskill	Schatz	
Crapo	Paul				

NAYS—34

Beginch	Cruz	Portman	Johnson (SD)	Nelson	Toomey
Harkin	Enzi	Risch	Johnson (WI)	Paul	Udall (CO)
	Fischer	Roberts	Kaine	Portman	Udall (NM)
	Boozman	Grassley	King	Pryor	Vitter
	Burr	Hoeven	Klobuchar	Reed	Walsh
	Chambliss	Inhofe	Landrieu	Reid	Warner
	Coats	Isakson	Leahy	Risch	Warren
	Coburn	Johanns	Lee	Roberts	Whitehouse
	Cochran	Johnson (WI)	Levin	Rockefeller	Wicker
	Corker	McConnell	Manchin	Rubio	Wyden
	Cornyn	Moran	Markey	Sanders	
	Crapo	Paul	McCaskill	Schatz	

NOT VOTING—4

Beginch	Kirk	Portman	Johnson (SD)	Nelson	Toomey
Harkin	McCain		Johnson (WI)	Paul	Udall (CO)

The PRESIDING OFFICER. On this vote, the yeas are 62 and the nays are 34.

The motion is agreed to.

LEGISLATIVE SESSION

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

VICTIMS PROTECTION ACT OF 2014

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 1917) to provide for additional enhancements of the sexual assault prevention and response activities of the Armed Forces.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. COATS. Mr. President, I ask for the yeas and nays. Is there a sufficient second? There appears to be a sufficient second.

The PRESIDING OFFICER. The bill having been read the third time, the question is on the passage of the bill.

The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Iowa (Mr. HARKIN) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Arizona (Mr. McCAIN).

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 62 Leg.]

YEAS—97

Alexander	Cantwell	Cruz	Heinrich	McConnell	Schumer
Ayotte	Cardin	Donnelly	Heitkamp	Menendez	Scott
Baldwin	Carper	Durbin	Heller	Merkley	Sessions
Barrasso	Casey	Enzi	Hirono	Mikulski	Shaheen
Beginch	Chambliss	Feinstein	Hoeven	Moran	Shelby
Bennet	Coats	Fischer	Inhofe	Murkowski	Stabenow
Blumenthal	Coburn	Flake	Isakson	Murphy	Tester
Blunt	Cochran	Franken	Johanns	Murray	Thune
Booker	Collins	Gillibrand	Johnson (SD)	Nelson	Toomey
Boozman	Coons	Graham	Johnson (WI)	Paul	Udall (CO)
Boxer	Corker	Grassley	Kaine	Portman	Udall (NM)
Brown	Cornyn	Hagan	King	Roberts	Vitter
Burr	Crapo	Hatch	Leahy	Risch	Walsh

NOT VOTING—3

Harkin	Kirk	McCain
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The bill (S. 1917) was passed.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding rule XXII, all postcloture time be expired and the vote on confirmation of Calendar No. 563 occur at 10:30 a.m. on Wednesday, March 12, 2014; further, that on Tuesday, March 11, 2014, at 11:30 a.m., the Senate proceed to vote on cloture on Executive Calendar Nos. 577, 578, 579, and 580; further, that if cloture is invoked on any of these nominations, notwithstanding rule XXII, all postcloture time be expired and the votes on confirmation of the nominations occur on Wednesday, March 12, following disposition of the McHugh nomination, in the order upon which cloture was invoked; further, that following Senate action on these nominations, the Senate proceed to vote on confirmation of Calendar No. 512; further, that there be 2 minutes for debate prior to each vote and all roll-call votes after the first vote in each sequence be 10 minutes in length; further, that following disposition of Calendar No. 512, the Senate resume legislative session and proceed to consideration of Calendar No. 309, S. 1086, the childcare and development block grant bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. I ask unanimous consent that Senator AYOTTE be recognized for up to 3 minutes to comment on the passage of S. 1917; further, that following her remarks, the Senate proceed to a period of morning business; that the time be controlled in alternating 45-minute blocks, with the majority controlling the first 45 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from New Hampshire.

VICTIMS PROTECTION ACT

Ms. AYOTTE. Mr. President, I thank my colleague Senator McCASKILL, as well as Senator FISCHER. The Senate voted 97–0—unanimously—to support the Victims Protection Act. This act builds on important work that was done in the Defense authorization bill to ensure that victims of sexual assault in the military will be treated with dignity and respect; that there will be full accountability for commanders to ensure the climate within their unit is one of zero tolerance toward sexual assaults; and that when a victim comes forward, that victim—male or female—is supported within this system.

The Victims Protection Act, passed today by a vote of 97–0—and few things in the Senate pass with a 97–0 vote—will ensure there is another level of review when a commander disagrees with the recommendation of a prosecutor to prosecute a sexual assault case. It will then go up to the civilian secretary for another level of review.

The bill also ensures commanders are judged in their evaluations on the climate within their unit for addressing sexual assault and how they handle these types of cases.

It also eliminates the so-called good soldier defense. Because even if you have been a good soldier, if you have committed sexual assault, you need to be held accountable for your actions. So this bill will ensure people who are perpetrators are held accountable for their actions.

The bill also allows important input from the victims so they can have a say as to whether they believe a case should be brought in a military or a civilian system for prosecution.

This act adds on the important work we have done together in the Defense authorization bill but it is not the end. We will continue in the Armed Services Committee to make sure the reforms that have been passed are implemented, that commanders are held accountable for a climate of zero tolerance within their units, and that victims of sexual assault are treated with dignity and respect and know they will be supported if they come forward to report.

So I thank the Chair, and I again thank Senator McCASKILL for her leadership on this bill. So few things pass in this body unanimously, but this shows the bipartisan commitment we have to stopping this scourge of sexual assault in the military.

I yield the floor.

MORNING BUSINESS

CLIMATE CHANGE

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, just last week one of the world's most well-known spiritual leaders, His Holiness the 14th Dalai Lama of Tibet, visited the Capitol. He talked about the moral