

almost no end to the options Mr. Marcus had when I asked him a simple question, but we do not know where he stands because he wouldn't name a single thing—not one.

He said: "I really couldn't say, Senator." That was his response to my question.

There are reasons to oppose this nomination, but for me, this non-response to what should be an easy question was enough for me. We have to have someone in this position who is not only able to say that he disagrees with President Trump when it comes to civil rights; we need someone who is prepared to stand up to him. We need someone who is not only able to say they stand on the side of civil rights in the face of constant attacks; we need someone who is actually willing to disagree with their bosses—President Trump and Secretary DeVos—when civil rights are being threatened. But Mr. Marcus could not commit to me that he would do either, and that is something I simply cannot support.

I will be opposing this nomination, and I encourage my colleagues to do the same.

Thank you.

I yield the floor.

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.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. MURRAY. We yield back our time.

The PRESIDING OFFICER. All time is yielded back.

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

Mrs. MURRAY. 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 senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Delaware (Mr. COONS), and the Senator from Illinois (Ms. DUCKWORTH) are necessarily absent.

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

The result was announced—yeas 50, nays 46, as follows:

[Rollcall Vote No. 118 Ex.]

YEAS—50

| | | |
|-----------|---------|---------|
| Alexander | Boozman | Cassidy |
| Barrasso | Burr | Collins |
| Blunt | Capito | Corker |

| | | |
|----------|------------|----------|
| Cornyn | Hoever | Risch |
| Cotton | Hyde-Smith | Roberts |
| Crapo | Inhofe | Rounds |
| Cruz | Isakson | Rubio |
| Daines | Johnson | Sasse |
| Enzi | Kennedy | Scott |
| Ernst | Lankford | Shelby |
| Fischer | Lee | Sullivan |
| Flake | McConnell | Thune |
| Gardner | Moran | Tillis |
| Graham | Murkowski | Toomey |
| Grassley | Paul | Wicker |
| Hatch | Perdue | Young |
| Heller | Portman | |

NAYS—46

| | | |
|--------------|-----------|------------|
| Baldwin | Heitkamp | Reed |
| Bennet | Hirono | Sanders |
| Booker | Jones | Schatz |
| Brown | Kaine | Schumer |
| Cantwell | King | Shaheen |
| Cardin | Klobuchar | Smith |
| Carper | Leahy | Stabenow |
| Casey | Manchin | Tester |
| Cortez Masto | Markey | Udall |
| Donnelly | McCaskill | Van Hollen |
| Durbin | Menendez | Warner |
| Feinstein | Merkley | Warren |
| Gillibrand | Murphy | Whitehouse |
| Harris | Murray | Wyden |
| Hassan | Nelson | |
| Heinrich | Peters | |

NOT VOTING—4

| | |
|------------|-----------|
| Blumenthal | Duckworth |
| Coons | McCain |

The nomination was confirmed.

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

The Senator from Oklahoma.

UNANIMOUS CONSENT REQUESTS— H.R. 5515

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate resume legislative session and resume consideration of the motion to proceed to H.R. 5515; further, that the motion be agreed to and Senator INHOFE—myself—or his designee be recognized to offer the substitute amendment, No. 2282, which is the text of the Senate-reported bill. I further ask that it be in order for Senator BOOZMAN or his designee to call up amendment No. 2276 and for Senator REED or his designee to call up amendment No. 2284 and that the amendments be debated concurrently, with the time equally divided until 2 p.m.; finally, that at 2 p.m., the Senate vote in relation to the Boozman and Reed amendments, in the order listed, with no second-degree amendments in order to the amendments prior to the votes.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Mr. President, reserving the right to object, two bedrock principles of American jurisprudence are the presumption of innocence and the right to have a trial by jury. I have one amendment that I would ask unanimous consent be included in this bill. This amendment would ensure that no American would ever be held indefinitely in prison without having a trial by jury. I can't imagine why we can't have this. One Republican Senator has been blocking this for 6 years.

I object to this unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. PAUL. Mr. President, I ask unanimous consent that we allow my amendment to be heard and voted on in the upcoming bill.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. INHOFE. Mr. President, reserving the right to object, first of all, I agree with Senator PAUL's amendment and have agreed with his amendment, and I have made it very clear for a long period of time. Procedurally, I want to get to it, and it is my intention to have a vote on it. That will have to come after we are on the bill. We need to get on the bill first.

So I do object.

The PRESIDING OFFICER. Objection is heard.

LEGISLATIVE SESSION

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2019—MOTION TO PROCEED

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate resume legislative session and resume consideration of the motion to proceed to H.R. 5515. I further ask that notwithstanding rule XXII, the Senate vote on the motion to invoke cloture on the motion to proceed to H.R. 5515 at 1:45 p.m. today.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 442, H.R. 5515, a bill to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Mr. INHOFE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

HONORING NEBRASKA'S SOLDIERS WHO LOST THEIR LIVES IN COMBAT

Mrs. FISCHER. Mr. President, I rise to continue my tribute to Nebraska's heroes and the current generation of men and women who have given their lives while defending our freedom in Iraq and Afghanistan. Each of these Nebraskans has a powerful story of answering the call to serve.

SERGEANT FIRST CLASS TRICIA JAMESON

Today I honor the life of Nebraska Army National Guard SFC Tricia Jameson.