

The Campaign for Tobacco-Free Kids, which is an organization that rarely, if ever, gets involved in judicial nominations, has found the position Mr. Readler took on behalf of these tobacco companies so far out and so extreme that they have taken the position of opposing the nomination.

So whether it is fighting to dismantle protections for people with preexisting conditions, as Mr. Readler did from his perch in the Trump Department of Justice, or whether it is the positions he took as a lawyer for the tobacco industry, trying to knock down local ordinances and other laws to protect kids from tobacco and getting addicted to nicotine, or the position he has taken not to prevent discrimination but to say our laws do not protect people against basic forms of discrimination, in my view, Mr. Readler is disqualified from taking a position on a court where the goal of every justice, regardless of who appoints them, should be justice itself and making sure everybody who comes before that court gets a fair shake. They should not be positions based on the power of a special interest like the tobacco lobby, and it should not be a decision based on political slogans or political promises. Rather, it should be based on the law itself. So I urge my colleagues to oppose this nomination.

Even among nominees who are very far to the right and who take a very restricted view of our rights and liberties, this is a nominee who finds himself way outside the mainstream.

I urge my colleagues to oppose the nomination of Mr. Readler.

Ms. COLLINS. Mr. President, I rise to announce my opposition to the nomination of Chad Readler to be a Judge on the Sixth Circuit Court of Appeals.

As the Acting Assistant Attorney General of the Justice Department's Civil Division, Mr. Readler was both a lead attorney and policy adviser in the Department's decision not to defend the Affordable Care Act, including its provisions protecting individuals with preexisting conditions.

Rather than defend the law and its protections for individuals with preexisting conditions, such as asthma, arthritis, cancer, diabetes, and heart disease, Mr. Readler's brief in *Texas v. United States* argued that they should be invalidated.

I strongly objected to DOJ's position to not defend the law, and it is telling that this position also concerned some other career attorneys in the Department. In fact, three career attorneys withdrew from the case rather than support this position, and one of those attorneys eventually resigned.

In my view, the Justice Department's severability argument is wrong and implausible. On June 27, 2018, I wrote to Attorney General Sessions and urged the Justice Department to reverse course and to defend the law's critical protections for individuals with preexisting conditions. Even the Justice Department acknowledged that it was

"rare" for the government to refuse to defend the laws of the United States against constitutional challenges.

I have continuously stressed the importance of protecting Americans who suffer from preexisting conditions, including 45 percent of Maine's population: 590,000 Mainers. In July 2017, I voted to block several proposals to repeal the ACA, which I feared would reduce protections for individuals with preexisting conditions. In October 2018, I voted to overturn a Trump administration rule that expands the duration of short-term health insurance plans, which could deny coverage to people with preexisting conditions.

Mr. VAN HOLLEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. TILLIS. Madam President, I ask unanimous consent that I be allowed to finish my comments before the vote. I expect it to take not more than about 3 or 4 minutes.

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

NOMINATION OF ALLISON JOAN RUSHING

Mr. TILLIS. Madam President, I come to the floor to thank my colleagues who voted and who will be voting to move forward the nomination of Allison Joan Rushing to be the U.S. Circuit Court judge for the Fourth Circuit.

Ms. Rushing has a great history in North Carolina. She is actually from East Flat Rock, NC. Both of her parents were educators who taught in the North Carolina public school system. She received her degree with honors from Wake Forest, and she received her law degree from Duke University. She now has over 11 years of experience practicing law and is really considered one of the fast-rising stars of the legal profession.

I have had the opportunity to get to know Ms. Rushing through the nomination process, and I know she is going to do a great job as a circuit court judge on the Fourth Circuit.

From the ABA, she has received from a substantial majority a "qualified" rating and from a minority a "well qualified" rating. She is clearly qualified to do this job. She is young. She is bright. She is a topnotch litigator, and I look forward to casting my vote here in a couple of minutes. Again, I think my colleagues will also be casting a vote in support of confirming this nomination.

The PRESIDING OFFICER. Under the previous order, all postcloture time has expired.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. HEINRICH), the Senator from Vermont (Mr. SANDERS), and the Senator from Arizona (Ms. SINEMA), are necessarily absent.

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

The result was announced—yeas 53, nays 44, as follows:

[Rollcall Vote No. 35 Ex.]

YEAS—53

Alexander	Fischer	Perdue
Barrasso	Gardner	Portman
Blackburn	Graham	Risch
Blunt	Grassley	Roberts
Boozman	Hawley	Romney
Braun	Hoeben	Rounds
Burr	Hyde-Smith	Rubio
Capito	Inhofe	Sasse
Cassidy	Isakson	Scott (FL)
Collins	Johnson	Scott (SC)
Cornyn	Kennedy	Shelby
Cotton	Lankford	Sullivan
Cramer	Lee	Thune
Crapo	McConnell	Tillis
Cruz	McSally	Toomey
Daines	Moran	Wicker
Enzi	Murkowski	Young
Ernst	Paul	

NAYS—44

Baldwin	Harris	Reed
Bennet	Hassan	Rosen
Blumenthal	Hirono	Schatz
Booker	Jones	Schumer
Brown	Kaine	Shaheen
Cantwell	King	Smith
Cardin	Klobuchar	Stabenow
Carper	Leahy	Tester
Casey	Manchin	Udall
Coons	Markey	Van Hollen
Cortez Masto	Menendez	Warner
Duckworth	Merkley	Warren
Durbin	Murphy	Whitehouse
Feinstein	Murray	Wyden
Gillibrand	Peters	

NOT VOTING—3

Heinrich	Sanders	Sinema
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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.

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 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, do hereby move to bring to a close debate on the nomination of Chad A. Readler, of Ohio, to be United States Circuit Judge for the Sixth Circuit.

Mitch McConnell, David Perdue, Roy Blunt, John Cornyn, Joni Ernst, Lindsey Graham, John Boozman, Mike Rounds, Thom Tillis, Steve Daines, James E. Risch, John Hoeven, Mike Crapo, Shelley Moore Capito, John Thune, Pat Roberts, Jerry Moran.