

portal through which individuals can submit a request to any Agency.

On top of that, that legislation required Agencies to proactively disclose documents that are likely to be of public interest in order to increase access to government documents outside the often bureaucratic and onerous FOIA request process. In other words, we built upon the work of our Founding Fathers and what they recognized hundreds of years ago: A truly self-governing people depends upon an informed citizenry to hold their elected leaders accountable.

While that was a big step in improving government accountability, our work, of course, is not done. I continue to look for new opportunities to improve the Freedom of Information Act process and to ensure that it remains robust and workable for all of our citizens.

I will continue to advocate for policies in the Senate that build on a more transparent government and bring more of that Texas sunshine to Washington, DC. I hope this Sunshine Week we can all grow even more committed to the mission of open and honest government that serves its people and not itself.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRUZ). The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Colorado.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GARDNER. Mr. President, I ask unanimous consent to complete the full duration of my remarks.

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

TRIBUTE TO SAM MAMET

Mr. GARDNER. Mr. President, today I rise to recognize a great citizen of the State of Colorado and a dear friend of mine, Sam Mamet. Sam is retiring at the end of March after 40 years of working with the Colorado Municipal League. CML is an organization that is dedicated to representing the best interests of cities and towns throughout the State of Colorado.

In 1979, shortly after receiving a master's in public administration from the University of Colorado at Boulder, Sam began his tenure at CML. For 26 years, he worked diligently to make sure that local communities had the proper tools to better serve themselves.

In 2005 he was appointed executive director of the organization. From this unique position, Sam was at the forefront of developing the organization's policies and executing vital programs with the overarching purpose of helping those who oversee communities become more effective leaders. It is clear to the people of Colorado that Sam has excelled in this position from day one.

It is unlikely you will find someone in Colorado government or politics who doesn't know Sam or hasn't worked with Sam, and there is no shortage of recognition for the incredible work he has done. If you need proof, you can look through the abundance of awards he has received, including a lifetime achievement award from the Colorado City & County Management Association earlier this year. It is also not surprising that Sam has his own day, Sam Mamet Day, on February 4, which was dedicated by the city of Greenwood Village as a thank-you for his years of sincere dedication to them. These are just a few of the many examples of appreciation that showcase the passion and zeal Sam has for the cities and communities across our great State.

I can't stress enough how Colorado communities have benefited and how the State of Colorado has benefited from the work of Sam Mamet. His years of persistence and dedication in his work have had a tremendous and monumental impact. His work transcends beyond partisanship, and I think that is the most important thing to talk about. When you see Sam Mamet, you don't think of left or right or red or blue. You see nonpartisanship in the work he does.

He cautions leaders to avoid demeaning an issue or individual on the other side, something so important in today's political environment, and to focus more on cultivating policies that will simply benefit each and every community based on the specific needs and requirements of the people. We need more leaders like Sam.

Sam has long believed public service is the highest calling. He recognizes the gravity the position holds and why it is so important that public servants are given the tools necessary to better the streets and neighborhoods and communities they belong to. This is what each and every citizen expects of their leaders and what he has dedicated his life to accomplish.

"Empowered Cities and Towns, United for a Strong Colorado," is CML's vision statement, and Sam is the embodiment of these words. Each and every day he worked to give the cities and towns around him the tools and knowledge to empower them, and for 40 years he helped to unite a stronger Colorado. While CML and the local municipalities they serve will be losing an exceptional, talented, and impassioned civil servant, I have every confidence Sam will continue to better the lives of the people of Colorado in his work going forward.

On a personal note, there are many times when Sam and I were on the same side of an issue and were able to work together and accomplish great things. There were also times when Sam and I were on opposite sides of an issue, and some of my most glorious defeats were at the hands of Sam Mamet. As legislation went down in flames of glory, thanks to work he was able to lead, I never took it personally

because Sam Mamet never took it personally. I remember meeting Sam through my father and his work on the city council years ago. When a leader like Sam steps down, he will be missed. He has big shoes to fill, but I know Kevin Bommer, the next executive director, will do an outstanding job.

I know we all wish for Sam to stay involved in his next endeavors that will continue to benefit our great people of Colorado. Thank you.

With that, I yield the floor.

RECESS

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

Thereupon, the Senate, at 12:33 p.m., recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Mrs. CAPITO).

EXECUTIVE CALENDAR—Continued

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

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

Mr. PORTMAN. 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.

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

Mr. DURBIN. I announce that the Senator from Washington (Mrs. MURRAY) is necessarily absent.

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 42 Ex.]

YEAS—54

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

NAYS—45

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

NOT VOTING—1

Murray

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 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, do hereby move to bring to a close debate on the nomination of Neomi J. Rao, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit.

Mitch McConnell, Chuck Grassley, Johnny Isakson, John Cornyn, John Barrasso, Roger F. Wicker, James E. Risch, Steve Daines, John Thune, Lindsey Graham, James M. Inhofe, Tim Scott, Pat Roberts, Thom Tillis, John Hoeven, David Perdue, Mike Crapo.

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 Neomi J. Rao, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Washington (Mrs. MURRAY) is necessarily absent.

The yeas and nays resulted—yeas 53, nays 46, as follows:

[Rollcall Vote No. 43 Ex.]

YEAS—53

Alexander	Fischer	Perdue
Barrasso	Gardner	Portman
Blackburn	Graham	Risch
Blunt	Grassley	Roberts
Boozman	Hawley	Romney
Braun	Hoeven	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—46

Baldwin	Durbin	Manchin
Bennet	Feinstein	Markey
Blumenthal	Gillibrand	Menendez
Booker	Harris	Merkley
Brown	Hassan	Murphy
Cantwell	Heinrich	Peters
Cardin	Hirono	Reed
Carper	Jones	Rosen
Casey	Kaine	Sanders
Coons	King	Schatz
Cortez Masto	Klobuchar	Schumer
Duckworth	Leahy	Shaheen

Sinema	Udall	Whitehouse
Smith	Van Hollen	Wyden
Stabenow	Warner	
Tester	Warren	

NOT VOTING—1

Murray

The PRESIDING OFFICER (Mrs. BLACKBURN). On this vote the yeas are 53, the nays are 46.

The motion is agreed to.

The clerk will report the nomination. The legislative clerk read the nomination of Neomi J. Rao, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit.

The PRESIDING OFFICER. The Senator from Hawaii.

UNANIMOUS CONSENT REQUEST—S. RES. 94

Ms. HIRONO. Madam President, the entire Senate Democratic caucus and I are introducing a resolution that simply asks the Department of Justice to do what it is supposed to do—defend the duly enacted laws of this country.

This resolution shouldn't be necessary, but last year, as 19 States joined Texas in challenging the constitutionality of the Affordable Care Act, Attorney General Jeff Sessions refused to defend the ACA in court and, in fact, filed a brief arguing that several vital protections of the law should be ruled unconstitutional, including protections for Americans living with preexisting conditions.

In making his decision not to defend a duly enacted law, Jeff Sessions himself acknowledged that he was going against a "longstanding tradition of defending the constitutionality of duly enacted statutes if reasonable arguments can be made in their defense."

Guess what. There are many reasonable arguments for the ACA. Even conservative lawyers who previously argued against the ACA agree. One attorney filed an amicus brief in opposition to the Department of Justice's position calling it "dangerous," "beyond the pale," and "effectively [usurping] legislative power."

The Justice Department lawyer who authored the brief opposing the ACA, Chad Readler, was just rewarded with a confirmation to a lifetime position to the Sixth Circuit. In fact, Mr. Readler's circuit court nomination came on the exact same day that he filed the brief on behalf of the Department of Justice. Talk about yet another Trump nominee who auditioned for his position.

The Justice Department's actions were blatantly political and had a specific outcome in mind: accomplishing through the courts what Republicans have tried and failed to achieve through the legislative process; that is, repealing the Affordable Care Act.

Three career attorneys at the Department of Justice withdrew from the case in protest of their Department's failing to defend the ACA.

In December, a Federal court in Texas sided with the Trump administration, Texas, and 19 other States in declaring the entirety of the ACA unconstitutional. Of course, this will be appealed.

The Fifth Circuit—one of the most conservative appellate courts in the country—will hear the case next. The case is destined for consideration by the Supreme Court, wherein Trump-appointed Justices Gorsuch and Kavanaugh will cast two deciding votes on whether to uphold the ACA or cast it aside. I shudder to think which way they are likely to go.

The outcome of this case will have a profound impact on virtually every American, especially the 133 million people living with preexisting conditions.

This is not a game. Lives are at stake. Without the ACA's protections, millions of Americans living with conditions as common as diabetes, obesity, heart disease, or cancer could be charged exorbitant premiums or denied insurance coverage altogether.

The stakes in this ongoing court battle are incredibly high. Our resolution simply asks the Department of Justice to do its job, defend the ACA as a duly enacted act of Congress, and stand up to protect Americans living with preexisting conditions.

Although many of my Republican colleagues profess to support protections for those with preexisting conditions, not a single one of them has signed on to support this resolution.

Under new leadership, the Department of Justice can do the right thing. During his confirmation hearing, newly confirmed Attorney General Bill Barr indicated he was open to reassessing DOJ's decision to oppose the ACA in court. We shall see.

With this resolution, my Democratic colleagues and I urge him to reexamine the Department's position, consider the monumental impact this case would have on millions of Americans, and stand up for the 133 million Americans living with a preexisting condition.

Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 94 and the Senate proceed to its immediate consideration; further, that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BARRASSO. Madam President.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Hawaii.

Ms. HIRONO. Madam President, I often say that I like to see when people reveal themselves.

With this objection today, my colleague from Wyoming has sent a clear message to Americans living with preexisting conditions that the Republican Party doesn't care about them. I am disappointed with his objection, but I can't say that I am surprised. Today's