

Duckworth	Jones	Rounds
Durbin	Kaine	Rubio
Enzi	Kennedy	Sasse
Ernst	Lankford	Scott (FL)
Feinstein	Lee	Scott (SC)
Fischer	Manchin	Shaheen
Gardner	McConnell	Shelby
Graham	McSally	Sinema
Grassley	Moran	Sullivan
Hassan	Murkowski	Tester
Hawley	Perdue	Thune
Hoeven	Portman	Tillis
Hyde-Smith	Risch	Toomey
Inhofe	Roberts	Warner
Isakson	Romney	Wicker
Johnson	Rosen	Young

NAYS—33

Baldwin	Hirono	Reed
Bennet	King	Sanders
Blumenthal	Klobuchar	Schatz
Booker	Leahy	Schumer
Brown	Markey	Smith
Cantwell	Menendez	Stabenow
Carper	Merkley	Udall
Casey	Murphy	Van Hollen
Coons	Murray	Warren
Gillibrand	Paul	Whitehouse
Heinrich	Peters	Wyden

NOT VOTING—1

Harris

The PRESIDING OFFICER. On this vote, the yeas are 66, the nays are 33.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Roy Kalman Altman, of Florida, to be United States District Judge for the Southern District of Florida.

Mrs. FEINSTEIN. Mr. President, I understand the majority is considering another change to how judicial nominees are considered.

My understanding is the majority leader may move to break the rules of the Senate and cut the time that Senators can debate nominees after cloture is invoked from 30 hours to 2 hours.

Just yesterday, the Senate rejected this change. The Lankford resolution was voted on and did not receive 60 votes, let alone the 67 votes required to change the rules.

The resolution would also have changed postcloture debate time on circuit court and Supreme Court nominees from 30 hours total to 30 hours divided between the majority and minority leaders or their designees. This means debate on a Supreme Court nomination could be limited to only 15 total hours of debate.

Despite bipartisan opposition to the Lankford resolution, the majority is now considering limiting debate time by breaking longstanding rules of the Senate.

Changing the rules is not only unnecessary, but also is dangerous, especially when we are talking about lifetime appointments. Further, given this administration's failure to properly vet its own nominees, the Senate should not restrict critical vetting and due diligence.

There is simply no need to limit debate on President Trump's judicial nominees. In fact, President Trump's

judicial nominees have been confirmed at a record pace.

Through his first 2 years in office, President Trump had more circuit court nominees confirmed than any other President had at the same point in their tenure—30 total. That is on top of two Supreme Court Justices and 53 district court judges.

Further, the current administration's circuit court nominees have been confirmed nearly twice as fast as President Obama's, 256 days for President Obama's nominees versus 139 days for President Trump's nominees.

The rules change is also unnecessary because Senate Democrats are in no way obstructing confirmations. Senate Democrats have not required cloture votes on more than half of President Trump's district court nominees.

On average, the Senate has used only 3 hours of floor time for debate on President Trump's district court nominees.

In addition, a higher percentage of President Trump's district court nominees have been confirmed by voice vote as compared to President Obama's district court nominees, 49 percent versus 35 percent. In other words, Senate Democrats have not required the majority to hold rollcall votes on nearly half of President Trump's nominees to the Federal district courts.

Finally, Democrats have worked with the Trump administration to identify qualified judicial nominees.

For example, Delaware's two Democratic Senators, Senators CARPER and COONS, worked with the White House to identify two qualified nominees to be judges on the U.S. District Court for the District of Delaware.

Senators DURBIN and DUCKWORTH of Illinois worked with this administration to identify two highly qualified nominees to be judges on the U.S. Court of Appeals for the Seventh Circuit. Both of those nominees were confirmed unanimously.

In addition, we are right now in postcloture time on the nomination of Roy Altman to the Southern District of Florida. Several Democrats voted for Mr. Altman in committee, and Democrats have not demanded a full 30 hours of debate time on Mr. Altman's nomination.

Despite all of this, Republicans are nevertheless breaking the rules and pushing the Senate closer to a body that is governed simply by the whim of the majority.

All of this leads to an unmistakable conclusion—shortening debate time is unnecessary. It is a response to a non-existent problem, and it is simply a power grab meant to stack the courts at an even faster rate.

It is also important to stress why it is so dangerous to allow the Trump administration to stack the courts in this way, without adequate debate time.

We have seen this administration fill lifetime positions with young, inexperienced nominees who are often outside the legal mainstream. We have seen

them try to do this without properly vetting those same nominees, as in the case of Brett Talley, who failed to disclose to the Judiciary Committee nearly 15,000 online comments, including one in which he defended the founder of the KKK.

The Senate needs sufficient time to scrutinize the records of these nominees—nominees like Matthew Kacsmaryk and Patrick Wyrick, who have led efforts to undermine the Affordable Care Act; nominees like Brian Buescher, who has argued that States should go after women's reproductive rights “bit by bit”; and nominees like Wendy Vitter, who refused to acknowledge that *Brown v. Board of Education* was correctly decided and who falsely claimed there is a connection between the use of contraceptive pills and the incidence of cancer.

Two hours is simply not enough time to scrutinize these nominees' records, especially when so many of this administration's judicial nominees fail to disclose materials to the Judiciary Committee.

In conclusion, all Senators, and not just those on the Judiciary Committee, need adequate time to review the records of these judicial nominees, who, if confirmed, will serve for life.

All Senators need adequate time to make an informed decision about whether these nominees are qualified to decide the fate of thousands of people's lives. After all, the American people deserve to know that, if they find themselves in a Federal court, they will have an impartial, qualified, mainstream jurist who has earned the right to sit on the bench.

This decision to break the rules and reduce debate time on judicial nominees not only harms the institution of the Senate, but also harms the Federal judiciary.

The PRESIDING OFFICER. The majority leader.

POINT OF ORDER

Mr. MCCONNELL. Mr. President, I raise a point of order that the postcloture time under rule XXII for all judicial nominations, other than circuit courts or Supreme Court of the United States, is 2 hours.

The PRESIDING OFFICER. Under rule XXII of the Standing Rules of the Senate, the point of order is not sustained.

APPEALING RULING OF THE CHAIR

Mr. MCCONNELL. I appeal the ruling of the Chair and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Shall the decision of the Chair stand as the judgment of the Senate?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Ms. HARRIS) is necessarily absent.