

mind, and the ABA's report found Mr. VanDyke to be lacking a commitment to the truth.

In order to see how the ABA came to this conclusion, one only needs to look at Mr. VanDyke's record of pursuing an ideological agenda instead of working for the people and defending the law. In his past role as attorney general of Montana, he filed many politically driven briefs, including one asking the Supreme Court to strike down *Roe v. Wade* altogether, a view that is out of step with the views of Nevadans. He even signed the State onto one brief without reading it, by his own admission.

Mr. VanDyke has also made controversial and appalling statements about LGBTQ Americans, writing this: "[There is] ample reason for concern that same-sex marriage will hurt families, and consequentially children and society."

Mr. VanDyke was given every opportunity to disavow this statement and repeatedly declined to do so. Allowing Mr. VanDyke to serve on the Ninth Circuit would put at risk the rights of thousands of LGBTQ Americans to employment, healthcare, housing, and basic equal treatment in what is often the court of last resort.

Surely you must agree, no matter who is President or who controls the Senate, you would want qualified judges with connections to the State who will be fair to your constituents and not use cases to advance their personal ideological agenda.

I oppose the nomination of Mr. VanDyke, and if it is withdrawn or voted down, I will be ready at a moment's notice to work with this White House in finding a fair, qualified, and non-partisan nominee from Nevada. The people of my home State and yours deserve nothing less.

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

Mr. HEINRICH. 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.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNETT), the Senator from New Jersey (Mr. BOOKER), the Senator from California (Ms. HARRIS), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator

from Vermont (Mr. SANDERS), the Senator from Virginia (Mr. WARNER), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

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

The result was announced—yeas 53, nays 40, as follows:

[Rollcall Vote No. 387 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—40

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

NOT VOTING—7

| | | |
|--------|-----------|--------|
| Bennet | Klobuchar | Warren |
| Booker | Sanders | |
| Harris | Warner | |

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 senior 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, do hereby move to bring to a close debate on the nomination of Lawrence VanDyke, of Nevada, to be United States Circuit Judge for the Ninth Circuit.

Mitch McConnell, Tom Cotton, John Boozman, Mike Crapo, Thom Tillis, Chuck Grassley, Jerry Moran, Kevin Cramer, John Barrasso, Mike Braun, Joni Ernst, Pat Roberts, John Cornyn, Roy Blunt, John Thune, Lindsey Graham, Roger F. Wicker.

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 Lawrence VanDyke, of Nevada, to be United States Circuit Judge for the Ninth Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNETT), the Senator from New Jersey (Mr. BOOKER), the Senator from California (Ms. HARRIS), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), the Senator from Virginia (Mr. WARNER), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

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

The yeas and nays resulted—yeas 53, nays 40, as follows:

[Rollcall Vote No. 388 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—40

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

NOT VOTING—7

| | | |
|--------|-----------|--------|
| Bennet | Klobuchar | Warren |
| Booker | Sanders | |
| Harris | Warner | |

The PRESIDING OFFICER. The yeas are 53, the nays are 40.

The motion is agreed to.

EXECUTIVE CALENDAR

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Lawrence VanDyke, of Nevada, to be United States Circuit Judge for the Ninth Circuit.