

is no easy feat. He proved to be an exceptionally skilled attorney, but his ambitions did not stop there.

In 2018, the Presiding Officer probably will remember, I recommended and President Trump nominated Andrew Brasher to serve on the U.S. District Court for the Middle District of Alabama. Last year, he was confirmed by the full Senate to sit on the court as a Federal district judge.

Since his confirmation, Judge Brasher has served the State of Alabama and the Nation with integrity and purpose. I am confident that in his new capacity, he will continue to do so. I believe Judge Brasher is very worthy of this nomination. His judicial temperament and respect for the law, as it is written, will help him exhibit, I believe, impartiality and fairness with tact.

President Trump, I believe, has made the right decision in selecting Judge Brasher for this important job. I believe he will be an asset to our judicial branch on the Eleventh Circuit Court of Appeals.

I am hopeful that my colleagues on both sides of the aisle will vote to confirm Andrew Brasher without reservation later today. I remain confident that his dedication to justice will contribute to the respected standards of our Nation's judicial system. I wish Judge Brasher and his wife Julia—along with their two boys, Hank and Drew—all the best as they take on this new opportunity and responsibility.

I yield the floor.

JUDICIAL NOMINATIONS

Mr. DURBIN. Mr. President, this week, Senator MCCONNELL has scheduled votes on five judicial nominees.

Some of these nominees, I will oppose, including 11th Circuit nominee Andrew Brasher. Some, I will support, including John Kness, a nominee for the Northern District of Illinois, who was part of a bipartisan package of nominees in my State.

But first, I want to point out that, under this Republican majority, the Senate simply doesn't do legislation any more. There are literally hundreds of bills that have passed the House of Representatives and are gathering dust on the Senate desk.

These bills deal with critical issues like reducing prescription drug prices, protecting pensions, securing our elections from foreign interference, and closing gaps in our gun background check system, but time and again, when Senate Republicans have the opportunity to bring bills to the floor, they take a pass. They just don't want to do the hard work of legislating. Last year, the Senate voted on only 22 amendments all year. I remember when we used to vote on that many amendments in a single day.

Sadly, under this Republican majority, the Senate is becoming an appendage of the White House and no more than a conveyor belt for President Trump's judicial nominees. We are abdicating our responsibility to legislate

on matters of importance to the American people.

The Constitution assigns the Senate important roles as part of a coequal legislative branch. We are not rising to meet these challenges. When we look at this week's nominations votes, we are reminded yet again of how the Senate is abdicating its authority.

Andrew Brasher is the 18th Trump circuit court nominee who has been moved through the Senate Judiciary Committee without blue slips from both home State Senators. For a century, blue slips served as a critical check in the system, helping ensure that Senators, as the elected representatives of their State's citizens, have a role in choosing the Federal judges who will serve lifetime appointments in their State.

But Republicans, who used blue slips to obstruct many of President Obama's nominees, cast aside the blue slip once President Trump came into office. Now, circuit court nominees are routinely being rammed through the Senate over the objections of home State Senators. Some of these nominees are lightly qualified, to put it nicely. Some have barely practiced law in the State in which they have been nominated to serve. Some have barely seen the inside of a courtroom.

Today's nominee, 38-year-old Andrew Brasher, was confirmed as a district court judge last year without bipartisan support. Less than a year later, he is being put forward for the 11th Circuit. A former solicitor general of Alabama, he worked on controversial efforts to restrict voting rights, limit reproductive rights, and undermine gun safety laws.

But beyond the controversial advocacy that he undertook on behalf of his clients, Andrew Brasher also made comments in his personal capacity that call into question his impartiality and temperament. This includes a 2015 blog post he wrote in opposition to same-sex marriage and a speech he gave at a 2014 pro-life political rally where he said, "The ACLU and Planned Parenthood want a fight and we will give them one."

I will oppose the Brasher nomination, and I will also oppose Alaska district court nominee Joshua Kindred, who has a lengthy record of opposition to environmental protections. Mr. Kindred once described environmentalists as being driven by "passionate ignorance."

I will vote in support of the nomination of John Kness to the Northern District of Illinois. Mr. Kness is the final part of a package of four Illinois district court nominees that was agreed upon between myself, Senator DUCKWORTH, the Illinois Republican congressional delegation, and the White House. It is a good bipartisan package.

Mr. Kness is a graduate of Northwestern and Northwestern Law and a former Assistant U.S. Attorney. He is currently the general counsel for the

College of DuPage. He is diligent, thoughtful, and principled, and I urge my colleagues to support his nomination.

RECESS

The PRESIDING OFFICER. The Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:38 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. CAPITO).

NOMINATION OF ANDREW LYNN BRASHER

Mr. LEAHY. Mr. President, today, the Senate will vote on the nomination of Andrew Brasher for an Alabama seat on the 11th Circuit. This is over the objection of Senator JONES, who was not meaningfully consulted by the administration and did not return a blue slip. Senator JONES is as reasonable as they come; the fact that he was denied a voice in this process shows just how disinterested the White House is in being reasonable when it comes to selecting judges who will shape the laws in our States for decades to come.

It is clear the President views the courts as a mere extension of his power, not as an independent body critical to the checks and balances of our constitutional system. The President knows that no matter who is nominated, whether or not qualified or within the mainstream, the Judiciary Committee of today and the Senate of today—led by a majority leader who describes the Senate's role as a mere conveyor belt for President Trump's nominees—will confirm them.

The President likes to brag about the number of judges that have been confirmed under his administration. Less attention is paid to the cost. Of the last 20 circuit court nominees the Judiciary Committee has reported, 15 have been along party lines, and 13 had a negative blue slip. My friends across the aisle apparently no longer care about the constitutional principle of providing advice and consent to nominees in your home State, a tradition that, until recently, had been guarded by members of both parties.

Blue slips aside, Andrew Brasher had served as district court judge for just 7 months before receiving this Presidential promotion. Every single Democrat opposed his nomination when it was reported out of the Judiciary Committee and again when it was considered on the Senate floor. During his short tenure as a district court judge, he has presided over only three cases that have gone to verdict or judgment. In his questionnaire, when asked what significant opinions on Federal constitutional issues he has written, he simply wrote "none."

But of course, the President did not select Brasher for his judicial experience. A partisan judicial philosophy, along with youth, seem to be the only qualifications of many of this administration's nominees. Before becoming a judge, Brasher spent his short legal career systematically restricting the

rights of vulnerable populations, including opposing voting rights and LGBTQ rights and supporting an unconstitutional law mandating universal drug testing for food stamp applicants, which the 11th Circuit slapped down as stripping away peoples' privacy simply because they are poor.

Brasher is opposed by literally hundreds of civil and human rights groups who represent millions of Americans. They all are afraid that with this elevation, he will continue to be a rubberstamp for the President's radical agenda and negatively impact 37 million residents of Alabama, Florida and Georgia—States that have often been on the frontlines of systemic voter disenfranchisement for years.

For these reasons, I will oppose the nomination of Andrew Brasher. We all must commit to considering each nominee carefully and on his or her individual merit. I hope this body can reverse course and return to its historic roots: tackling our Nation's most serious problems in a bipartisan way, displaying comity even when we disagree, and treating our unique role in approving lifetime judgeships with the seriousness of purpose required by the Constitution.

EXECUTIVE CALENDAR—Continued

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

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

Mr. SASSE. 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 bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), 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 52, nays 43, as follows:

[Rollcall Vote No. 36 Ex.]

YEAS—52

Alexander	Cramer	Inhofe
Barrasso	Crapo	Johnson
Blackburn	Cruz	Kennedy
Blunt	Daines	Lankford
Boozman	Enzi	Lee
Braun	Ernst	Loeffler
Burr	Fischer	McConnell
Capito	Gardner	McSally
Cassidy	Grassley	Moran
Collins	Hawley	Murkowski
Cornyn	Hoeven	Paul
Cotton	Hyde-Smith	Perdue

Portman	Sasse	Tillis
Risch	Scott (FL)	Toomey
Roberts	Scott (SC)	Wicker
Romney	Shelby	Young
Rounds	Sullivan	
Rubio	Thune	

NAYS—43

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

NOT VOTING—5

Bennet	Klobuchar	Warren
Graham	Sanders	

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 Joshua M. Kindred, of Alaska, to be United States District Judge for the District of Alaska.

Mitch McConnell, Cindy Hyde-Smith, Thom Tillis, John Thune, Mike Crapo, Mike Rounds, Steve Daines, Kevin Cramer, Richard Burr, John Cornyn, Shelley Moore Capito, Todd Young, John Boozman, David Perdue, James E. Risch, Lindsey Graham, Roger F. Wicker.

Mr. DAINES. Madam President, I ask unanimous consent that the votes in this series be 10 minutes in length.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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 Joshua M. Kindred, of Alaska, to be United States District Judge for the District of Alaska, 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. THUNE. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from North Carolina (Mr. TILLIS).

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET),

the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), the Senator from New Mexico (Mr. UDALL), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

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

The yeas and nays resulted—yeas 52, nays 41, as follows:

[Rollcall Vote No. 37 Ex.]

YEAS—52

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

NAYS—41

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

NOT VOTING—7

Bennet	Sanders	Warren
Graham	Tillis	
Klobuchar	Udall	

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 41.

The motion is agreed to.

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 Matthew Thomas Schelp, of Missouri, to be United States District Judge for the Eastern District of Missouri.

Mitch McConnell, Cindy Hyde-Smith, Thom Tillis, John Thune, Mike Crapo, Mike Rounds, Steve Daines, Kevin Cramer, Richard Burr, John Cornyn, Shelley Moore Capito, Todd Young, John Boozman, David Perdue, James E. Risch, Lindsey Graham, Roger F. Wicker.

The PRESIDING OFFICER (Mrs. BLACKBURN). 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 Matthew Thomas Schelp, of Missouri, to be United States District