

stop—stop—this evisceration of a long-standing blue-slip tradition in the Senate.

I thank you for the time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

JUDICIAL NOMINATIONS

Mr. CORNYN. Mr. President, this week, the Senate will continue to fill vacancies across the Federal bench.

This afternoon, we will vote to confirm Paul Matey to be U.S. Circuit Court Judge for the Third Circuit, and then we will move to the nomination of Neomi Rao for a seat on the DC Circuit Court of Appeals—the seat that was vacated by Justice Brett Kavanaugh.

Throughout her career, Ms. Rao has served in all three branches of government. She clerked for Justice Clarence Thomas on the U.S. Supreme Court and Judge Harvie Wilkinson on the Fourth Circuit Court of Appeals. She also worked here in the Senate on the Judiciary Committee for then-Chairman Orrin Hatch.

She has worked as Associate Counsel and Special Assistant to President George W. Bush and in her current position as Administrator for the Office of Administration and Regulatory Affairs—one of the most important and least understood Federal Agencies.

In addition to her outstanding career in public service, Ms. Rao was also an associate professor at the Antonin Scalia Law School at George Mason University and is a leading scholar in the field of administrative law.

Knowing her impressive background, it was no surprise to see that the American Bar Association, once hailed by the minority leader as the “gold standard by which judicial candidates are judged,” rated her as “well qualified.”

When considering this particular seat, it is hard to imagine anyone better prepared. The DC Circuit Court of Appeals has sometimes been referred to as the “second highest court in the land” and is unique because its caseload is disproportionately weighted toward administrative law and litigation involving the Federal Government.

Despite her outstanding qualifications, our Democratic colleagues have attempted to tank Ms. Rao’s nomination over decades-old writings. That sounds pretty familiar, although, as I recall, Justice Kavanaugh was excoriated for things in his high school yearbook. At least we have moved on to college when it comes to Ms. Rao.

During her confirmation hearing last month, critics reverted back to that Kavanaugh playbook and began criticizing her for things she wrote in college rather than asking her productive questions about maybe what she has

learned since that time or how her views may have changed or how she has functioned as head of the OIRA or how her office has reduced regulatory costs by more than \$23 billion. Instead, critics chose to focus on her decades-old writings in college.

Over the years, Ms. Rao has done what we have all done: She has grown and learned from her experiences. She has repeatedly said that she no longer holds the views that she wrote about back in college.

I believe we should judge a nominee not by views they expressed in high school or college but what they have done since that time as mature adults and professionals. So just add me to the long list of people who believe Neomi Rao should be confirmed for the DC Circuit Court of Appeals.

Two dozen former Supreme Court clerks who worked alongside Rao sent a letter to the Judiciary Committee, touting her qualifications. They said:

Many of us have worked in government, at both the federal and state levels, some for Democrats and some for Republicans. . . . While our professional and personal paths may have diverged, one of things we have always shared is admiration for Neomi. We are confident she will serve our country well on the DC Circuit.

We have seen similar letters from her classmates at both Yale and the University of Chicago Law School, as well as a group of more than 50 of her former law students.

Her former students wrote:

Our views span the political spectrum; we have differing positions on the role and work of the Federal judiciary; and we have gone on to work in law firms, government, public interest organizations, and judges’ chambers. Yet despite her differences, we all agree that Professor Rao would make an outstanding addition to the bench. We have no doubt that, if confirmed, she would be a brilliant and fair arbiter of the cases that came before her.

I agree.

I supported Ms. Rao’s nomination in the Senate Judiciary Committee, and I will once again look forward to supporting her nomination when the full Senate votes on her nomination this week.

FREEDOM OF INFORMATION ACT

Mr. President, on another matter, this Saturday will mark the 268th birthday of James Madison, the Father of the Constitution and an ardent advocate for open government.

It is no coincidence that near his birthday each year, we also celebrate something called Sunshine Week—a time to promote transparency in government and access to public information.

I have always been proud of the fact that Texas is known for having one of the strongest and most robust freedom of information laws in the country. As attorney general of Texas for 4 years, it was my privilege to enforce those laws.

We strive to maintain an open and honest government. Not only does it keep citizens in the know, it also helps keep government accountable.

As we all know, Justice Brandeis famously said: “Sunlight is said to be the best of disinfectants.” When I came to Washington, I wanted to bring that same Texas sunshine to the national level.

During my time in the Senate, I have made government transparency a priority, and I have pressed for more openness in the Federal Government through commonsense legislation.

Over the last decade-plus, my closest ally in that effort has been my friend and colleague from Vermont, Senator PAT LEAHY. Some people consider us to be the odd couple when it comes to this topic because Senator LEAHY is on the other end of the political spectrum.

As a conservative, I think if people act in government as if their actions are going to be known and available to the people they work for—the taxpayers—it really changes their behavior. It doesn’t require Congress or the government to pass more regulation or more laws to get them to do what they know they should do if they knew that what they were doing was going to be made public; hence, my support for the Freedom of Information Act and public information law.

Senator LEAHY and I have worked so well together because we understand that this is not a Republican or Democratic issue. We both recognize that whether it is a Republican administration or a Democratic administration, everyone wants to trumpet their successes and hide their failures. That is just human nature. But in order for our government to run well and the American people to trust that it is running well, we need transparency and the accountability that goes along with it.

Safeguarding our right to public information is the Freedom of Information Act, or FOIA. FOIA serves not as a weapon but as a shield, protecting the American people from a government that may seek to abuse its power or conceal fraud and abuse.

In the more than 50 years since FOIA was first enacted, we have seen a tug of war taking place in both Republican and Democratic administrations, with some favoring more openness and others favoring less. That is why it is so important that we fight here in the Senate to ensure that the balance doesn’t tilt away from transparency.

This is a great opportunity both to reflect on the important steps we have taken in the past and to recommit ourselves to the ongoing important work that we still need to do.

I believe the most significant legislation Senator LEAHY and I shepherded during our work together is the FOIA Improvement Act, which became law in 2016. It required government Agencies to operate under a presumption of openness when considering whether to release government information.

It also aimed to reduce the overuse of exemptions to withhold information from the public and to minimize the bureaucracy in the FOIA request process by requiring the creation of a single

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