

wouldn't be my first pick, but I am supporting him. He has been a partner at a distinguished Philadelphia law firm, the Dilworth Paxson firm, since 2008 and has both the ability and I think the integrity to serve as a Federal district court judge. So that is a demonstration that this process can work when you have consensus, even between Senators who don't often vote together.

This is a bipartisan process. It requires both parties to work very hard. It requires our staff to work hard. It requires consensus. It has required several White Houses now—the Obama administration's White House, as well as the Trump administration—to work with us. But we found a way to make it work on most days.

This bipartisan district court process is indeed the exception, not the rule. In so many other instances, especially with regard to circuit court nominees, we have seen extreme nominees being pushed through. The rule change that I referred to earlier that cut the postcloture time to just 2 hours means there is very little time to fully consider nominees to these lifetime appointments to the Bench. The Judiciary Committee has stacked multiple circuit court nominees in single hearings, giving Senators on the Judiciary Committee less time to ask nominees questions.

Circuit court nominees now receive votes over the objection of their home state Senators. That is new. That wasn't happening just a few years ago, and it wasn't happening many years before that.

The blue-slip process has been eviscerated for circuit court judicial nominees. That is a loss for the Senate, which may be the only body in the world that has the kind of rules that govern our work so that we will arrive at a consensus by empowering the minority to work with the majority to arrive at that consensus. It is a loss for the Senate, but it is also a loss for our constituents who are served by Federal district courts and Federal circuit courts.

Last year, the Senate confirmed David Porter to the Third Circuit Court of Appeals in Pennsylvania—Pennsylvania being one of the States represented in the circuit. That nomination and confirmation was over my objection as a home State Senator. This was in spite of my record of bipartisan work on judicial nominations. My record now goes back over the course of three Presidencies and different Senates—Democratic Senate, Republican Senate. Despite all the bipartisan work, this nominee was both nominated and confirmed without my consent.

For the first time in history, we have confirmed two judges to the circuit court—Eric Miller and Paul Matey—without the consent of any home State Senators, meaning you have two Democratic Senators who did not give consent, and now they have been con-

firmed. I don't think that is good for the Senate in the long run. I am certain it is not good for our constituents, as I said. I think they would prefer judges who come through a process where there is a degree of consensus, including all of the vetting that these nominees go through.

This isn't how the process is supposed to work. This process is supposed to be one of advice and consent. Advice and consent as to nominating people for lifetime appointments to the Federal courts, especially the circuit courts, has been gutted. "Gutted" might be an understatement. These nominees will impact not just the lives of the parties before them in court, but, of course, the lives of all Americans.

It is true that in our system, one Federal judge can affect the whole country. We know that from our history. And that includes both district court judges, as well as circuit court judges.

In the case of circuit court judges, often that is the last stop. Very few cases are briefed and argued before the U.S. Supreme Court. In many cases, the last stop is the Federal Circuit Court of Appeals. For all intents and purposes, that becomes the Supreme Court for a lot of cases—the highest level of review.

I hope we can return to a more inclusive process that focuses on putting experienced, mainstream judges on the bench rather than ramming through—and that is the best way to describe what has been happening lately—nominees with views and with records that are out of the mainstream. I would argue for purposes of the near-term votes that both Mr. Barker and Mr. Brasher would not fit under the umbrella of being mainstream.

I think there are plenty of folks around here in the Senate who would like to work together to arrive at more of a consensus. It doesn't mean that we will not have disagreements; it doesn't mean that one side will not have a different point of view. But I think someone can be conservative and philosophically aligned with one party or one point of view without being so far out of the mainstream that a lot of Americans would consider them extreme.

I yield the floor.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 6:58 p.m., adjourned until Wednesday, May 1, 2019, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### MERIT SYSTEMS PROTECTION BOARD

B. CHAD BUNGARD, OF MARYLAND, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE

TERM OF SEVEN YEARS EXPIRING MARCH 1, 2025, VICE MARK A. ROBBINS, TERM EXPIRED.

##### IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be major general

BRIG. GEN. RODNEY L. FAULK  
BRIG. GEN. DEBORAH L. KOTULICH  
BRIG. GEN. FREDERICK R. MAIOCCO  
BRIG. GEN. GREGORY J. MOSSER  
BRIG. GEN. JOHN H. PHILLIPS  
BRIG. GEN. JOE D. ROBINSON  
BRIG. GEN. ALBERTO C. ROSENDE  
BRIG. GEN. RICHARD C. STAATS, JR.  
BRIG. GEN. KEVIN C. WULFHORST

##### To be brigadier general

COL. TIMOTHY E. BRENNAN  
COL. CARY J. COWAN, JR.  
COL. CHRISTOPHER J. DZIUBEK  
COL. JEFFREY M. FARRIS  
COL. ROBERT E. GUIDRY  
COL. MICHELLE A. LINK  
COL. LAURENCE S. LINTON  
COL. PAMELA L. MCGAHA  
COL. STEVEN B. MCLAUGHLIN  
COL. JOSEPH A. PAPPENFUS  
COL. JOSEPH A. RICCIARDI  
COL. JED J. SCHAERTL  
COL. PATRICIA R. WALLACE  
COL. DAVID P. WARSHAW  
COL. STUART E. WERNER  
COL. WANDA N. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 7064:

##### To be colonel

TIMOTHY S. ADAMS  
DANIEL A. BLAZ  
DAVID F. BOYD III  
CRAIG S. BUDINICH  
BRETT G. BUEHNER  
MITZI A. FIELDS  
BRAD E. FRANKLIN  
STACEY S. FREEMAN  
MATTHEW K. GARRISON  
JOSEPH J. HOFFERT  
THERESA L. LEWIS  
BIRGIT B. LISTER  
RANAE T. LOWE  
ALICIA A. MADORE  
MARK L. MITCHELL  
VINCENT B. MYERS  
PRENTICE R. PRICE  
THURMAN J. SAUNDERS  
ANN C. SIMSCOLUMBIA  
ALICIA D. SURREY  
MICHAEL F. SZYMANIAK  
JIMMIE J. TOLVERT  
DENNIS R. TURNER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 7064:

##### To be colonel

CAROL A. ANDERSON  
AMY A. BLANK  
MERBIN CARATTINI  
ROBERT CARTER III  
TRISHA A. COBB  
COLLEEN M. COOPER  
DAVID B. COWGER  
NATHANAE L. C. FORRESTER  
TOBIAS J. GLISTER  
JAMES B. GOETSCHEUS  
MATTHEW J. GRIESER  
MARK G. HARTELL  
CHARLOTTE L. HILDEBRAND  
RAYMOND J. JABLONKA  
FREDERICK C. JACKSON  
PAUL J. KASSEBAUM  
DUBRAY KINNEY, SR.  
BRADLEY D. LADD  
PAUL W. MAETTZOLD  
KEVIN J. MAHONEY  
MATTHEW J. MAPES  
PETER B. MARKOT  
YVETTE M. MCCREA  
JAMES A. MORRISON  
ROBERT L. NACE  
WOODROW NASH, JR.  
BRIAN D. OLEARY  
ADAM J. PETERS  
RICARDO A. REYES  
DANIEL E. REYNOLDS  
MICHAEL D. RONN  
GINNETTE RUTH  
ALICE E. SMITH  
KIRSTEN S. SMITH  
KENNETH D. SPICER  
SABRINA R. THWEATT  
BARBARA T. TRANKNER  
STUART D. TYNER  
ARISTOTLE A. VASELIIADES  
LAWANDA D. WARTHEN  
CHAN L. WEBSTER  
DOUGLAS P. WEKELL  
KENNEY H. WELLS

ABDUL R. WILLIS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 7064:

*To be colonel*

THOMAS A. BRYANT  
RENEE E. COLE  
STEPHEN M. DELELLIS  
DAVID N. FELTWELL  
KEVIN M. HOUCK  
DAWN L. ORTA  
ARTHUR F. YEAGER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 7064:

*To be colonel*

JEREMY J. BEARSS  
DALE R. BEEBE  
TODD M. BELL  
CARRIE G. BENTON  
WILLIAM E. CULP  
CHRISTINE A. EGE  
PAUL R. FACEMIRE  
MICHELLE THOMPSON

DEPARTMENT OF ENERGY

WILLIAM COOPER, OF MARYLAND, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF ENERGY.

DEPARTMENT OF STATE

R. CLARKE COOPER, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF STATE (POLITICAL-MILITARY AFFAIRS).

PENSION BENEFIT GUARANTY CORPORATION

GORDON HARTEGENSIS, OF CONNECTICUT, TO BE DIRECTOR OF THE PENSION BENEFIT GUARANTY CORPORATION FOR A TERM OF FIVE YEARS.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 30, 2019: