

savings, which everyone says is important, including the Congressional Budget Office, and to help people have peace of mind in retirement. What could be more important?

Again, I thank my colleague from Maryland for allowing me to join him on the floor to talk about the importance of this legislation.

I urge my colleagues on both sides of the aisle to take a look at this. I hope they will sign it and be cosponsors on this legislation. Let's get this passed. Let's do it this year.

I yield the floor.

NOMINATION OF KENNETH KIYU LEE

Mrs. FEINSTEIN. Mr. President, I rise today in opposition to the nomination of Kenneth Lee to the United States Court of Appeals for the Ninth Circuit.

Mr. Lee has been nominated to a California seat on the Ninth Circuit over the objections of Senator HARRIS and myself. Neither Senator HARRIS nor I returned blue slips for Mr. Lee; yet the majority moved forward with his nomination, disregarding our concerns.

In doing so, the majority is violating Senate norms and traditions by—for the first time ever—ignoring the lack of a blue slip from the Judiciary Committee's ranking member. Let me repeat: This has never been done before.

There was no need to proceed with Mr. Lee's nomination over our objections.

As has been true of many of my Democratic colleagues, Senator HARRIS and I made it clear to the Trump administration that we were ready to work with the White House to find a consensus pick for this and two other Ninth Circuit California seats.

Sadly, our willingness to work with the administration has not been reciprocated. Once again, the majority is insisting on moving ahead with a nomination, despite the strong objections of both home-State Senators.

Senator HARRIS and I refused to return blue slips for Mr. Lee for two key reasons.

First, Mr. Lee has a long record of controversial writings and statements on race and diversity, immigration, affirmative action, women's rights, and other issues.

Second, Mr. Lee failed to disclose dozens of problematic writings to our in-state judicial commissions and to the Judiciary Committee itself.

That failure raises significant doubts about Mr. Lee's candor and judgment, and it should be concerning to all Members of this body. In fact, when another nominee for the Ninth Circuit, Ryan Bounds, also failed to turn over his writings, his nomination was rejected by the Senate.

Mr. Bounds had failed to identify to Oregon's in-state judicial screening commission at least five articles that took controversial positions on issues including campus sexual assault and diversity at institutions of higher education, whereas Mr. Lee failed to dis-

close either to my and Senator HARRIS's screening commissions or to the Judiciary Committee itself more than 75 articles.

Importantly, several of Mr. Lee's articles demonstrate a continuity between what he wrote and the positions he has continued to advocate well into his legal career.

For example, Mr. Lee was a vocal critic of affirmative action, writing: "Our stance on affirmative action has always been that it ultimately hurts the recipients instead of helping them. . . . Black students will unfortunately be treated as inferiors because people will always assume that they were accepted solely because of their race."

In a 2003 piece, written while he was a practicing attorney, Mr. Lee criticized the Supreme Court's opinion in the Bakke case, which upheld the use of race as one of several criteria to be considered in college admissions.

Mr. Lee wrote that "[t]he Supreme Court can no longer hide behind the wishful thinking of Bakke," which he said "was based on the naive assumption that universities would consider race merely as a tie-breaker."

Mr. Lee has not backed away from his opposition to affirmative action and so the Congressional Black Caucus wrote a letter stating: "While many of [Mr. Lee's] most disturbing writings have come from when he was in college and law school, there is every indication that these views were well-settled and carried through his career."

In a 2005 article, written years after he graduated from law school, Mr. Lee criticized President George W. Bush's plan to allow undocumented immigrants to work legally within the United States.

Mr. Lee wrote: "By describing illegal immigrants as 'hard-working men and women' who are pursuing 'better lives,' [President Bush] blurs the distinction between illegals and those who came to America following the rules."

Mr. Lee's portrayal of undocumented immigrants is both inaccurate and troubling.

Mr. Lee has also taken extreme positions on women's rights. He argued that feminism "is not about extending equal rights and opportunities to women . . . [but] is about adhering to a stifling orthodoxy." He attacked feminists for "support[ing] unfettered abortion-on-demand."

As NARAL put it in a letter submitted to the committee, Lee's writings "suggest a disdain for women that is concerning in any context, but especially so for someone up for a lifetime seat on the federal bench."

In conclusion, I believe Mr. Lee's record shows that he is far outside the legal mainstream.

Given the positions he has taken in dozens of articles and given his failure to disclose writings to my commission and to the Judiciary Committee I cannot support Mr. Lee's nomination to the Ninth Circuit.

I will vote against Mr. Lee and I urge my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Ohio.

LEGISLATION SESSION

MORNING BUSINESS

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MEASURES PLACED ON THE CALENDAR—H.R. 986 and H.R. 2157

Mr. PORTMAN. Mr. President, I understand there are two bills at the desk due for a second reading en bloc.

The PRESIDING OFFICER. The clerk will read the titles of the bills for the second time.

The senior assistant bill clerk read as follows:

A bill (H.R. 986) to provide that certain guidance related to waivers for State innovation under the Patient Protection and Affordable Care Act shall have no force or effect.

A bill (H.R. 2157) making supplemental appropriations for the fiscal year ending September 30, 2019, and for other purposes.

Mr. PORTMAN. In order to place the bills on the calendar under the provisions of rule XIV, I would object to further proceeding en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will be placed on the calendar.

RECOGNIZING AND SUPPORTING THE GOALS AND IDEALS OF NATIONAL SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 178 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant bill clerk read as follows:

A resolution (S. Res. 178) recognizing and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

There being no objection, the committee was discharged, and the Senate proceeded to consider the resolution.

Mr. PORTMAN. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 178) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of April 30, 2019, under “Submitted Resolutions.”)

EXECUTIVE SESSION

EXECUTIVE CALENDAR—Continued

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate resume executive session.

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

Under the previous order, all postclosure time has expired.

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

Mr. ROUNDS. Mr. President, 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 legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Texas (Mr. CRUZ).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) and the Senator from Hawaii (Ms. HIRONO) are necessarily absent.

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

The result was announced—yeas 52, nays 45, as follows:

[Rollcall Vote No. 110 Ex.]

YEAS—52

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

NAYS—45

Baldwin	Hassan	Rosen
Bennet	Heinrich	Sanders
Blumenthal	Jones	Schatz
Brown	Kaine	Schumer
Cantwell	King	Shah
Cardin	Klobuchar	Sinema
Carper	Leahy	Smith
Casey	Manchin	Stabenow
Cortez Masto	Menendez	Udall
Duckworth	Merkley	Van Hollen
Durbin	Murphy	Warner
Feinstein	Murray	Whitehouse
Gillibrand	Peters	Wyden
Harris	Reed	

NOT VOTING—3

Booker	Cruz	Hirono
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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.

ORDER OF BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the remaining votes be 10 minutes in length.

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

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 Wendy Vitter, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

Mitch McConnell, James E. Risch, Roy Blunt, Mike Rounds, Thom Tillis, David Perdue, John Cornyn, Mike Crapo, John Thune, John Hoeven, Johnny Isakson, John Boozman, Roger F. Wicker, Pat Roberts, Steve Daines, John Kennedy.

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 Wendy Vitter, of Louisiana, to be United States District Judge for the Eastern District of Louisiana, 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 Senator is necessarily absent: the Senator from Texas (Mr. CRUZ).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from Hawaii (Ms. HIRONO), 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 yeas and nays resulted—yeas 51, nays 45, as follows:

[Rollcall Vote No. 111 Ex.]

YEAS—51

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

NAYS—45

Baldwin	Blumenthal	Cantwell
Bennet	Brown	Cardin

Carper	Kaine	Sanders
Casey	King	Schatz
Collins	Klobuchar	Schumer
Coons	Leahy	Shaheen
Cortez Masto	Manchin	Sinema
Duckworth	Markey	Smith
Durbin	Menendez	Stabenow
Feinstein	Merkley	Tester
Gillibrand	Murphy	Udall
Harris	Murray	Van Hollen
Hassan	Peters	Warner
Heinrich	Reed	Whitehouse
Jones	Rosen	Wyden

NOT VOTING—4

Booker	Hirono
Cruz	Warren

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 45.

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 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 Brian J. Bulatao, of Texas, to be an Under Secretary of State (Management).

Mitch McConnell, Roger F. Wicker, Steve Daines, James E. Risch, Roy Blunt, Tim Scott, Mike Rounds, David Perdue, Mike Crapo, John Thune, John Hoeven, Johnny Isakson, John Boozman, Pat Roberts, John Kennedy, Thom Tillis, John Cornyn.

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 Brian J. Bulatao, of Texas, to be an Under Secretary of State (Management), shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

This is a 10-minute vote.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Texas (Mr. CRUZ).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from Hawaii (Ms. HIRONO), the Senator from Minnesota (Ms. KLOBUCHAR), 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 yeas and nays resulted—yeas 90, nays 5, as follows:

[Rollcall Vote No. 112 Ex.]

YEAS—90

Alexander	Brown	Coons
Baldwin	Burr	Cornyn
Blumenthal	Cantwell	Cortez Masto
Bennet	Capito	Cotton
Blackburn	Cardin	Cramer
Blunt	Carper	Crapo
Boozman	Casey	Daines
Brown	Cassidy	Duckworth
Cantwell	Collins	Durbin