

NOMINATION OF MATTHEW J. KACSMARYK

Mr. LEAHY. Mr. President, later this month our Nation will mark the 50th anniversary of the momentous uprising at the Stonewall Inn, an occasion that led to June being designated as Pride Month. From parades and celebrations to quiet remembrances, millions of Americans are reflecting on the progress made in the last 50 years for LGBTQ rights, but under the current administration, I fear some of that progress is at risk.

President Trump, who once claimed to be an ally of the LGBTQ community, has proven to be anything but that. His administration has pursued a series of administrative rule changes that seek to undermine the progress made by the LGBTQ community. That includes, at seemingly every opportunity, attempting to make life more difficult for transgender individuals, a community of people who already face daily discrimination.

The Trump administration has worked to erase the gender identities of Federal inmates; to restrict access to healthcare and allow homeless shelters to freely discriminate against LGBTQ individuals under the false guise of religious freedom; and to ban transgender servicemembers from our Armed Services, many of whom have served this country for years, including during times of war.

If discrimination by policy were not enough, President Trump also nominated an unapologetic anti-LGBTQ zealot for a lifetime appointment to the Federal bench, a nominee Senate Republicans are ready to confirm on the floor this week.

Matthew Kacsmaryk has a long history of espousing uninformed, offensive, and downright bigoted views of LGBTQ individuals. In 2016, he wrote that the existence of transgender identity is a “delusion” and that treating transgender patients in accordance with their gender identity is “radicalism.” He has repeatedly disparaged the LGBTQ rights movement and described efforts to roll back progress as a “Long War Ahead.” He has argued that discrimination against LGBTQ persons should be legal in employment, public accommodations, and healthcare. He has opposed equality in every possible arena, including anti-discrimination provisions in reauthorizations of the Violence Against Women Act and the Runaway and Homeless Youth Trafficking and Prevention Act, two pieces of legislation that I authored and care about deeply, legislation that attempts to defend the most vulnerable in our society.

No one can credibly claim that an LGBTQ individual, seeking nothing more than equality under the law, would receive a fair hearing from a Judge Matthew Kacsmaryk, a man who considers himself a warrior in the effort to roll back LGBTQ rights. He is simply unfit to serve as a judge. The fact that Senate Republicans would consider the nomination of Matthew

Kacsmaryk during Pride Month adds additional insult to the LGBTQ community, which rightly speaks with a single voice in opposition to this nominee.

Protecting LGBTQ rights need not be a partisan effort. Senator Ted Kennedy and I worked with Republican partners to pass the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act into law, which ensures that hate crimes motivated by sexual orientation or gender identity are federally recognized and prosecuted. I also worked with Senator CRAPO when we authored the landmark reauthorization and expansion of the Violence Against Women Act in 2013, which expanded protections for LGBTQ victims. The Senate has an opportunity to come together again in enacting much-needed reforms by passing the Equality Act.

A most basic duty of government is to protect its citizens. By allowing President Trump to repeatedly attack the LGBTQ community without taking action or speaking out, the Senate is failing in our duty. American citizens will suffer greatly from discriminatory policies and judges with hostility toward the LGBTQ community. People at their most desperate will be refused medical care and turned away from shelters. Soldiers will be forced to hide who they are or risk being discharged and prevented from serving the country they love. Inmates will be housed with people of a different gender, opening the door to abuse.

If the President is able to sanction overt discrimination against marginalized members of society with impunity, the words “all men are created equal” have little meaning. I implore each member of this body to stand up for the rights of all our LGBTQ constituents and friends, not just during Pride Month, but every month. I, for one, will stand with them.

NOMINATION OF ALLEN COTHREL WINSOR

Mr. SCOTT of Florida. Mr. President, Judge Allen Winsor has honorably served the State of Florida for several years, and I proudly support his confirmation as a district judge for the Northern District of Florida today. He has demonstrated a keen legal acumen and adherence to the rule of law, both in his prior capacity as the solicitor general in the Office of the Florida Attorney General and in his present role as an appellate judge on Florida’s First District Court of Appeal. His service on the appellate bench in Florida has consistently reflected his respect for the separation of powers and devotion to the proper function of the judiciary in our democratic system. As Governor of Florida, I had the distinct honor to appoint him to the First District Court of Appeal in 2016, and I am proud to support his confirmation to the Federal bench, where he will continue to serve our State and Nation well.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the votes following the first vote in this series be 10 minutes in length.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

Mr. TESTER. 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 bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) and the Senator from New York (Mrs. GILLIBRAND) are necessarily absent.

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

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 172 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)
Cornyn	Kennedy	Shelby
Cotton	Lankford	Sullivan
Cramer	Lee	Thune
Crapo	McConnell	Tillis
Cruz	McSally	Toomey
Daines	Moran	Wicker
Enzi	Murkowski	Young
Ernst	Paul	
Fischer	Perdue	

NAYS—46

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

NOT VOTING—2

Booker	Gillibrand
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The nomination was confirmed.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The senior assistant bill clerk read the nomination of Allen Cothrel Winsor, of Florida, to be United States District Judge for the Northern District of Florida.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Winsor nomination?

Mr. BARRASSO. 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 senior assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) and the Senator from New York (Mrs. GILLIBRAND) are necessarily absent.

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

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 173 Ex.]

YEAS—54

Alexander	Fischer	Paul
Barrasso	Gardner	Perdue
Blackburn	Graham	Portman
Blunt	Grassley	Risch
Boozman	Hawley	Roberts
Braun	Hoeven	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—44

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

NOT VOTING—2

Booker Gillibrand

The nomination was confirmed.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The senior assistant legislative clerk read the nomination of James David Cain, Jr., of Louisiana, to be United States District Judge for the Western District of Louisiana.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Cain nomination?

Mr. BARRASSO. 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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) and the Senator from New York (Mrs. GILLIBRAND) are necessarily absent.

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

The result was announced—yeas 77, nays 21, as follows:

[Rollcall Vote No. 174 Ex.]

YEAS—77

Alexander	Gardner	Perdue
Barrasso	Graham	Portman
Bennet	Grassley	Reed
Blackburn	Hassan	Risch
Blunt	Hawley	Roberts
Boozman	Heinrich	Romney
Braun	Hirono	Rosen
Burr	Hoeven	Rounds
Capito	Hyde-Smith	Rubio
Cardin	Inhofe	Sasse
Carper	Isakson	Scott (FL)
Cassidy	Johnson	Scott (SC)
Collins	Jones	Shaheen
Coons	Kaine	Shelby
Cornyn	Kennedy	Sinema
Cortez Masto	King	Sullivan
Cotton	Lankford	Tester
Cramer	Leahy	Thune
Crapo	Lee	Tillis
Cruz	Manchin	Toomey
Daines	McConnell	Udall
Durbin	McSally	Warner
Enzi	Moran	Whitehouse
Ernst	Murkowski	Wicker
Feinstein	Murphy	Young
Fischer	Paul	

NAYS—21

Baldwin	Klobuchar	Schatz
Blumenthal	Markey	Schumer
Brown	Menendez	Smith
Cantwell	Merkley	Stabenow
Casey	Murray	Van Hollen
Duckworth	Peters	Warren
Harris	Sanders	Wyden

NOT VOTING—2

Booker Gillibrand

The nomination was confirmed.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The bill clerk read the nomination of Greg Gerard Guidry, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Guidry nomination?

Mr. GARDNER. Madam 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 bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) is necessarily absent.

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

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 175 Ex.]

YEAS—53

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

Sullivan  
Thune

Tillis  
Toomey

Wicker  
Young

NAYS—46

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

NOT VOTING—1

Booker

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President will be immediately notified of the Senate's actions.

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 motion to proceed to Calendar No. 114, S. 1790, a bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

James M. Inhofe, Johnny Isakson, Pat Roberts, Rick Scott, James E. Risch, John Cornyn, John Thune, Richard Burr, Thom Tillis, Mike Crapo, Josh Hawley, Tom Cotton, John Boozman, Martha McSally, Joni Ernst, David Perdue, Mitch McConnell.

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 motion to proceed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, 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 New Jersey (Mr. BOOKER) is necessarily absent.

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