

Last month has only magnified these problems. President Trump initially claimed that no one was hurt after Iran retaliated against forces on January 8. Now the Pentagon says over 100 military personnel suffered a traumatic brain injury. Why has it taken so long for us to learn that American troops were hurt in the attack? Who ordered the withholding of that information? Was it President Trump? It sure wouldn't be surprising. And who in the military—the military, which is a bulwark, one of the few, particularly when General Mattis was the Secretary—who in the military let that happen? Just as importantly, what is the President's strategy for keeping our troops safe in the coming weeks?

The administration has deliberately refused to be transparent with Congress about the aftermath of the Iranian strike. I fear that by keeping Congress in the dark, President Trump is, once again, hoping to short-circuit our checks and balances and escape scrutiny. That is why Senator KAINE's War Powers Resolution is a matter of urgent necessity. I commend Senator KAINE on the job he has done and urge my colleagues of both parties to vote in favor of this resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. SULLIVAN. Madam President, I ask unanimous consent that the confirmation vote on the Kindred nomination begin following my remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

NOMINATION OF JOSHUA M. KINDRED

Mr. SULLIVAN. Madam President, I rise today in support of the vote that the Senate is going to take on here in a few minutes on Joshua Kindred to be Alaska's next Federal district court judge, and I commend this body, particularly Leader MCCONNELL, for prioritizing putting good, solid, young Federal judges in seats in districts and circuit courts all across the country—188 so far since the Trump administration took office, and now it is Alaska's turn.

That Federal judge seat that we are looking at filling here in a couple of minutes has been empty for almost 4 years, and in our State, in the great State of Alaska, we don't have too many opportunities for Federal judges. For example, Alaska only has 1 active judge on the entire Ninth Circuit Court of Appeals out of 29 active judges. So this is an important vote, certainly, for my State.

I want to talk a little bit about Josh Kindred. I have known Josh since he was a young assistant district attorney for the State of Alaska when I was attorney general. We talked about how we were going to work together to make Alaska's judicial process more efficient and more effective for Alaskans during his confirmation process. I certainly was impressed then, but I was impressed when I first met Josh many

years ago and continue to be impressed with his fierce commitment to upholding the law, the concept of equal access to justice for all, and his keen awareness of Alaska's unique legal landscape.

Josh was unanimously rated as "qualified" by the ABA and is a life-long Alaskan with a broad and impressive legal background.

As I mentioned, after clerking on the Oregon Supreme Court, he came back home to Alaska and was promoted to violent crimes supervisor after a number of years working in the Anchorage District Attorney's Office, where he worked to punish perpetrators of crimes and with victims of some of the heinous crimes, unfortunately, that we have in too high numbers in Alaska, particularly as it relates to sexual assault and domestic violence. In his career, he has been committed not only to prosecuting those kinds of crimes but to doing pro bono work to stem this very significant crisis that my State has with these heinous crimes of sexual abuse.

Rounding out his legal experience, Josh served as the environmental counsel for the Alaska Oil and Gas Association and, most recently, as the regional solicitor for Alaska for the U.S. Department of the Interior. Now, when the Federal Government controls over 60 percent of the lands in Alaska, the solicitor for the U.S. Department of the Interior position in Alaska is actually a really important one and is incredibly important in terms of qualifications for a Federal judge.

This wide-ranging experience will be incredibly valuable as a district court judge in Alaska because he is familiar—very familiar—with the numerous Alaska-specific laws that this body passes year after year, decade after decade: the Alaska Native Claims Settlement Act, the Alaska National Interest Lands Conservation Act, and the Trans-Alaska Pipeline Act. This is an important point because very few States have such large, complex Federal laws that are focused solely on their State, and Federal courts often misinterpret these laws and don't understand these laws, to the detriment of the people I represent.

Let me just give you a recent example. There was a Federal case under the law I mentioned recently, ANILCA, as we call it in Alaska. It involved a moose hunter named John Sturgeon who had a hovercraft and wanted to go moose hunting, and overbearing Federal Government agents told him he couldn't use his hovercraft in certain areas considered Federal waters. John Sturgeon knew better. He challenged the Federal Government. There were 12 years of litigation, twice up to the U.S. Supreme Court, and Federal judges at the district and certainly the Ninth Circuit Court of Appeals level getting this case wrong every single time. Finally, last year, in a unanimous 9-to-0 opinion, Justice Elena Kagan summed it up very succinctly when she ruled

against all of these Federal judges in the Ninth Circuit and for Mr. Sturgeon. She said: "If Sturgeon lived in any other State, his suit would not have a prayer of success."

She went on: "Except that Sturgeon lives in Alaska. And as we have said before, 'Alaska is often the exception, not the rule,'" under Federal law.

So the Supreme Court gets it, and Josh Kindred will get it. He understands Alaska's unique legal jurisprudence. He is committed to honoring the commitments this body has made to Alaska's first peoples and others in my great State, and he is committed to justice.

I believe he will serve with honor and integrity on the Federal court, and I urge my colleagues to vote for his confirmation.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Kindred nomination?

Mr. SULLIVAN. 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. THUNE. The following Senator is necessarily absent: the Senator from Wisconsin (Mr. JOHNSON).

Further, if present and voting, the Senator from Wisconsin (Mr. JOHNSON) would have voted "yea."

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 (Mr. SASSE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 41, as follows:

[Rollcall Vote No. 41 Ex.]

YEAS—54

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

NAYS—41

| | | |
|------------|--------------|----------|
| Baldwin | Coons | Heinrich |
| Blumenthal | Cortez Masto | Hirono |
| Booker | Duckworth | Jones |
| Brown | Durbin | Kaine |
| Cantwell | Feinstein | King |
| Cardin | Gillibrand | Leahy |
| Carper | Harris | Markey |
| Casey | Hassan | Menendez |

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|---------|----------|------------|
| Merkley | Schatz | Udall |
| Murphy | Schumer | Van Hollen |
| Murray | Shaheen | Warner |
| Peters | Smith | Whitehouse |
| Reed | Stabenow | Wyden |
| Rosen | Tester | |

NOT VOTING—5

| | | |
|---------|-----------|--------|
| Bennet | Klobuchar | Warren |
| Johnson | Sanders | |

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Oklahoma.

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

The PRESIDING OFFICER. Is there any objection?

Without objection, it is so ordered. The votes will be 10 minutes.

EXECUTIVE CALENDAR

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

The senior assistant legislative clerk read the nomination of Matthew Thomas Schelp, of Missouri, to be United States District Judge for the Eastern District of Missouri.

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

Mr. CRUZ. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The PRESIDING OFFICER. 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 Wisconsin (Mr. JOHNSON).

Further, if present and voting, the Senator from Wisconsin (Mr. JOHNSON) would have voted "yea."

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 72, nays 23, as follows:

[Rollcall Vote No. 42 Ex.]

YEAS—72

| | | |
|--------------|------------|-----------|
| Alexander | Duckworth | Lankford |
| Barrasso | Durbin | Leahy |
| Blackburn | Enzi | Lee |
| Blunt | Ernst | Loeffler |
| Boozman | Feinstein | Manchin |
| Braun | Fischer | McConnell |
| Burr | Gardner | McSally |
| Capito | Graham | Moran |
| Carper | Grassley | Murkowski |
| Cassidy | Hassan | Murphy |
| Collins | Hawley | Paul |
| Cornyn | Hoeven | Perdue |
| Cortez Masto | Hyde-Smith | Peters |
| Cotton | Inhofe | Portman |
| Cramer | Jones | Reed |
| Crapo | Kaine | Risch |
| Cruz | Kennedy | Roberts |
| Daines | King | Romney |

| | | |
|------------|----------|------------|
| Rosen | Shaheen | Tillis |
| Rounds | Shelby | Toomey |
| Rubio | Sinema | Warner |
| Sasse | Sullivan | Whitehouse |
| Casey | Tester | Wicker |
| Scott (FL) | Thune | Young |
| Scott (SC) | | |

NAYS—23

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|------------|------------|------------|
| Baldwin | Gillibrand | Schatz |
| Blumenthal | Harris | Schumer |
| Booker | Heinrich | Smith |
| Brown | Hirono | Stabenow |
| Cantwell | Markey | Udall |
| Cardin | Menendez | Van Hollen |
| Casey | Merkley | Wyden |
| Coons | Murray | |

NOT VOTING—5

| | | |
|---------|-----------|--------|
| Bennet | Klobuchar | Warren |
| Johnson | Sanders | |

The nomination was confirmed.

EXECUTIVE CALENDAR

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

The legislative clerk read the nomination of John Fitzgerald Kness, of Illinois, to be United States District Judge for the Northern District of Illinois.

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

Mr. WICKER. 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 Senators are necessarily absent: the Senator from Wisconsin (Mr. JOHNSON) and the Senator from Florida (Mr. RUBIO).

Further, if present and voting, the Senator from Wisconsin (Mr. JOHNSON) would have voted "yea" and the Senator from Florida (Mr. RUBIO) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from New Mexico (Mr. HEINRICH), 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 81, nays 12, as follows:

[Rollcall Vote No. 43 Ex.]

YEAS—81

| | | |
|--------------|-----------|------------|
| Alexander | Cotton | Hyde-Smith |
| Baldwin | Cramer | Inhofe |
| Barrasso | Crapo | Jones |
| Blackburn | Cruz | Kaine |
| Blumenthal | Daines | Kennedy |
| Blunt | Duckworth | King |
| Boozman | Durbin | Lankford |
| Braun | Enzi | Leahy |
| Burr | Ernst | Lee |
| Capito | Feinstein | Loeffler |
| Cardin | Fischer | Manchin |
| Carper | Gardner | McConnell |
| Casey | Graham | McSally |
| Cassidy | Grassley | Menendez |
| Collins | Hassan | Merkley |
| Coons | Hawley | Moran |
| Cornyn | Hirono | Murkowski |
| Cortez Masto | Hoeven | Murphy |

| | | |
|---------|------------|------------|
| Paul | Rounds | Sullivan |
| Perdue | Sasse | Tester |
| Peters | Schatz | Thune |
| Portman | Scott (FL) | Tillis |
| Reed | Scott (SC) | Toomey |
| Risch | Shaheen | Warner |
| Roberts | Shelby | Whitehouse |
| Romney | Sinema | Wicker |
| Rosen | Smith | Young |

NAYS—12

| | | |
|------------|---------|------------|
| Booker | Harris | Stabenow |
| Brown | Markey | Udall |
| Cantwell | Murray | Van Hollen |
| Gillibrand | Schumer | Wyden |

NOT VOTING—7

| | | |
|----------|-----------|--------|
| Bennet | Klobuchar | Warren |
| Heinrich | Rubio | |
| Johnson | Sanders | |

The nomination was confirmed.

EXECUTIVE CALENDAR

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

The bill clerk read the nomination of Philip M. Halpern, of New York, to be United States District Judge for the Southern District of New York.

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

Mr. COTTON. 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 bill clerk called the roll.

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 (Ms. ERNST). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 77, nays 19, as follows:

[Rollcall Vote No. 44 Ex.]

YEAS—77

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

NAYS—19

| | | |
|------------|--------------|----------|
| Baldwin | Casey | Harris |
| Blumenthal | Cortez Masto | Heinrich |
| Booker | Duckworth | Hirono |
| Cantwell | Gillibrand | Markey |