

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 Kymberly Kathryn Evanson, of Washington, to be United States District Judge for the Western District of Washington, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. SCHUMER. I announce that the Senator from Illinois (Mr. DURBIN), the Senator from Maine (Mr. KING), and the Senator from New Hampshire (Mrs. SHAHEEN) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from Nebraska (Mr. RICKETTS), the Senator from Alaska (Mr. SULLIVAN), and the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting, the Senator from North Carolina (Mr. TILLIS) would have noted “nay.”

The yeas and nays resulted—yeas 51, nays 42, as follows:

[Rollcall Vote No. 176 Ex.]

YEAS—51

Baldwin	Hassan	Peters
Bennet	Heinrich	Reed
Blumenthal	Hickenlooper	Rosen
Booker	Hirono	Sanders
Brown	Kaine	Schatz
Cantwell	Kelly	Schumer
Cardin	Klobuchar	Sinema
Carper	Lujan	Smith
Casey	Manchin	Stabenow
Collins	Markey	Tester
Coons	Menendez	Van Hollen
Cortez Masto	Merkley	Warner
Duckworth	Murkowski	Warnock
Feinstein	Murphy	Warren
Fetterman	Murray	Welch
Gillibrand	Ossoff	Whitehouse
Graham	Padilla	Wyden

NAYS—42

Blackburn	Fischer	Mullin
Boozman	Grassley	Paul
Braun	Hagerty	Risch
Britt	Hawley	Romney
Budd	Hoeven	Rounds
Capito	Hyde-Smith	Rubio
Cassidy	Johnson	Schmitt
Cornyn	Kennedy	Scott (FL)
Cotton	Lankford	Scott (SC)
Cramer	Lee	Thune
Crapo	Lummis	Tuberville
Cruz	Marshall	Vance
Daines	McConnell	Wicker
Ernst	Moran	Young

NOT VOTING—7

Barrasso	Ricketts	Tillis
Durbin	Shaheen	
King	Sullivan	

The PRESIDING OFFICER (Mr. WELCH). On this vote, the yeas are 51, the nays 42.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Kymberly Kathryn Evanson, of Washington, to be United States District Judge for the Western District of Washington.

Thereupon, the Senate proceeded to consider the nomination.

RECESS UNTIL 4 P.M. TODAY

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 4 p.m.

Thereupon, the Senate, at 3:18 p.m., recessed until 4 p.m. and reassembled when called to order by the Presiding Officer (Mr. WELCH).

EXECUTIVE SESSION—Continued

The PRESIDING OFFICER. The Senator from Texas.

UNANIMOUS CONSENT REQUEST—H.R. 538

Mr. CRUZ. Mr. President, many Americans remember waking up on Saturday morning to watch their favorite cartoons, including shows like “The Jetsons.” As I look at the Senate pages who are here, I suspect none of them have any memory of “The Jetsons.” For those who are under 40 in the Chamber or who are watching at home, “The Jetsons” was a futuristic cartoon that was set in the year 2062, and it depicted a family from the future who had fun, imaginative technologies, like jet packs and holograms and video calls and robot vacuums and smartwatches and flying cars. While we are still waiting to see those flying cars in the air, we already have a lot of “The Jetsons” technology available to us now—in many cases, even better than what was depicted in the cartoon show.

Today, internet-connected smart devices are commonly used in American households. Light bulbs, mirrors, air fryers, coffee makers, trash cans, kitchen faucets, refrigerators, and more are all becoming smart, and we are able to control them with our phones or voice commands. A lot of that is really cool. It is expected that, in a few years, nearly 70 percent of American households—more than 80 million households—will own at least one smart home product. This is, by and large, a good thing, as smart devices can help us improve our quality of life and complete daily tasks more easily.

But, with any technological advancement, there can be tradeoffs, and for smart devices, one of the potential tradeoffs is our privacy. In Texas, we have become very aware of that cost. In the past few years, smart thermostats have allowed electric companies to control the temperature in your own home, from afar, in the name of conserving energy.

Furthermore, a lot of Americans don't realize or expect that the growing number of smart household devices and appliances have cameras on them and microphones that can surreptitiously record families and transmit data. In other words, when you are buying a new refrigerator, you don't expect your fridge to record you or listen to you or to spy on you without

your knowledge. And, while some manufacturers have responsibly taken steps to more clearly label their products and to let consumers know they contain listening devices or cameras, others have not.

So I have introduced bipartisan legislation, which I authored alongside Senator CANTWELL of Washington, a Democrat and the chairman of the Commerce Committee. I am the ranking member of the Commerce Committee. Our bipartisan legislation would simply ensure that this information is clearly communicated to consumers so that you are informed before you buy a product that is going to photograph you or film you or record you, so that it doesn't happen against your wishes and without your knowledge.

Now, I expect, in a minute, we are going to hear opposition to my bill—opposition focused on the proposition that any mandate put on a private company is somehow a burden. And it is a mandate to require your refrigerator manufacturer to tell you if your fridge is spying on you. Now, I am sympathetic to the problem that there are too many mandates from government and that many of the mandates are unnecessary and burdensome and costly, but requiring a manufacturer to tell you if they are spying on you does not fall into that category.

And I have to say, in assessing the minimal burden—the disclosure burden—against the harm, I fall down on the side of individual liberty. I fall down on the side of privacy. I don't think the American people want their air fryer spying on them, and, at a minimum, they have the right to know if their air fryer is spying on them.

Now, I would note that my colleagues on both sides of the aisle agree. The Presiding Officer today serves on the Commerce Committee. This legislation passed the Commerce Committee by voice vote, with bipartisan support from both sides of the aisle. This should be a simple, easy, pro-privacy step to protect consumers.

For that reason, as in legislative session, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of H.R. 538 and that the Senate proceed to its immediate consideration; further, that the Cruz-Cantwell substitute amendment at the desk be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Mr. President, reserving the right to object, far too often, Congress operates under the delusion that we know what is best for the American consumer. Instead of allowing market participants to determine the information they want, we seek to manipulate the free market to impose our preferences on private actors.

As I am sure my colleague will readily agree, the Federal Government is far too large in size and scope. In this case, the additional Federal regulation and the associated potential penalties and costs are not appropriate. This is not a case of industry committing fraud or making willful misrepresentations about their products. This bill simply mandates what manufacturers must tell consumers because it assumes that consumers are not sophisticated enough to make the judgment themselves.

If American consumers want more information about a product, they can be sure they will make it known. If a manufacturer wants to sell more of their products, you can be sure they will listen to the consumers. Congress doesn't need to insert itself into every equation.

I object.

The PRESIDING OFFICER. Objection is noted.

The Senator from Texas.

Mr. CRUZ. Mr. President, I have listened to the objections of my friend from Kentucky, and I use that word as many do on this floor, although he is not listening to my response, but that is his choice.

The first time I ever spoke on the floor was in support of Senator PAUL's filibuster in 2013. Senator PAUL is fond of telling his constituents that he is a libertarian, that he defends privacy. I am not quite a libertarian. I am a conservative, but I have strong libertarian leanings. And I want to note the irony that Senator PAUL, who has devoted his entire public career to defending liberty and defending privacy, just objected to protecting the privacy of over 300 million Americans. He just objected to Americans knowing whether they are being spied on at home. I have to admit it is truly flabbergasting.

I would like to invite my colleague Senator PAUL to join me in front of a gathering of libertarians, and let's discuss with libertarians which side of the aisle you want to be on. Do you want to be on the side of Big Business' surreptitiously tape-recording, photographing, and videotaping you in your home or in your bedroom without your knowing about it or is a mild and nominal disclosure requirement simply saying, "If you are going to tape-record someone or videotape them in their house, you have got to tell them," a justifiable burden?

I hope that, in time, reason will prevail, because we ought to be protecting privacy. This is a bill whereby, if we vote on it on the Senate floor, I am confident the vote would be 99 to 1. I am confident that every Senator except the Senator who just objected would support this bill. Protecting people's privacy is a good idea, and I hope the Senate can get there as a body.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Mr. President, 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.

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

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

NOMINATIONS OF TIFFANY M. CARTWRIGHT AND KYMBERLY KATHRYN EVANSON

Mrs. MURRAY. Mr. President, I come to the floor today to urge my colleagues to confirm two excellent judicial nominees to the U.S. District Court for the Western District of Washington: Tiffany Cartwright, whom President Biden first nominated well over a year ago, and Kimberly Evanson, also nominated last year.

I am proud to say I recommended both of these women after they were vetted and endorsed by a nonpartisan judicial merit selection committee made up of Democratic and Republican legal experts. In fact, since 2021, the Senate has confirmed five judges to the Western District, each of whom were strongly supported by the same committee. And with Ms. Cartwright and Ms. Evanson, it is clear to me they have done it again.

These are two incredibly well-qualified nominees, with records which show they have an expert understanding of our laws, a passion for justice and fairness for everyone, and an appreciation for how their decisions will affect the lives of people across Washington State.

Tiffany Cartwright grew up in Kitsap County in Washington and received her law degree from Stanford University. She has clerked on both the Alaska Supreme Court for Justice Dana Fabe and the Ninth Circuit Court of Appeals for Justice Betty B. Fletcher, and today she is a partner at a leading civil rights firm in the Pacific Northwest.

As a trial lawyer in Seattle, Ms. Cartwright has established herself as a preeminent civil rights attorney, dedicated to ensuring our laws are faithfully executed on behalf of the people they are meant to defend. She has represented employees who faced discrimination in the workplace, farmworkers who were denied the overtime they had earned, voters seeking to ensure that their vote was counted, and the families of victims of police misconduct.

She has argued cases in State and Federal court, including before the Washington Supreme Court, and also has earned the support of law enforcement officers, including a Washington State corrections officer, an ATF special agent, both of whom spoke to her dedication to their cases and her commitment to justice.

For 6 years, Ms. Cartwright also served on the local Rules Committee of the Federal Bar Association for the Western District of Washington, offering her unique expertise to consider some of the region's thorniest legal issues.

She also served on the board of directors for Legal Voice, an organization that is focused on women's rights.

Ms. Cartwright is a tested and proven civil rights attorney, with extensive Federal court experience and a track record of seeking justice for people who have faced discrimination, police misconduct, and more. Importantly, she is someone who will apply the law fairly and impartially and will make an excellent addition to the bench in Washington State, as will Kimberly Evanson.

Ms. Evanson was raised by two Washington State public school teachers and has dedicated her career to serving the State.

After attending law school in Georgetown and clerking for Judge Emmet Sullivan on the U.S. District Court in the District of Columbia, she returned home to Washington State where she has practiced law for many years with distinction.

Throughout her career, Ms. Evanson has earned the respect of her peers and her opposing counsel through her work on cases of public importance.

As a partner at Pacifica Law Group, she has represented State, municipal, private, and nonprofit clients on a range of complicated legal issues.

In her work in Seattle, she regularly advises clients on constitutional and statutory questions around the First Amendment, complaints under the Americans with Disabilities Act, and more, not to mention her pro bono work. She has lent her time, services, and expertise to the Seattle Clemency Project and the Western District of Washington's Federal Civil Rights Legal Clinic to provide legal counsel in cases involving access to justice, employment discrimination, housing discrimination, and more.

The ABA has rated her "well-qualified," and it is easy to see why. She has shown she has the expertise to work through the most complicated legal matters and the compassion to understand the stakes of these matters for people's everyday lives, all of which will serve her and the people of Washington State well on the bench of the Western District.

The people of Washington State deserve a court system that delivers justice for everyone, not just the powerful and well connected. They deserve judges who will carefully review each case on the merits and show respect for the law and everyone who appears before them. Based on their records of service in my State, I believe those are exactly the kind of judges that Ms. Cartwright and Ms. Evanson will be.

These appointments are well-deserved, and confirmation is well overdue. So I urge my colleagues to join me in voting for these highly qualified nominees. And I was pleased to see that both of them received bipartisan support in the Judiciary Committee. I hope to see that continue here on the Senate floor.

I yield the floor.