

who lack the capacity to manage their own affairs. Importantly, these determinations would be subject to judicial review. The rule is not a perfect fit, but it is an appropriate one.

I have heard from some disability rights advocates that this rule may be unduly broad and might prohibit too many people from owning a gun. I am sensitive to the concerns of people with disabilities. It is wrong to stigmatize people with mental disabilities as the cause of gun violence. And people with disabilities, like all Americans, have important rights under the Second Amendment. I would be open to changes to the rule that would make appeals from determinations easier to make, and I would be open to other ways to better identify people who are a danger to themselves or others or lack the capacity to manage their own affairs.

A resolution to disapprove the rule under the Congressional Review Act, however, is not the right way to get to a better result. If Congress enacts the resolution of disapproval, then the law would prohibit the Social Security Administration from writing a better rule in its place.

Better still, Congress could enact sensible gun legislation. But instead of working with Democrats to improve the law, Republicans have chosen to use the blunt instrument of the Congressional Review Act to repeal the rule. Using the Congressional Review Act is far from the most precise way to address this problem.

The powerful gun lobby has prevented Republicans in Congress from supporting common sense legislation that most Americans favor. The overwhelming majority of Americans believe in universal background checks and that guns should be kept out of the hands of people who have been determined to pose a risk or are unable to manage their affairs. Repealing the Social Security Administration's rule would go in the opposite direction. Enacting this resolution of disapproval will only make it harder to keep American communities safe, and thus I oppose the resolution.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, whenever the discussion in the Senate turns to gun violence, we often hear Senators say: We shouldn't be talking about guns; we ought to be talking about mental health. That is exactly what we are trying to make sure is the focus of this debate because this proposed rule is about mental health, and it is about background checks; it is not about taking away anyone's constitutional rights.

Here is how the proposal works. If there is an individual with a severe mental impairment—that means that another person, perhaps a family member—is in charge of their Social Security benefits, then the background check is to be informed by Social Security that the person with a severe men-

tal impairment is ineligible to buy a gun.

Having listened to the debate yesterday, I think everybody is going to be a little confused about what happens then because the reality is that anyone who thinks they have been unfairly affected can appeal, and the likelihood is substantial that they are going to win. If the appeal goes the other way and the individual believes the decision is wrong, then that person can take the matter to court. It is not true to say this rule deprives any American of due process. It is a rule aimed directly at the two areas in this debate—mental health and background checks—where there is enormous support from the American people.

The reality is you can talk to people in virtually any community—you can go to a townhall meeting in any part of the United States—and you will hear enormous support for background checks. One recent poll found that 92 percent of gun owners supported expanded background checks. Ninety-two percent of gun owners supported background checks. So not only is the position I am articulating not extreme, opposing background checks is the position that, in fact, has become increasingly out of the mainstream.

As the courts continue to interpret the language of the Second Amendment, one matter has been clear: Background checks are a constitutional part of the exercise of those rights.

I have heard some saying that the rule can be improved, that it ought to be tailored. I am very open to having a debate around those kinds of questions. That is not going to be possible if this resolution passes. This will preempt debate. The resolution doesn't just scrap the rule, it blocks any further step on this issue for years. In my view, that would be the wrong way to go, even if you have suggestions for improving the rule.

So to wrap up the debate, I want colleagues to know that this rule, this proposal that has been described on the floor—this resolution—ought to be opposed because for those who want improved mental health, for those who want background checks, for those who are just saying what we need to do in this area as it relates to gun violence—it is not about Democrats and it is not about Republicans; it is about common sense. The commonsense position today for background checks, a focus on mental health, and, most importantly, common sense is to oppose the resolution.

I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. GRASSLEY. Mr. President, on this side I yield back our unused time.

Mr. WYDEN. I yield back.

The PRESIDING OFFICER. All time is yielded back.

The joint resolution was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third

time, the question is, Shall the joint resolution pass?

Mr. GRASSLEY. 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.

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 66 Leg.]

YEAS—57

Alexander	Flake	Murkowski
Barrasso	Gardner	Paul
Blunt	Graham	Perdue
Boozman	Grassley	Portman
Burr	Hatch	Risch
Capito	Heitkamp	Roberts
Cassidy	Heller	Rounds
Cochran	Hoeven	Rubio
Collins	Inhofe	Sasse
Corker	Isakson	Scott
Cornyn	Johnson	Shelby
Cotton	Kennedy	Strange
Crapo	King	Sullivan
Cruz	Lankford	Tester
Daines	Lee	Thune
Donnelly	Manchin	Tillis
Enzi	McCain	Toomey
Ernst	McConnell	Wicker
Fischer	Moran	Young

NAYS—43

Baldwin	Gillibrand	Peters
Bennet	Harris	Reed
Blumenthal	Hassan	Sanders
Booker	Heinrich	Schatz
Brown	Hirono	Schumer
Cantwell	Kaine	Shaheen
Cardin	Klobuchar	Stabenow
Carper	Leahy	Udall
Casey	Markey	Van Hollen
Coons	McCaskey	Warner
Cortez Masto	Menendez	Warren
Duckworth	Merkley	Whitehouse
Durbin	Murphy	Wyden
Feinstein	Murray	
Franken	Nelson	

The joint resolution (H.J. Res. 40) was passed.

ORDER FOR RECESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate recess from 12:30 p.m. until 2 p.m. today; further, that the time during the recess count postcloture on the Mulvaney nomination.

The PRESIDING OFFICER (Mr. SULLIVAN). Without objection, it is so ordered.

CLOTURE MOTION

Mr. McCONNELL. I yield back all the time on this side.

Mr. CORNYN. Mr. President, I yield back all time.

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

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 Mick Mulvaney, of South Carolina,

to be Director of the Office of Management and Budget.

Mitch McConnell, John Cornyn, Mike Rounds, Tim Scott, Johnny Isakson, James M. Inhofe, Roger F. Wicker, John Thune, Michael B. Enzi, Lindsey Graham, David Perdue, Orrin G. Hatch, Mike Crapo, James E. Risch, James Lankford, John Hoeven, Chuck Grassley.

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 MICK MULVANEY, of South Carolina, to be Director of the Office of Management and Budget 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.

The yeas and nays resulted—yeas 52, nays 48, as follows:

[Rollcall Vote No. 67 Ex.]

YEAS—52

Alexander	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heller	Rubio
Cassidy	Hoeven	Sasse
Cochran	Inhofe	Scott
Collins	Isakson	Shelby
Corker	Johnson	Strange
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	McCain	Toomey
Daines	McConnell	Wicker
Enzi	Moran	Young
Ernst	Murkowski	
Fischer	Paul	

NAYS—48

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

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 48.

The motion is agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of MICK MULVANEY, of South Carolina, to be Director of the Office of Management and Budget.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise today as the Senate considers the nomination of MICK MULVANEY of South Carolina to be the Director of the White House Office of Management and Budget. That is OMB. We are long overdue in

confirming Mr. MULVANEY to this key post because our Nation has so many pressing budgetary issues requiring the attention of this new administration. First among them is the staggering \$20 trillion debt burden we are now faced with after 8 years of anemic economic policy and growth—and growing at the rate of half a trillion dollars a year. Confirming an OMB Director we can work with will put America on a more responsible fiscal path.

With their unprecedented attempts to delay the new Cabinet, Senate Democrats have ensured that the President has now been without an OMB Director longer than any other President in the past 40 years. That is how long the Budget Act has been in place. According to Senate records, from President Jimmy Carter to President Obama, the longest it has ever taken to approve a first budget director for a new President was 1 week—1 week. We are now in week 4, with little or no movement. As Majority Leader MCCONNELL said last week, this is the slowest time for a new Cabinet to be up and running since President George Washington—and that was last week. It is even slower than that, and we are still not done.

It is vital that we fill this position as soon as possible because the Director of the Office of Management and Budget will help set the President's budget priorities and play an important role in working with Congress on setting the appropriate spending levels for the Nation. This position is crucial to helping the Federal Government function in what is shaping up to be a very challenging fiscal environment that requires all of our attention.

Some may wonder why Democrats are opposed to Mr. MULVANEY. It could be because he has been a vigilant budget hawk during his 6 years in Congress, focused on the question of how we ultimately stop the Federal Government from overspending while continuing to fund the country's core priorities and responsibilities. They could be worried that the White House Budget Director will be a prominent voice, arguing for fiscal restraint, for responsible budgets, and for honest budgeting that avoids the use of gimmicks, such as emergency funding designations for nonemergencies.

I am hopeful Mr. MULVANEY and the OMB will ensure the taxes the hard-working Americans send to Washington are spent in the most efficient and effective way. The Federal Government has not been currently focused on making sure hard-working taxpayers get the best deal for their money. A new OMB Director focused on responsible budgeting can help ensure that when duplication in government programs and agencies is discovered, it is addressed. This will help make the Federal Government more accountable and effective.

The Government Accountability Office, GAO, every year outlines tens of billions of dollars in savings that can

be achieved through various efficiency measures. OMB can play an important role in ensuring that spending programs do not duplicate each other while protecting hard-working taxpayers. Additionally, reforming and consolidating these programs can ensure that they focus on real needs and be managed with an eye on real results.

The Federal Government has grown so large and so complex that no one seems to know how many Federal programs exist. Even the executive branch can't tell us how many programs it administers. I have directed a lot of questions to the past administration, trying to find out exactly that. Of course, I would like to not only know how many programs they administer, I would like to know how many dollars are involved, I would like to know how many people it employs and how many customers they serve. There ought to be some kind of relationship there that means we are making a difference, but nobody is looking at it.

Several years ago, Congress even passed a law requiring the administration to publish a list of all Federal programs on a central governmentwide website, along with related budget and performance information—some of what I was just talking about. Unfortunately, when the program lists were put online, GAO reviewed the information and discovered that the inventory, in their words—listen to this carefully—was “not a useful tool for decision making.” What were they afraid of? But even if the government can't answer that question, we can find strong evidence that the number is on the rise, and Mr. MULVANEY will be able to play a crucial role in taming the unchecked growth of the Federal Government.

I also look forward to working with him on the urgent need to reform the broken budget process, which has contributed to the budgetary stalemate and recurrent continuing resolutions to which Congress now routinely resorts in order to postpone hard decisions about spending and debt, which delays agencies from being able to plan.

There is an urgent need for important reforms to the process, such as implementing biennial budgeting so they can plan 2 years at a time, and the overhaul of outdated budget accounting concepts that have outlived their usefulness. Ultimately, my goal is to have Congress work with this new administration to produce comprehensive and lasting budget reform that can put our Nation on a better fiscal path. The Budget Committee has been working on that for a year in a very bipartisan way. It is time for us to put some of those into place.

Despite its significance, the preparation of the President's annual budget submission is only one of the responsibilities of OMB. As an entity within the Executive Office of the President, OMB has numerous governmentwide management responsibilities, in addition to budgeting and spending, that