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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, who made the light to shine in the darkness, shine now in our hearts. Forgive us for our transgressions in thoughts, words, and deeds, as You cleanse us from all sin.

We thank You for Your many blessings, for music and laughter and poetry and color.

Lord, strengthen our Senators. Provide them with help in times of need, power for moments of weakness, and hope for the years to come. Lift our lawmakers above suspicion and fears so that they will be Your ambassadors of peace to our Nation and world.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. HELLER). The majority leader is recognized.

NOMINATIONS AND THE APPROPRIATIONS PROCESS

Mr. McCONNELL. Mr. President, this week we confirmed yet another well-qualified nominee to the Federal bench. Now Kyle Duncan of Louisiana can get to work serving on the Fifth Circuit Court of Appeals. His qualifica-

tions are truly impressive, but his sterling reputation among colleagues and peers was an even greater testament to Mr. Duncan's fitness. I am glad that the Fifth Circuit will benefit from his expertise.

Speaking of well-qualified nominees, the Senate will vote today on the President's choice for Secretary of State. We will consider an outstanding nominee. Fortunately, we have the votes, and later today we will confirm Mike Pompeo as our Nation's 70th Secretary of State.

We have been discussing Director Pompeo's abundant qualifications all week. In a little over a year, the Senate has had two opportunities to assess his considerable qualifications.

Last January, a bipartisan supermajority of us saw fit to confirm him as CIA Director, and his performance in that role—exemplary by all accounts—has given us even more compelling cause to confirm him to serve as our chief diplomat.

He has earned the trust and the confidence of the Commander in Chief by providing top-notch counsel on critical issues and helping to lead ongoing efforts to lay the groundwork for negotiations aimed at denuclearizing the Korean Peninsula. Along the way, he deepened his reputation for fairness and discernment.

I am glad President Trump has nominated this distinguished leader to be America's chief diplomat, and I am glad a bipartisan majority of Senators will vote to confirm him today.

It is just too bad that Director Pompeo's confirmation process has offered such a prime example of the historic partisan obstruction that my colleagues across the aisle are visiting on the Senate. All fair observers agree that Mike is up to the job. Here is how the Washington Post—not known as a bastion of Republican thinking—titled their editorial, simply: "Confirm Mike Pompeo."

But despite all this, Democrats on the Foreign Relations Committee al-

most took the unprecedented step of voting him out with an unfavorable recommendation. That attempt to play politics with our Nation's security fortunately failed. But even so, according to the Senate Historian, he became just the second Secretary of State nominee in recent memory to clear a committee by a margin of only one vote. The only other time that has happened in all of the Senate's history was also at the hands of Senate Democrats during the Trump administration. Once they got here on the floor, they were also the only two Secretary of State nominees in history who needed cloture to receive confirmation votes.

Let me say that again. From the founding of the Republic until 2017, the Senate never required cloture to confirm a Secretary of State. Now we are at two, both in this administration. I guess Senate Democrats are in a history-making mood, because over the past 15 months, they have embarked on a partisan campaign to block, obstruct, and delay President Trump's nominees that is, quite simply, without precedent in American history.

Let's put things in perspective. In the first 2 years of the last 6 Presidencies combined—the first 2 years of the last 6 Presidencies combined—the Senate subjected nominees to a total of 24 cloture votes during the last 6 Presidencies during the first 2 years—24 cloture votes.

Add up President Carter's first 2 years, President Reagan's first 2 years, and so on, through Presidents Bush, Clinton, Bush, and Obama and there are 24 total cloture votes on nominees.

For President Trump? There are 88 and counting, just 15 months into his term. By the end of the day, it will be 90—90 cloture votes on nominees. This is partisan obstruction elevated to an art form, and every one of us has seen it firsthand.

It is not just high-profile nominations. Scores of unobjectionable choices for all kinds of posts have languished on the Senate calendar. It took

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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months and months and several deadly accidents to persuade Senate Democrats to stop obstructing a fully qualified nominee to lead the Federal Railroad Administration.

Or take the example of district court judges. With only one exception, we have had to file cloture on every single district court nominee. It doesn't matter if every Democrat on the Judiciary Committee supported the nominee. It doesn't matter if every Democrat in the whole Senate supports the nominee. No matter what, our colleagues across the aisle are insisting on obstruction, for no apparent reason.

Here are some of the final vote totals for these district judges: 96 to 1; 98 to 0; 97 to 3; 95 to 0; 96 to 0; 98 to 0, once again; 100 to 0.

Back in January, it took more than a week of the Senate's time to confirm four district court judges, and not one Senator voted no on any of them—a whole week to do four district judges, and not one Senator voted no on any of them.

Our problem is not the qualified personnel before us. Our problem is that nearly half of the Senate has decided that resisting for the sake of resistance is more politically advantageous than doing right by this institution or by our constituents. This, regrettably, is where we are: Democrats chewing up hours of Senate time on nominees that literally no Senator opposes.

I understand that my friends on the other side have a number of disagreements with the President. That tends to happen in politics, but that is no excuse at all for this historic obstruction of noncontroversial nominees. It is bad for the Senate. It is unfair to the American people.

That is why I support Senator LANKFORD's efforts to enact the very same rules change—the very same rules change—that a large and bipartisan majority agreed to back in 2013, when the Democrats were in the majority here in the Senate. It would empower the Senate to process nominations more quickly while preserving ample opportunity for debate. It is precisely the rules change that my friend the Democratic leader supported back in 2013. I joined in that bipartisan effort, along with a number of my fellow Republicans. It passed 78 to 16—78 to 16. The White House may have changed hands, but the last time I checked, fair is still fair, and common sense is still common sense.

So Senator LANKFORD is giving my Democratic colleagues their very own chance to show that principled convictions matter more than political convenience. I am proud to back his proposal. I am glad to see the Rules Committee advance it to the floor yesterday. There is no reason why every Senator shouldn't be able to join us.

Otherwise, until our Democratic colleagues put aside their historic obstruction, Republicans continue to do our duty and process the President's nominations, one way or the other. Let

me repeat that. We are processing these nominations, one way or the other.

After Mike Pompeo, I filed cloture on Ric Grenell's nomination to serve as Ambassador to Germany. We will vote on this confirmation later this afternoon.

So why don't we turn over a new leaf together and start rebuilding the comity and customs that ought to define our work here.

Just yesterday, the Rules Committee held a very productive meeting that took a step in that direction. Colleagues from both sides of the aisle took a serious look at what we can do as a body to more efficiently fulfill our responsibilities in the appropriations process. That follows on a productive meeting I had with the Democratic leader, the Appropriations chairman, and the ranking member a few days ago.

So I am hopeful about the prospects of moving forward together. We need to keep this momentum going and extend it—not just to appropriations but to nominations. This Congress has already made great progress implementing a pro-growth, pro-opportunity agenda for the middle-class, including historic tax relief for families and small businesses, but there is a lot more to do.

That is how the Senate should be spending our time—exchanging ideas and fighting for the American public.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Mike Pompeo, of Kansas, to be Secretary of State.

The PRESIDING OFFICER. Under the previous order, the time until 12 noon will be equally divided between the two leaders or their designees.

The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that I be permitted to complete my remarks on the floor.

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

CONFIRMATION PROCESS

Mr. HATCH. Mr. President, there is no excuse for the delays in the con-

firmation process except sheer partisanship. It amounts to an ongoing partial government shutdown, and it definitely hurts the American people. Such obstruction is not worthy of the Senate, and the resulting judicial vacancies do great harm to the judicial system.

These are not my words but the words of the Senator from Vermont, Mr. LEAHY, when he chaired the Judiciary Committee in 2014. Judicial vacancies today are 60 percent higher than when he expressed those concerns back then. Vacancies are 52 percent higher than what he said was a “disaster for our Nation's overburdened courts.”

The Administrative Office of the U.S. Courts labels some judicial vacancies as judicial emergencies because of their duration and impact on case-loads. On March 12, 2012, the Senator from Illinois, Mr. DURBIN, said that 35 judicial emergency vacancies would cause the administration of justice to suffer at every level. Today, there are 72 judicial emergency vacancies, more than twice as many as Senator DURBIN warned about.

To be fair, I have to say that the left-wing groups that are such faithful allies of Senate Democrats are no better. In July 2012, for example, the Alliance for Justice proclaimed that 76 vacancies demonstrated “an overall and ongoing vacancy crisis in the federal courts.” Today, vacancies are 88 percent higher than the crisis level, and all we hear from the Alliance for Justice are calls to oppose and obstruct even more. Judicial vacancies today are 74 percent higher than when the Brennan Center for Justice said the Senate was not meeting its obligation to the American people.

If high judicial vacancies harm the judicial system and prevent Americans from seeking justice, why aren't Democrats and their leftwing allies leading the effort to confirm judicial nominees today? If Democrats once said that 79 vacancies constitutes a crisis, why are they silent about 143 vacancies today?

Today we face the highest judicial vacancy total since June of 1991, after Congress had created dozens of new judgeships. It is crystal clear why this dire situation confronts us today. The process for appointing Federal judges, after all, has only three steps: nomination by the President, consideration by the Senate Judiciary Committee, and a decision by the full Senate.

The first step in the judicial appointment process is Presidential nominations. President Trump has made more judicial nominations than his predecessors of both parties at this point, so he is not the problem—as you can see from that chart.

The second step is consideration by the Judiciary Committee. Chairman CHUCK GRASSLEY has held a hearing on 75 of those nominations—more than under previous Presidents, so the Judiciary Committee is not the problem.

That leaves the third step right here on the Senate floor. Even though President Trump is ahead of the nomination