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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

PRAYER

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

Let us pray.

Sovereign Lord, You are our refuge and strength. We look to You for mercy and grace.

Send to our lawmakers the power and grace they need today to glorify Your name in all they do. Lord, give them the purity of heart that will shut the doors to all evil. Keep their feet in the path of integrity that they may walk securely. Develop in them a perseverance which refuses to leave any task half done. Empower them with a diligence to offer You no less than their best.

We pray in Your powerful 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.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mrs. HYDE-SMITH). 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 pro-

ceed to executive session to resume consideration of the following nomination, which the clerk will report.

The bill clerk read the nomination of Allison Jones Rushing, of North Carolina, to be United States Circuit Judge for the Fourth Circuit.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I ask unanimous consent to speak for 1 minute as if in morning business.

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

THE GREEN NEW DEAL

Mr. GRASSLEY. Madam President, I would like to make a point about the so-called Green New Deal. It is very obvious it is a reference to Franklin Roosevelt's New Deal in the 1930s. The implication is that what the New Deal did for the Depression should be a model for the environment.

There is just one great big problem: The New Deal in the 1930s didn't work. It didn't get us out of the Great Depression. The Depression didn't end until we entered World War II.

Just like the original, the Green New Deal sounds like really bold action, but it is really a jumble of half-cocked policies that will dampen economic growth and will hurt jobs.

Everything our government ought to be trying to do is to encourage economic growth and to create jobs.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

NOMINATION OF ALLISON JONES RUSHING

Mr. McCONNELL. Madam President, yesterday the Senate voted to advance

the nomination of Allison Jones Rushing to serve on the Fourth Circuit Court of Appeals.

As I noted yesterday, Ms. Rushing comes with significant appellate experience and has filed 47 briefs in the U.S. Supreme Court. It is clear to me, as it was to a majority of our colleagues on the Judiciary Committee, that she would make a fine addition to the Federal bench. So I will support her confirmation later today, and I recommend that each of our colleagues do the same.

NOMINATION OF CHAD A. READLER

Madam President, following Ms. Rushing, the Senate will consider Chad Readler of Ohio to serve on the Sixth Circuit Court of Appeals. Mr. Readler is a two-time graduate of the University of Michigan, earning his J.D. with honors in 1997. Following law school, he held a clerkship on the Sixth Circuit and has built a longstanding reputation in private practice as a consummate legal professional.

Mr. Readler is also active in pro bono work, including for the United Way of Central Ohio, and his nomination earned a "well qualified" rating from the American Bar Association.

So I look forward to advancing yet another of President Trump's impressive judicial nominees later this week.

H.R. 1

Madam President, on another matter, this week the House will be devoting floor time to the Democrat politician protection act. That is what I call the signature effort that Speaker PELOSI has given top billing—top billing—as H.R. 1, because this new House Democratic majority's top priority is apparently assigning themselves an unprecedented level of control over how they get elected to Washington, along with how, where, and what American citizens are allowed to say about it. That is their priority No. 1.

Over there, across the Capitol, more than anything else, Washington Democrats want a tighter grip on political

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



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debate and the operation of elections nationwide. But the Democrat politician protection act is just part of a trio of massive, unprecedented government takeover schemes that Democrats have already rolled out just this Congress.

On its face, this proposal might seem less outrageous than Medicare for None or the so-called Green New Deal. It wouldn't seem to impact the middle-class families as directly as making private health insurance plans illegal or sending the U.S. economy on a nose-dive in the name of tackling carbon emissions while China goes roaring right by.

Here is the thing. Those two proposals are just terrible policy. Bad policy can be stopped or undone through the political process, but H.R. 1 isn't just terrible policy. It is an attempt to rewrite the underlying rules of that political process itself and skew those rules to benefit just one side—that side.

By every indication, the Democratic politician protection act is a massive, partisan solution in search of a problem. Democrats want to convince everyone that our Republic is in crisis, but when you scratch the surface of these scare tactics, their two main complaints seem to be that Democrats don't win enough elections, and people Democrats don't like also happen to have First Amendment rights.

Just look at the data. In 2016, turnout reached its third highest rate since the 1960s. Turnout was very high. By the sheer number of Presidential ballots cast, an all-time record was set, and these numbers were hardly a fluke. Last November, the midterm turnout rate set a new 50-year record for off-year elections.

Nevertheless, the Democrats are intent on fixing our elections even though they aren't broken. Their solution amounts to a hostile, one-sided takeover of the electoral process without—without—the input of both parties.

In the Democrats' view, our federalist system, in which State laws evolve to address unique challenges, is old-fashioned and no longer to their liking. Now it is time for sweeping new decrees from Washington.

What each State has found works best for them to register voters or to maintain voter rules—all of that is now supposed to yield to what Washington Democrats want.

It starts with a massive influx of government data to the registration rolls. In one sweep, all of the duplicative and conflicting data from across State and Federal Government Agencies—as well as colleges and universities—would flood the voter registration system—flood it.

This isn't the slightly tested, automatic voter registration some States have installed with the DMV. This is a massive data dump that is sure to invite risk of inaccuracy and a loss of privacy. It is especially concerning, as the Democrats want to mandate that agencies register 16- and 17-year-olds.

What about things like one-size-fits-all online voter registration, where the simple safeguard of signing a document can be easily side-stepped? Or a mandatory new one-stop registration and voting procedure in every State, without the assurance of verifying the voter's identity or address before adding their ballot to the ballot box?

If your State requires even the loosest voter ID requirement, the Democrats' bill would undermine it. Everything down to the type of paper the ballot is printed on is dictated by Washington Democrats under their proposal. The list goes on and on.

Now you might think that with Democrats insisting that every locality subscribe to ever looser registration standards, they must provide strong tools for verification and maintenance of the voter rolls. Think again. In fact, they seem more focused on taking away these safeguards.

The bill leaves States with less ability to maintain voter records and to ensure that people aren't registered in multiple States. In many instances, it seems the Democrats want more identification required to correct an erroneous voter entry—listen to this: more identification required to correct an erroneous voter entry—than to register a new voter. In other words, it is harder to get off the rolls than it is to get on the rolls.

What if we look at the problems that actually exist? What about the murky “ballot harvesting” process that invites misbehavior? It was already illegal in North Carolina, where a congressional election result was thrown out recently due to fraud, but the practice that threw out the election in North Carolina just the other day remains perfectly legal in California, where it seems to benefit, amazingly enough, the Democrats. Somehow, for all of the other top-down changes that H.R. 1 would force on the country, somehow addressing ballot harvesting didn't make the cut. Imagine that.

It is almost like Democrats' purpose here is not promoting integrity but, rather, preserving the chaos that would make close elections ripe targets for their DC lawyers to contest. The law itself suggests as much by creating new private rights of action—new private rights of action—for trial lawyers to ramp up litigation when they are unhappy with an outcome.

Now as I mentioned, elections aren't the only focus. Democrats are also coming after America's political speech. Under H.R. 1, a newly partisan Federal Election Commission would be empowered with sweeping—sweeping—new authority to regulate speech that is deemed to be “campaign related.”

New rules apply to the mere mention of a politician's name. There are new limitations on advocacy groups to speak on substantive issues and strict new penalties for when private groups of citizens cross the lines that Washington Democrats have drawn.

But it doesn't stop there. Protecting Democrat politicians is hard work—

hard work, indeed—and it requires a multipronged approach. So not only does H.R. 1 deploy stricter regulations on political speech; it also ramps up requirements when private citizens engage in it. Even small expressions of First Amendment rights could require extensive documentation, and in many new cases, forced public disclosure of your private activities would be required.

So we are in a dangerous climate for the robust exchange of ideas. There is outright government bias like we saw from Lois Lerner's IRS. There are activist-driven online mobs that come after individuals' reputations and their livelihoods. This is not—I repeat, this is not—a climate where the people's representatives should be rushing to make more of Americans' private information public.

The ACLU is not often an organization that would be described as bipartisan—not always—but here is what the ACLU wrote in a letter to House Democrats just a couple of days ago:

There are . . . provisions that unconstitutionally impinge on the free speech rights of American citizens and public interest organizations . . . [the bill] strikes the wrong balance between the public's interest in knowing who supports or opposes candidates for office and the vital associational privacy rights guaranteed by the First Amendment.

That is the ACLU. They go on:

[H.R. 1] interferes with that ability by impinging on the privacy of these groups, forcing the groups to make a choice: their speech or their donors. Whichever they choose, the First Amendment loses.

This is the very issue that the NAACP had to sue the State of Alabama over way back in the 1950s. They won a critical victory when the Supreme Court confirmed that the First Amendment is eroded when Big Brother forces private organizations to publicize the people who work to support them—the NAACP v. Alabama, in the 1950s.

It was true in the 1950s, and it remains true today, but that erosion is exactly what House Democrats want to achieve. It is what they want to achieve. Their bill even supports a constitutional amendment to take away First Amendment protections.

Even if their proposal does chill the exercise of the First Amendment—fear not—House Democrats have a plan to make sure there is still plenty of activity come election season. It is a taxpayer-funded stimulus package for campaign consultants and political candidates. They are going to take your tax money and give it to candidates you oppose to buy commercials, buttons, balloons, bumper stickers with your tax money. Democrats want to sign taxpayers up to a six-times matching subsidy for certain political contributions. It could total about \$5 million in taxpayer money—\$5 million in taxpayer money—for every candidate who wants it. What a great idea—right into the pockets of political campaigns—your tax money.

That is what these guys want to pass. Middle-class Americans will have the

privilege of watching television commercials attacking their own beliefs and the candidates they support and knowing their own tax dollars bought the airtime for candidates they oppose.

All of this is what House Democrats are debating on the floor this very week—H.R. 1—all of this and more. I have only scratched the surface of the Democratic Politician Protection Act: running roughshod over States' and communities' control of their own elections, regulating and chilling the American people's exercise of the First Amendment, forcing taxpayers to indirectly donate to the politicians they don't like, and a dozen other bad ideas to boot.

Behold the signature legislation of the new House Democratic majority.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. SCHUMER. Madam President, just briefly, I heard my good friend, the Republican leader, decry H.R. 1. He called it the Democratic protection act. Well, if making it easier for people to vote and getting Big Money out of politics hurt the Republican Party and is good for Democrats, what a sad commentary on the Republican Party that they don't want to see people vote, make it easier to vote, and that they don't want Big Money out of politics—a sad commentary on the Republican Party to be afraid of H.R. 1.

NOMINATION OF CHAD A. READLER

Madam President, later this afternoon, the Senate will vote to take up the nomination of Chad Readler to be a judge on the Sixth Circuit. Mr. Readler was the man behind the curtain last year when the Trump administration decided to side with Texas and 19 other States with Republican attorneys general in suing to repeal our healthcare law. Mr. Readler didn't merely work on the case; he was the lead lawyer who filed the Justice Department brief declaring the administration would refuse to defend the laws of our country.

His recommendations were so outrageous that many career Justice Department attorneys refused to sign it. Mr. Readler argued that protections for Americans with preexisting conditions should be eliminated. Let me repeat that. The nominee up for a vote later this afternoon argued that protections for Americans with preexisting conditions should be eliminated. Then, a day after Mr. Readler filed this awful brief hurting average Americans—hurting tens of millions of average Ameri-

cans—he was nominated for a lifetime appointment on the Federal bench. Coincidence? I think not. You see, in the Trump administration, depriving people of protections for preexisting conditions is actually something to be rewarded. Shame. Shame on the Trump administration. Shame on anybody who votes for Mr. Readler, particularly those who claim they want to protect preexisting conditions. Those who say they want to protect them and vote for the chief cook and bottle washer who pulled them away and was given this nomination the next day, shame on them.

During the past campaign, as I said, many Republicans stood up and said, rightly, that they supported keeping protections for Americans with preexisting conditions. That is all well and good, but that is what is so typical of our Republican friends in the Senate. They talk the game that we do—they are for more healthcare, they are for protecting Americans with preexisting conditions—but their votes on the floor of the Senate are exactly the opposite. It is all well and good to say you want to protect them, but those promises and pronouncements mean next to nothing if they will not vote to reject a lifetime appointment for the man who played the starring role in the legal effort to take these conditions away.

Republicans who vote yes on Mr. Readler, I believe, will regret that vote in future years. A vote to confirm Mr. Readler is an endorsement of the Republican lawsuit to eliminate protections for preexisting conditions and repeal healthcare for millions of Americans.

DECLARATION OF NATIONAL EMERGENCY

Madam President, on another matter, the national emergency. It seems with each passing day, another Republican comes out to oppose the President's declaration of a national emergency at the border. Over the weekend, Senator RAND PAUL, who often speaks his own mind, became the fourth Republican to officially announce his support for terminating the President's emergency declaration, apparently guaranteeing enough votes for passage in the Senate. I hope and expect that Senator PAUL will not be the last Republican to announce their support because this should be an issue that transcends party. The President's emergency declaration gnaws at our very fabric, particularly the separation of powers. The President—this President—is trying to bend the law to his will, to accrue powers that are not his.

There is no evidence that some new emergency exists at the border. The President himself has said he "didn't need to do this." An emergency, by definition, is something that you need to do. Everyone here knows the truth. The President didn't declare an emergency because there is one. He declared an emergency because he lost in Congress, threw another temper tantrum, and wanted to go around it. That, my

friends, is a gross abuse of our constitutional system.

Article I—not article II, the executive branch article, not article III, the judiciary branch article, but article I, Congress—gives Congress the power of the purse, not the President. Were we to permit an Executive—any Executive—to declare an emergency every time they lost in Congress, what would be the point of Congress? We would be trading our democracy for a monarchy, the very thing our Framers abhorred and that our Constitution guards against. Remember, back then, why did the colonists—the brave colonists—rebel? It was against the overreaching power of King George. They said: We need a government that is going to protect us from the overreaching power of any individual, particularly one empowered to lead a nation. That is why they did it. It is relevant today. Donald Trump has shown more desire to overreach than any President. Some people may like that, but it goes against 200 years of wisdom in this country, and I hope people will reject it.

Whatever you think of the policy at the southern border—I suppose Senator PAUL is very much for the wall—no President should be allowed to discard the Constitution on a whim and do an end run around a coequal branch of government.

This vote on the resolution to terminate this emergency is not a vote about policy, it is not a vote about party. It is a vote about Presidential power and the precedent it will set, which will reach far beyond the current debate about the border. The debate about the border will be forgotten, but the fact that this Congress, this Senate, allows a President to so overreach and rearrange singlehandedly the balancing blocks in our democracy will be regarded by historians as a bleak day.

I say to my colleagues, that doesn't just apply to how you vote. It applies to whether we have enough votes to override the President should he veto this resolution when it passes.

CLIMATE CHANGE

Madam President, on climate, Leader MCCONNELL has spent a great deal of time talking about bringing his version of the Green New Deal to the floor. Everybody knows it is nothing more than a political stunt. Everybody knows the same Republican leader decried bringing bills to reopen the government because the President wouldn't sign them, and he said those were stunts. Now he is doing the same thing. It is amazing sometimes that there can be a 180-degree turn so quickly.

So let's talk about some of the things Leader MCCONNELL could actually do to move the ball forward on climate change, which now more and more people—two thirds of Americans, if you believe in polling—believe is a real threat to our planet that demands the Senate's action, not stunts, not games.

All 47 Democrats have introduced a resolution that affirms three simple things; one, climate change is real;