



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 116th CONGRESS, FIRST SESSION

Vol. 165

WASHINGTON, THURSDAY, MARCH 7, 2019

No. 41

Senate

The Senate met at 9:30 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.

Eternal Father, strong to save, empower our lawmakers to serve You today, to solve problems, to remove impediments, and to glorify You. Give them Your higher wisdom as they seek You, the source of their strength.

Lord, surround them with the shield of Your Divine favor so that no weapon formed against them will prosper.

Almighty God, provide our Senators strength for the adventures of these hours, and may Your truth and love fill their hearts and find expression in their daily living.

We pray in Your great 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. TILLIS). The majority leader is recognized.

MEASURES PLACED ON THE CALENDAR—H.R. 1271 AND H.R. 1381

Mr. McCONNELL. Mr. President, I understand there are two bills at the desk due a second reading en bloc.

The PRESIDING OFFICER. The clerk will read the measures by title for the second time.

The bill clerk read as follows:

A bill (H.R. 1271) to establish in the Department of Veterans Affairs a pilot

program instituting a clinical observation program for pre-med students preparing to attend medical school.

A bill (H.R. 1381) to direct the Secretary of Veterans Affairs to take actions necessary to ensure that certain individuals may update the burn pit registry with a registered individual's cause of death, and for other purposes.

Mr. McCONNELL. In order to place the measures on the calendar under the provisions of rule XIV, I object to further proceeding en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will be placed on the calendar.

ANTI-SEMITISM

Mr. McCONNELL. Mr. President, before I begin, I spoke yesterday about the evil of anti-Semitism and the recent disturbing invocation of anti-Semitic stereotypes by a Member of the House Democratic Conference. I took for granted, as a result, that the House Democrats would at least—at least—make good on their plans to symbolically condemn anti-Semitism.

Even as I called for the House Democrats to do more and pass the substantive foreign policy legislation the Senate sent them weeks ago, I at least assumed a few pages of symbolism was not too much to ask for, but alas, I spoke too soon. The House has put off consideration of a resolution to condemn anti-Semitism. Apparently, even nonbinding symbolism—this is all they were going to do—is too controversial within their own caucus. Let me say that again. Apparently, within the Speaker's new far-left Democratic majority, even a symbolic—symbolic—resolution condemning anti-Semitism seems to be a bridge too far.

Well, I expect I and other Members will have more to say on this subject, but for today I would let this speak for itself.

JUDICIAL NOMINATIONS

Mr. McCONNELL. Now on another matter, already this week the Senate has confirmed two more well qualified judicial nominees. Soon, Allison Rushing and Chad Readler will take their respective seats on the Fourth and Sixth Circuit Courts of Appeals, and later today the Senate will vote on confirmation of Eric Murphy, also to the Sixth Circuit. Together, these nominees bring decades of legal experience, prestigious clerkships, and the recognition of their peers. They will be charged with upholding the Constitution and the rule of law, and each is well equipped to do exactly that.

Now, my colleagues need no reminder of Senate Democrats' historic obstruction of nominations over the past 2 years. Under this administration, 135 nominations have required a cloture vote—135 nominations have required a cloture vote—and five times more were required during the first 2 years than in the same period of the last six administrations combined—combined.

The final nomination we will consider this week captures what I am talking about perfectly. John Fleming was nominated by the President to serve as Assistant Secretary of Commerce for Economic Development on June 20 of last year. This is an Assistant Secretary of Commerce.

Mr. Fleming has an impressive record. When the Environment and Public Works Committee first considered his nomination last summer, a significant bipartisan majority voted to favorably report his nomination. This is an Assistant Secretary of Commerce out of committee on a bipartisan basis last summer, but partisan obstruction ran out the clock. The nomination was sent back to the President at the end of the Congress.

So earlier this year Mr. Fleming was resubmitted, returned to the same committee, and was favorably reported by the same bipartisan margin. But the obstruction still wasn't finished. Here

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



Printed on recycled paper.

S1717

on the floor, I had to file cloture to ensure he would get a vote. I am pleased that cloture could be withdrawn yesterday, and we will be happy to vote on the confirmation today, just as happened last week on another nomination, but I am sorry these cloture filings and wasted time were needed for these uncontroversial and impressive nominees. I am sorry the case studies of pointless obstruction just keep on piling up.

H.R. 1

Mr. McCONNELL. Now on another matter, this week Democrats in the House are expected to pass sweeping legislation I call the Democratic politician protection act. It aims to give Washington, DC, vast new control over elections, give tax dollars to political campaigns, and give election lawyers more opportunities to determine the outcome of our elections.

Today I want to discuss how it would open up the bipartisan Federal Election Commission to a hostile partisan takeover.

When Congress passed and amended the Federal Election Campaign Act after Watergate, the FEC was created as a six-member body, with an even number of commissioners and no more than three from the same party. At least four votes—four—would be required to take action—a built-in safeguard against one party seizing control of the FEC.

Well, House Democrats want to get rid of that. Their Democratic politician protection act would cut the FEC to a five-member body with two members from each party and a nominal Independent who, interestingly enough, would be handpicked by whoever the sitting President was.

Now, people on both sides of the aisle used to see right through these kinds of tricks. Back in 1976 Senator Alan Cranston—a California Democrat who was, by the way, the No. 2 Democrat in the Senate—warned about this. He said: “The FEC has such potential for abuse in our democratic society that the President should not be given power over the Commission.”

As recently as 2 years ago, an outgoing Democratic FEC commissioner—one of the most active and liberal regulators in the Commission’s history said: “I don’t have a problem with the 3-3 split at the commission . . . it was established that way in order to ensure that there was not going to be a partisan effort to use investigations against one political party or another.”

But now—now—Democrats want to scrap the neutrality and bring on the partisan takeover. Democrats respond by saying this fifth member would have to be affiliated with neither the Republican nor Democratic Party. They would have to be an Independent.

Give me a break. Give me a break.

One current commissioner is nominally an Independent, except the Wash-

ington Post reports this gentleman “often votes with the Democrats,” and he happens to be a longtime friend of former Majority Leader Harry Reid. He had actually previously worked as an election lawyer for Senator Reid. This is the Independent on the FEC now. He had often worked as an election lawyer for Senator Reid to help ensure he won close elections. In fact, Senator Reid repeatedly slipped and characterized this gentleman as the Democratic nominee several times here on the floor.

This is our current Independent on the FEC?

So I think we all know what kind of Independent fifth commissioner a Democratic President would select—one who would join with other Democrats and champion the campaigns of the left, while bringing waves of investigations, hearings, and subpoenas against their political opponents and punishing groups who dared to disagree.

What is more, the Democratic Politician Protection Act would give the sitting President the chance to name the Chairperson of the FEC, abandoning the current practice of rotating Chairmen, and this person would get broad new powers, like the sole authority to issue subpoenas and to compel testimony and the ability to hire and fire the general counsel with just two more votes from just one party.

So make no mistake, the Democrats are envisioning a hostile takeover of the body that regulates political speech, designed to tilt the playing field in their direction. Democrats claim this is necessary because the current structure is “dysfunctional.”

Well, let’s look at some of the current dysfunction and where it is coming from. Let’s look at the Democrat who currently serves as the FEC Chair. She has been a Commissioner for 16 years. In fact, her term ended 11 years ago, but she has been held over ever since, and now this seasoned veteran of the left’s anti-speech crusade has announced that she will bar the FEC’s attorneys from defending the Commission when liberal watchdogs come after it in court.

By unilaterally withholding her vote, she plans to make the FEC essentially forfeit its legal fights against liberal groups by simply not showing up. So the defendants in these matters would be out of luck unless they happen to have the financial means to keep up their own defense.

This Democrat Commissioner has also indicated that if this trick doesn’t produce the political outcome she is after, she is willing to simply ignore subsequent court orders altogether. This is a current member of the FEC.

So House Democrats are lecturing about dysfunction at the FEC, but it is their ally who is now using her vote to tie the FEC’s hands behind its back.

Democrats and their allies claim Republicans are keeping the FEC from enforcing campaign finance laws. That

is their talking point for all of these radical changes. But let’s take a look at who is really refusing to work within the law. The Democratic Chairwoman says she will keep the FEC from defending itself and is threatening to disobey court orders. That is my definition of dysfunction.

Democrats aren’t after an FEC that enforces the law. They want an FEC that advances their particular ideology. These current words and these current antics prove it, and the Democratic politician protection act would make it much, much worse.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. 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 MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

THE GREEN NEW DEAL

Mr. SCHUMER. Mr. President, for all of the Senate’s vaunted traditions about grand debates, we very rarely practice the actual art—the real back and forth, the exchange of ideas. For weeks now, we have heard our Republican colleagues come to the floor and rail against the Green New Deal, as the leader just did. Democrats have simply been trying to get a few honest answers out of the Republican leadership about their position on climate change so that we might have a real debate.

Yesterday, as Republican after Republican lined up to give speeches against taking bold action on climate change, several Democrats tried to steer the conversation in a more positive direction by asking our Republican colleagues simple questions—and I ask this again of every Republican, particularly of Leader McCONNELL: Do you, Leader McCONNELL, and our Republican friends believe climate change is real? Yes or no? Do you believe that climate change is caused by human activity? Yes or no? Most importantly, do you believe Congress should do something about it? Yes or no?

If our colleagues believe it is a problem and agree to that, what is their plan to deal with climate change? We know they don’t like the Green New Deal. They have made that clear. It doesn’t forward the debate. But what is their plan?

We might have ruffled some feathers on the other side. I think my colleagues just wanted to give speeches on the Green New Deal and then leave the floor. It is a sad state of affairs when even a little debate, even heated debate, is something unsettling here in the Senate. But I have to give credit to the few Republicans who did engage us.