



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 116th CONGRESS, FIRST SESSION

Vol. 165

WASHINGTON, WEDNESDAY, APRIL 3, 2019

No. 58

Senate

The Senate met at 12:30 p.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.

O God, our hope for years to come, guide our lawmakers on each step of their pilgrimage. Make them supreme in compassion, mercy, and love, in fellowship with one another and their constituents.

Lord, bring them more and more into oneness with You and obedience to Your commands. Fill them with the spirit of Your peace. In their weakness, give strength. In intension, give serenity. In discouragement, grant hope. And in weariness, bring rest. Work through them to fulfill Your will for 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. LANKFORD). The majority leader of the Senate is recognized.

MEASURE PLACED ON THE CALENDAR—H.R. 7

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk due a second reading.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 7) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

Mr. MCCONNELL. In order to place the bill on the Calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection is heard.

The bill will be placed on the calendar on the next legislative day.

NATO

Mr. MCCONNELL. Mr. President, first I want to take a moment to thank NATO Secretary General Jens Stoltenberg for his remarks at this morning's joint session of Congress. I am proud that the Secretary General could be here with us in Washington as the North Atlantic Treaty Organization celebrates its 70th anniversary this week.

It is no exaggeration to say that over these seven decades, with steady American leadership, NATO shaped world history for the better. The proud history of alliance and solidarity has paid huge dividends to NATO's member states and to the world.

NATO, with American leadership, kept the peace and created the conditions for an unprecedented period of prosperity for the United States, as well as its allies. It has deterred major Soviet and Russian aggression and prevented a third world war.

When communism's Iron Curtain fell over much of the world, we stood together for democracy. When the post-Cold War transformation could have roiled Eastern and Central Europe, we stood together for stability. When brutal killers trampled human rights in the Balkans, we stood together for innocent lives. And when terrorist fanatics killed thousands of Americans on

September 11, we stood together for freedom. NATO allies remain with our troops in Afghanistan to this very day.

It is essential that we keep the alliance healthy and strong. The threats we face are numerous, and not least among them, in a kind of throwback to the alliance's founding, is an assertive Russia that has barely even pretended to honor international commitments, brazenly violated arms control agreements, invaded and occupied Ukraine and Georgia, and conducted cyber operations and so-called active measures against NATO allies. As President Trump has made it clear, keeping NATO strong means that all allies must commit to NATO's collective security.

For our own part, after years of President Obama's defense cuts, the United States has turned the corner on defense spending, investing more in readiness and modernization. We need to sustain that progress, but, of course, NATO allies must live up to their promises to invest in their own defense. This isn't about meeting an arbitrary budget number but about building real capabilities that are needed to meet real requirements identified by the alliance's military commanders. As the Secretary General has pointed out, our allies are starting to follow our lead. They are on track to contribute an additional \$100 billion in defense spending.

There are also other ways NATO must adapt to meet the threats of the 21st century. It is essential that the alliance follow through on the reforms championed by former Secretary Mattis. NATO must modernize its capabilities to address interoperability challenges, enhance military mobility across the continent, and improve the speed at which it makes decisions.

For today, I just want to thank the Secretary General for his address this morning. Every American should be

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



Printed on recycled paper.

proud of what his presence in this Capitol Building represents about our Nation's vital role in NATO and NATO's vital role in the world.

NOMINATIONS

Mr. MCCONNELL. Mr. President, now on an entirely different matter, the comprehensive campaign by Senate Democrats to delay Senate consideration of Presidential nominations is now more than 2 years old. As I have explained in recent days, it is time for this sorry chapter to end. It is time to return this body to a more normal and reasonable process for fulfilling its constitutional responsibilities, no matter which party controls the White House.

The Senate had to hold 128 cloture votes on nominations during President Trump's first 2 years. That is 128, more than 5 times as many as the equivalent period for the previous 6 Presidents combined.

Now, 42 of those 128 were for positions that had never, in the past, required cloture votes, like the Assistant Secretary of Health and Human Services, the General Counsel at the Department of Agriculture, or the Ambassador to Luxembourg. It is not a thoughtful investigation of a few highly controversial nominees and not a principled opposition in some rare circumstances. These are part and parcel of Senate tradition.

But grinding, across-the-board systematic obstruction, under threat of filibuster, sparing not even individuals whom literally zero Senators opposed in the end—this is new. This is new, and it needs to stop.

Well-qualified civil servants, academic and business experts, and exemplary jurists with broad bipartisan support are all subjected to weeks, if not months and months, of pointless delays, and then pointless cloture votes tying up floor time, not because a real debate was happening, not because there is real due diligence requiring months of delay but just because our colleagues across the aisle have chosen to endlessly relitigate the 2016 election rather than actually participate in governing, just because they wish our President were not our President.

The Department of the Interior has waited 631 days since President Trump first nominated an Assistant Secretary for Policy, Management and Budget. That is 631 days. Her nomination was voice-voted out of committee. After months of inaction, it had to be sent back at the end of Congress last year.

The Millennium Challenge Corporation has waited 450 days since its CEO was nominated, and it has been more than a year since the President nominated a chair for the Advisory Council on Historic Preservation. None of these are front-page news, just normal positions the President has been trying to fill. In each case and in hundreds of others, Democrats have made sure those chairs stayed emptied for far too long.

This systematic obstruction is unfair to our duly elected President, and, more importantly, it is disrespectful—disrespectful to the American people who deserve the government they elected. The American people deserve the government they elected.

This problem goes deeper than today. We are talking about the future of this very institution and the future functioning of our constitutional government. This practice is laying the foundation for a dangerous new norm. We cannot set this new precedent that the Senate minorities will systematically keep an administration understaffed, down to the least controversial nominees, anytime they wish somebody else had won the election.

We need to act. We need to act. We need to act so that in its third year, the current administration can finally get more of its team in place. We need to act to repair the institutional legacy we are leaving and restore a functional nominations process for future administrations of both parties.

For most of the storied history of this institution, the traditions that govern the Senate have combined two distinct things—on legislation, an iron-clad commitment to robust minority rights, including extensive debate and the filibuster, and on nominations, a reasonable process for considering the individuals the President sends us.

So let me be absolutely clear. The legislative filibuster is central to the nature of the Senate. It always has been and must always be the distinctive quality of this institution. In the U.S. Senate, dissenting voices retain considerable power to shape the debate on legislation. Pivotal moments have hinged on the strong convictions of a minority that has urged caution or insisted on an amendment.

I know many of our colleagues on both sides share my view that this part of the Senate's DNA must never be put in jeopardy or sacrificed to serve either side's momentary partisan whims. In fact, during the last Congress, 61 of our colleagues from both sides of the aisle signed an open letter making their commitment to the legislative filibuster abundantly clear.

I know many of us were disturbed to read this week in the Washington Post that far-left activists are pushing “an abolish-the-filibuster litmus test on the presidential campaign trail, and quite a few of the 2020 aspirants have at least signaled a willingness to consider it.” I am glad that many of my Democratic colleagues are on the record opposing such a shortsighted disaster championed by the far left. The commitment of both sides to preserving the legislative filibuster is not just a historical matter. It is also very practical. Neither party is particularly keen to see the other side enact its entire, full-bore legislative wish list the next time they obtain 51 votes.

Republicans don't want Democrats to enact an entire leftwing agenda with 51 votes, and Democrats certainly don't

want Republicans to enact every last part of our conservative agenda with a mere 51 votes. What they are not thinking about is when the shoe is on the other foot. When the shoe is on the other foot, and Republicans have a simple majority of 51, and there is no legislative filibuster, what would happen? They are only thinking about how it might enable them, but not thinking ahead to the next time the shoe is on the other foot. In fact, I remember that in 2013 I said, when our colleagues on the other side insisted on going to a simple 51 votes on the executive calendar: You might not like what happens when the shoe is on the other fellow's foot.

I would keep in mind—I would say to my friends on the far left: Think about what might happen the next time the people who are not for it have 51 votes. We all know that both parties will possess future 51-vote majorities somewhere down the line. It will happen.

The Senate's long traditions on legislation therefore need to remain in place. But what we are discussing this week is restoring the different traditions concerning nominations. The tradition here is entirely different. There is no long tradition—none—of what amount to mass filibusters of personnel for administrations. There is no tradition of systematic, grinding delays under threats of filibuster that extend even to nominees whom nobody opposes. All of this is new. Until my Democratic colleagues started us down this road in 2003—this began in the first administration of George W. Bush—routine systematic filibusters of nominations were a foreign thing. It just wasn't done.

So we need to recover Senate tradition. The effort we will make later today is about getting us back to what the tradition in the Senate was for a couple of hundred years, down to the Bush 43 first term.

Yesterday, we had a chance to do just that, working across the aisle and through the same process that we overwhelmingly agreed to with President Obama. But—stop me if you have heard this one before—Senate Democrats chose obstruction instead.

Never mind that in 2013, a bipartisan majority, including many Republicans, passed a similar measure that immediately benefited the Obama administration. In other words, to help President Obama, a significant number of Republicans joined with all of the Democrats in 2013 to do something almost exactly like what we will be proposing later today. He had just gotten reelected. Do you think we were happy about that? We weren't. But we thought the Executive Calendar should be expedited for these kinds of nominations that we are discussing today.

Never mind that the same Democrats who opposed this measure yesterday have whispered in the ear to many of us, including the occupant of the Chair, that they would be more than happy to support this, provided it didn't take effect until 2021. They are more than