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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.

Savior of humanity, Your unfailing love sustains us. Stagger freedom's enemies and bring them to their knees. Use our lawmakers so effectively that our citizens may rejoice because of Your mercy.

Lord, be for our Nation a towering rock of safety, a shelter in the time of storm. We wait quietly before You. So use Your strong arms to bring us Your peace.

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.

The PRESIDING OFFICER (Mrs. HYDE-SMITH). The Senator from Iowa.

Mr. GRASSLEY. I ask unanimous consent to address the Senate for 1 minute.

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

APPROPRIATIONS

Mr. GRASSLEY. The latest political ploy by the Democrats is to paint the Senate majority leader as an obstructionist because he hasn't moved to consider certain bills passed by the other body.

Well, let's think about that for just a minute. They can hardly use that talking point anymore.

Yesterday, the Senate majority leader moved to take up the House-passed appropriations package, and the Senate Democrats blocked that motion.

The Senate isn't obliged to consider every partisan bill from the House, and the House doesn't have to consider every bill that is passed by the Senate. But if there is any House bill that the Senate has the responsibility to take up, to debate, and to amend, it is the annual spending bills to keep government operating. We have to fund the government, and that is what we are doing.

So I hope we don't hear any of this bellyaching anymore when we have a House bill that the Senate doesn't somehow take up.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MCCONNELL. Madam President, I want to thank the senior Senator from Iowa for his observations this morning. That is exactly where we find ourselves with what happened on the Senate floor yesterday afternoon.

APPROPRIATIONS

Mr. MCCONNELL. Madam President, Senate Democrats blocked this year's funding for our national defense. They voted it down. We can't move the legislation forward.

Democrats blocked the funding our commanders need to keep pace with Russia and China. Democrats blocked money for the tools and training that our men and women in uniform badly need while our adversaries continually pour money into new weapons and technology. The Democrats even voted against a pay raise—a pay raise—for our servicemembers. All but two Democrats voted to filibuster all of this and kept the Senate from even considering the legislation.

Never mind that before we adjourned in August the Democrats in the House and Senate all agreed to a carefully ne-

gotiated framework to keep our appropriations process on track. In fact, the Speaker of the House and the Democratic leader in the Senate publicly agreed to the exact dollar figure for the Defense bill they just voted down yesterday. They publicly agreed to the number in the Defense bill they just voted down yesterday.

We all agreed in the caps agreement that poison pills, new policy riders, or any changes to Presidential transfer authorities were off the table—off the table—unless both sides were on board.

So the appropriations process, including at the committee level with Chairman SHELBY and Ranking Member LEAHY, appeared to be going pretty smoothly, but, as we have seen a number of other times in the recent past, the Democratic leadership seemed to have a change of heart.

Perhaps it sunk in that actually meeting President Trump and Republicans halfway, as divided government obviously requires, might have earned some criticism from the far left. But whatever the reason, our Democratic friends turned on a dime, reneged on the bipartisan agreement, and began demanding exactly the kinds of poison pills and partisan policy changes that we all promised not to do.

That is how we get to a spectacle like what happened yesterday. That is how we get to a place where 42 Senate Democrats vote to filibuster defense funding and obstruct a pay raise for our servicemembers, for all the world to see, because Democratic leadership decided they saw more of a political upside in picking new fights with the President than in keeping their word and investing in our men and women in uniform.

In fact, I understand that just yesterday, our Democratic leaders were offered even more money for the Labor-HHS bill, but they declined it. So it is not about the money. It is not about compromising and getting to yes. It is about not wanting to take yes for an answer.

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



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I have great respect for our Democratic friends, but I think this episode has to go down as a new high-water mark for the policy consequences of what some people call “Trump derangement syndrome.”

We are at a point where 42 Senate Democrats would decline to fund the U.S. Armed Forces essentially just to spite the occupant of the White House. If you ask me, that is one heck of a price to pay to put on a show for “the resistance.”

But yesterday’s vote is now a matter of record. It is in the past. I really am hopeful that we can get back on track with the kind of appropriations process my Democratic colleagues have already pledged they would support. They had already pledged to support it.

When the good work that takes place in committees is allowed to proceed without this top-down partisan maneuvering, it tends to yield pretty good results. I think we were all pleased with the bipartisan funding bill that Chairman SHELBY and Senator LEAHY produced together last year. I understand this morning’s appropriations markup is expected to be bipartisan as well.

For example, I am proud the Financial Services and General Government bill would include a bipartisan amendment providing another \$250 million for the administration and security of elections, to help States improve their defenses and shore up their voting systems.

I am proud to have helped develop this amendment and to cosponsor it in committee. That would bring our total allocation for election security to more than \$600 million since fiscal 2008.

It is a crucial issue. The Trump administration has made enormous strides to help States secure their elections without giving Washington new power to push the States around. That is how we continue the progress we saw in 2018, and that is exactly what we are doing.

This is exactly the kind of positive outcome that is possible when we stop posturing for the press and let Chairman SHELBY and Senator LEAHY conduct a bipartisan committee process.

As time grows shorter before the end of September, I hope the critical defense funding that Democrats blocked yesterday will soon earn the same kind of productive treatment, because I don’t think the American people will have much patience with the notion that Democrats’ first responsibility is irritating the White House and funding the Department of Defense coming second.

I hope we can reboot this process and move forward for the sake of our Senate process, for the sake of stable funding for our government, and for the sake of our Nation’s security.

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

The senior assistant legislative clerk read the nomination of Brian McGuire, of New York, to be a Deputy Under Secretary of the Treasury.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. FISCHER). Without objection, it is so ordered.

THE JUDICIARY

Mr. THUNE. Madam President, last week, the Senate confirmed President Trump’s 150th judge. That is a significant milestone and one that has been harder to achieve than it normally would be thanks to the Democrats’ determination to delay judicial confirmations. Again and again, the Democrats have used the time-consuming cloture vote process to delay the confirmations of President Trump’s nominees—even of nominees they ultimately chose to vote for.

By this point in President Obama’s first term, the Republicans had required cloture votes on just three of President Obama’s judicial nominees—three. Compare that to today. As of September 12, the Democrats had required cloture votes on a staggering 71.7 percent of President Trump’s picks for the bench—71 percent. Basically, for more than two out of every three judges, the Democrats have required cloture votes. That simply means they have filibustered that particular nominee. The way you end the filibuster is by invoking cloture.

When the Republicans were in the minority when President Obama was in the White House, at this point in President Obama’s first term, the Democratic majority had invoked cloture just three times for three judges whom the Republicans had tried to block. As I said, right now, at the same point in President Trump’s first term, we are talking about almost 72 percent of all of the nominations combined having been filibustered. If you think about that and if you add it up totally, cumulatively, it is about 100 now compared to 3 during President Obama’s first term at the same time in office.

As I have said, many of these were nominees the Democrats ultimately

went on to vote to confirm. In other words, it was not that President Trump nominated scores of extreme nominees whom the Democrats felt they couldn’t support. Again and again, the Democrats have delayed a nominee, then turned around and voted in favor of him or her.

In one particularly memorable example, in January of 2018, the Democrats forced the Senate to spend more than a week considering four district court judges even though not one single Democrat voted against their confirmations—not one single Democrat. These judges could have been confirmed in a matter of minutes by voice votes. Instead, the Democrats forced the Senate to spend more than a week on their considerations—time that could have been spent on genuinely controversial nominees or on some of the many important issues that face our country.

So far this September, the Senate has confirmed six district court judges. The Democrats forced cloture votes on four of them despite the fact that all four were eventually confirmed by huge bipartisan margins. In fact, one was confirmed by a unanimous vote of 94 to 0.

If the Democrats had had a serious reason for their obstruction of the President’s judicial nominees, they would not have been repeatedly turning around and voting for them. Their obstruction isn’t based on principle; it is based on partisanship. They don’t like this President, so they are obstructing his nominees even when they agree they are well qualified for their positions. As a result, we are forced to spend hours upon hours of Senate floor time on uncontroversial nominations—time we could be using for other priorities.

Democratic delays are also not helping the judicial vacancy rate, which is still high despite the Republicans’ efforts to get judges confirmed. High numbers of vacancies result in there being long waits to get cases heard, which serves nobody.

While Democratic obstruction is bad enough, unfortunately, we have a lot more to worry about. In recent months, the Democrats have moved beyond obstruction and into directly threatening the independence of the judiciary. Court-packing—an idea that pretty much everybody thought had been consigned to the dustbin of history almost a century ago—is enjoying a revival among members of the Democratic Party.

For anyone who needs a refresher on this concept, the theory of court-packing is quite simple. If the Supreme Court is not deciding cases to your liking, add more judges to the Court until you start getting the decisions you want. It is not hard to see why this is a terrible idea, but that hasn’t stopped it from gaining traction in the Democratic Party. In fact, five prominent Democrats—including a Democratic Presidential candidate and the second-