

I heard the Democratic leader's suggestion that the reason the House had to sit on this is because if they sent this over to the Senate, somehow the Senate would dismiss this earlier, immediately, or something along those lines. I have no idea where that comes from. That has never been the intention here for Republicans in the Senate. Republicans in the Senate know full well that we have a job to do under the Constitution in which we hear the case, hear the arguments, ask questions, and consider the possibility of additional evidence being presented. We have said all along that is how we intend to treat this. But we want to make sure it is a fair process—a process that isn't rushed, a process that isn't partisan, as it was in the House of Representatives.

We have gone so far as to suggest that the precedent to be used be the Clinton precedent—in other words, the precedent that was used during President Clinton's impeachment process back in 1999. At that time, there were 100 votes in the Senate—Republican and Democrat—supporting that particular process, which, as I pointed out, allows for both sides to make their arguments. The managers in the House of Representatives come over and make their case, and the President and his team have an opportunity to respond to that, and then there is an opportunity for Senators to propound questions. It seems to me, at least, that is a fair process.

So far, we haven't seen the articles; nor have we seen any cooperation from the Senate Democrats about a process that would do all the things I just mentioned. So the Democratic leader's suggestion that they needed to wait all this time because they have to somehow ensure that Republicans were not going to dismiss this is a false argument.

I would argue that the House of Representatives sitting on this and stalling it undermines the very point they made about why it was so important that they do this. If they rush it, if they do not hear some of the witnesses, if they do not subpoena some of the witnesses—some of the very people they want the Senate to subpoena and hear from are people they could have subpoenaed and heard from.

They have now evidently concluded that—while at one time “We just have to get this through because this President is such a clear and present danger to the country. We have to do this fast and do it with a sense of urgency,” now, all of a sudden, the brakes have been put on and for no apparent reason other than, I would argue, they see political advantage in doing that.

But the fact is, the Senate will hear this at some point if we receive the articles, and we will employ a process—a fair process—that allows both sides to make their arguments and to be heard. Then we will allow the Senate to do its will, and whatever 51 votes in the Senate decide is ultimately how this will be disposed of.

I can tell you, contrary to the assertions of the Democrats, I believe people across this country are very weary and tired—frankly, in some ways exhausted—from having this thing just drag on. There are so many important issues we need to deal with.

We have a trade agreement that is teed up and ready to go—I hope we can vote on it here in the Senate—that has real relevance to the American people. There are farmers and ranchers in my State of South Dakota and across this country who desperately need to expand and open markets. We have depressed ag prices and low commodity prices in both grains and livestock, and we need to create opportunities for these farmers to get back on their feet and to restore profitability.

Instead of doing that, we are waiting for the Articles of Impeachment to come here. Assuming that they do, we will spend who knows how long on processing that at a time when there are so many pressing needs the American people care deeply about, not to mention the fact that in November of this year, we will have a Presidential election and congressional elections, where the people of this country can weigh in. They can have their voices heard.

That is how we ought to decide the differences we have in this country. If you have a difference with the President of the United States, you will have an opportunity to go vote in November of this year. If you decide you don't like him and you want to vote him out of office, you can do that. That is where the people believe this ought to be decided, not through a long, drawn-out, protracted process here in Washington, DC, where a bunch of Members of Congress, who should be working on important issues like energy, healthcare, economy, jobs and wages, and things like that, are bogged down with this impeachment process.

I believe the American people are weary. I think they know that starting in about 3 weeks in Iowa, they are going to start voting. We have a Presidential election that is underway, and it seems to me that people who have views they want to express can make their voices heard in the election, rather than having a long, drawn-out impeachment process, which, as I said earlier, the House of Representatives initiated in such a hurried way that they came up with some pretty weak tea-type Articles of Impeachment in a rush to try to get it over here. Now they are stalling it and not delivering it.

The Senate is not going to act, obviously, until the House acts and sends over those articles. When they do, we will ensure that, unlike the way they conducted themselves in the House of Representatives, it is a fair process that gives the President of the United States, who has been attacked through this process, a chance to respond and defend himself.

## TRACED ACT

Madam President, it is safe to say that pretty much every American has been subjected to annoying and illegal robocalls. Who hasn't picked up the phone to discover it is an automated message telling you that you have won a trip to the Bahamas, which you can secure by passing along your credit card information, or asking for important banking information so your account won't be closed?

These calls are a major nuisance, and too often they are more than a nuisance. Every day, vulnerable Americans fall prey to ever more sophisticated scammers and have money or their identities stolen. Individuals who fall prey to scammers can spend months or years struggling to get their lives back.

I have been working on the issue of robocalls for several years now, first as chairman of the Senate Commerce Committee and now as chairman of the Commerce Subcommittee on Communications, Technology, Innovation, and the Internet.

I worked with Senator MARKEY to lobby the Federal Communications Commission to create a single, comprehensive database of reassigned telephone numbers so that legal callers could avoid contacting people who hadn't signed up for messages.

I have spent a lot of time examining ways to discourage illegal robocalling. While Commerce Committee chairman, I held a hearing with notorious mass robocaller Adrian Abramovich. His testimony made clear that current penalties for illegal robocallers were not sufficient. Illegal robocallers have been building the cost of fines into their activities, and so far, there has been no effective mechanism for criminal prosecution.

Based upon Abramovich's testimony and testimony from Federal enforcers, I developed the Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, or what we call the TRACED Act, along with Senator MARKEY. At the end of December, the President signed our bill into law. The TRACED Act provides tools to discourage illegal robocalls, protect consumers, and crack down on offenders.

As I mentioned earlier, criminal prosecution of illegal robocallers can be difficult. Scammers are frequently based abroad and can quickly shut down shop before authorities can get to them. I believe we need to make sure there is a credible threat of criminal prosecution and prison for those who use robocalls to prey upon the elderly and other vulnerable Americans. To that end, the TRACED Act convenes a working group with representatives from the Department of Justice, the Federal Communications Commission, the Consumer Financial Protection Bureau, State attorneys general, and others to identify ways to criminally prosecute illegal robocalling.

In the meantime, it expands the window in which the Federal Communications Commission can pursue

scammers and levy fines from 1 year to 4 years. The bill also makes it easier for your cell phone carrier to lawfully block calls that aren't properly authenticated, which will ultimately help stop scammers from getting through to your phone. The TRACED Act also tackles the issue of spoofed calls—where scammers make the call appear as if it is coming from a known number. TRACED addresses the issue of one-ring scams, where international scammers try to get individuals to return their calls so they can charge them exorbitant fees.

The bill directs the Federal Communications Commission to convene a working group to address the problem of illegal robocalls being made to hospitals. There are too many stories of hospital telephone lines being flooded with robocalls, disrupting critical lines of communication for hours.

Will the TRACED Act completely solve the problem of illegal robocalls? No. But it will go a long way toward making it safe to answer your phone again, and it will help ensure those who exploit vulnerable individuals face punishment for their actions.

I am grateful to Senator MARKEY for partnering with me on this legislation. The Washington Post praised the TRACED Act as an example of “good old-fashioned legislating.”

I am proud of the strong bipartisan support it received in both Houses of Congress. I look forward to monitoring the implementation of the TRACED Act and continuing to work to protect Americans from illegal and abusive robocalls.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Madam President, I ask unanimous consent that Senator JOHNSON and I be able to complete our remarks prior to the cloture vote.

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

#### NOMINATION OF PAUL J. RAY

Mr. PETERS. Madam President, today I rise to speak in opposition to the nomination of Paul Ray to be the next Administrator of the Office of Information and Regulatory Affairs, more commonly known as OIRA.

Although not many people outside of Washington have heard of OIRA, this office wields an important amount of influence over regulations that impact families, businesses, and communities in countless ways.

If confirmed, Mr. Ray would be responsible for reviewing health, labor, environmental, and many other protections, from safeguarding our source of drinking water to ensuring the cars we drive are safe.

In Michigan, communities like Flint, Oscoda, and Parchment cannot drink water from their own faucets without fear of ingesting toxic chemicals like lead or PFAS.

When meeting with Mr. Ray, I stressed the need to prioritize protections that provide safe and clean drink-

ing water and preserve our Great Lakes and other natural resources. I appreciate that Mr. Ray listened to my concerns. He is clearly very smart and passionate about administrative law and the rulemaking process. However, Mr. Ray is relatively new to Federal service and has relied primarily on his recent tenure at the agency to demonstrate his qualifications.

Given his prior role, the best way for us to understand what Mr. Ray will do if confirmed is to take a closer look at what he has already done. In order to thoroughly examine his qualifications, we asked Mr. Ray to provide information about his tenure, which included reviews of proposals that would weaken critical protections for workers, veterans, children, disadvantaged communities, and the environment.

Unfortunately, the nominee and the agency's Office of General Counsel have refused to meaningfully respond to committee members' request for information or fully participate in the Senate's efforts to meet our constitutional responsibilities. While Mr. Ray expressed a commitment to transparency, his inability to ensure compliance with the committee's requests—including for material that is routinely provided to the public in response to the Freedom of Information Act—raises serious doubts about whether he will cooperate with Congress if confirmed.

Given the unprecedented actions taken by this administration to roll back safeguards, it would be irresponsible to confirm Mr. Ray to OIRA without an opportunity to thoroughly evaluate his record. I have sought to carefully consider Mr. Ray's nomination, but due to this serious lack of transparency, I cannot support his confirmation. For that reason, I will be voting no, and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER (Mr. SCOTT of Florida). The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, I rise to ask the Senate to confirm the nomination of Paul Ray to be the Administrator for the Office of Information and Regulatory Affairs of the Office of Management and Budget.

OIRA, as this office is commonly called, is the Federal Government's principal authority for reviewing executive branch regulations, approving government information collections, and overseeing the implementation of government-wide policies related to information policy, privacy, and statistical practices. The OIRA Administrator is responsible for reviewing and approving both rules and then final rules to ensure agencies conduct appropriate cost-benefit analyses.

Under President Trump, OIRA has conducted between 200 and 400 rule reviews each year, and it has made it an administrative priority to reduce the regulations and to control regulatory costs. That includes the important

work of reviewing existing regulations to identify those that are outdated, harmful, or counterproductive and achieving this administration's initial goal of eliminating at least two regulations for every significant new one added.

The good news for our economy is that the administration far exceeded this initial goal by eliminating 22 outdated or harmful regulations for every new one added in 2017, and it has achieved a rate of 7½ regulations removed for each new regulation over the course of the administration. This has saved American families and businesses billions of dollars in compliance costs and has allowed businesses to spend that money and concentrate their efforts on growing their businesses and creating new products, services, and good-paying jobs.

I continue to believe this administration's dedication to regulatory reform and reduction is the single most important factor in the success of our economy, record low levels of unemployment, and growing wage levels, with wage growth being at its strongest at the lower end of our income spectrum.

It is important to note that Mr. Ray has already played a key role in this regulatory rationalization and its resulting economic success.

In his having previously led OIRA as its Acting Administrator and as its Associate Administrator, Mr. Ray has demonstrated the ability to carry out the office's multifaceted mission. In addition to his direct leadership experience at OIRA, he currently serves as the Senior Adviser to the Director of Regulatory Affairs, where he advises on regulations and the regulatory process. He also served as counselor to the Secretary of Labor, where he had a similar role.

Prior to these public service roles, Mr. Ray was an associate at Sidley Austin LLP, and he served as a law clerk to Supreme Court Justice Samuel Alito, as well as to Judge Debra Livingston of the U.S. Circuit Court of Appeals for the Second Circuit. Mr. Ray graduated magna cum laude from Hillsdale College and Harvard Law School.

Because of his background and demonstrated enthusiasm for dealing with regulatory matters, Mr. Ray is uniquely qualified to serve as the next OIRA Administrator. I am grateful to Mr. Ray for his willingness to serve, and I strongly encourage my colleagues to vote yes on his confirmation.

I yield the floor.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Paul J. Ray, of Tennessee, to be