

Thune	Tuberville	Wicker
Tillis	Welch	Young

NAYS—44

Alsobrooks	Heinrich	Peters
Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Blunt Rochester	Kelly	Schatz
Booker	Kim	Schiff
Cantwell	King	Schumer
Coons	Klobuchar	Shaheen
Cortez Masto	Lujan	Slotkin
Duckworth	Markey	Smith
Durbin	Merkley	Warner
Fetterman	Murphy	Warnock
Gallago	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	

NOT VOTING—3

Johnson	Van Hollen	Wyden
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The PRESIDING OFFICER (Mr. BANKS). On this vote, the yeas are 53, the nays are 44. The motion is agreed to.

The motion was agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Kyle Christopher Dudek, of Florida, to be United States District Judge for the Middle District of Florida.

The PRESIDING OFFICER. The Senator from Oklahoma.

RULES CHANGE

Mr. LANKFORD. Mr. President, I want to tell you a story about Tina Pierce. Tina grew up on a farm in Idaho. She was the first in her family to earn a college degree.

After earning her degree in accounting, she served in the U.S. Marines. She was deployed in Kuwait as the comptroller for the contingency Operation Desert Thunder.

She earned her MBA from Colorado State University. She graduated at the top of her class. She then became a CPA, a certified public accountant. She has been married 26 years. She has four children. Her husband also served in the U.S. Marine Corps as a colonel.

Why do I bring her up? Well, here is why. President Trump nominated Tina Pierce to be the Chief Financial Officer for the Department of Energy. She went through the process with the Committee on Energy and Natural Resources, where she was voted out in May of this year 13 to 7—pretty strong bipartisan vote.

She passed out of the committee and then has sat waiting. What is interesting for this is the Chief Financial Officer for the Department of Energy has actually never had a vote in the Senate on the floor of the Senate. It has always been a position that, in the past, went through committee, was approved in committee, and then passed on the Senate floor either by unanimous consent, a voice vote, or what is called en bloc, grouped together with other nominees and passed all in a group.

This is not the Secretary of Defense; this is not the Secretary of Energy or

the Secretary of State. This is the CFO for the Department of Energy. It is one of those 1,200 positions that the Senate must confirm but, historically, has always been confirmed in a very fast-track process after they passed out of committee. Especially when they pass out 13 to 7 out of a committee, everyone knows they are going to pass.

You see, that is the way it used to be—but not anymore. My Democratic colleagues have determined that Tina Pierce should be filibustered. So this marine, married to a marine, mom, highly qualified, graduated top of her class has to sit at home and wait as Democrats block every single nominee on the floor. So she waits since May of this year to see if the Senate can open up enough time to have a vote.

Well, that is not the only one. Jonathan Morrison was President Trump's nominee to be the Administrator of the National Highway Traffic Safety Administration. Jonathan was the first in his family to go to college. He graduated from the University of Pittsburgh in 2001, went on to law school at Notre Dame. He also got a master of laws degree in international business law from University College London.

Over his career, he has worked with automobiles. He has also served as Chief Counsel at the National Highway Traffic Safety Administration. He is supremely qualified to be able to lead this part of the administration.

He came out of the committee in a vote of 16 to 12, but he also just sits and waits because there is not enough time.

In every administration, there are lots of nominees. There is 1,200 nominees. And everyone knows there are so many nominees, so you pick and choose which nominees you actually want to be able to debate. That is normal in every single administration.

They all have to go through the committee process, but when it comes to the floor, you don't dedicate all the floor time to different, what are called, sub-Cabinet officials. Those get fought out in committee, and then they come to the Senate floor and either pass en bloc or they pass by voice vote or unanimous consent. Or if they are highly controversial individuals, maybe we will have a floor vote on them.

It has been 200 days of this administration. Let me give you some examples of this. What is called a cloture vote, a demand to be able to go through this full, long process—under Bill Clinton, there was zero of those—zero. Were there controversial nominees? Sure, there were. But they worked through the process on that.

Under G.W. Bush, zero cloture votes that were required in the Senate. There were nine under President Obama, but then under the first President Trump administration—38, all of a sudden.

You know what we did as Republicans? We pushed back. And there were 71 under President Biden. It was kind of a tit for tat. Now our Demo-

cratic colleagues have determined this is not going to be tit for tat anymore. We are just going to shut the whole place down.

Now under President Trump, 134.

What does this really mean? This really means that we are not moving anyone across the floor unless they actually have 3 hours of floor time. That is a vote on a motion to proceed. That is 2 hours of debate time here on the floor for that person and then another vote after that. It takes a total of 3 hours to be able to do that whole process—3 hours for every single person, when you have got 1,200 people.

You would think during that time—that is, the 2 hours of debate time—we would have massive amounts of debate because if these are highly controversial nominees, of course, there is going to be debate on this floor to be able to discuss all these highly controversial people.

Well, let's talk about that. For these sub-Cabinet officials that are there—there has been 109 of them—all of them have been filibustered through the process to say they demanded. The average Democratic debate time for these 109 people has been 2 minutes—actually, technically, 2 minutes 12 seconds.

So 2 hours of time that they have demanded to debate these highly controversial people, and they have allocated 2 minutes 12 seconds, on average.

Well, interestingly enough, 81 of those 109 Democrats actually did zero debate on the floor. This was just about shutting the Senate floor down. That is all it was. This was about attacking President Trump, not acknowledging the fact that he won the election and that he should be able to actually go through the process to be able to have his staff like every other President has had.

Interestingly enough, I have had folks that have said to me: How do you actually fix this? How does this get better? Well, the first way this gets better is, typically, in the past, Republicans and Democrats would sit down together and would say: This is intolerable; we can't actually get to other bills.

You see, right now, to be able to do the 3 hours that it takes to be able to move it just with the nominees that we have in the backlog right now—not counting the 700 more nominees that are still coming in the days ahead—it would take 900 hours the rest of this year to actually move those through across the floor—900 hours.

Well, if you look at the rest of the year, the Senate would have to be actively voting and in process 80 hours a week every single week, only on nominations. That would mean we would not do the National Defense Authorization; we would not do the 12 appropriations bills; we would not do a farm bill, we would not do an FAA reauthorization; we would not do a new tax policy.

We wouldn't do anything else except nominees 80 hours a week. If we did that, we could get caught up on the

backlog. But oh, wait. We have to keep doing that the next year and the next just to be able to maintain this.

So when I say this is intolerable and it has never been done in the past, that is what it means. The Senate has to do legislation as well as nominations. This is a situation that my Democratic colleagues have broken the Senate structure. We have got to figure out a way to be able to fix this that works for Republican or Democrat Presidents in the future. Regardless of party, the President has got to be able to move their nominees. And this should not be an issue that once they have gone through committee and been resolved, that they literally can't get to the floor, or that people wait for months and months and months to be able to get a vote on the floor because there is so little time and we are so backed up.

So here is a simple idea: Just like has been done in the past, move folks in groups just like it happened in the past. You go to the first Trump administration, there were the 22 separate votes that were taken en bloc, groups of folks that have all been passed out of committee.

Under the Biden administration, that happened 17 times where Republicans allowed Democrats to be able to lump these individuals together to be able to pass them together.

Under this administration, so far, zero. None.

Under the first Trump administration, 559 of the 1,200-plus people all went through that process. Under Biden administration, 277. This is Republicans and Democrats alike. Now it is zero because my Democratic colleagues, I assume, have just determined they are going to be the resistance. But what they are setting up is a process where in the future, as soon as there is a Democrat President, this is going to be the same thing because Republicans are just going to go tit for tat on that.

That is not right for the country; it is not right for then; it is not right for now.

Very simply, we have got to get back to legislating, which means we have got to allow the President to be able to have his nominees go through the process. We have a constitutional responsibility to advise and consent. Let's do that in the committee process. Let's bring those to the floor in a debate. Let's actually pass or not pass those individuals, whatever this body may determine. But let's, at least, get an up or down vote on every single one of these individuals to be able to get this part of our responsibility checked off.

Because this week, we are also trying to work on the National Defense Authorization. That is an essential piece of legislation we have got to get done. By the 30 of this month, we are supposed to have 12 appropriations bills done. We can't get on appropriations bills, can't work on the National Defense Authorization, the time that it needs, while we are backed up with

hundreds of nominees and my Democratic colleagues are blocking, literally, a mom and a marine who is a highly qualified CPA to say they can't be the CFO. Please.

This is all about trying to attack Trump, but what they are doing is actually stopping the country from getting its business done. So let's get this fixed. That is my request.

My colleagues are coming to the floor in the next hour. We are all going to make our case. This is so important that we actually get resolved—not some time—right now, get this resolved.

I yield the floor to my colleagues who will continue to be able to make the case. The PRESIDING OFFICER. The Senator from Alabama.

Mrs. BRITT. Mr. President, I would like to thank my colleague from Oklahoma. He did a tremendous job on what he just laid out, and he has also been working tirelessly on this for the last few months, in particular the month of August, along with myself, Senator ERIC SCHMITT, Senator TED BUDD, Senator RON JOHNSON, all trying to coalesce on how to make this place work again.

This is about preserving the institution, not about partisan advantage. Unfortunately, this is where we are today.

I think it is important that we rise to continue to talk about this, about Senate Republicans working to restore order to this Chamber. The Senate has a constitutional obligation to provide the President advice and consent on his nominations for key professions. This role is a cornerstone of the checks and balances system created by our Forefathers, and it is a process we must ensure continues to function, no matter who is currently serving in the White House.

I understand being in the minority, and it is certainly frustrating when your party doesn't win the general election. But as we have heard our colleagues say a number of times, elections have consequences. And while we have seen power change back and forth from Republican and Democratic administrations, the Senate was specially designed to uphold our constitutional obligation of advice and consent.

We serve 6-year terms with one-third of the Senate being up for reelection every Congress because we want to make sure that we are not shortsighted or partisan acting, but unfortunately this year, we have seen that unravel due to historic obstruction by Senate Democrats, a theme that goes back nearly 25 years.

Over the August recess, as we have worked on this, I spent a great deal of time studying the history of Senate confirmations to better understand inflection points and how we actually got here.

This is a common theme. The Senate slows confirmations when there is a Republican in the White House. It started in 2003 when President Bush

nominated Miguel Estrada, a brilliant attorney, to serve there, and he received bipartisan praise from the likes of future Biden White House Chief of Staff Ron Klain. Democrats, concerned that Estrada might be soon nominated to the Supreme Court, used the filibuster to block him—the first time in history an appellate court nominee was blocked.

What started with Estrada continued to shape Bush's term. While President Clinton had 98 percent of his nominees confirmed by voice vote or unanimous consent, President Bush had 90 percent in his first term—a small but noticeable dropoff.

Much to the disappointment of conservatives around the country, President Obama was sworn into office in 2009. In his first term, how many nominees do you think Obama had confirmed without a rollcall vote? Ninety percent—the exact same as his Republican predecessor, President Bush.

Next, President Trump. He took office in 2017. Senate Democrats dusted off their same playbook that they wrote during President Bush's term, and while Obama had 90 percent of his nominees approved without a rollcall vote, President Trump actually received just 65 percent. This slowed the Senate down and, more importantly, kept well-qualified leaders out of key roles for our country.

President Biden took office in 2021. He nominated a number of people controversial not just to Republicans but actually to many Democrats too. In fact, one in particular was his Secretary of Labor. His nominee to be Secretary of Labor couldn't get confirmed by his own party and actually was in an acting role for over 680 days—nearly 2 years without a confirmed Cabinet Secretary. Despite all of this, 57 percent of President Biden's nominees were confirmed without a rollcall vote.

Now, this takes us to President Trump's second term, where he won, obviously, an overwhelming majority of Americans with the popular vote and the electoral college, but, as you know, he has received zero percent of his nominees without a rollcall vote—not one.

Look at this chart. This lays it out for you. You have H. W. Bush, 98 percent; Obama, 90 percent; you have Clinton here, 98; you have Trump 1, 65; you have Bush again, 90. I mean, look at this: 98, 98, 90, 90, 65, 57, 0. Does this seem like people are trying to make this place work or does this seem like they are trying to bring it to a screeching halt?

For me, I came here to actually do something. So we have 120 pieces of bipartisan legislation on really incredible things that have been marked up in committee and are ready to see time on this floor. They are things like social media to protect kids online, to finally stand up to Big Tech and say: The safety and security and mental well-being of our children comes first, not the profits in your pocket.

We have bills on affordable housing, knowing that now, when you look at the American dream, almost everyone's piece of that comes through owning their own home. While previously you would buy your first home between 26 and 28 years old, now that number has moved to 38 or beyond. Making sure that we make that more tangible for Americans, that we figure out how to actually address those prices, is critical, and we have a bill waiting to see the floor.

Yet Senate Democrats continue to try to prolong this, to try to put every roadblock in place just to keep President Trump from getting his people in place.

At the end of the day, last November, the American people were actually faced with two options, and this, to me, was the most well-informed election we have ever had in American history because they were two very known entities. You knew what you were getting. You had seen Kamala Harris serve as Vice President, you had already seen President Trump serve in one term, and so you knew what you were getting. And the American people overwhelmingly said: We want President Trump back in office.

Kamala Harris said she wouldn't do anything differently—I think you all remember that on “The View”—anything differently than Joe Biden. So they said: This is what we want. But yet we are not allowing him to get his people in place to actually do the things that he needs to do for the country.

I understand voting against nominees that you disagree with. I even understand requiring a cloture vote on some. What I can't understand is the blocking, is the delay tactics on every single nomination. These are bipartisan nominees—many of them. The ones we will be talking about here came out of committee with a bipartisan vote.

Now, during President Biden's term, there were certainly a lot of nominees that I did not agree with, but a President deserves some deference. Give him an up-or-down vote and move on. Senate Democrats have given no such deference to President Trump and, just like the 2024 election, in my opinion, have failed to present the case to the American people. This is not obstructing nominees; this is a protest of an election that didn't go their way.

We have spent an unreasonable amount of time just trying to confirm largely uncontroversial nominees when we could be using it to see those bills that have been marked up in a bipartisan fashion on this floor. We could be using it to work through appropriations bills, which, in my opinion, are so critical to the job that we do. We could be using it to continue to move the NDAA and make sure that our forces are the best trained, ready, and equipped across the planet. Instead, we are nearly 9 months into this administration, and President Trump has less than 12 percent of his positions confirmed.

The Senate has worked hard these last 9 months. We have actually held a record number of rollcall votes. We have been in session a record number of days. Unfortunately, we have another record, and that is that we have zero voice votes here for President Trump at this point in time.

But it doesn't stand to reason that a historical effort is being put on us for continuing this lowest number of nominees confirmed through the Senate. President Trump is on pace to have confirmed just 426 nominees by the end of this Congress—426. Look at this. You have President Biden at the end of his first Congress, the end of the first 2 years—919 nominees confirmed.

Now we hear our colleagues on the other side of the aisle consistently say that we did everything possible to create an impediment for President Obama. That is clearly not true when it came to letting his people have an up-or-down vote or giving them an opportunity to get in his Cabinet.

You look at President Trump, you see what they did here—715 nominees by the end of Congress. Then you go to President Biden—817 at the end of the first Congress. At the current rate we are at now—and you heard my distinguished colleague from Oklahoma say that if we kept doing this, it would be 900 more hours that we would spend just in the near future—we will have only 426 nominees confirmed into his administration by the end of this Congress at the rate we are going.

Now, do you know how many people serve in a Cabinet? serve in an administration? Over 1,200. Over 1,200. So what you are saying essentially, then, is that at the end of his first 2 years, you are going to give him a third of the people, at best, that he needs to complete the mission that the American people very clearly said on November 5 they wanted to see enacted.

It is not right. President Trump deserves the men and women he has nominated to be in place today, and that is exactly why our conference has been working diligently to find a solution.

The Democrats' behavior in requiring a cloture vote on almost every single nominee is, in fact, a change in rules. Their behavior has set a new precedent. It is one that will last with this body on and on and on and on.

We want this Senate to work again. We want it to function once again. We want to be able to bring this important legislation that we worked on in committee in a bipartisan fashion to the floor and get things done for the American people once again. And we are not going to allow the obstruction by the Senate Democrats to continue.

It is important to understand that a significant number of these nominees that we will be talking about this week and next came out of committee on a bipartisan basis. Some are individuals whom many of us have known and have worked with for years. They deserve an opportunity to serve, and I think many of my Democratic colleagues would actually agree.

Now, before we discuss the rules changes our conference has coalesced around, we have obviously made sure that we have been thoughtful about a number of different avenues.

People have brought recess appointments up, amongst a number of different things. When recess appointments are made, they only fill a position for this Congress, so you are not fixing it for the entirety of President Trump's tenure. Also, many times, these recess appointments are generally unpaid positions. For these outstanding nominees, it would be unfair to ask to make many of them move across the country with their families for an unpaid job that expires at the end of a Congress, not even at the end of President Trump's term. Therefore, we landed on another solution—the KLOBUCHAR-KING proposal.

Now, look, this solution would allow us to vote en bloc, to confirm multiple nominees at one time—so not so dissimilar to how the Senate used to work for every other President—passing dozens of nominees at once through unanimous consent. We haven't had any of those packages here.

Look, there is no perfect solution, but one thing we do know is that we have to get this place back functioning again.

So I want to point out that when the KLOBUCHAR-KING proposal was introduced, the Senate was regularly confirming batches of nominees by voice vote—clearly something that is not happening now.

This was when the Senate was keeping the same pace confirming President Biden's nominees with Senate Democrats' pace confirming President Trump's in his first term.

The blame for the delay of President Trump's nominees lies solely with Senate Democrats. When President Trump first took office, he became the first President to not have at least 90 percent of his nominees confirmed without a rollcall vote.

I mean, this chart speaks for itself.

Now that they have exhausted every tool, they keep chipping away until nothing is left—not a single nominee more to obstruct. This is truly ridiculous, and it is actually no way to run a country. This is not what our Founding Fathers intended when they gave the Senate the power of advice and consent, and it is not what our voters sent us to Washington, DC, to do.

So, alongside Senate Republicans, I remain committed to finding a pathway forward to get the Senate back to working, to put institutional reform ahead of partisan politics, and to make sure this body is actually working for the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, I want to compliment my colleague from Alabama Senator BRITT. I can't begin to tell you how hard she has worked through the August time period.

There is this sense of we are just trying to be able to ram this solution through the Senate. She spent hours on the phone talking to different Democratic Senators—as I did, as multiple other members of our group did—to try to be able to find a pathway to be able to resolve this because that has always been the way it has been resolved. Eventually, it just gets to a point that you talk to each other enough, you figure out a way to be able to work it out; you work it out; and you figure out how to be able to do that. We reached an impasse the first days of August.

Typically, before we actually have a gap to be able to be back home in August, we will pass dozens on what is called an en bloc vote.

That didn't happen this time. We couldn't find that pathway to be able to actually get there. So in frustration, Senator BRITT, myself, Senator BUDD, Senator CORNYN, Senator SCHMITT, Senator JOHNSON all spent lots of time over August trying to be able to figure out how do we weave out of this, and the idea became: There is a Democratic proposal that is out there that was brought to the Rules Committee in 2023. It was never voted on in the Rules Committee when Democrats actually ran and chaired the Rules Committee. But it was brought to the Rules Committee to say: Let's see if we can figure out how to be able to do this in a better way, and that was to be able to put in the rules to do en bloc voting, to be able to say: If they have come out of committee, they passed out of committee, we know they are going to get passed on the floor. Instead of holding up sub-Cabinet individuals—we are not talking about the Cabinet level—these sub-Cabinet individuals, put them all together in a group and be able to pass them.

We agreed the least partisan way to be able to do this, that is fair to both Republicans and Democrats, is to be able to literally take a Democrat proposal in 2023 and say: Let's finish that out. Let's actually bring that and to be able to bring it for a vote.

The response we got back, overwhelmingly, from our Democratic colleagues was: Yes, we still believe that is a good idea. Let's start it when the next President comes in place.

So in other words, we want to block every single one of President Trump's nominees, but we want to make sure this doesn't happen to us.

It will. So we have got to be able to fix this now.

Interestingly enough, many of my Democratic colleagues that I have spoken to over the past several weeks about this, when I brought up this proposal to say: This is a way to fix it that we think is the best solution for the Senate long-term, they have quietly over the phone said: Yes, we need to get this fixed. We just don't want to be the people to actually fix it. You fix it for the Senate.

We think it is better long term to be able to find a rule that works in a non-

partisan way that resolves it for everybody. We understand full well there will be a Democrat President and Democrat Senate in the future; that they will do en bloc voting like this. Fine. That is the way we did for a century. We didn't have to have a rule to be able to do that. We just came to agreement and did it.

So let's get back to actually operating because we do have serious issues to argue over. We have got lots of arguments about budget. We have \$37 trillion in debt. We need to spend more time arguing about that and less time arguing about who the CFO for the Energy Department is going to be when they have already passed out of committee in a large bipartisan vote. So let's have the argument over the hard issues, and let's move the nominees that we know are going to get moved across the floor in a way that makes sense to everybody, regardless of party.

I have multiple other colleagues that are coming to the floor here in just a moment. We want to be able to make the argument to the American people.

I have to tell you, I have lots of phone calls that have come to my office that say: Why can't the President actually move his nominees? Why is this? This seems to be different.

And people may not know all the numbers and the details, but they feel it and go: Why does it feel like he is being treated differently? Well, it is because President Trump is being treated differently by not having a single voice vote, not a single unanimous consent, and not a single time to be grouped together into groups that we know are going to pass. That has not ever happened in this Senate.

And I have had multiple colleagues say: And we are going to keep blocking every single one.

Do you know what? Every action has an equal and opposite reaction. We are trying to figure out how to be able to get back to our functioning again and to be able to actually operate.

So I have multiple colleagues that will come to this floor, and we will keep making the argument to say: Let's get the nomination process fixed because we have got to get back to legislating more.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. CASSIDY. Mr. President, I regret to say that my Democratic colleagues have become addicted to hating President Trump, and it is no longer about policy or even strong disagreement. It seems to be an obsession—obsessed with finding every way possible to undermine the President and his agenda, no matter the cost.

And what they have done to the nomination process in the Senate might be the height of partisanship since President Trump returned to office. Democrats have blocked 100 percent—that is, 100 percent—of President Trump's nominees from being confirmed by unanimous consent or voice vote.

Now, by the way, why do I say—my chart here. Look at this. It has been the tradition for noncontroversial nominees to be confirmed by the Senate.

And in the first Trump, it fell from 90 percent under President Obama—games Democrats play—to 65 percent under Trump 1. Well, it turns out it was 57 percent under Biden. Now, under Trump 2, we have zero percent of the nominees approved by unanimous consent.

Let's put that in perspective. We are speaking about noncontroversial nominees, and it has been something that has been consistent for Presidents of both parties for decades, as we can see from this chart. And yet here we are, 8 months into President Trump's second term, and not a single nominee confirmed by unanimous consent or voice vote—zero, zip, nada.

By the way, these nominees made it through committee with bipartisan support on the record. Democrats, Republicans both voted for them in committee, and yet we can't get them off the floor without tying up precious floor time.

Now, that may sound like process. It might sound like: Oh, my gosh. We are talking about time. This is how the Senate works, in terms of getting the nomination through quickly, allowing the legislative issues addressing our country to then be faced.

It is a full-blown example of Democrats not caring if the business of government gets done. They would rather obstruct President Trump than to allow the American people to be served.

Now, Americans are sick of it. They want Congress to work, and Republicans are showing up to work. We are ready to confirm the people required to work in government to keep the country running, but Democrats are holding nominees for ransom it seems for no other reason than their desire to obstruct President Trump.

So why does Congress have such a low approval rating? Why do people think this place doesn't work? It is because of stunts like this, blowing up the standard operating procedure, which allows us to get on the work of the people, all to score cheap political points.

Now, the American people chose President Trump. They gave Republicans control of the House and the Senate. They told us the agenda they wanted pursued.

So when Democrats dig in their heels, kick and scream, they are proving that they did not hear the message the American people sent last November.

If no one is standing with you but your own party insiders and maybe the occasional liberal cable news host, then your resistance isn't brave. It is meaningless. It is an obstruction. It is only there to defeat the will of the American people. It is noise.

The American people deserve better. Republicans are ready to deliver.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. SCHMITT. Mr. President, I rise to discuss the unprecedented obstruction by my Democrat colleagues, which brings us here today, in the activity we are going to see on the floor this week and next.

Article 1, section 2, clause 2 of the Constitution requires that every officer in the United States receive the advice and consent of the Senate. This is a very important function. At times, it can seem tedious, I suppose, on the floor when we are voting on some of these, but this is contemplated by our Founding Fathers to be a really important part of the process of getting good, qualified people in important positions in the executive branch.

With that power comes responsibility, a duty. And the Democrats have completely abandoned that duty to provide the advice and consent; instead, moving forward with complete obstruction.

"Unprecedented," now that term gets thrown around a lot in this town. Every day somebody says something is unprecedented. It is not actually unprecedented. This really is unprecedented.

In the almost 250 years of our country, and, of course, a little bit sooner than that when we had the first Congress—a little bit later than that when we had our first Congress, we have never seen anything like this, like not even close. The minority leader would rather burn all the norms down than do it like we have done it before. Even though that process has sort of eroded to some degree in recent years, it was never anything like this.

For those of you watching at home or in the Gallery here today, and we are glad to have you, the Senate kind of operates in three calendars—let's put it in those terms—three operational modes.

One is the legislative calendar when we have bills that come up—the NDAA, the continuing resolution, appropriations bills, that kind of stuff.

Let's be clear. What the minority leader has already said he would do and what Democrats in this Chamber have already voted for is to completely eliminate the legislative filibuster. If they were in charge, if they were in the position the Republicans are in right now, they would blow it up; it is gone. DC is added as a State, maybe Puerto Rico, court packing—they voted on this stuff. I am not making this up. They campaign on this stuff. That is what the minority leader would like to have happen to the legislative calendar.

Let's talk about the impeachment calendar. Well, last year, we saw Secretary of Homeland Security Alejandro Mayorkas impeached by the House of Representatives. The Articles of Impeachment are transferred over here. We are all sitting at our desks. For the first time in the history of this country, there wasn't a trial.

Now, trials look a little bit different. Sometimes they are in committee, and sometimes they are in front of the full Senate. But there is not a single instance in the history of this country where the person who was impeached who either was still alive or in that office hasn't had a trial. So they blew that up.

Now we are dealing with the Executive Calendar, which is essentially where all the personnel decisions are made. We approve Ambassadors, Cabinet Secretaries, judges, U.S. attorneys, marshals, all that stuff. There has been not a single instance, not one time has there been a unanimous consent granted in this Chamber—not once. That has never happened before.

We will talk about some of those details here as we move a little bit further along in this debate, but just to add a little meat onto the bones, in defiance of the vision of the Founders, the Democrat obstruction leaves President Trump on pace to have just 426 nominees confirmed by the end of the 119th Congress. That is if we are working at a pace which is unprecedented. I don't mind it. We can be here. I am not afraid of hard work. But if we are here as much as we have been here just to get to that number, which is lowest in history—less than half of what Joe Biden had at this point in time, 817; or even President Trump's first term, 715. So at the end of the first Congress, those are the numbers. So it is not even close. It is less than half of the total number.

By the end of his term, we are projecting that a mere 872 confirmations—so the full 4 years—would actually get through. That would be the first time in the history of the country that that number would fall below 1,000, compared to Joe Biden's 1,175 and President Trump's first term, which is about that same number, about 1,200, and President Obama's staggering number of almost 1,500. So it is not just slow; it is sabotage, echoing the darkest days of the most partisan feuds we had threatening our young Republic 200 years ago.

Democrats have required cloture 360 percent more in President Trump's first term—in this term's 200 days than in his first. So 137 nominees have been subjected to it—nearly double Biden's 71 and far beyond Obama's paltry 9.

In the past, over 50 percent of every President's nominees were confirmed via voice vote or unanimous consent—until this year, where President Trump has received 0.0—Blutarsky. That is unprecedented.

Under Obama, in his first 200 days, 292 nominees passed by voice vote alone. President Trump has just 135 confirmed, all via overcoming—except Marco Rubio—overcoming filibusters. Every single one, save the first, has been filibustered.

To put that in perspective, Clarence Thomas—perhaps the most controversial Supreme Court judge as far as that vote went—got 52 votes. It wasn't even

filibustered. All of these are being filibustered, including the general counsel to the Department of Transportation.

The average time from nomination to confirmation is a glacial pace of 94 days—nearly double President Trump's first term of 54, worse than Biden's 70, and a far cry from Reagan's efficient 25 days. We have shattered records with the most Senate session days in roll-call votes in modern history—126 days in the first 200; more than Biden's 121—yet the backlog swells: 139 nominees on the Executive Calendar, 153 in committee, 786 not yet received.

This obstruction is antithetical to our constitutional design. You can have problems with nominees. You can vote no. You can even filibuster some of them. But to filibuster all of them and not have a voice vote on any of them is a symptom of something else—Trump derangement syndrome. They can't get over the fact that President Trump actually won. They thought that by coming on this floor, as the minority leader did so often, and calling half the country MAGA extremists, trying to bankrupt him and his family and throw him in jail for the rest of his life—they thought that thing was over. But the American people sat in their own jury box, they watched all of this nonsense unfold for the last 4 years, and they rendered their own verdict, and it was for reform; it was for the very kinds of people President Trump is putting up for these positions.

So to subvert that democratic process, the sand has been thrown into the gears of our Republic in a way that we have never seen before. That is what we are here to fix. The Democrats have turned the cooling saucer of the Senate into a deep freezer.

But here is the good news: A great thaw is coming. The Republicans in this place are going to return the Senate back to what it was always meant to be able to do, which is to actually function and vote on confirmations. It is not that tall of an ask. But, again, blinded by TDS—and quite frankly, if you talk to some of my Democratic colleagues, like I have privately, they understand that this is a real problem. They know that this is wrong. But they can't be seen by their increasingly radical base doing anything that would be perceived as helping President Trump.

So here we are. The conditions have been set, the landscape has been made, and it is time for action. I would argue that this isn't actually even a new phenomenon; this has been a slow-moving disaster 25 years in the making.

After the 2000 elections, Democrats met at a private retreat to strategize how to maximally obstruct the Republicans—25 years ago. A couple of leftist Harvard professors concocted an idea: Filibuster the Executive Calendar.

The minority leader wasn't done there. Just yesterday, he blew up our entire system on voice voting in the Senate. When push came to shove, he would rather blow up all the norms of this place to hold on to the power that

is slipping away from him. He is going to have another test when it comes to a continuing resolution, but we are dealing with this right now.

The decisions of the minority leader over the course of the last 25 years has led us to this place. So if anybody uses the term “gone nuclear,” just understand we are having to deal with the nuclear option that has already been executed on the Senate Chamber, which is to say we are filibustering everything, and there is no unanimous consent on anything. That is the nuclear option, and we have to react to it.

One final note here. What we are really trying to do is restore the balance and using a profile that was submitted by a couple of our Democrat colleagues in the last year or two. In their words—and this is, by the way, voting en bloc—their words, not my words:

The slowdown of the confirmation process that we’ve seen in the Senate on the last several administrations is preventing key officials from taking up their positions.

The en bloc proposal being referred to is—“This commonsense reform will help improve efficiency and make sure we’re able to fill positions that are vital to our national security, economic success, and more.”

When the Democrats proposed that solution very recently, 62 percent of Biden’s nominees had already been confirmed by voice vote. Think about that. Two-thirds of his people were in place, and they were calling for the reform. Guess how many have been confirmed by voice vote now. Zero. Zero percent.

So we are going to take them up on their offer of reform. I appreciate the majority leader moving this forward to restore, again, the very important balance that our Founders knew was necessary for this Republic to survive. America demands no less.

The PRESIDING OFFICER (Mr. CURTIS). The Senator from Texas.

UNANIMOUS CONSENT REQUEST—S. RES. 379

Mr. CORNYN. Mr. President, I want to begin by thanking our colleagues—particularly from Oklahoma and Alabama—for leading the working group that was appointed by the majority leader to try to solve this problem. In their typical deliberative, careful, and thoughtful fashion, they could have come up with a lot of ideas that would, I think, perhaps overreach, but rather than do that, they have come up with a solution that Democrats themselves have proposed, which strikes me as the epitome of fairness.

But there are three main points I want to make before I sort of summarize where I think we are.

First of all, as my colleagues have eloquently noted, we have exhausted virtually every other alternative to this vote to overrule the Parliamentarian and establish a new precedent, which is an alternative to a formal rule change which takes 67 votes. But we know our colleagues will never vote for that, leaving us no alternative but to invoke what is sometimes called the nuclear option.

But as our colleague from Missouri just pointed out, this is really not so much a nuclear option as a restoration option. This is restoring the Senate to the way it used to work—not just before President Trump was reelected but for the last couple of hundred years, where we had an orderly process to consider a President’s nominees, a committee process to vet them, and then a debate and a vote on the Senate floor, so that the mandate of the voters in the Presidential election could be carried out by the President.

So we have tried virtually everything else, but I am going to give them one last chance here in a minute, but then as I have been thinking about it: What have we been doing as we have spent hour upon hour, day upon day, week upon week trying to move through all of these various Senate-confirmed nominees, with no help—not just no help but with active obstruction—from our Democratic colleagues?

I think about all of the other things that we could be working on—even together—bipartisan solutions to our Nation’s biggest problems and challenges. Economists call that opportunity cost. In other words, when you are mired down in this mindless obstruction and blocking any nominee just because they happen to be nominated by President Trump, you are missing the opportunity to do other important things. I know all of my colleagues—all 100 of us—came here to, hopefully, do important things, and that has been the source of great consternation and disappointment, I know, to many of us.

But then I think about the people who have been nominated by President Trump. I have had them tell me this is an honor of a lifetime—people who have enjoyed tremendous success in business or in their professional lives to then give all that up in order to serve their country. These are patriots, and it is profoundly unfair to them, to their families, and to the American people to continue to block these nominees and leave them, basically, hanging in the wind. I have talked to many of them myself, these nominees, with their asking: Senator, when can I expect a vote on the Senate floor?

I say: Well, I don’t know.

Many of them have said: Well, I have had to quit my job or sell my business. I have had to go through a rigorous vetting process for ethics and legal conflicts of interest and I am waiting and my family is waiting, not knowing whether we will be going to, maybe, an Embassy somewhere around the world or serving in some other important position here in Washington, DC, in the Trump administration. So this is profoundly unfair to them.

And we wonder whether we are having a hard time getting good people to want to serve in government. Well, thankfully, there are still people who are willing to do it, despite the way they get treated when they are nominated. Thank goodness there are still good people who want to serve. Our Nation depends on it.

But just to summarize, more than 140 of President Trump’s nominees are waiting to be voted on as we speak. I don’t know how you argue the converse of what I feel to be the case, which is the President won the election on November 5, and he is entitled to his team. He is at least entitled to an up-or-down vote on the nominations, and the American people are the ones who actually gave him that mandate. This is a kick in the teeth, a punch in the gut to those voters who voted for President Trump in this last election, expecting that he would bring change to Washington, DC, but he can’t accomplish that mandate without his team.

As we have heard, Senate Democrats are now engaged in an unprecedented level of obstruction, preventing these nominees from being confirmed and burning up all the floor time when we are in session on waiting around to vote on these nominees, most of whom in the past would have been confirmed by a voice vote or some sort of an expedited process—by consent even—but not with Donald J. Trump as President. Democrats have taken a completely different approach in obstructing each and every one of his nominees.

Most of these individuals are uncontroversial. I remember the other day, we were voting on the general counsel for advocacy for the Small Business Administration, and I asked myself: What is that? And, yes, maybe—just maybe—we should limit the number of Senate-confirmed positions. I think that might be a good exercise to go through and see: Are there people who currently require Senate confirmation for whom it really isn’t necessary because they only serve for a short period of time under the leadership of, maybe, a member of the President’s Cabinet who is Senate-confirmed?

Under George Herbert Walker Bush and President Clinton, 98 percent of those nominees were confirmed by unanimous consent. Under George W. Bush and President Obama, 90 percent were confirmed by unanimous consent, which is no debate, no argument—just a unanimous consent request, without objection, so ordered.

During President Trump’s first term in office, only 65 percent were. So you can see the slide from 98 to 90 to 65. What we have also learned is what goes around comes around. With President Biden, his number was 57 percent, but that is a far cry from what we have seen in President Trump’s second term, with zero—zero—of these non-controversial nominees, patriots. They want nothing but to serve their country, but they are being denied that opportunity out of blind, partisan obstruction—mindless obstruction. The only way it can be explained, the Senator from Missouri mentioned, is with Trump derangement syndrome, and this is it in all of its ugly manifestations. There is no other explanation.

Now, changing the Senate rules is not something we do lightly because