

subsidies that were supposed to be temporary. They set the expiration date. It is ObamaCare that is causing premiums to be unaffordable, and they want those enhanced premiums to mask the failure of ObamaCare, but I won't get into detail on that.

I will talk about—this is day 23. We are forcing about 2.8 million Federal workers to work—military, law enforcement, people who write Social Security checks, and air traffic controllers who are keeping our skies safe—but we are not paying them. That is absurd. What is even more absurd is they will get paid. Whether they are working or furloughed, they will get paid because of the Government Employee Fair Treatment Act of 2019. Once this ends—I am assuming it will end with an appropriation—they will get paid.

With the Shutdown Fairness Act, all it asks—all it does—is to recognize that reality. It shouldn't cost a dime. The CBO has an alternate universe score on this. There is a zero score. This doesn't cost the Federal Government a dime. It just pays the workers who are being forced to work. Pay them now and not later. It makes incredible common sense.

I will end with a surprising support letter I got from the National Active and Retired Federal Employees Association that pretty well battens down all the arguments against this bill. It doesn't change the government's obligation to pay furloughed employees. They will get paid. It does not single out favored political functions over disfavored ones. Again, President Trump is, by and large, honoring the past opinions of the Office of Legal Counsel's Antideficiency Act.

They say that they don't believe that it is empowering the administration to pick and choose what activities it carries out. It includes to say that the American public relies on the full scope of Federal Agency missions that are funded via appropriations, and political pressures that exist to advance appropriations bills will remain to encourage resolution.

Mr. SCOTT of South Carolina. Vote?

Mr. JOHNSON. No, we are not there yet. I am sorry. I will conclude quickly.

The bottom line is, as I talk to the Senator from Maryland, the way to pass this law—the way to protect Federal workers—isn't with the unanimous consent request of a bill nobody has ever seen; it is to vote for cloture on the Shutdown Fairness Act. Let's work out the differences. We agree on 95 percent of it. Let's work out those differences and vote for cloture. We can get this passed, I think, early next week. With that, I will conclude my remarks on that.

NOMINATION OF REBECCA L. TAIBLESON

Mr. President, I should be speaking for about 5 minutes on the wonderful nomination of Rebecca Taibleson, but I know everybody wants to vote.

She did a wonderful job in Judiciary. She is a highly qualified lawyer. She

will make a wonderful judge for the Seventh Circuit. I urge all of my colleagues to vote for cloture on her nomination.

With that, 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 senior assistant 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 motion to proceed to Calendar No. 191, S. 3012, a bill to appropriate funds for pay and allowances of excepted Federal employees for periods of work performed during a lapse in appropriations, and for other purposes.

John Thune, Ted Budd, Katie Boyd Britt, Ron Johnson, Roger Marshall, Tommy Tuberville, Jon Husted, Bernie Moreno, David McCormick, Roger F. Wicker, Rick Scott of Florida, Pete Ricketts, Steve Daines, Joni Ernst, Cindy Hyde-Smith, Shelley Moore Capito, Mike Rounds.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3012, a bill to appropriate funds for pay and allowances of excepted Federal employees for periods of work performed during a lapse in appropriations, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. BARRASSO. The following Senator is necessarily absent: the Senator from Montana (Mr. SHEEHY).

Further, if present and voting: the Senator from Montana (Mr. SHEEHY) would have voted "yea."

The yeas and nays resulted—yeas 54, nays 45, as follows:

[Rollcall Vote No. 585 Leg.]

YEAS—54

Banks	Fischer	Moran
Barrasso	Graham	Moreno
Blackburn	Grassley	Mullin
Boozman	Hagerty	Murkowski
Britt	Hawley	Ossoff
Budd	Hoeven	Paul
Capito	Husted	Ricketts
Cassidy	Hyde-Smith	Risch
Collins	Johnson	Rounds
Cornyn	Justice	Schmitt
Cotton	Kennedy	Scott (FL)
Cramer	Lankford	Scott (SC)
Crapo	Lee	Sullivan
Cruz	Lummis	Tillis
Curtis	Marshall	Tuberville
Daines	McConnell	Warnock
Ernst	McCormick	Wicker
Fetterman	Moody	Young

NAYS—45

Alsobrooks	Booker	Durbin
Baldwin	Cantwell	Gallego
Bennet	Coons	Gillibrand
Blumenthal	Cortez Masto	Hassan
Blunt Rochester	Duckworth	Heinrich

Hickenlooper	Murphy	Shaheen
Hirono	Murray	Slotkin
Kaine	Padilla	Smith
Kelly	Peters	Thune
Kim	Reed	Van Hollen
King	Rosen	Warner
Klobuchar	Sanders	Warren
Luján	Schatz	Welch
Markey	Schiff	Whitehouse
Merkley	Schumer	Wyden

NOT VOTING—1

Sheehy

The PRESIDING OFFICER. On this vote, the yeas are 54, and the nays are 45.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The motion was rejected.

The majority leader.

MOTION TO RECONSIDER

Mr. THUNE. Mr. President, I enter a motion to reconsider.

The PRESIDING OFFICER. The motion is entered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume executive session to consider the following nomination, which the clerk will report.

The senior assistant executive clerk read the nomination of Stephen Chad Meredith, of Kentucky, to be United States District Judge for the Eastern District of Kentucky.

NOMINATION OF STEPHEN CHAD MEREDITH

Mr. DURBIN. Mr. President, I strongly oppose the nomination of Stephen Chad Meredith to serve as a judge on the U.S. District Court for the Eastern District of Kentucky.

Like several of President Trump's other judicial nominees, Mr. Meredith has a long history of taking extreme positions on women's reproductive rights.

As a Republican political appointee in Kentucky, he sought a functional ban on the most common second-trimester abortion procedure and attempted to shut down what was, at the time, the last remaining abortion clinic in the State.

And he insulted women everywhere when he argued, in court, that doctors should be required to provide certain information to female patients because these women "don't understand" their own medical needs.

In addition to his extreme record on reproductive rights, Mr. Meredith's involvement in pardoning a host of violent offenders—and his total lack of candor on this issue—is disqualifying.

Then-Kentucky Governor Matt Bevin pardoned hundreds of violent offenders during his last days in office. Mr. Meredith served as Governor Bevin's chief deputy general counsel during this time.

There is incontrovertible written evidence that Mr. Meredith worked on at

least some of these pardons. Yet, during his hearing, he swore to this committee, under oath, that he had no involvement.

He testified, “I learned about the Governor’s last minute controversial pardons in the media after we left office.” He also testified that he didn’t have anything to do with Governor Bevin’s controversial pardons. This is demonstrably untrue.

In written questions, Mr. Meredith admitted that, at Governor Bevin’s request, he had personally gone to a prison to inform two inmates, in person, that they had received pardons.

One of those inmates had committed vehicular homicide. The other had been convicted of sexually abusing his six-year-old stepdaughter.

Mr. Meredith has radical views far outside the mainstream and was not forthright with this Committee about his record. I cannot support his nomination.

VOTE ON MEREDITH NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Meredith nomination?

Mr. SCOTT of South Carolina. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. BARRASSO. The following Senators are necessarily absent: the Senator from Tennessee (Mrs. BLACKBURN), the Senator from Kansas (Mr. MORAN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Montana (Mr. SHEEHY), and the Senator from Alaska (Mr. SULLIVAN).

Mr. DURBIN. I announce that the Senator from Virginia (Mr. KAINE), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

The result was announced—yeas 48, nays 45, as follows:

[Rollcall Vote No. 586 Ex.]

YEAS—48

Banks	Fischer	McCormick
Barrasso	Graham	Moody
Boozman	Grassley	Moreno
Britt	Hagerty	Mullin
Budd	Hawley	Paul
Capito	Hoeven	Ricketts
Cassidy	Husted	Risch
Collins	Hyde-Smith	Rounds
Cornyn	Johnson	Schmitt
Cotton	Justice	Scott (FL)
Cramer	Kennedy	Scott (SC)
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Curtis	Lummis	Tuberville
Daines	Marshall	Wicker
Ernst	McConnell	Young

NAYS—45

Alsobrooks	Gallego	Merkley
Baldwin	Gillibrand	Murphy
Bennet	Hassan	Murray
Blumenthal	Heinrich	Ossoff
Blunt Rochester	Hickenlooper	Padilla
Booker	Hirono	Peters
Cantwell	Kelly	Reed
Coons	Kim	Rosen
Cortez Masto	King	Sanders
Duckworth	Klobuchar	Schatz
Durbin	Lujan	Schiff
Fetterman	Markey	Schumer

Shaheen	Van Hollen	Welch
Slotkin	Warnock	Whitehouse
Smith	Warren	Wyden

NOT VOTING—7

Blackburn	Murkowski	Warner
Kaine	Sheehy	
Moran	Sullivan	

The nomination was confirmed.

The PRESIDING OFFICER (Mr. JOHNSON). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate’s action.

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 Executive Calendar No. 471, Rebecca L. Taibleson, of Wisconsin, to be United States Circuit Judge for the Seventh Circuit.

John Thune, John Barrasso, Jon Husted, Tom Cotton, Bernie Moreno, John Boozman, James Lankford, Markwayne Mullin, Katie Boyd Britt, John Cornyn, Cindy Hyde-Smith, Kevin Cramer, Pete Ricketts, Tim Sheehy, Jim Banks, Eric Schmitt, Chuck Grassley.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Rebecca L. Taibleson, of Wisconsin, to be United States Circuit Judge for the Seventh Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant executive clerk called the roll.

Mr. BARRASSO. The following Senators are necessarily absent: the Senator from Kansas (Mr. MORAN), the Senator from South Dakota (Mr. ROUNDS), and the Senator from Montana (Mr. SHEEHY).

Mr. DURBIN. I announce that the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Hawaii (Mr. SCHATZ) are necessarily absent.

The yeas and nays resulted—yeas 50, nays 45, as follows:

[Rollcall Vote No. 587 Ex.]

YEAS—50

Banks	Daines	Lummis
Barrasso	Ernst	Marshall
Blackburn	Fischer	McConnell
Boozman	Graham	McCormick
Britt	Grassley	Moody
Budd	Hagerty	Moreno
Capito	Hawley	Mullin
Cassidy	Hoeven	Murkowski
Collins	Husted	Paul
Cornyn	Hyde-Smith	Ricketts
Cotton	Johnson	Risch
Cramer	Justice	Schmitt
Crapo	Kennedy	Scott (FL)
Cruz	Lankford	Scott (SC)
Curtis	Lee	

Sullivan	Tillis	Wicker
Thune	Tuberville	Young

NAYS—45

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

NOT VOTING—5

Moran	Schatz	Sheehy
Rounds	Shaheen	

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 45.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Rebecca L. Taibleson, of Wisconsin, to be United States Circuit Judge for the Seventh Circuit.

The PRESIDING OFFICER (Mr. MARSHALL). The majority leader.

GOVERNMENT FUNDING

Mr. THUNE. Mr. President, just to remind our colleagues, we have had now a series of three votes, with a couple of them on judges, but one of the votes in there was on a Senator JOHNSON proposal that would have paid all Federal employees who are currently working in the middle of the shutdown.

Now, I don’t know how you explain—if you have any Federal employees—how you would vote against something that would make sure, in the middle of a government shutdown, that, if they continue to work, they will get paid. That is all it was—very simple, very straightforward. For the life of me, again, I think the other side is in a very bad headspace right now to vote against something like that.

If you have any Federal employees in your State—obviously, a lot of them are here or are in this area, and all of our staffs are currently not getting paid—Senator JOHNSON tried to correct that today by calling up a bill, which we just voted on and which, once again, Democrats here in this Chamber voted against.

Now, we have had in front of us a dozen votes now on a continuing resolution that would open up the government, and it has been sitting at the desk now for some time. The House has passed it. We need five Democrats to join us and send it to the President. He will sign it into law. The government opens up. It is clean. It is nonpartisan. It has no policy riders and no partisan gimmicks attached to it. It is a straightforward continuing resolution to fund the government until a certain time.