

work can lead to less debate time on the floor if we agree at the outset to work together.

I am particularly opposed to the Republican proposal before us to shorten the time for debate on President Trump's nominees who will serve lifetime appointments in Federal district court. Imagine serving a lifetime appointment on a court—beyond this administration—and making day-to-day decisions, some fundamental to the criminal justice system and some to the civil justice system.

We understand what is really going on here. We understand when the other side says we are obstructing it from confirming judges. The facts don't tell the same story. In fact, my Republican colleagues have been bragging for months about what Senator McCONNELL called the "record number" of judges the Senate has confirmed under this new President Trump.

In President Trump's first 2 years in office, the Senate confirmed 85 article III judges. During the first 2 years of President Obama's Presidency, it was 62. Eighty-five to sixty-two. The number of judges confirmed in the last Congress was nearly four times as many as the number confirmed under President Obama in the previous Congress.

The pace of judicial nominations and confirmations has been extremely fast. So why are the Republicans now pushing for a change to the Senate rules to make it even faster? It is not like the Senate has been busy with legislation here on the floor.

Senator McCONNELL had a moment of candor last November after the election.

He said:

I think we'll have probably more time for nominations in the next Congress than we've had in this one. . . . I don't think we'll have any trouble finding time to do nominations.

Senator McCONNELL, McClatchy News, November 7, 2018.

Of course, Senator McCONNELL was frustrated that one Senator put a blanket hold on judicial nominees at the end of last year, and he expressed his frustration publicly. That Senator, incidentally, was not a Democrat; he was Republican Senator Flake of Arizona.

It seems the real reason the Republicans want to change the rules now on district court nominations is so, in the words of Senator McCONNELL, they can "plow right through" with confirming nominees whose records and views are incomplete or extreme.

The reality is that all too often, these judicial nominees just don't stand up to scrutiny. Already, under President Trump, we have had six judicial nominations in which the American Bar Association's peer-review process found these nominees sent by President Trump to be "not qualified." I might add that there were no—zero, none—"not qualified" nominees under President Obama.

Last year, two nominees, Thomas Farr and Ryan Bounds, were withdrawn on the floor by the Republicans after

the Senate had voted to move forward on their nominations. Disclosures about their backgrounds led Members even on the Republican side of the aisle to say they wouldn't vote for them. They were withdrawn because information came to light that caused these Senators to change their minds about confirming them to lifetime appointments. That shows the importance of having some time—30 hours currently—to debate these nominations and to make sure that a lifetime appointment is not going to someone who is unqualified or who shouldn't be in that position.

So who are the district court nominees for whom Senator McCONNELL wants to change the rules so as to move them through more quickly? Let me tell you about a few of them.

There is Texas district court nominee Michael Truncale, who called President Obama an "un-American impostor" and described the Shelby County case, when it came to voting rights, a "victory."

There is Nebraska nominee Brian Buescher, who ran for elected office in 2014 and said: "I will focus on fighting ObamaCare."

There is Texas district court nominee Matthew Kacsmayk, who has repeatedly written in his personal capacity about his opposition to LGBTQ rights and the Obergefell case.

There is Oklahoma district court nominee Patrick Wyrick, who is a protégé of disgraced former EPA Administrator Scott Pruitt's. He allowed an energy company to ghost-write a letter from Pruitt's office when he was Oklahoma's attorney general.

These are just a few. There are many other Trump judicial nominees whose views are far outside the legal mainstream, and Republicans are determined, with these rule changes, to speed up the process so we don't ask questions.

I have to say it is stunning to listen to Republicans complain about obstruction of judicial nominees after watching the unprecedented Republican obstruction of nominees under President Obama.

Under Senator McCONNELL, Republicans would not even give an appointment for an interview, let alone a hearing, to a well-qualified Supreme Court nominee—Merrick Garland.

In 2013 Republicans pledged they would filibuster anyone who President Obama nominated to the DC Circuit Court of Appeals, the second highest court in the land. No matter how qualified the nominee, they pledged to block him or her because President Obama was making the choice.

Republicans filibustered President Obama's judicial nominees 82 times in the first 5 years. Under all Presidents before President Obama, there had been a total of 86 judicial filibusters combined with all Presidents. Under President Obama, in the first 5 years, there were 82, and throughout history leading up to that, 86.

Now that the Republicans control the White House and the Senate, they want to rip up the rules and change the traditions and guardrails on the judicial nomination process on a regular basis.

They are pushing through nominees who have not been found qualified by the American Bar Association. They are pushing through nominees over the objection of home State Senators. They are pushing these nominees without making sure that they have seen their complete records.

In the case of a North Carolina district court nominee, Thomas Farr, his nomination was pulled when critical documents were finally disclosed while his nomination was pending on the floor of the Senate.

It is no secret what is happening here. There is no emergency that justifies changing the Senate rules. Senator McCONNELL himself admitted the Senate has plenty of time to consider nominees. This is all about avoiding close scrutiny for extreme ideological nominees that Republicans want to pack onto the Federal courts for lifetime appointments.

I oppose the rules change. Let's do our job when it comes to conducting due diligence and providing informed advice and consent for lifetime appointments to the Federal bench. It can be done.

I will tell you that in the first years of the Trump administration, we have been able, by and large, to work out bipartisan agreement on filling judicial vacancies in the State of Illinois, even at the circuit court level, to the point where Senator DUCKWORTH and I gave blue-slip approval to circuit court nominees based out of our own State, and to the point where we have reached a basic agreement when it comes to filling the district court vacancies to this point. It has been bipartisan all the way, and I believe we have found qualified people. It took some time and some bipartisan cooperation, but we did. It can be done. We didn't ask to have the rules changed in the Senate. We used the existing rules to do our job under the Constitution.

All the issues we care about are impacted by these nominees in my State and others. The Senate deserves to take the time to make sure we get this right. We should not be putting men and women into lifetime appointments without close scrutiny as required by our Constitution.

I yield the floor.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:48 p.m., recessed until 2:15 p.m., and was reassembled when called to order by the Presiding Officer (Mrs. CAPITO).

# IMPROVING PROCEDURES FOR THE CONSIDERATION OF NOMINATIONS IN THE SENATE—MOTION TO PROCEED—Continued

## 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. 24, S. Res. 50, a resolution improving procedures for the consideration of nominations in the Senate.

Mitch McConnell, Roy Blunt, Mike Crapo, Richard C. Shelby, Johnny Isakson, Lamar Alexander, Pat Roberts, Ron Johnson, John Barrasso, Steve Daines, John Hoeven, John Thune, Mike Rounds, John Boozman, Shelley Moore Capito, Tom Cotton, David Perdue.

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. Res. 50, a resolution improving procedures for the consideration of nominations in the Senate, 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. DURBIN. I announce that the Senator from California (Ms. HARRIS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 48, as follows:

[Rollcall Vote No. 57 Leg.]

## YEAS—51

Alexander	Ernst	Perdue
Barrasso	Fischer	Portman
Blackburn	Gardner	Risch
Blunt	Graham	Roberts
Boozman	Grassley	Romney
Braun	Hawley	Rounds
Burr	Hoeven	Rubio
Capito	Hyde-Smith	Sasse
Cassidy	Inhofe	Scott (FL)
Collins	Isakson	Scott (SC)
Cornyn	Johnson	Shelby
Cotton	Kennedy	Sullivan
Cramer	Lankford	Thune
Crapo	McSally	Tillis
Cruz	Moran	Toomey
Daines	Murkowski	Wicker
Enzi	Paul	Young

## NAYS—48

Baldwin	Hassan	Murray
Bennet	Heinrich	Peters
Blumenthal	Hirono	Reed
Booker	Jones	Rosen
Brown	Kaine	Sanders
Cantwell	King	Schatz
Cardin	Klobuchar	Schumer
Carper	Leahy	Shaheen
Casey	Lee	Sinema
Coons	Manchin	Smith
Cortez Masto	Markley	Stabenow
Duckworth	McConnell	Tester
Durbin	Menendez	
Feinstein	Merkley	
Gillibrand	Murphy	

Udall	Warner	Whitehouse
Van Hollen	Warren	Wyden

NOT VOTING—1

Harris

The PRESIDING OFFICER. On this vote, the yeas are 51 and the nays are 48.

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

The majority leader.

Mr. MCCONNELL. Madam President, I enter a motion to reconsider the vote.

The PRESIDING OFFICER. The motion is entered.

The Senator from Washington.

UNANIMOUS CONSENT REQUEST—H.R. 7

Mrs. MURRAY. Madam President, I come to the floor today not in celebration but in frustration to once again mark Equal Pay Day. It has now been 50 years since Congress passed the Equal Pay Act. It is a bipartisan law signed by President Kennedy and intended to ensure equal pay for equal work. While this was a strong step in the right direction, the sad reality is that today the gender wage gap still very much exists.

Today women, on average, make 80 cents for every dollar a White man makes, meaning the average woman has to work up until today to earn what her male colleagues made in 2018. For women of color, the pay gap is even worse. African-American women working full time only make 61 cents for every dollar a White man makes, meaning they have to work until August to earn what a White man made in 2018. American Indians make only 58 cents for every dollar, meaning they have to work until September to catch up with their White male colleagues. Latinas, on average, are paid 53 cents for every dollar their White male colleagues make. They will have to work until November—almost a full year—to earn what White men made last year.

The wage gap also hurts mothers who, on average, only make 71 cents to every dollar fathers earn. The gender pay gap starts when women are entering the workforce, and it widens throughout their careers. Pay inequity will cost the typical woman more than \$400,000 over the course of a 40-year career. Sadly, by the way, that number tops \$1 million for Latina women, meaning women have to work longer and still have less to save for retirement.

The gender wage gap doesn't just hurt women; it hurts families, communities, and the economy. Women are the primary or sole breadwinner in more than 40 percent of American families, meaning families have less money to pay for groceries, childcare, support businesses in their communities, and stay financially secure and independent.

That is why it is so important that we pass the Paycheck Fairness Act today—not tomorrow, not next year. We need to pass this now. Every year

the wage gap grows, and it is far past time we close the loopholes in the Equal Pay Act and give women the tools and the protections they need to be sure they are being paid fairly.

This should not be a partisan issue. The Equal Pay Act was passed with bipartisan support. The Paycheck Fairness Act passed the House last week with Republican support. Women across the country, regardless of their skin color, where they live, or whether they are Republican or Democratic, deserve to be paid the same as their male colleagues doing the same work.

I hope my colleagues across the aisle will join us today in supporting this critical legislation. Our economy can only succeed if women can succeed.

Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 7, which is at the desk; that the bill be read a third time and passed; and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Tennessee.

Mr. ALEXANDER. Madam President, the distinguished Senator from Washington and I often agree on issues, and for the most part we agree on this. We agree that equal pay for equal work is the right thing to do. What I would add is that equal pay for equal work is already the law.

Paycheck discrimination on the basis of gender is wrong. It is already illegal in the United States. Congress prohibited discrimination based on gender in the Equal Pay Act of 1963 and Title VII of the Civil Rights Act of 1964.

The Equal Pay Act is very clear: "No employer . . . shall discriminate . . . between employees on the basis of sex by paying wages to employees . . . less than . . . he pays . . . employees of the opposite sex . . . for equal work . . . which requires equal skill, effort, and responsibility, and which are performed under similar working conditions. . . ."

Equal pay for equal work. That already is the law; therefore, it is unnecessary to have yet another law saying basically the same thing. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington.

Mrs. MURRAY. Madam President, let me just respond by saying the Paycheck Fairness Act that we are asking to go today and have been denied the opportunity to do so makes very important updates to the Equal Pay Act.

It reaffirms that every worker in America has the right to receive equal pay for equal work. It protects women from retaliation for talking about salary information with coworkers. It allows women to join together in class action lawsuits, and, importantly, it prohibits employers from seeking salary history so the cycle of pay discrimination cannot continue.

This bill has the support of Republicans and Democrats and millions of