

happy to support it, provided it doesn't take effect until 2021. Well, that certainly concedes the reasonableness of what we are going to achieve later today.

Because bringing the Senate nomination process permanently back to Earth right now would help the Republican administration, they weren't interested in doing the right thing—what they did in 2013, what they are whispering in our ears now: Oh, no, we cannot do it now because we don't like who is in the White House.

Republicans remain committed to reform. Look at the nomination currently before us—a textbook case study on the shameful state of the current process. Jeffrey Kessler of Virginia was first nominated as Assistant Secretary of Commerce in November of 2017. It took 7 months before Democrats on the Finance Committee allowed his nomination to be considered. When it was, he was reported out on a unanimous vote. Nobody opposed him in the Finance Committee.

The familiar story continues—another 6 months of inaction. The nomination was sent back to the White House at the end of the last Congress. So the process started all over again. This time he got a voice vote out of the Finance Committee. Everybody just said aye. Yet here on the floor, inexplicably, it still required a cloture motion to break through the obstruction and give this nominee, whom no one voted against, a vote.

Later today, it appears that at long last we will be able to take action to finally advance Mr. Kessler's nomination, to do the responsible thing, to begin to unwind this partisan paralysis for the good of the Senate and for the future of the constitutional order each of us has pledged to protect.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

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

The senior assistant legislative clerk read the nomination of Jeffrey Kessler, of Virginia, to be an Assistant Secretary of Commerce.

#### ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the time until 2

p.m. will be equally divided between the two leaders or their designees.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

S. RES. 50

Mr. THUNE. Yesterday afternoon, Senate Democrats voted against a rules change that would have reduced needless delay in the Senate and ensure that future Presidents of both parties could staff their administrations in a timely fashion.

Democrats chose partisanship over principle and political advantage over the well-being of the Senate. How do I know that this was a partisan decision on Democrats' part and not a principled one? Because 34 currently serving Members of the Democratic caucus supported a very similar rules change measure when President Obama was in office. Yet not one Member—not one Member of the Democratic caucus—voted in favor of the rules change yesterday.

Worse, privately, many Democrats had indicated a willingness to support the rules change but only if the effective date were pushed to 2021, when Democrats hope they will have a Democrat in the White House. Apparently, it is reasonable for Democratic administrations to be staffed up in a timely fashion, but Republican administrations should have to suffer endless partisan delays. That is a pretty offensive position.

It is disrespectful to the American people, who deserve a fully staffed administration, even when their choice of President isn't the Democrats' choice. It is disrespectful of our system of government.

Democrats apparently think the system should be rigged in favor of their party, no matter what election results say. Don't like the fact that a Republican President got to choose Supreme Court Justices? Pack the courts. Don't like the fact that your candidate didn't win the election? Change our electoral system.

In a democracy, you win some elections and you lose some elections. Sometimes you like the individual in the White House, and sometimes you don't. Sometimes you succeed in passing your legislation, and sometimes you just don't have the votes. That is the nature of life in a democracy.

No one likes being in the minority. It is not fun to lose votes or elections, but that is the price of freedom. That is the price of democracy.

The other option is for one party to try to rig the system in its favor so that everything goes its way no matter what election results say. There is a name for that. It is called tyranny.

Back in 2013, a majority of Republicans, including the Republican leader and me, supported a rules change to streamline the process of approving lower level administration nominees, such as district court judges and assistant secretaries. We voted for this rules change even though we knew it would benefit only President Obama since it would expire at the end of the 113th Congress, but we signed on because we supported the principle behind the change. We believed that Presidents should be able to staff their administrations in a timely fashion, yes, even if they weren't Presidents from our party. We believed that whether the President was a Republican or Democrat, the American people deserved a fully functioning executive branch. So we worked with Democrats to streamline consideration of lower level administration nominees.

I am deeply disappointed that Democrats chose to betray their principles yesterday for short-term partisan gain, and I hope the Democrats here in the Senate will think better of their vote and work with Republicans to speed up consideration of lower level nominees before Democrats' historic level of obstruction becomes a permanent standard here in the U.S. Senate.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ROMNEY). Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I am going to use my time on the Senate floor to address two related subjects.

The Republican leader is reportedly on the verge of going nuclear to speed through the confirmation of more far-right nominees. He says Democrats are guilty of extreme, unprecedented obstruction, and he claims that his hand has been forced and that is why he is required to change the Senate rules. In the real world, I want to make clear that I believe the facts tell a different story, and I am going to lay out briefly why I think this is the wrong way to go.

When you look at the numbers, you see that the Republican leader's argument is a fantasy. Let's look at judges, and let's compare the Trump administration to the Obama administration. The Obama administration started with 53 judicial vacancies; the Trump administration started with 112. That increase didn't occur because a whole lot of judges somehow magically qualified for Social Security and quit sometime in 2016; it was because Republicans blocked nominees for years at a time, and they kept those seats open. Senate Republicans even blocked their own judicial selections during the previous administration. Put your arms