



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 116<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 165

WASHINGTON, THURSDAY, APRIL 4, 2019

No. 59

## Senate

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord and Ruler, Your Name is great, and we see Your glory in the Heavens. We are grateful for this Nation and for the deliberative process of lawmaking, with its challenges and opportunities. As our Senators debate the issues that are vital to our freedom, give them wisdom, integrity, and courage. Lord, let them be fully persuaded in their minds about the course that will best bless America. Deliver them from a reluctance to respect honest differences as they remember their ultimate accountability to You. Bless and keep them now and always.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. SCOTT of Florida). The Senate majority leader is recognized.

### S. RES. 50

Mr. MCCONNELL. Mr. President, yesterday, the Senate took an important step to restore sense and order to the way we approach the Executive Calendar. It is one of this body's most important responsibilities. Yet it has been hampered recently by a campaign of systematic and comprehensive ob-

struction that stands literally without precedent in American history.

I won't restate each part of our debate from the floor yesterday, but the objective facts of this situation are unambiguous. For the past 2 years, we have witnessed the accelerated erosion of the norms by which this body has historically considered Presidential nominations. We have seen a disappointing series of records broken in the process, such as 128 cloture votes on nominations in this President's first 2 years—more than 5 times as many as in the same period of every administration since Jimmy Carter, combined. Forty-two executive branch positions took cloture votes for the first time ever.

This has been a new level of paralysis, surrounding even the most qualified and least controversial nominees. In a way, it has been the natural outgrowth of the erosion on nominations that began back in 2003 when our current Democratic leader helped spur his side of the aisle to walk away from longstanding institutional norms and declare the Executive Calendar open season for regular, chronic filibuster tactics and forced cloture votes. That is when this relatively new mess began in earnest.

In 2013, in a truly bipartisan vote, a number of Republicans, including me, joined with Democrats to implement new expedited procedures for lower tier nominees. We put them in place right at the beginning of President Obama's second term, even as we on this side were still licking our wounds from the previous November's election result.

This week, our Democratic colleagues had the chance to reciprocate. They had the opportunity to do the parallel thing, exactly the same thing, and vote to limit undue Senate delays for this Republican administration the same way we Republicans did for President Obama's administration. Oh, but they weren't interested.

These days, I am sorry to say, the other side of the aisle seems to be

dominated by pure partisanship over absolutely everything else. Remember, it wasn't long ago that this current behavior would have appeared unimaginable. Just a few decades ago, the idea of routinely forcing 60-vote thresholds and extra delays on nominations was firmly in third-rail territory. Well, a lot has happened since then, but I hope my colleagues share my belief that the Senate's traditions and norms are its greatest assets. In that respect, yesterday was a very good day for this body as an institution.

The Senate has historically been defined by two traditions. One has preserved the power of the minority in considering legislation—to pump the brakes or force a second look. That includes the legislative filibuster, which I know many of us on both sides are 100 percent committed to preserving. In my view and in the view of many, it is inseparable from the way this body was designed. It is what keeps the Senate from swinging wildly back and forth between each party's entire agenda.

I don't think my Democratic colleagues who are running for President and publicly toying with undermining the legislative filibuster would be too keen to see Republicans enact our entire, full-tilt conservative agenda with just 51 votes, because some day the shoe will be on the other foot. The shoe, in fact, always at some point ends up on the other foot.

That is one tradition.

The second tradition, concerning nominations, has always been different. For decades and decades, it allowed for a reasonable process for the vast majority of Presidents' nominees. Yesterday, even though Democrats walked away and Republicans had to act alone, we took a big step toward restoring that second part of Senate tradition.

I am sure yesterday's progress has not resolved every sore spot. I feel certain that we have not seen the last of our Democratic colleagues' addiction

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S2245

to endlessly relitigating the 2016 elections instead of moving forward. But with yesterday's action, the Senate has begun to move past this particularly shameful new chapter. We have turned the page on the kind of systematic obstruction and purely partisan delays that were completely foreign to this Chamber a few years ago but have since become a daily routine. Now more progress can take place.

Yesterday, after two unopposed committee votes and more than a year and a half after Jeffrey Kessler was named as President Trump's choice for Assistant Secretary of Commerce, his nomination was subjected to a cloture vote, 95 to 3. Because of our new procedures, he was confirmed by voice vote just 2 hours later. Then we voted to end debate on the nomination of Roy Altman to serve on the U.S. District Court for the Southern District of Florida—an other uncontroversial, bipartisan nominee. Today we will confirm him as well. Then we will vote to end debate on the nomination of Mark Calabria to direct the Federal Housing Finance Agency, and then we will vote to confirm him too.

Nominees will now be moving at a more reasonable pace, and important jobs are finally being filled. Already there is real progress thanks to yesterday's pivot back to the Senate's historic tradition. We will keep working to clear the backlog of talented individuals who are still waiting patiently behind them.

---

#### 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 and resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Mark Anthony Calabria, of Virginia, to be Director of the Federal Housing Finance Agency for a term of five years.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAPO. Thank you, Mr. President.

I rise to speak in support of the nomination of Mark Calabria to be Director of the Federal Housing Finance Agency, FHFA, for a 5-year term.

For over a decade, the FHFA has served as the regulator and watchdog

of the government-sponsored enterprises Fannie Mae, Freddie Mac, and the Federal Home Loan Bank System. Since 2008, when Fannie and Freddie were placed in conservatorship during the financial crisis, the FHFA has also served as conservator of these mortgage giants, charged with preserving and conserving their assets and helping to return them to stable financial footing.

As long as Fannie and Freddie remain in conservatorship, the FHFA Director will play an integral role in setting the strategic direction, the guardrails, and the day-to-day management of these companies, which have a combined \$5 trillion in assets.

It is critically important for the Senate to quickly confirm a qualified, experienced individual to this important post. Fortunately, Mark Calabria meets these requirements.

Dr. Calabria is a leading expert on housing and mortgage finance and a respected Ph.D. economist. He has almost 30 years of experience interacting with the housing market from nearly every perspective—academia, industry, trade associations, think tanks, as a congressional staffer, and as a regulator.

He has dedicated the majority of his career to public service, including as Deputy Assistant Secretary of the Department of Housing and Urban Development, nearly a decade as a senior professional staff member on the Senate Banking Committee, and now as Chief Economist to Vice President MIKE PENCE. He has also worked for the National Association of Realtors, the National Association of Home Builders, the Farm Credit Council, the Harvard University Joint Center for Housing Studies, and recently at the CATO Institute as director of financial regulation studies.

Over the course of his public service career, Dr. Calabria has worked to champion market reforms that benefit consumers and enhance the safety and soundness of our housing finance system. He also has a long history of working across the aisle to deliver meaningful and lasting reforms.

As an official at HUD, Dr. Calabria oversaw HUD's regulation of the mortgage market, primarily under the Real Estate Settlement Procedures Act, or RESPA.

During his time as a Senate staffer, he worked on over 20 pieces of legislation that became law, mostly in the areas of housing and mortgage finance.

In 2009, he worked on the Homeless Emergency Assistance and Rapid Transition to Housing Act, or the HEARTH Act, which strengthened our Nation's homelessness assistance programs.

Perhaps most notably, he played a key role in drafting the Housing and Economic Recovery Act of 2008, or HERA, which established the FHFA and created the position to which he is now nominated. From his work on HERA, Dr. Calabria has a keen understanding of the congressional intent

behind the law and therefore also a respect for FHFA's responsibilities and boundaries as a regulator.

During his hearing a few weeks ago, Dr. Calabria made a commitment to carrying out the clear intent of Congress in protecting taxpayers while also underscoring the importance of maintaining access to affordable housing. Before considering any action, Dr. Calabria has said he will first ask: What does the statute say?

He is also committed to working with me and other Members of this body to reach a comprehensive solution on ending the conservatorship of Fannie and Freddie once and for all. He agrees with me and many others that the action on housing finance reform that is needed today is the prerogative of Congress and that after over a decade of conservatorship, it is long overdue.

As Fannie and Freddie continue to dwell in government control, it appears that the old, failed status quo is slowly beginning to take hold again, with the government in some ways expanding its reach even further, entering new markets where it has never been before.

This status quo is not a viable option, and finding a comprehensive solution remains a top priority for me and the Banking Committee. The FHFA can also play an important role in helping us to move toward a more sustainable housing finance system, facilitated by an engaged and strongly capitalized private sector.

If confirmed, I look forward to working with Dr. Calabria on these and other efforts. Dr. Calabria's nomination has been met with substantial support from the housing industry. Many key stakeholders have written to the Banking Committee to emphasize the experience and trusted perspective that Dr. Calabria will bring to the Agency.

The National Association of Home Builders wrote:

Throughout his long career, Mark has proven himself to be a keen expert in housing finance policy, adding significant value to key policy discussions both on and off Capitol Hill. NAHB has full confidence that Mark is an excellent choice to be Director of the FHFA. We believe he will bring his usual high-level policy experience, outstanding communication skills, and consummate professionalism to this important regulatory Agency at a critical time for the housing finance industry.

The National Association of Realtors added:

Dr. Calabria's decades of experience in housing and finance policy have prepared him to implement the FHFA's mission. It has also helped him to understand the need for enhanced transparency at the FHFA and a methodical approach in the development and enforcement of its policies.

The Mortgage Bankers Association noted:

Dr. Calabria will utilize his significant experience in government and knowledge of both the single and multifamily business lines within the secondary mortgage market to protect taxpayers through an appropriate mix of risk-sharing and private capital, work