

quarterly review. Our colleagues in the House have been busy. In 4 months, over 100 pieces of legislation passed their Chamber. Here are some of them: Legislation to oppose the lawsuit that would eliminate protections for Americans with preexisting conditions. Who is opposed to that? Leader McConnell is. Legislation to reform our democracy and improve elections, restore voting rights, and get the money out of politics; legislation on paycheck fairness so women are treated equally to men; commonsense background checks for which 98 percent of Americans support; upgrades to the Violence Against Women Act; legislation to restore net neutrality; and despite the fact that the President shut down the government for over a month, these bills have passed the House, most every one of them, with bipartisan support. These aren't partisan bills. They are commonsense proposals to help the middle class solve our country's basic problems.

The Republican leader told the American people that under his leadership, the Senate would debate and vote on issues of the day no matter if his party supported them. Yet not one, not one of these bills has come to the floor of the Senate—not one. Not one has been debated in the Chamber. These are the bills. If the Republican leader doesn't love every aspect of one of these House bills, fine, we are not saying take them or leave them. Let's have a debate. Let's have amendments. At least let's try to compromise on language that can get through both Chambers.

What has the Senate been doing instead? Leader McConnell has wasted precious time on basically two issues, "gotcha" votes like a stunt on climate change and Republicans' cynical attempts to limit women's reproductive health choices. The remainder has been spent on approval of alarmingly unqualified nominees to executive agencies in the judiciary.

What are we doing this week on the calendar? Not one piece of legislation, just nominees. Next week could probably be more of the same. So over the next 2 years, the Republican Senate is in danger of becoming little more than a staffing agency to the administration's radical nominees. That is a tragedy because at the start of this Congress, the American people sent a clear message. They wanted us to work together on legislation in a bipartisan way. The American people voted for action: action on healthcare, action on prescription drugs, action on climate change, and gun safety. Poll after poll shows that these issues are on the minds of Americans. Substantial majorities, Democrats and Republicans, supported them. We cannot, simply because we have a divided government, allow this entire Congress to go by without making meaningful progress on these issues. This is not good for the country, certainly not good for the Senate or the Republican Party and the incumbents in those Chambers. The

American people cannot afford to have Leader McConnell turn one Chamber of their government into a legislative graveyard for 2 full years. We hope he will realize the folly of this both substantively and politically, and maybe we will start doing some real work.

#### ECONOMIC GROWTH

Madam President, finally, on the economy, that is one area that deserves our attention, although you wouldn't guess it if you were listening to President Trump. President Trump repeatedly brags about low unemployment numbers and a rising stock market—two trends that actually began long before he took office. President Trump should say "Thanks, Obama" for handing him an economy that was well into recovery from the worst financial crisis since the Great Depression. But what the President has done since taking office has been to tilt the playing field to allow most of the benefits of this recovery to flow to those at the very top. He can brag about GDP numbers, but when most of the wealth is going more and more to the highest level of people, it doesn't benefit enough people.

President Trump has consistently weakened programs that help middle-class Americans afford healthcare. He has rolled back critical worker and consumer protections and rammed through a tax bill that gave egregious giveaways to big corporations. Instead of the wealth trickling down, corporations have spent the lion's share of their new profits on corporate stock buybacks, which benefit shareholders and the CEOs—most of them very wealthy—not average Americans or workers.

If the economy is so strong, why is it that 4 out of 10 Americans can't afford a \$400 emergency expense? Why is it that income disparity grows, with the middle class left holding the bag? Recent polls confirm—and this should be a watch word, Mr. President—Americans don't believe the Trump economy is working for them. In a recent ABC poll, most Americans see the Trump economy as primarily benefiting those who are already in power, those who are already wealthy. According to Monmouth, most Americans say the economy hasn't benefited them much, if at all.

To simply brag about large macro numbers but not look at the effect on the average person who is making \$40-, \$50-, \$60,000 a year—that is wrong. That is not helping them. The group who believes the economy is benefiting them the most is making over \$100,000 a year. God bless them, but we ought to be working to spread economic benefits to the middle class.

Despite the President's trumpeting of self-selected economic data, the bottom line is this: The Trump economy is working OK if you are already doing quite well, but it is not doing enough—not close to enough—for working America and the middle class.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### NOMINATION OF GORDON HARTOGENSIS

Mrs. MURRAY. Madam President, I come to the floor to oppose the nomination of Mr. Gordon Hartogensis to serve as Director of the Pension Benefit Guaranty Corporation and, really, to express my continued frustration with the Republicans' efforts to weaponize the nomination process for partisan gain, including their unprecedented refusal to move Democratic nominees for important Agencies, like the Equal Employment Opportunity Commission and the National Labor Relations Board, in order to tilt them in favor of corporations, and including their continued attacks on women's healthcare and reproductive rights by stacking our courts with far-right judges.

The Director of the PBGC is responsible for protecting the retirement security of almost 40 million people. We owe it to workers and retirees to make absolutely sure a nominee for this position has the relevant pension-related experience and knowledge to handle that challenge. One needs to have the determination to fight for workers and retirees and to have the willingness to work with Members on both sides of the aisle.

When it comes to Mr. Hartogensis, I am simply not convinced that this is the case. It is unclear to me why he was nominated to replace Director Reeder, who is doing a commendable job, well before Director Reeder's term was completed. What makes this even worse is that the Senate HELP Committee didn't have a hearing at which members could question Mr. Hartogensis.

I have asked the Trump administration why it decided to replace Mr. Reeder. No response. My Democratic colleagues on the committee asked the chairman for a hearing with Mr. Hartogensis. No hearing. We should be giving Mr. Hartogensis' nomination serious scrutiny, including having a hearing with the Senate HELP Committee, especially considering the complex challenges that the PBGC Director must help the Agency navigate amid our country's multiemployer pension crisis. Millions of workers and retirees across the country are at risk of seeing the pensions they were promised—that they earned and planned their financial futures around—thrown into jeopardy through absolutely no fault of their own.

I am hopeful we can focus on this issue more going forward, and I look forward to taking bipartisan steps to address this crisis, but I am disappointed that our committee, which

should be most focused on this critical issue, was not even able to have a hearing with Mr. Hartogensis in order to dive into this crisis more deeply. So, given my doubts about his credentials for this position and my frustration with this nomination process, I will be voting against this nomination.

Unfortunately, Mr. Hartogensis is just one example of a broader effort by the Republicans to play political games with the nomination process in ways that, ultimately, harm workers and families nationwide.

#### NOMINATIONS

Madam President, I remain deeply disturbed by the Republicans' continued partisanship, particularly their obstruction of highly qualified Democratic nominees for the Equal Employment Opportunity Commission and the National Labor Relations Board.

It has been a longstanding practice to respect the minority party's selection of nominees and to move majority and minority nominees together to independent Agencies. Yet my colleagues across the aisle have jammed through Republican nominees to the NLRB and have hampered the EEOC's work by allowing one Republican Senator to essentially veto the Democratic nominee to the Agency, effectively tilting the playing field even more in favor of corporations and against workers' rights.

In this moment, as so many brave women and men have come forward to share their stories of workplace harassment and brought this issue to the forefront and as the Trump administration continues to undermine workers' rights to organize and collectively bargain for higher wages and better working conditions, the EEOC and the NLRB have very critical roles to play in protecting workers' rights. They have to be able to function fully and with balanced voices. I am going to keep fighting for workers across the country and keep pushing to get Democratic nominees confirmed to this Commission and this Board.

#### NOMINATION OF J. CAMPBELL BARKER

Madam President, the Republicans' nomination antics, of course, go far beyond those important Agencies. The Republicans are also continuing to work with President Trump to veer our courts far right by stacking them with ideological judges, especially when it comes to women's health and reproductive rights, which brings me to another nominee before us whom I strongly oppose—Mr. John Campbell Barker. As we have seen with Justice Kavanaugh and with so many other nominees, President Trump is seizing every opportunity he gets to appoint judges who will be willing to chip away at the right to safe, legal abortion. Unfortunately, Mr. Barker fits that pattern to a tee.

As deputy solicitor general of Texas, in the Whole Woman's Health case, he defended a law that imposed medically unnecessary requirements on physi-

cians and clinics that were meant to make it harder for women to access safe, legal care. He has also made it clear that he believes employers should be able to decide whether the women who work for them can get birth control through their insurance coverage. These alarming positions are just a few of the reasons I oppose Mr. Barker's nomination. I urge my colleagues to do the same.

The Republicans may be determined to continue their crusade of tipping the judiciary against women's health and reproductive rights, but they should know that the Democrats and women and men across the country are just as determined to stand up, call them out, and fight back.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The PRESIDING OFFICER. Under the previous order, all postcloture time has expired.

The question is, Will the Senate advise and consent to the Hartogensis nomination?

Mr. GRASSLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. GRASSLEY. Yes, there is.

The PRESIDING OFFICER. There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Ms. HARRIS) is necessarily absent.

The PRESIDING OFFICER (Ms. MCSALLY). Are there any other Senators in the Chamber desiring to vote or change their vote?

The result was announced—yeas 72, nays 27, as follows:

#### [Rollcall Vote No. 83 Ex.]

##### YEAS—72

Alexander	Enzi	Murphy
Barrasso	Ernst	Paul
Bennet	Feinstein	Perdue
Blackburn	Fischer	Portman
Blumenthal	Gardner	Risch
Blunt	Graham	Roberts
Boozman	Grassley	Romney
Braun	Hassan	Rosen
Brown	Hawley	Rounds
Burr	Hoeven	Rubio
Cantwell	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Carper	Isakson	Scott (SC)
Casey	Johnson	Shaheen
Cassidy	Jones	Shelby
Collins	Kennedy	Sinema
Cornyn	King	Sullivan
Cortez Masto	Lankford	Thune
Cotton	Lee	Tillis
Cramer	Manchin	Toomey
Crapo	McConnell	Warner
Cruz	McSally	Wicker
Daines	Moran	Wyden
Durbin	Murkowski	Young

#### NAYS—27

Baldwin	Klobuchar	Schatz
Booker	Leahy	Schumer
Cardin	Markey	Smith
Coons	Menendez	Stabenow
Duckworth	Merkley	Tester
Gillibrand	Murray	Udall
Heinrich	Peters	Van Hollen
Hirono	Reed	Warren
Kaine	Sanders	Whitehouse

#### NOT VOTING—1

Harris

The nomination was confirmed.

The PRESIDING OFFICER. 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 J. Campbell Barker, of Texas, to be United States District Judge for the Eastern District of Texas.

Mitch McConnell, Johnny Isakson, Roger F. Wicker, John Boozman, John Cornyn, Mike Crapo, Shelley Moore Capito, Pat Roberts, Roy Blunt, Deb Fischer, David Perdue, Todd Young, John Thune, Mike Rounds, Steve Daines, John Hoeven, Thom Tillis.

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 J. Campbell Barker, of Texas, to be United States District Judge for the Eastern District of Texas, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from West Virginia (Mrs. CAPITO).

Further, if present and voting, the Senator from West Virginia (Mrs. CAPITO) would have voted "yea."

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 52, nays 46, as follows:

#### [Rollcall Vote No. 84 Ex.]

##### YEAS—52

Alexander	Cornyn	Gardner
Barrasso	Cotton	Graham
Blackburn	Cramer	Grassley
Blunt	Crapo	Hawley
Boozman	Cruz	Hoeven
Braun	Daines	Hyde-Smith
Burr	Enzi	Inhofe
Cassidy	Ernst	Isakson
Collins	Fischer	Johnson