

that money is from our children—all of it—and there has never been an effort to pay for it since.

Then, because of their lax regulatory oversight of the housing market, the economy collapsed. The economy collapsed, and Barack Obama was handed not a \$5 trillion surplus but a \$1.2 trillion deficit from the Republicans, from George Bush. During the course of his Presidency, we had to weather the worst recession since the Great Depression. The worst it ever got around here was \$1.5 trillion on the deficit, and the other side called him a Bolshevik and a Socialist. Well-meaning people from all over Wall Street and other places came down here and said: Fix the debt. Fix the debt.

Where are they today? Where are they today?

By the time he left, President Obama had cut the deficit by more than half—by more than half.

Every one of these deals has been cut by MITCH MCCONNELL, every single one. So it didn't surprise me at all this week that he was reported in the Washington Post to have said to the President that no politician has ever lost an election spending more money. No politician has ever lost an election spending more money, said the Republican majority leader to the President. I can't think of a more Bolshevik statement than that, to use terms that the other side has been using for 10 years. I can't think of a more irresponsible position than that when we are not in the depths of a recession, when 10 million people haven't lost their jobs, when the economy, according to the President, is the best economy we have ever had.

This is the moment we should be securing our future. This is the moment we should be preparing for another foreign engagement. Because of these deals that have been led by MITCH MCCONNELL, the Republican leader from Kentucky, when you add it all up, not only do we have this extraordinary deficit that we have never seen in the country's history—

Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BENNET. But since 2001, we have cut taxes by \$5 trillion. We borrowed all of that money from our children, and almost all of the benefit went to the wealthiest people in America. We spent \$5.6 trillion on wars in the Middle East. We didn't pay for a single dollar of it. That is \$11 trillion, \$12 trillion that we could have spent to fix every road and bridge in America, that could have fixed every single airport in America that needs it, that could have made Social Security solvent for my children's generation and for the other children of the people who came out here and said: We are here to immobilize the Democratic President in the name of fiscal responsibility. But now we know the level of their fiscal hypocrisy. It knows no end.

If there is one benefit of this—if there is one benefit of this, the American people are—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BENNET. I yield the floor.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of the following named officer for appointment as Chairman of the Joint Chiefs of Staff and appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 152 and 601 to be General: GEN Mark A. Milley.

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

Mr. JOHNSON. Mr. President, 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 bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON), the Senator from Kansas (Mr. MORAN), and the Senator from Georgia (Mr. PERDUE).

Further, if present and voting, the Senator from Kansas (Mr. MORAN) would have voted "yea."

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from New York (Mrs. GILLIBRAND), the Senator from California (Ms. HARRIS), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. LEAHY), the Senator from Vermont (Mr. SANDERS), and the Senator from Massachusetts (Ms. WARREN), are necessarily absent.

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

The result was announced—yeas 89, nays 1, as follows:

[Rollcall Vote No. 230 Ex.]

YEAS—89

Alexander	Duckworth	McSally
Baldwin	Durbin	Menendez
Barrasso	Enzi	Murkowski
Bennet	Ernst	Murphy
Blackburn	Feinstein	Murray
Blumenthal	Fischer	Paul
Blunt	Gardner	Peters
Boozman	Graham	Portman
Braun	Grassley	Reed
Brown	Hassan	Risch
Burr	Hawley	Roberts
Cantwell	Heinrich	Romney
Capito	Hirono	Rosen
Cardin	Hoeven	Rounds
Carper	Hyde-Smith	Rubio
Casey	Inhofe	Sasse
Cassidy	Johnson	Schatz
Collins	Jones	Schumer
Coons	Kaine	Scott (FL)
Cornyn	Kennedy	Scott (SC)
Cortez Masto	King	Shaheen
Cotton	Lankford	Shelby
Cramer	Lee	Sinema
Crapo	Manchin	Smith
Cruz	Markey	Stabenow
Daines	McConnell	Sullivan

Tester	Udall	Wicker
Thune	Van Hollen	Wyden
Tillis	Warner	Young
Toomey	Whitehouse	

NAYS—1

Merkley

NOT VOTING—10

Booker	Klobuchar	Sanders
Gillibrand	Leahy	Warren
Harris	Moran	
Isakson	Perdue	

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.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The majority whip.

MORNING BUSINESS

Mr. THUNE. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

JUDICIAL NOMINATIONS

Mr. THUNE. Mr. President, yesterday we confirmed two more excellent judges in the Senate. Despite Democratic obstruction, we continue to move forward on confirming nominees to the Federal bench.

Some of our Democratic colleagues have criticized the amount of time the Senate spends on judges. We have spent a substantial amount of time on judges because we have had to.

Back in the day, most of the judicial nominees we are considering would have been confirmed without the time-consuming cloture vote process. By this point in President Obama's first term, Republicans had required cloture votes on just three—three—of President Obama's judicial nominees. Let's compare that to today.

As of yesterday, July 24, Democrats had required cloture votes on a staggering 94 judicial nominees—94—to 3 at this same point under President Obama.

It is not because they are fiercely opposed to all of these nominees. In fact, again and again, Democrats have turned around and voted for the very same judges they delayed.

Just a couple of weeks ago in the Senate, we confirmed three district court judges by huge bipartisan margins: 78 to 15, 80 to 14, and 85 to 10. Clearly, these were not nominees that Democrats bitterly opposed. Yet Democrats insisted on the same old delaying cloture vote tactic they have used with so many judicial nominees.

I, too, am frustrated that we have had to spend a lot of time on judges. I

miss the days when uncontroversial nominees regularly passed without cloture votes, but if my Democratic colleagues are going to insist on delaying the vast majority of nominations, we are going to have to keep spending time on judges because, let's remember, we are not doing these nominations for fun. This is part of our job. We are working to fill a substantial number of vacancies on the Federal bench.

Despite the Senate's efforts, the vacancy rate currently stands at 13.8 percent—higher than the rates faced by President Obama, President George W. Bush, and President Clinton at this point in their first terms.

Vacancies on the Federal bench have consequences. Primarily, they result in long waits to get cases heard, which serves nobody.

It would be nice if my colleagues across the aisle would abandon their delaying tactics on noncontroversial nominees and speed up the process of filling these vacancies, but, regardless, Republicans will continue moving forward with judicial nominees.

I am very proud of the judges we are confirming. We are putting excellent Federal judges on the bench who are committed to upholding the law. That sounds like a pretty obvious requirement for a judge—a commitment to upholding the law—but too often it seems like many on the left would prefer activist judges who act as superlegislators, rewriting laws they disagree with when the law doesn't reach a result that fits with Democrats' political opinions. Those kinds of judges—judges who move beyond the law when the law doesn't line up with their political agenda—are not a good thing for anybody.

Sure, it might seem nice when an activist judge who shares your political opinions reaches outside the plain meaning of the statute and rules for your preferred outcome, but what happens when that same judge reaches beyond the law to your detriment? What protections do you have if the law is no longer the highest authority? The answer is none. You don't have any protection because at that point the judge, not the law, has become the supreme authority, and you are at the mercy of his or her personal opinions.

Security, justice, equality under law, these principles can only be maintained as long as we have judges who are committed to upholding the law as it is written and not as they would like it to be.

If we have bad laws, we can and should change them, but any changes should be made by the people's elected representatives, as our Constitution dictates. They should not be made by unelected judges. Judges are meant to interpret the law, not make it. I am proud we have been putting judges on the bench who will uphold the rule of law in this country by interpreting the law as it is written, regardless of their personal opinions.

As I said earlier, we confirmed two excellent judicial nominees this week. Unfortunately, one ran into some Democratic opposition during the confirmation process because he was Catholic. That is right. Apparently, the fact that he takes his faith seriously enough—

The PRESIDING OFFICER. The Senator will suspend.

The Senate will be in order. Take your conversations outside of the Chamber.

The Senator from South Dakota.

Mr. THUNE. Apparently, the fact that he takes his faith seriously enough to participate in a Catholic charitable group, the Knights of Columbus, is enough to make him suspect as a judge.

I had hoped we were done with Democrats' flirtation with religious tests for public office when they questioned the fitness of Judge Amy Coney Barrett because she takes her Catholic faith seriously, but apparently Democrats think it is perfectly legitimate to suggest that you can't be both a person of faith and a nominee for the U.S. judiciary.

Let me just remind my colleagues what article VI of the Constitution has to say about that. Article VI states: "No religious test shall ever be required as a qualification to any office or public trust under the United States." I repeat: "No religious test shall ever be required as a qualification to any office or public trust under the United States."

It is deeply troubling that we have Democrats in the U.S. Senate suggesting that religious faith disqualifies you from public office. If Democrats are using their objections to these candidates' religious faith as cover for the fact that Democrats don't want to confirm anyone who doesn't share their most extreme political opinions, that is deeply troubling too.

Religious freedom is a bedrock principle of this Nation. Our Founders considered it so important that it is the very first freedom mentioned in the Bill of Rights. By freedom of religion, they didn't mean it is OK to pray or have religious beliefs if you do it quietly inside your home; they meant freedom to practice your faith in the public square, even if that means having different political opinions from Democrats.

I hope Judge Buescher is the last nominee who will have his fitness for public office questioned simply because he chooses to live out his faith. I was glad to vote to confirm him yesterday, and I look forward to confirming more qualified judicial nominees in the near future.

I hope the Democrats will drop their delaying tactics and join us as we work to fill these important vacancies on the Federal bench.

I yield the floor.

I suggest the absence of a quorum.

The bill clerk proceeded to call the roll.

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

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

PRESCRIPTION DRUG COSTS

Mr. CORNYN. Mr. President, this morning, the Senate Finance Committee marked up a legislative package that was designed to address the high prescription drug costs, which have become a burden to Americans of all ages. This is part of a bipartisan effort to make targeted reforms to our healthcare system in order to lower costs for patients and taxpayers without interfering with the free market or the beneficial innovation that comes from it.

Last month, the Health, Education, Labor, and Pensions Committee and the Judiciary Committee passed legislative packages that were designed to support this goal. This morning, the Finance Committee passed a package called the Prescription Drug Pricing Reduction Act. This legislation looks specifically at reducing prescription drug prices, particularly out-of-pocket costs, for seniors and children through Medicare and Medicaid reforms.

I have heard a lot from my constituents in Texas about the impact of these high costs.

Bob from San Angelo told me that both he and his wife have Medicare Part D and are struggling to stretch their retirement incomes far enough to cover the expenses for their prescription drugs. He told me, each month, they pay nearly \$800 for Medicare and Medicare supplements. On top of that, they are strapped with high prescription drug costs. In the first 4½ months of this year, Bob said they spent more than \$1,600 on his wife's medication alone. For seniors who live on fixed incomes, these high costs can simply be untenable.

Then there is Michael, another one of my constituents, who told me about his continued struggle to cover the cost of his medication. He said: "It feels like we are being taken advantage of because they know we have to take these drugs."

These individuals have been paying into this system for decades, and it is high time we look at ways to reduce the financial strain and provide some relief.

Now, coming up with policies that will lower out-of-pocket costs is not easy. The whole drug pricing regime is enormously complex—frankly, it is opaque—particularly the relationships between pharmacy benefit managers and drug manufacturers, but we need to work hard at this effort to lower costs in Medicare and Medicaid and to decrease the high cost of prescription drugs even in the commercial markets.

I appreciate the commitment of Chairman GRASSLEY and Ranking Member WYDEN to identify potential reforms, and I believe the package that was voted out of the Finance Committee this morning is a step in the