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Senate Democrats Block Trump’s Nominees for Key Posts

Democrats have used procedural tactics to delay confirmation of a number of President Donald Trump's nominees for top government posts. (Alex Wong / Getty Images)

By Fred Lucas
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Senate Democrats have stalled nominees to fill key posts in the Department of Housing and Urban Development, even while complaining about the agency’s performance.

An NBC News report last week alleged that HUD’s staffing problems were the fault of President Donald Trump and HUD Secretary Ben Carson. HUD’s enforcement office is at its lowest level since 1999 of moving against bad landlords who get federal subsidies, according to NBC.

But the network’s story didn’t address the high-level nominees that Senate Democrats have stalled from taking office through procedural tactics.

Four top-level HUD nominees await Senate action more than 22 months into Trump’s four-year term.

Chief among these is Robert Hunter Kurtz, who Trump initially nominated to be HUD’s assistant secretary for public and Indian housing on Sept. 15, 2017.

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As has been the case with many other stalled nominations throughout the federal government, Kurtz isn’t particularly political, but rather has a career with HUD and public housing.

Kurtz served at HUD under Presidents George W. Bush and Barack Obama. He was deputy
director of Detroit’s Department of Housing and Revitalization under Mayor Mike Duggan, a Democrat.

The Senate Banking, Housing, and Urban Affairs Committee sent Kurtz’s nomination to the Senate floor with a bipartisan voice vote. However, the Senate did not take up his nomination before the end of 2017.

So on Jan. 8, Trump renominated Kurtz. The committee again approved Kurtz, but he awaits confirmation by a vote of the entire Senate.

Is the cloture procedure being abused by Democrats?

By October, Democrats had forced 117 cloture votes, far in excess of the number forced on previous presidents.

By contrast, the Senate held just 12 clotures on nominees during Obama’s first two years, and four during George W. Bush’s first two years.

Unlike a filibuster, which allows a minority to block a floor vote, cloture uses procedural tactics to prolong the confirmation process so much that it limits the number of nominees who may reach the floor for a simple majority vote.

Cloture is the only formidable weapon for a Senate minority since the decline of the filibuster, which required 60 votes to allow a nominee to come to the floor of the Senate. Now, nominees can pass with a 51-vote majority.

But getting a vote to the floor in a timely manner is the problem. The cloture rule that requires 30 hours of debate before a vote may occur has become the new delaying tactic. Trump administration officials have accused Democrats of “weaponizing” the cloture rule.

Another example is Seth Appleton, nominated Feb. 5 as HUD’s assistant secretary for policy development and research. The banking committee on May 15 approved Appleton, who has been a senior staff member in the House of Representatives.

From 2009 to 2017, Appleton was chief of staff to Republican Rep. Blaine Luetkemeyer of Missouri.

When Luetkemeyer was chairman of the House Housing and Insurance Subcommittee, Appleton was involved in the passage of The Housing Opportunity Through Modernization Act, designed to reform rental assistance programs. The bill passed the House and Senate unanimously before being signed into law by Obama in 2016.

In another example, Trump nominated Michael Bright on June 7 to be president of HUD’s Government National Mortgage Association. The Senate banking committee approved Bright by
a bipartisan voice vote Aug. 23.

Bright previously served as director for financial markets at the Milken Institute, and as a senior financial policy adviser to Republican Sen. Bob Corker of Tennessee.

While the NBC story asserted that HUD isn’t operating properly, it didn’t mention that Trump nominated Rae Oliver Davis to be HUD’s inspector general on June 25. Although Davis was unanimously approved by the committee Aug. 23, her status has been in limbo because of cloture votes.

Davis, now acting assistant inspector general for HUD’s Office of Special Inquiry, worked for about 10 years in inspectors general offices. She was an assistant U.S. attorney for the Western District of Tennessee and an assistant attorney general for Tennessee. She also worked on Capitol Hill as a staffer for the House Oversight and Government Reform Committee and the Senate Governmental Affairs Committee.

“Under the Trump administration, the number of HUD apartments cited for unsafe, unhealthy, and physically deteriorating living conditions has been on the rise,” NBC reported. “An NBC News investigation has found that more than 1,000 out of HUD’s nearly 28,000 federally subsidized multifamily properties failed their most recent inspection — a failure rate that is more than 30 percent higher than in 2016, according to an analysis of HUD records.”

Democratic Sen. Chris Murphy of Connecticut was critical of the administration.

“Whether it’s indifference or incompetence, the Trump administration’s failures in Connecticut and around the country cannot be excused,” Murphy told NBC News. “Someone must be held accountable. Secretary Carson owes it to these families to present a concrete plan for how he will make this better, and how he’ll make sure nothing like this ever happens again.”

The NBC story should prompt the Senate to move to confirm the HUD nominees, said Rick Manning, president of Americans for Limited Government.

“Incredibly, Senate Democrats have blocked the Trump administration nominee for assistant secretary of public housing, Hunter Kurtz, who would oversee this critical public safety and health area within HUD,” Manning said in a public statement.

“If anything, the NBC report highlights the importance of confirming the president’s nominees to put the Trump agenda into place and enforce housing law,” Manning said. “The Democrats think it’s funny when they play politics with Trump’s nominees, when in reality hamstringing attempts to improve the lives of those who need housing assistance is anything but.”

Carson, in charge of HUD since March 2, 2017, said he is “deeply concerned” about conditions in federally subsidized housing properties. But he notes the problem isn’t new.

“This is a long-term problem that needs a long-term solution, and one we are very committed to fixing,” Carson said in a statement regarding the NBC News report. “For decades, people have been applying band-aids instead of treating the wound. We are in discussions with our acting
inspector general to address this problem. These families deserve an all-hands-on-deck approach across local, state and federal government.

“We need Congress to eliminate the cap on RAD (Rental Assistance Demonstration) so we can expand this effort. We need support from all PHAs (public housing authorities) so we can work seamlessly to meet the needs of our fellow Americans, and we need the Senate to finally confirm our assistant secretary for public and Indian housing. Ultimately, we all need to start working together.”

HUD’s Real Estate Assessment Center inspects whether taxpayer-subsidized housing units meet safety and sanitary standards for getting federal funding. Developments that score well get fewer inspections. Those that score poorly get more inspections.

After becoming HUD secretary, Carson directed a wholesale re-examination of how the department conducts inspections.

HUD asserted that NBC News left viewers with a “false narrative” on several fronts. The department noted that 96 percent of HUD-contracted multifamily properties meet current inspection standards.

Failing properties include those that are being rehabilitated, sold, or have rental assistance contracts in the process of being terminated.

Although NBC blamed most of the staffing problems on Carson and the Trump administration, HUD contends staff reductions and consolidations have been going on since 2010. The number of HUD employees decreased from 9,339 to less than 7,000 in the past eight years, the agency says.

The Obama administration reorganized HUD’s Office of Multifamily Housing and closed 16 field offices in 2013 in New Jersey, New York, Florida, California, Texas, Washington state, and Michigan.

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