

## WASHINGTON POST LIVE

### 117th Congress: Sen. Mike Rounds (R-S.D.)

1 MS. ALEMANY: Welcome to Washington Post Live.  
2 I'm Jacqueline Alemany.

3 My guest today is Senator Mike Rounds of South  
4 Dakota, as the top Republican on the Senate Armed Services  
5 Committee. On cybersecurity, Rounds is taking a hard line  
6 against the foreign ransomware attacks against the U.S.,  
7 and as the former governor of South Dakota, Rounds remains  
8 committed in his fight for cattlemen, consumers, and Native  
9 Americans. He's also one of the 21 Senators working on a  
10 very tight deadline to get a bipartisan infrastructure plan  
11 done.  
12

13 Welcome, Senator Mike Rounds. Thanks for joining  
14 us today.

15 SEN. ROUNDS: Hey, good morning. Appreciate the  
16 opportunity to visit.

17 MS. ALEMANY: Let's start with the meatpacking  
18 industry and the cattle market. Meatpacking and cattle  
19 farmers are in a crisis right now, as you've repeatedly  
20 noted. Today the Senate Agriculture Committee is holding  
21 the first hearing on the cattle market, which you've called  
22 a monopoly. Can you explain the current situation for our

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1 viewers?

2           SEN. ROUNDS: Sure. Since about 1920, over a  
3 hundred years ago, there's been antitrust laws that have  
4 been in place, and the idea is to make sure that we have  
5 fair competition in the marketplace.

6           Back then, there were basically four major  
7 packers that had about 50 percent of the entire market.  
8 Today, a hundred years later, more packers have well in  
9 excess of 80 percent of the market when it comes to  
10 processing beef. What that means to consumers is that the  
11 major beef processors will then price it to your market, to  
12 your grocery, to your supermarket, but the price that you  
13 pay at the supermarket level can be significantly different  
14 than what a cow-calf operator or a feeder, the people that  
15 actually produce the beef, get paid when they go to bring  
16 their livestock to market.

17           When you don't have competition or if the  
18 competition basically understands what the other three  
19 competitors do, it makes for unfair trade opportunities for  
20 those cattle producers. These cattle producers are barely  
21 making enough to even pay for their inputs, and so right  
22 now, we're at a crisis. At the same time, these major

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1 packers have had a very difficult time trying to process a  
2 lot of the beef here in the United States because of COVID-  
3 19 and the restrictions that have been placed on them.  
4 They couldn't get PPE for a while. There were illnesses  
5 that went through. They had to shut down some facilities  
6 and so forth. So, as you have a very concentrated number  
7 of packers, the demand stayed up for the beef, but at the  
8 same time, they had a difficult time trying to move that  
9 much beef through limited processing facilities. It  
10 identified how serious our food security issues were in the  
11 United States because of the concentration within the  
12 packing industry.

13 MS. ALEMANY: You've introduced two pieces of  
14 legislation to address some of these problems that you just  
15 mentioned, one of them being the Meatpacking Special  
16 Investigator Act, which would create an office of the  
17 special investigator for competition matters dedicated to  
18 preventing and addressing anti-competitive practices in the  
19 meat and poultry industries and enforcing our nation's  
20 antitrust laws. Why do you think more government oversight  
21 is necessary in this case?

22 SEN. ROUNDS: In this case, the government

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1 oversight has already been identified. It's already been  
2 directed, but they don't have the tools in order to follow  
3 through to actually do their job.

4 This is a bill that Senator Grassley and Senator  
5 Tester are both on. It's bipartisan in nature. Our goal  
6 is just to get the tools available to the Department of  
7 Agriculture in conjunction with the Department of Justice  
8 to be able to enforce and investigate antitrust violations.  
9 Literally, that does not exist appropriately today.

10 MS. ALEMANY: And you had also introduced  
11 legislation and creating more competition with the  
12 meatpacking industry. Do you think that this is a national  
13 security concern with regards to our food supply?

14 SEN. ROUNDS: I do. I think the pandemic  
15 accelerated the concern among consumer groups.

16 Let me give you just a couple of examples. Today  
17 in the United States, with the concentration in the packing  
18 industry, if you lose a single packer, if you have a fire  
19 at one plant, you can lose 5 percent of your packing  
20 capability, which then slows down or decreases the value of  
21 the animals that need to be harvested. At the same time,  
22 it dramatically increases the price at the grocery store.

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1           In this particular case with the pandemic, when  
2 they had to shut down because of the COVID-19, we saw  
3 significant spikes for consumers in the grocery store, but  
4 something else also happened. The beef coming into the  
5 United States, boxed beef, could be repackaged under  
6 existing Department of Ag rules and sold with a voluntary  
7 label of "Product of the USA" on it. Now, think about that  
8 a little bit. You want to talk about false advertising?  
9 You can bring boxed beef that's frozen beef, brought into  
10 the United States from other countries, and if you  
11 repackage it, you get to put a "Product of the USA" label  
12 on it. I think consumers deserve to know where their beef  
13 is actually coming from, and I think that's part of the  
14 issue.

15           The other part of it is you take a look at what  
16 you're paying in a grocery store for hamburger or for beef  
17 products and then you take a look at how that compares with  
18 what a producer, a cow-calf operator, or a feeder gets paid  
19 for the animal when it's delivered to a processing  
20 facility, a packer. The difference can be almost a  
21 thousand dollars a head, per animal, profits split between  
22 what they're paying for the animal versus what they're

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1 getting for the boxed beef at the end of the cycle.

2           The other piece on this that we're trying to get  
3 is we want smaller processors to be able to compete by  
4 selling their products across state lines. The state-  
5 licensed processors right now have to meet all the same  
6 federal guidelines, but they're restricted to selling only  
7 within their own state. They can sell 400 miles across a  
8 state, but they can't sell 50 miles across the state line.  
9 That doesn't make sense, and we think some of those meat  
10 processors should be able to expand and grow and compete  
11 perhaps or at least add more smaller processors to compete  
12 with the beef processors that really control the market  
13 today.

14           MS. ALEMANY: How do you think is the best way to  
15 go about doing that exactly? I know you sent a letter to  
16 Attorney General Merrick Garland about the industry  
17 violating antitrust laws. Do you think that these  
18 companies need to be broken up, similar to the way Bell  
19 Telephone was broken up?

20           SEN. ROUNDS: It's one possibility. We've  
21 actually sent three letters to the attorney general. We  
22 started with four of us last March. About three weeks

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1 later, we sent a similar letter with almost 20. We've got  
2 26 members that have signed a letter to Attorney General  
3 Merrick Garland. We didn't want to have an investigation  
4 get lost in the change from one administration to another,  
5 and when I visited with Merrick Garland, when his  
6 nomination was up before the Senate, I wanted to visit with  
7 him about his role as attorney general with regard to  
8 investigating monopolies and so forth. We made it clear  
9 that we just didn't want this to be dropped, and two  
10 things, first of all, if there were violations of  
11 antitrust, we wanted to have them pursued, which meant you  
12 had to do the investigations or continue the investigations  
13 that were already going on. Second of all, if they weren't  
14 violating antitrust laws, then we've got some major  
15 problems with the legislation that's on the books today,  
16 and we wanted to be able to look at what we had to do to  
17 reinvigorate those because clearly, it's not working fairly  
18 for the producers, and also, the consumers are paying an  
19 inordinately high price at the supermarket, which reduces  
20 demand for our producers.

21 MS. ALEMANY: That was going to be my next  
22 question about how this impacts what we pay when we

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1 actually go to the grocery store, but I think what's a  
2 little confounding is you walk--you know, I think what  
3 would be helpful is if you could walk us through why the  
4 price of cattle is low, but the price at the grocery store  
5 still remains high.

6           SEN. ROUNDS: Sure. Let's just call it a choke  
7 point. You have producers that are ready to sell their  
8 cattle, but cattle, when they mature, they have to be  
9 harvested within a certain amount of time. It's not like  
10 just putting a commodity back on the shelf like a canned  
11 good. They get bigger, and the bigger they get, the less  
12 desirable they get because they have more fat on them, just  
13 as an example, but it also takes longer to process.

14           When a producer is feeding livestock, they want  
15 to sell them between certain weights to make the best type  
16 of meat. Let's just say between 1,100 and 1,200 pounds as  
17 an example. When it gets there, if the processing  
18 capabilities are not good enough to handle all of the  
19 livestock that are ready to be processed at that time, then  
20 they pay a lower price because there's a glut on the market  
21 of the livestock compared to the amount of processing  
22 capability. But if your processing capability has been

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1 reduced because of COVID-19 issues or because you have a  
2 fire at a plant or whatever, then that means that it may  
3 not meet the demand at the grocery store, and the price  
4 then goes up because supply is not meeting demand. That's  
5 what's going on right now.

6           You have a choke point among the four major  
7 processors. There was a fire last year in one plant, just  
8 as an example. COVID-19 slowed down their capacity. One  
9 of the producers told me--or one of the major packers told  
10 me that in some cases, they were only operating at about 70  
11 percent capacity, and that's slowing down the amount of  
12 beef that's being made available to be put into a grocery  
13 store. And if there's less meat there, but you still have  
14 high demand this time of the year--people know how good  
15 beef is. They look forward to steaks in the summertime.  
16 If there's more demand than what supply is, the price goes  
17 up. Consumers are paying a higher price, but the price is  
18 not being reflected back from what they're paying a  
19 producer for their livestock because their chokepoint is  
20 they can't handle more beef right now at this time.

21           MS. ALEMANY: Lastly, on this topic, with regards  
22 to the coronavirus pandemic and the struggles cattle

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1 farmers face during the pandemic, earlier this year, the  
2 USDA had pledged to continue food assistance program  
3 payments to provide aid to the industry. Has the pandemic  
4 hurt ranchers in the meat industry as a whole, and what do  
5 they still need moving forward?

6 SEN. ROUNDS: There was an impact because, in a  
7 lot of cases, the price for some commodities actually went  
8 down, and they literally couldn't get their beef to market  
9 and so forth. We did build into the pandemic relief, the  
10 bipartisan pandemic relief bills, money to make available  
11 for producers who had lost money on the sale of their  
12 commodities during that time period.

13 There were a couple of different proposals over a  
14 period of about a year that did help. It didn't make up  
15 the entire loss. The bigger issue right now, what most  
16 producers want is just a fair price for the product that  
17 they're trying to put onto the market.

18 The other item that impounds all this is that we  
19 lost our mandatory country of origin labeling, the  
20 mandatory--they call it MCOOL, a mandatory country of  
21 origin labeling that we did have in effect for a period of  
22 time where we could identify the beef that was being

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1 produced in the United States versus beef that was being  
2 produced or brought in from overseas.

3           We really do think we've got the best beef in the  
4 world, and we're proud to be able to put our label on it.  
5 But at this stage of the game, our laws in our country do  
6 not demand that we put that into our trade agreements, and  
7 so the World Trade Organization stopped us from putting a  
8 mandatory country of origin labeling guideline in effect;  
9 thus, you don't know where your beef is coming from today  
10 unless a voluntary label is put on it. Unfortunately, the  
11 voluntary label that consumers look at in a grocery store  
12 will look at beef and say, "Gee, it's a produce of the  
13 USA," but it may very well have just been frozen, brought  
14 into the country, repackaged, and unfortunately, since  
15 2003, those rules have allowed that foreign beef to be  
16 labeled as American beef, product of the USA.

17           MS. ALEMANY: Senator, it's really a fascinating  
18 topic. I thank you for your work on that.

19           I want to move on to cyber and ransomware  
20 attacks. As the top Republican on the Armed Services  
21 Cybersecurity Subcommittee, you've taken a hard line  
22 against foreign cyberattacks, including the Colonial

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1 Pipeline hack. Why do you think it took a ransomware  
2 crisis involving JBS for this issue to get more attention  
3 nationally?

4 SEN. ROUNDS: I think because it directly  
5 impacted consumers. It impacted what we took for granted.

6 First of all, with regard to the pipeline,  
7 there's a whole lot of consumers out there that got  
8 impacted because criminals that are in other countries were  
9 able to come back in and make a demand and actually short  
10 us our needed supplies. Same thing happened with JBS and  
11 the ransomware that was imposed on them.

12 Here's what we've really got going on. I look  
13 back and I say our country actually formed the United  
14 States Marine Corps when we went in and we found pirates  
15 that were in other countries back in the early 1800s, and  
16 they were taking on shipping that was impacting our ability  
17 to trade with other countries. We sent the marines in.  
18 They went after pirates who were living in other countries.  
19 They had safe harbor in other countries. They took them  
20 out, and they sent a message to the world saying, "We don't  
21 care where you're at. If you're impacting free trade, if  
22 you're impacting the trade for our consumers of the United

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1 States of America, we're going to stop it, and we're going  
2 to find you."

3 Well, today we have pirates. They're cyber  
4 pirates. They're cyber criminals. They live in other  
5 countries. They have safe harbor in other countries. They  
6 use lots of different tools, but what they will do is come  
7 in with a ransomware. They'll find a way to get in because  
8 of either bad hygiene at the company where people will look  
9 at phishing emails or so forth, that these criminals will  
10 take a little bit of time, find their way into a system,  
11 put in software that has bugs in it that can control or  
12 manipulate that system. And then they'll go to the owners  
13 of the company and simply say, "Look, if you want your  
14 systems to operate, if you want to be able to move your  
15 produce around or whatever, if you want to be able to  
16 continue to be able to do business, you're going to have to  
17 pay us a fee, a ransom." But, in this case, they're using  
18 a digital currency, and the digital currency makes it a  
19 little bit easier for them to be able to take that money in  
20 many cases without being traced.

21 In this particular case, they got caught. They  
22 did some stupid things, and they got caught, and that

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1 ransomware money was returned in one case.

2           But I think that we still have to take on the  
3 position that if you've got these cyber pirates out there,  
4 if you've got these criminals that are in other countries,  
5 once we find them, we want to be able to go out and reach  
6 out and basically touch them and make it extremely  
7 difficult for them to do business or to be able to impact  
8 people in the United States again.

9           You do have some silos here in the United States.  
10 First of all, the Department of Defense does not actively  
11 engage inside of our country. We don't want that to  
12 happen. We want our military to engage outside of our  
13 country or to protect against incoming attacks. We have  
14 the Department of Justice and the FBI and so forth,  
15 Homeland Security, that actually work within our country.  
16 Those agencies all have to work together in a coordinated  
17 fashion in order to use the offensive tools that are found  
18 within our Department of Defense to be able to go on out  
19 and find the individuals specifically and take them on.  
20 It's a coordinated effort that has to occur.

21           MS. ALEMANY: Senator, I want to ask you about  
22 the topic of discussion and attention on Capitol Hill

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1 yesterday. You were one of the lawmakers who voted against  
2 the For the People, the voting--the sweeping voting rights  
3 act introduced by Democrats yesterday, you and really the  
4 entire Republican caucus. Were you disappointed that  
5 Senator Joe Manchin ultimately voted in favor of proceeding  
6 with the move to debate the Voting Rights Act on the Senate  
7 floor?

8           SEN. ROUNDS: No. Look, it was going to take 60  
9 votes to get on the bill to begin with. In other words, in  
10 order to debate a bill in the United States Senate, it  
11 takes 60 votes to agree to start debate.

12           What Senator Manchin wanted to do was to send a  
13 message saying, "Look, I've got some things. I know this  
14 bill isn't perfect," and he wanted to offer his amendments  
15 to it, so he said, "I want to get on. I want to debate the  
16 bill, and I want to offer my amendments to the bill." Most  
17 of us on the Republican side have the same opinion about  
18 the bill. We think it was a major incursion by the federal  
19 government into voting rights that normally are handled by  
20 the states. We didn't like the idea that they had changed  
21 the Federal Election Commission from a bipartisan number to  
22 a partisan number that would have been controlled by one

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1 party or the other all the time. We thought that was a  
2 major mistake.

3 We didn't like the idea of that the federal  
4 government was now going to take on the role of matching  
5 small donations to the tune of six to one so that taxpayers  
6 would be funding multiple federal elections at the same  
7 time, and that money comes from taxpayers who may or may  
8 not agree with all of the different candidates that are on  
9 the ballot.

10 We also didn't like the idea that they were  
11 basically going to take away a lot of the current  
12 identification requirements for voters at the polls. The  
13 vast majority of Americans say if you're going to vote, you  
14 should be able to show your ID, and the states have  
15 required that. This would have dramatically relaxed those  
16 rules. We just didn't simply think that that was the right  
17 thing to do.

18 We also thought the fact that they were--that the  
19 claim for the reason why this bill was because of  
20 legislation that's in a lot of states right now that is a  
21 basic look at either expanding or retracting or changing  
22 the guidelines under which people cast their votes, but

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1 this bill came around long before the pandemic and long  
2 before this last election. Most of what was in this bill  
3 was put together way back in 2019.

4 For most of us, we've looked at it. We simply  
5 disagree that the federal government should be that  
6 directly involved in monitoring and directing the states as  
7 to how they do their electoral processes.

8 MS. ALEMANY: Senator Manchin did address some of  
9 the concerns that you've just mentioned, specifically the  
10 voter ID. In his compromise memo, he did outline  
11 potentially including the requirement to provide a driver's  
12 license in order to be able to vote.

13 If everything that you just mentioned was  
14 potentially removed from a bill, is that something that you  
15 could get behind, or is a federal voting rights bill just a  
16 nonstarter for you, generally speaking?

17 SEN. ROUNDS: You know, we've had federal  
18 attempts at voter rights in the past, and it doesn't mean  
19 that it's impossible or that it's never going to be  
20 something that we talk about in the future, but a lot of  
21 what Senator Manchin tried to do was moving in the right  
22 direction. But it didn't take care of some of the concerns

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1 that we had with regard to the FEC, Federal Election  
2 Commission. We were still concerned with the federal  
3 funding of the different items. We still had concerns  
4 about--like, with Joe, what he wanted to do was with regard  
5 to determining the legislative districts and so forth. He  
6 really kind of hoped to have a computerized system that was  
7 run by the federal government that would actually make  
8 state decisions about how state legislative races would be  
9 laid out or congressional districts would be laid out.

10 I really do like the way the states have laid out  
11 in the past, and there is no such thing as a perfect  
12 process for redistricting, but we go through it every  
13 single year. The courts do get involved. Right now, in  
14 South Dakota, we've had voting rights challenges in the  
15 past. Sometimes we're successful in moving them through  
16 without having Department of Justice interaction.  
17 Sometimes the Department of Justice gets involved, and they  
18 make modifications to it. I like that system. I think a  
19 lot of the guidance on voter registration and the split  
20 among the redistricting and so forth is one that's healthy  
21 to have a debate on every 10 years. It's not perfect, but  
22 I'd much rather have it be done on a state-by-state basis

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1 rather than having the federal government step in trying to  
2 direct the states to do that work that they've done since  
3 the beginning of the country.

4 MS. ALEMANY: On the topic of voting, even at a  
5 local level, a state-by-state basis, are you in favor of  
6 more people being able to vote, expanding the right to vote  
7 for constituents?

8 SEN. ROUNDS: I like the idea of keeping it at  
9 age 18. I didn't like the idea in this particular bill  
10 that would have changed the voting [registration] age to  
11 16. I don't like the idea that felons automatically have  
12 the opportunity to vote again, which was included in this  
13 bill. So, with regard to that, I would have had concerns  
14 about both of those two issues on it.

15 I do want to see those individuals that are over  
16 the age of 65--or over the age of 18 all be able to readily  
17 vote, and I like the idea of early voting. In South  
18 Dakota, we've been very successful on open voting. We've  
19 had it for years.

20 But we've done something else. We don't send out  
21 ballots in the mail to everybody. We send out request  
22 forms so that individual voters can actually request a

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1 ballot, but that way it's verified that the voter is  
2 registered to vote to begin with. And that's worked very  
3 well for us. We've got one of the highest voter turnouts  
4 in the country, but we also have expanded it to where we  
5 can start voting fairly early in the process, more than 14  
6 days or 15 days in advance. I don't have an objection to  
7 early voting, but I do also want a specific cutoff time to  
8 when ballots need to be in, and I think that's important as  
9 well.

10 I didn't quite like the way that the earlier  
11 demands were that ballots had to be counted over an  
12 extended period of time after the polls actually closed.

13 MS. ALEMANY: I want to ask you about a process  
14 consuming a big chunk of your time right now, the  
15 infrastructure bill. You're part of the group of 21, a  
16 bipartisan group of Senators who are currently supporting a  
17 \$784 billion, 5-year, bipartisan infrastructure package.  
18 How realistic do you think it is that this compromise is  
19 going to get enough bipartisan support and ultimately be  
20 pushed through and signed into law?

21 SEN. ROUNDS: Both Republicans and Democrats want  
22 to do an infrastructure bill. We all agree that it's time.

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1 We agree that infrastructure should definitely include the  
2 roads, the bridges, the ports, airports. I think there's  
3 strong support for 5G implementation. I think the  
4 hardening of our electrical system and the expansion of our  
5 electrical system as transportation needs change is going  
6 to be a critical part of infrastructure in the future. All  
7 of those items, I think, tend to push towards a bipartisan  
8 agreement. I think in the Republican Conference, I think I  
9 see strong support, not unanimous support but very, very  
10 strong support for a bipartisan deal on an infrastructure  
11 bill. I think Democrats feel the same way. The challenge  
12 right now is to get to somewhere between 1- and \$1.2  
13 trillion on an infrastructure bill over somewhere between 5  
14 and 8 years is I think where it's really going to end up.

15 I think the pay-fors are a challenge.  
16 Republicans traditionally have wanted some sort of a user  
17 fee included for making payments, and I don't think that  
18 there will be a problem on water projects or on utility  
19 projects where you have rates that are included for  
20 consumers to help pay back on it for the benefits they  
21 receive for water and for electricity and so forth.

22 I think where the challenge is going to be on

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1 roads and bridges is a time to look at what kind of a fee  
2 we put on for electric vehicles for using the roads and  
3 what should we do with the gas tax itself. What's a  
4 reasonable approach? Should we index it so that as  
5 inflation goes up and the price of fuel goes up, should we  
6 actually, automatically increase the price per gallon as  
7 well?

8           In the past, we've been hesitant to do that. I  
9 think the president right now is rather hesitant to do that  
10 as well. Part of the deal there is going to be do you just  
11 simply put a couple pennies more on the gas tax as a user  
12 fee. I think the president is kind of--he doesn't like  
13 that idea as near as I can tell right now. We want to  
14 respect the fact that the administration has to play a role  
15 in this, but yeah, look, I'm pretty optimistic that we can  
16 come up with a package on infrastructure.

17           I think there will be a discussion on the part of  
18 some of our more liberal colleagues trying to add items in  
19 that really aren't infrastructure, but that if we don't  
20 agree on it that way, they will probably try to put some  
21 additional items into a separate bill that would be a  
22 reconciliation bill that they could do with just 51 votes

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1 on the floor of the Senate. And I think they're going to  
2 try to negotiate within the Democrat Party within the  
3 conference themselves to see if they can get an agreement  
4 on that before they move forward with infrastructure.

5           Republicans, I think, today would say that  
6 they're ready to move forward with an infrastructure  
7 package and find a path and make the appropriate  
8 negotiations to get it done. I'm not sure my Democrat  
9 colleagues are that far along because I think they're going  
10 to want to be assured that there is a separate agreement  
11 among their entire conference on a reconciliation package  
12 that would spend a lot more money on the items that would  
13 not be coverable under a true infrastructure package. That  
14 may very well be a bigger challenge for them than actually  
15 coming to a consensus on an infrastructure bill with  
16 Republicans.

17           MS. ALEMANY: And I believe you all are meeting  
18 with the White House again today to try to narrow down  
19 talks and come to some sort of compromise. What exactly is  
20 on the agenda? Is it the pay-fors that you're all still  
21 trying to negotiate on?

22           SEN. ROUNDS: I think right now, what we have is

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1 a basic framework, and I think you're going to find  
2 modifications in all of the items. The size of the package  
3 itself is still up for debate. What's included in terms of  
4 infrastructure is a debate. What the pay-fors are going to  
5 be is still going to be a part of the negotiations, whether  
6 or not the new money or the borrowed money is of the  
7 appropriate right proportion. That's all a part of this,  
8 but once it starts coming together, I think it could move  
9 fairly rapidly because people look at it and say either,  
10 look, it's worth it or it's not worth it, and it's pretty  
11 easy to count the votes.

12 MS. ALEMANY: If Democrats do ultimately push  
13 through another bill that they're simultaneously tracking  
14 through budget reconciliation and also perhaps decide to  
15 eliminate the filibuster in order to get some more  
16 Democratic priorities done, what sort of consequences do  
17 you think that's going to have for the party?

18 SEN. ROUNDS: It will change the United States  
19 Senate forever. It will change how Congress works forever.  
20 It will change the relationship between the states and the  
21 federal government forever. The idea that the Founding  
22 Fathers had to begin with was that the United States Senate

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1 would work on a consensus basis. The Senate would be an  
2 ongoing body that would be very slow to react, and it would  
3 act as a cooling part of the legislative body. They wanted  
4 the Senate to take the emotions that you find in the House  
5 and to chill it a little bit and to really thoughtfully go  
6 through and to not make knee-jerk decisions that ultimately  
7 might be not the right decisions. I think the Founding  
8 Fathers had it right. They want the Senate to be difficult  
9 to get things through. They didn't want the federal  
10 government directly involved in the lives of everyday  
11 Americans every single day. They truly believed in  
12 federalism. They wanted the vast majority of the laws and  
13 rules to be made at the local level. They wanted the  
14 federal government to provide for the common defense and  
15 for free interstate trade and to make it easy for  
16 interstate trade to go on, but they didn't want the federal  
17 government making all of the rules and simply overriding  
18 what the states were doing. That's the reason why the  
19 Senate was designed to make it more difficult.

20           And remember when Founding Fathers put this all  
21 together to begin with, the Senate, for the most part, was  
22 made up of members who were selected by state legislative

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1 bodies to come in and to represent the states, the states'  
2 rights in negotiations with the federal government and the  
3 House of Representatives who are elected by the people.  
4 So, it was always designed to be a case to where the Senate  
5 was going to be the slow-moving body, and once you go to a  
6 51-vote margin in the United States Senate--and I hope it  
7 does not happen. We rejected it when we were in control,  
8 and I hope that the Democrat colleagues that I've talked to  
9 will stick to their guns and not eliminate the filibuster.

10 Long term, I think it's better for the country if  
11 we continue to work hard and do that frustrating thing of  
12 trying to find a consensus before we pass federal law.

13 MS. ALEMANY: Before we have to wrap quickly,  
14 Senator, I do want to note that Mitch McConnell did  
15 eliminate the filibuster in 2009. Do you think he  
16 fundamentally changed the Senate?

17 SEN. ROUNDS: No, Mitch McConnell did not  
18 eliminate the filibuster in 2009. What did happen was  
19 Harry Reid changed the filibuster with regard to what had  
20 always by tradition been a 51-vote agreement on judges, but  
21 in the early 2000s, the Senate kind of changed, and they  
22 didn't filibuster judges then. They would negotiate

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1 through, and judges coming in that were within a state were  
2 never put in unless they had the blue slips or the  
3 agreement from both members in the Senate for that  
4 particular state. If it was a circuit court judge, they  
5 would negotiate back and look at whether or not they needed  
6 everybody's blue slip in that district.

7           But Harry Reid changed with a nuclear option the  
8 issue with regard to judges and said we're only going to  
9 need 51 votes to get on for judges. Mitch McConnell said  
10 if you do that, you will rue the day, and when Republicans  
11 are back in, they'll put judges in with 51 votes because  
12 that is now the Senate rule. What Mitch did do was to  
13 expand it to say--just as Democrats would have done was to  
14 say if it's a Supreme Court nominee, we're going to take  
15 the same approach with 51 votes as opposed to 60 votes to  
16 get on a Supreme Court nominee.

17           So, today your judges are not filibusterable.  
18 There are 51 votes, determines whether or not a judge is  
19 accepted once they've been nominated by the president. But  
20 Mitch McConnell did not break the filibuster. Harry Reid  
21 did that with the nuclear option, and that would be the  
22 same position that if the Senate leader decided today to

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1 break the 60-vote margin on legislation, they would be  
2 doing it by using what we call the "nuclear option," where  
3 when the ruling of the chair is that it takes 60 votes to  
4 proceed, they would challenge it and say, "I disagree with  
5 the ruling of the chair," and if they disagree and say, "I  
6 think it's only going to be 51," even though it's written  
7 in the rules that say it's 60, that's called the "nuclear  
8 option," and that's the way that they would break it. At  
9 that point then, it becomes a majority vote only in the  
10 Senate for everything.

11 MS. ALEMANY: Senator, unfortunately, we are out  
12 of time today, but thanks so much for joining us.

13 SEN. ROUNDS: Thank you. I appreciate the  
14 opportunity to visit with you today.

15 MS. ALEMANY: And at 11:30 this morning, women  
16 trailblazers in technology are coming on Post Live, and at  
17 3:30 p.m., Navajo Nation President Jonathan Nez will be  
18 joining us.

19 Thanks so much, and we'll see you all later.

20 [End recorded session]

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