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No. 27

## House of Representatives

The House was not in session today. Its next meeting will be held on Friday, February 11, 2022, at 11 a.m.

## Senate

THURSDAY, FEBRUARY 10, 2022

The Senate met at 10 a.m. and was called to order by the Honorable JACKY ROSEN, a Senator from the State of Nevada.

### PRAYER

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

Let us pray.

Almighty God, the center of our hope, open our hearts to Your movement in our midst.

As we trust Your prevailing providence, and cling to Your promises, provide us wisdom and spiritual discernment to see You at work.

Lord, save our lawmakers from being intimidated by today's challenges as You protect them by guiding their steps.

Clothe our Senators with the honor of integrity. Shield them with Your truth. And guide them with Your power. Give them a hunger for Your Word and a desire to apply Your knowledge in their daily walk, pleasing You by living with humility, honesty, and joy.

We pray in Your precious Name. Amen.

### PLEDGE OF ALLEGIANCE

The Presiding Officer 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.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, February 10, 2022.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACKY ROSEN, a Senator from the State of Nevada, to perform the duties of the Chair.

PATRICK J. LEAHY,  
President pro tempore.

Ms. ROSEN thereupon assumed the Chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### FORCED ARBITRATION

Mr. SCHUMER. Madam President, it has been a busy, productive, and truly bipartisan week here in the U.S. Senate.

After days of fruitful cooperation from both sides, the Senate is now a few moments away from approving one of the most significant changes to employment law in years, eliminating for good the awful practice of forcing victims of sexual harassment and assault into arbitration.

An hour from now, we will be able to say this: The House has acted; the Senate has acted; and we are sending bipartisan forced arbitration reform to the President's desk. It is a momentous reform bill and one that is painfully overdue.

For decades, arbitration clauses have been routinely tucked into the fine print of employment contracts. Today, they impact about 60 million Americans. And many people may not even realize such clauses affect them, until it is too late.

All of us have heard the searing testimonies of those who have faced harassment or abuse at work, only to discover their jobs offered precious little in accountability.

Countless careers have been derailed or undone. Worse still, countless lives have been forever damaged. And for decades, workplace practices, like mandatory arbitration, have perpetuated cultures of abuse and unaccountability.

We can't ignore a basic reality of these clauses. They deprive victims of sexual harassment and assault of their basic rights by mandating they seek

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



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remedy only behind closed doors of private arbitration, with no other alternative.

This is wrong; it is unfair; and it is about time it changed. And that is exactly what we will accomplish through this bipartisan legislation. It will not only ensure that those who have suffered sexual harassment or assault have the option to go to court if they choose, it will also be retroactive. People locked into these clauses right now will benefit just as much as new employees will in the future. That is an important point that hasn't gotten enough attention. It will undo the pernicious effect of these clauses that already exist.

I want to thank my friend and fellow New Yorker, Senator GILLIBRAND, for spending years advocating for this legislation. This accomplishment wouldn't be possible without her leadership and her commitment to working with the other side.

Likewise, I want to thank Senator GRAHAM and Senator ERNST for reaching across the aisle and working with us to get this bill done.

Yesterday, Senators GRAHAM and ERNST met in my office, and we came to an agreement to move this forward. And we very much appreciate that. It was truly a collaborative effort by the Senate, and thanks to everyone's work, forced arbitration for sexual assault and harassment will soon be a thing of the past.

As I said in my very first speech as majority leader, Democrats will always be open to working with Members of the other side of the aisle when the opportunity arises. The differences between the parties are real and cannot be ignored, but we can neither ignore the genuine chances for progress when both parties agree to move forward on certain topics.

Last year, it was precisely this majority's commitment to bipartisan cooperation that cleared the path for historic hate crimes legislation. Together, we also passed a historic jobs and supply chain bill, which we hope is enacted soon.

And together, Democrats and Republicans secured the first stand-alone infrastructure package in years.

#### CONTINUING RESOLUTION

Mr. SCHUMER. Madam President, this week has been a continuation of that commitment to working with the other side when possible. The legislation on forced arbitration is a prime example. And yesterday we saw another example: Appropriators from both parties announced that they reached a framework agreement for a yearlong appropriations package.

This is a huge step forward for arriving at an omnibus, and it is great news for our goal of avoiding a yearlong CR, which would have been painful and costly.

There is a lot of work left to do before we pass a government spending

bill, but yesterday's announcement shows appropriators are now on a very good path.

We are driving forward toward an omnibus, and I am very, very hopeful and optimistic that we will get there.

In the meantime, the Senate will do the responsible thing by passing a temporary CR next week in order to give the appropriators enough time to put their funding packages together.

#### VIOLENCE AGAINST WOMEN ACT

Mr. SCHUMER. Madam President, yesterday, our colleagues from both sides of the aisle came together to announce an agreement on reauthorizing the Violence Against Women Act, which was last acted on nearly a decade ago by this Chamber.

I want to commend my colleagues Senators FEINSTEIN and DURBIN, as well as Senators ERNST and MURKOWSKI, for all the work they have done to bring us closer to reauthorizing VAWA.

I also want to thank my colleagues who are cosponsoring this legislation. And I have a particular interest because when I was in the House, I helped carry the original VAWA legislation that became law and has now lapsed.

Most importantly, I want to thank every single person who participated in yesterday's press conference who shared their own experiences of abuse.

The Violence Against Women Act is one of the most important laws passed by Congress in the last 30 years, and it is my hope that the Senate can take action on this bill in the near future.

There are nine Republicans cosponsoring this legislation so we need one more, at least, in order to clear a path forward.

If we can find more support for VAWA, I would expect that the Senate will seek to take action.

VAWA must be reauthorized. We cannot allow inaction to persist for a moment longer, and with yesterday's bipartisan announcement, we are closer than ever to achieving that goal.

#### POSTAL REFORM

Mr. SCHUMER. Madam President, now on postal, there is one more sign of progress this week that I want to mention, another bipartisan effort like VAWA and like all of the other bills I have mentioned—arbitration and the CR—and this is the bipartisan efforts by both Chambers to pass the most significant postal reform bill in decades.

Later today—soon—I will file cloture on the postal reform bill approved overwhelmingly by the House earlier this week. For the information of all Senators, this will set up the first vote this coming Monday evening.

Postal reform has been decades in the making and is one of the best steps we can take to strengthen one of our country's most important institutions. Tens of millions of Americans depend on the post office every day. Seniors and veterans need it for things like

medication. Businesses need it to function. Rural communities need it to stay connected. Countless people rely on the post office to connect with each other for things like birthdays, travel, the holidays, or any one of life's many, many special occasions.

By passing postal reform, we can ensure that Americans will continue to rely on a speedy, dependable, and well-run post office. We have all heard complaints about how the mail delivery has slowed down. This is a strong, important effort to rectify that bad problem. It will be a win for everyday Americans and for the dedicated men and women who work to deliver our mail every single day.

#### CANNABIS LEGISLATION

Mr. SCHUMER. Madam President, finally, on cannabis legislation. All of these issues I have mentioned—forced arbitration reform, appropriations, VAWA, and postal reform—have been bipartisan efforts. They reflect a commitment that Democrats made at the start of the year to work with the other side when the opportunities presented themselves, and I thank my Republican colleagues for working with us. Before I close, there is one more appeal I want to make for bipartisan cooperation, and that is on cannabis reform.

This morning, I joined with Senators BOOKER and WYDEN in sending a "Dear Colleague," inviting Members from both sides of the aisle to join in an effort to draft and finalize comprehensive cannabis reform. Last summer, I joined with Senators BOOKER and WYDEN in introducing our framework legislation for Federal reform of cannabis, and we want to build on this framework as we prepare to introduce legislation in the near future.

Today, millions—hundreds of millions of Americans live in States, both blue and red, where cannabis has been legalized in some way. It is long past time for the Federal Government to catch up.

This is about individual freedom and about basic fairness. For decades, Federal cannabis laws have caused immense damage to millions of Americans, particularly Black and Hispanic people, who have been unfairly targeted by these laws. We need to change that. We need to create opportunities for entrepreneurs and small businesses to legitimately pursue new opportunities, and comprehensive Federal cannabis legislation is critical—critical—to reaching that goal.

I want to thank Senators BOOKER and WYDEN and all my colleagues who have worked with us on this important and long-overdue change. I hope we can make more progress on cannabis reform in the near future.

## LEGISLATIVE SESSION

POSTAL SERVICE REFORM ACT OF  
2022—Motion to Proceed

Mr. SCHUMER. Madam President, I move to proceed to Calendar No. 266, H.R. 3076.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to H.R. 3076, a bill to provide stability to and enhance the services of the United States Postal Service, and for other purposes.

## CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant 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 motion to proceed to Calendar No. 266, H.R. 3076, a bill to provide stability to and enhance the services of the United States Postal Service, and for other purposes.

Charles E. Schumer, Gary C. Peters, Jacky Rosen, Amy Klobuchar, Tammy Duckworth, Patrick J. Leahy, Tina Smith, Tammy Baldwin, Jeff Merkley, Sheldon Whitehouse, Christopher A. Coons, Brian Schatz, Jon Tester, Jon Ossoff, Benjamin L. Cardin, Martin Heinrich, Jack Reed, Alex Padilla.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 668.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Robert McKinnon Califf, of North Carolina, to be Commissioner of Food and Drugs, Department of Health and Human Services.

## CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant 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 Executive Calendar No. 668, Robert

McKinnon Califf, of North Carolina, to be Commissioner of Food and Drugs, Department of Health and Human Services.

Charles E. Schumer, Patty Murray, Richard Blumenthal, Gary C. Peters, Robert P. Casey, Jr., Sheldon Whitehouse, Martin Heinrich, Richard J. Durbin, Sherrod Brown, Tammy Duckworth, Tim Kaine, Mazie Hirono, Alex Padilla, Tina Smith, Christopher A. Coons, Amy Klobuchar, Jon Tester.

## LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

Mr. SCHUMER. Finally, Madam President, I ask unanimous consent that the mandatory quorum calls for the cloture motions filed today, Thursday, February 10, be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MEASURE PLACED ON THE  
CALENDAR—S. 3623

Mr. SCHUMER. Madam President, I understand there is a bill at the desk that is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The senior assistant legislative clerk read as follows:

A bill (S. 3623) to reauthorize the Violence Against Women Act of 1994, and for other purposes.

Mr. SCHUMER. Madam President, in order to place the bill on the calendar under the provisions of rule XIV, I will object to further proceedings.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

ENDING FORCED ARBITRATION OF  
SEXUAL ASSAULT AND SEXUAL  
HARASSMENT ACT OF 2021

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to consideration of H.R. 4445, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 4445) to amend title 9 of the United States Code with respect to arbitration of disputes involving sexual assault and sexual harassment.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

## INFLATION

Mr. McCONNELL. Madam President, moments ago, the country got yet another terrible monthly inflation report under the Biden administration. Yet again, the data confirmed what working families already know painfully

well: Rampant inflation and soaring prices are crushing—crushing—the American people.

Experts had predicted another red-hot inflation report, around 7 percent. Even that alone would have meant we were still trapped inside the worst inflation in 40 years, but reality turned out to be even worse than that. It turns out inflation this past year hasn't been 7 percent; it has been 7½ percent. In other words, if you haven't personally gotten a pay raise of 8 percent or more in the last year, then Democrats' policies have given you a pay cut—pay cut.

To add insult to injury, reporters say the worst of this inflation was driven by the most painful categories for working families: food prices, energy prices, and rent.

This is not about financial inconvenience for wealthy people who can afford to stomach it; this is about massive price increases for essential goods that make up a huge share of working families' budgets. Gas is up about 40 percent since this time last year. Used car prices are up about the same. Meat, fish, and eggs cost over 12 percent more than they did just 1 year ago. The cost of natural gas for home heating has soared by 24 percent since this time last year. Fuel oil has shot up almost 47 percent. The cost of essentials has absolutely exploded since Washington Democrats took power.

To be clear, the worst inflation in 40 years is not something that just spontaneously happened to Democrats on their watch. As a Pew report demonstrated late last year, it is true that countries around the world are facing inflation—they are—as a result of COVID, but America has it worse than almost everybody else in the developed world. This is a direct result of liberal policy choices.

Here is how Jason Furman, President Obama's CEA Chairman, explained it recently. I will quote from the New York Times:

"The United States has had much more inflation than almost any other advanced economy in the world," said Jason Furman, an economist at Harvard University and former Obama administration economic adviser, who used comparable methodologies to look across areas and concluded that U.S. price increases have been consistently faster. The difference, he said, comes because "the United States' stimulus is in a category of its own."

Obviously, he is referring to the \$2 trillion so-called rescue package last year.

The severity of this inflation was directly fueled by the reckless, far-left spending spree that every single Democrat in this Chamber voted to ram through at President Biden's behest last year.

Even the most prominent liberal economists knew this would happen and tried to warn the Democrats. A year ago, Larry Summers warned that Democrats' binge could set off "inflationary pressures of a kind we have not seen in a generation." Ah, but Democrats ignored their own experts. They

plowed ahead, using the pandemic as a pretext—a pretext—to dump \$2 trillion into left-wing policies that were overwhelmingly unrelated—unrelated—to the healthcare fight against the virus, and we see the results all around us. Families are living with the results every day.

As recently as the last few days, some of my Democratic colleagues have come here to the floor to boast about the increase in nominal wages. They want a round of applause because the numbers on many Americans' paychecks have gone up. But that is staggeringly out of touch with the reality. Yes, in an inflationary spiral, lots of people will see the numbers on their paychecks go up. The problem is that even those bigger paychecks are buying Americans less in real terms today than their smaller paychecks bought them before Democrats were sworn in.

It is like this: Democratic policies have created an inflation riptide that is forcing families and small businesses to swim as fast as they possibly can just to avoid getting sucked out to sea, but Democrats are trying to call this a success because of how fast everybody's arms and legs are moving. Talk about an absurd effort to spend your way out of reality. The truth is plain for everybody to see.

A few weeks ago, the Washington Post ran a story with the headline "That raise meant nothing: Inflation is wiping out pay increases for most Americans." The story explained, and this is a direct quote:

[M]any [workers] said that despite considerable pay raises—as much as 33 percent, in some cases—they were still struggling to cover basic expenses. Several workers said they had taken second jobs to keep up with rising costs for groceries, gas and rent.

So American workers are not buying the Democratic spin for 1 second. One year after President Biden took office with massive economic tailwinds at his back, with an economy that was primed for a roaring comeback, 75 percent of Americans say our economy is doing badly. About 90 percent of Americans say they are concerned with inflation. Ninety percent of Americans say they are concerned with inflation. A 60-percent supermajority say their family's income is falling behind the cost of living.

It didn't have to be this way. This was a policy choice. This all-Democratic government was warned that their radical agenda would supercharge inflation, and they pushed ahead anyway, and our country is paying the price.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

#### NOMINATION OF MAX VEKICH

Ms. CANTWELL. Madam President, I come to the floor to talk about a couple of items this morning. One is the nomination of Max Vekich to be Commissioner of the Federal Maritime Commission and also to talk about the very important issue of our colleagues working together on America's innova-

tion investment for the future. But let me just speak first about the nomination of Max Vekich to be a Commissioner of the Federal Maritime Commission.

The COVID pandemic has caused unprecedented congestion at our ports and supply chain disruptions. Businesses and Americans are feeling the pinch of the rising prices and shortages of products every day. The news is that our colleagues can do something about that this morning. They can do something about that this morning.

At a time when our country is in need of a strong Federal Maritime Commission, it is important that they do their oversight role—that they investigate, that they regulate unfair practices by foreign shipping companies and make sure U.S. shippers, our growers, and manufacturers get a fair deal. The Federal Maritime Commission is particularly important when it comes to ensuring that American products get access to markets around the globe.

While I don't agree with the conclusion of the minority leader on our investment in helping Americans during the pandemic, I know this: Right now, the Federal Maritime Commission should be investigating international shippers who are overcharging U.S. exporters.

Farmers have been hard hit by congestion and shipping challenges. U.S. agriculture exporters have experienced a 22-percent decrease in exports. Agriculture accounts for about one-tenth of America's goods exports, and roughly 20 percent of what U.S. farmers and ranchers produce is sent abroad. That is why they deserve a fair deal on shipping prices.

Many of these products move by containerized freight, and containerized freight costs have more than doubled since the pandemic. Washington hay producers estimate that the freight costs could be three times more expensive by this winter.

In addition to freight costs, ships are returning to Asia with empty containers and stranding U.S. exports at the docks. This is an unprecedented nature of shipping and has had a major impact on American exporters. It is important that we understand that we need to do something about it.

The National Milk Producers Federation estimates that shipping disruption cost the U.S. dairy industry nearly \$1 billion in the first half of 2021.

Apples are Washington's most valuable agricultural commodity, with \$2.1 billion in sales in 2020. About 30 percent of the State's product is exported. According to the Washington State Apple Commission, port congestion has producers concentrating this year more on North American markets as opposed to overseas markets, cutting into their profit. For every 1 million boxes of fresh apples shifted into the U.S. domestic market, the price drops about 50 cents per box as supply begins to overtake demand. These losses impact real

American jobs and the American economy.

But let's look at the other side of the equation. As Washington growers and American growers and American manufacturers struggle, foreign shipping companies are reporting more than \$200 billion in profits—more than double the profit they made over the last 20 years combined. That is what these international shippers are profiting. So it doesn't have anything to do with the fact that we helped Americans get a paycheck during the pandemic; it has to do with foreign companies that are overcharging U.S. producers of goods.

At this critical time in our country, we need a Federal Maritime Commission to move decisively to put in place practices and regulations to address port congestion and support U.S. exporters and help them not be the target of unfair practices such as exorbitant shipping costs and a lack of access to ships. We need a Commission that will take action and improve the information flow at ports, investigate these illegal practices, and take enforcement action against foreign bad actors who are overcharging U.S. exporters and other shippers. We need a Commission that will stand up to foreign shipping interests and protect American manufacturers, farmers, and other exporters.

So, yes, there is something we can do about our supply chain woes, particularly for States that have big export economies.

That is why American shippers and producers—"American shippers" meaning the people who are actually shipping product—that is why American shippers and producers are behind the nomination of Max Vekich, because Mr. Vekich knows the ports, knows the shipping community, and has spent more than 40 years working on the waterfront. He spent his life working in the maritime industry and knows the challenges we face in maritime, intermodal transportation, congestion, and continuing to move forward on how we advance our ports.

If you have worked on the docks for 40 years, I guarantee you, you know about every product, and you know what challenges we face from this international competition.

We are on the precipice of moving important competitive legislation, but part of that competitive legislation is getting our products on vessels instead of being stranded at the docks and preventing shipping companies from retaliating against U.S. exporters.

Again, the majority of this product is moved by international shippers. It is an international business. So we need a Commission in place that is willing to act, a Commission that is willing to use their authority to enforce our current laws and to make sure we are protecting American exporters.

That is why exporters like the Idaho Dairy Association support Max Vekich, because they know he knows how to move product.

That is why the American Association of Port Authorities, a trade association representing more than 80 ports across the United States, supports Max Vekich, citing his unique leadership as a longtime maritime worker in the sector.

The Pacific Northwest Waterways Association represents ports, tug and barge companies, steamship operators, grain elevator operators, agricultural producers, forest products manufacturers, electric utilities, irrigation districts, and other businesses throughout Idaho, Oregon, and Washington. This organization does not typically endorse candidates for these Federal offices, but today, they are calling for Mr. Vekich to be confirmed on the basis of his “firsthand knowledge of maritime industry operations.”

Mr. Vekich knows what it takes to move product from the heartland. He knows that in our Washington ports, we are helping U.S. farmers get their products to market. So I know that whether it is wheat or soybeans or other ag products, he knows what it takes to move them and what it takes for us to continue to improve the efficiency of our ports. Whether it is the Midwest manufactured products like cars and jeeps, he knows what that takes and what it takes to continue to grow a skilled workforce who will help us do that cost-effectively. He knows how to work with industry, like agricultural producers and the waterfront workforce alike.

So at a time when we are asking our dock workers and our longshoremen to work around-the-clock to help elevate our efficiencies and improve port congestion—and, I might say, at the loss of life. The amount of death in the longshoreman community would break your heart. They continued to work during the COVID-19 crisis and literally lost their lives. This is what these people are doing. They are helping us keep our supply chain going. So the least we can do is invest in somebody who is going to help us understand what it takes to do that on a day-to-day basis.

We need to make sure that we have a competitive and fair environment for U.S. companies. So I ask my colleagues to confirm Max Vekich as Commissioner of the Federal Maritime Commission this morning.

Madam President, I would ask unanimous consent to have printed in the RECORD a list of supporters I mentioned.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### LIST OF SUPPORTERS

American Association of Port Authorities, Idaho Dairy Association, Darigold, Northwest Dairy Association, Pacific Northwest Waterways Association, International Longshore Association, Tote Maritime, Saltchuk, Foss Maritime, Pasha, Matson, SSA Marine, Carnival, Transportation Institute, National Pilots Association.

American Maritime Congress, ILWU, Inland Boatman's Union, Marine Engineers

Beneficial Association, National Farmers Union, Masters Mates and Pilots, American Radio Association, Seafarers, TTD, AFL-CIO, Local Washington state teamsters, Local chapters of the Farm Union, Northwest Seaport Alliance, Port of Tacoma, Port of Seattle.

#### UNITED STATES INNOVATION AND COMPETITION ACT

Ms. CANTWELL. Madam President, now I would like to turn our attention to an issue that is also dealing with our supply chain, and that is the issue of Congress moving forward on the differences between the House and Senate bills on America's investment in R&D and innovation.

As the chart shows, our investment today equals U.S. jobs in our economy tomorrow. So the United States Competition Act or, as we passed it here, the United States Innovation and Competition Act is at a crossroads because we need to get it into conference.

Other countries definitely aren't waiting—I guarantee you that. They are making investments in innovation and technology. Where we are in the United States is we are at a 45-year low in the amount of investment in R&D against our GDP. So we are not keeping pace.

Many times I have been out on the floor here talking about why we are not keeping pace. We tried. Unfortunately, we tried several years ago and then had an economic downturn. So everybody signed up: Let's put more into R&D investment. Then we had an economic downturn, and we never fulfilled that promise. So the real consequences of that are we are now behind in some very key sectors that we need to make investments in.

The good news for us is that people are willing to make those investments, like the Intel company, which just decided recently to make a multibillion-dollar investment in the State of Ohio to grow chip fabrication there. So we have opportunities if we make these investments.

When the world presents a challenge, the American people, the people in our State—they rise to the challenge, and the American spirit has never ceased to amaze me. I guarantee, innovation is in the DNA of Americans. Why? Because we live in a country where you are free to do what you want. You are free to go and start a company and try your skill set. We encourage it. We need to have that same spirit here working collaboratively to get this legislation rectified and onto the President's desk. There isn't a moment to wait for revolutionizing science, creating jobs, and invigorating our new economic centers around the Nation.

My colleague Senator WICKER and I worked on a very important aspect of the bill, which is driving more innovation dollars into research institutions in States that haven't traditionally had large research footprints. This will be an issue of contention, I am sure, with some of our colleagues, but my point is, innovation can happen anywhere, and innovation infrastructure

should be everywhere. So if we want that to happen in Reno, NV, we need to make an investment in Reno, NV. I believe in that because I am pretty sure the Sierra company is a very big leader in the aerospace sector, and I think they are headquartered in Reno, if I am not mistaken. This is what I am talking about. You can build.

Guess what. Not everything has to happen in Seattle or San Francisco or Boston or out here on the corridor here in Virginia. That is because the innovation age means that innovation can happen at a very flat level. It can happen anywhere.

So why would we constrict it? We don't want to constrict it. We want to empower it. American leadership can't wait. What we need is to be collaborative here in the U.S. Senate because that collaboration between government, academia, and industry is what drives the next level of innovation.

Just think about what happened with ARPA, DARPA as we made the innovations with the internet. As the Acting President pro tempore knows, because she is a programmer, that innovation allowed us to then build out a commercial aspect of the internet that would not have happened, at least at that moment in time. In 1993, it wouldn't have happened. Look at where we are today with an internet economy, all because we had U.S. innovation.

So technology after technology has been invented, and our U.S. companies have continued to innovate, develop a workforce, and skill people for the opportunities of tomorrow. But that leadership is not guaranteed, and time and time again, history has shown us that while we innovate here, other people are going to follow.

In aviation, the Wright brothers were the first to demonstrate this with the Kitty Hawk in North Carolina, but the United States soon fell behind in aviation as European governments invested and built out this new industry. By 1913, the U.S. military had 6 planes and 14 trained pilots. France had 216 airplanes and 171 trained pilots.

So leadership can't wait. You can't wait. I think people get this. We do a lot of the innovation, and other people take that innovation and implement it. That is why a major section of the bill is about translational science. It is about taking that innovation in the United States and translating it into faster adoption applications for industries.

Congress finally decided to invest in American leadership in 1915 by creating the National Advisory Committee for Aeronautics, which worked with academia and industry to regain America's dominance and find how we build planes that even last today. That is what we are talking about. That is why we feel that NASA is part of this bill. NASA is our R&D Agency for aviation. That is what NASA is. Yes, it deserves a place in this legislation.

A new aviation industry and new aviation supply chains sprung up

across the country in places like Wichita, KS, and Seattle, WA. The story would repeat itself after the Soviet Union challenged U.S. leadership in the 1950s. Almost immediately, Congress recognized that leadership could not wait, and that is when we did NASA. Bringing together government, academia, and industry to create new generations of American expertise and technical advancements is what eventually put a man on the Moon and what will put someone—a woman this time—on the Moon, but America had to choose to lead.

That is what we are going to be asked about with USICA in getting it done. We have to choose to lead, to invest in technology. That technology brought us places like Huntsville, AL, and Houston, TX. In 2020, the aerospace industry supported 2 million good-paying jobs, with an average salary of over \$100,000 per year, and generated \$900 billion in revenue. That is what the innovation economy did for us.

That is why we want to now upgrade the innovation, particularly as it relates to semiconductors. The availability of these tiny chips is one of the most pressing issues facing our country now. People can't get access to them. It is so bad that, of the people who now have electric cars or hybrids, if you have a used car, you know that your price goes down; that it just continues to go down. Now used car prices are actually going up. So few cars are available that the consumers want in this area that, actually, used cars are getting more money. Prices are going up and not down.

This shortage cost the transportation sector \$210 billion last year alone. We can't wait. We can't wait on these issues. We can't wait. The essence of acting now—getting together, communicating with our colleagues, working together in a collaborative spirit—is what is going to get this legislation over the goal line and help us.

The first transistor, as part of this chip industry, was invented in 1947 in New Jersey, representing a collaboration from scientists across physics, electrical engineering, and chemistry, but in the 1980s, the U.S. semiconductor industry faced a serious challenge from an ally of ours—Japan. Leadership did not wait. We did not wait. The government set up a government-industry partnership, Semitech, with specific goals of creating new collaborations and investing in American manufacturing. The United States maintained that leadership role, and in the 1990s, we produced 37 percent of the global chip supply. The semiconductor industry now supports more than a million jobs because people didn't stand around and wait.

But today we see overseas competitors who are investing heavily in the technologies of the future—everything from AI, to composites, to clean energy solutions—and they are trying to do everything from driving their own energy independence to combating cli-

mate change. They are investing in the resilience of their supply chains by promoting domestic production. They are training their workforce.

So the aspects of the legislation that we passed that help to skill and keep Americans working and trained for the workforce are very important policies. In fact, the administration just released yesterday another round of investment as part of what was the aerospace and manufacturing jobs program that helped keep the aviation worker in place or actually try to recapture some of them who were laid off during the pandemic.

It is a very important piece of legislation that we have worked on that my colleagues over here, for the most part, didn't support in the final package. Some of them supported it as a concept and as an idea but did not support the final package.

Right now, it is 30 to 50 percent cheaper to build a semiconductor foundry in Asia than in the United States, mostly because of foreign government investment. Moreover, as I said, we are being hard hit by a semiconductor supply chain crisis. Car manufacturers, including Tesla, GM, and others, are removing some of their most advanced and desirable features from their cars just to reduce the number of chips that are needed. Literally, we are cutting our innovation skill set just because we don't have the chips. Ford announced last week that it will either halt or cut production at eight plants.

Are we really going to sit around and wait to get this legislation done? Are we really going to sit around and wait?

We have eight plants that are going to shut down because they don't have chips, and we are going to sit around and wait for another 3 or 4 weeks before we go to conference to resolve these issues. It has been projected that this chip shortage cost the global auto industry, in 2021, \$210 billion in revenue and a loss of production of 7.7 million cars. So leadership can't wait. It can't wait.

Fortunately, the United States is showing that we can respond, and we in the Senate did pass legislation. Now we have an opportunity to go to conference and work with our colleagues, but some people want to wait another 3 weeks or 4 weeks to do that. I don't want to wait. I don't want to wait another second. The competitiveness of U.S. manufacturers that are competing on an international basis and that receive the investments that we make in technology just can't wait.

Recent investments from the commercial sector from Intel show that over 10,000 new jobs will bring a domestic semiconductor industry to the Midwest, specifically to Ohio, and our experience has shown us that, if we make the investments that we are talking about in USICA, in the competitiveness act, that we will grow an even larger U.S. semiconductor manufacturing business.

Yet foreign competitors are not sitting still. When it comes to technology leadership, they are, obviously, going to try to do their part. So our solution is simple. All we have to do is work together. All we have to do is be collaborative. As someone once said, collaboration is the next phase of innovation. You can have all the science; you can have all the creativity, but if you can't get it implemented because people don't sit around the table and talk and innovate and work together, then you can't get it implemented.

That is where we are. We know we need to do this investment in R&D. We know that we need to invest in chips, and we are not doing it because some people don't want to move ahead and get this done.

The Senate Commerce Committee passed the legislation, and we, obviously, got and understood the urgency of it. We got and understood the urgency of it. Trust me. There are many other things we thought we were going to put on our agenda. The Acting President pro tempore knows—because she sat through the hundreds of amendments that were marked up—the process that we went through, the regular order, the regular order that we went through here on the Senate floor, and the regular order we are willing to go through. So no one is asking for anything else but for regular order.

Of the people who want to hold up and don't want to move forward, I would ask them to think about our competition that is working very hard at beating us on semiconductors and the issues that it represents as it relates to the investments we should be making.

I want us to make the investments in semiconductors. I want us to make the investments in manufacturing extension programs, in STEM education, in tech hubs, and in making sure that the United States of America maintains its leadership role.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Ms. ERNST. Madam President, I ask unanimous consent that Senators GRAHAM, GILLIBRAND, SCHUMER, and I be able to complete our remarks prior to the vote on H.R. 4445.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. ERNST. Madam President, I also ask unanimous consent to engage in a colloquy with my colleague Senator GRAHAM.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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H.R. 4445

Ms. ERNST. Madam President, protecting survivors of sexual assault and

harassment has been one of my top priorities here in the Senate. In fact, yesterday, I introduced the bipartisan Violence Against Women Act Reauthorization Act of 2022, which now has the support of 10 of my Republican colleagues.

Today, we are here to talk about another issue that is impacting too many in our Nation's workforce. The Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2022 provides survivors of sexual assault and sexual harassment with a choice between litigation and arbitration so their voices will not be silenced.

Earlier this Congress, I was glad to see progress in the Senate Judiciary Committee as they moved forward on this bill. The committee took action that I supported. They removed the provision on collective bargaining agreements. Just this week, I was even more encouraged when the House made further changes to the bill that improved the definition of sexual harassment.

While these changes are important and significant, it is still not a perfect solution. That is why, when I sat down earlier this week with the majority leader and the lead Republican sponsor of this bill, my friend from South Carolina, we agreed to come to the floor and ensure the congressional intent of the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2022 was crystal clear.

During our meeting, my colleagues agreed with me that this bill should not be the catalyst for destroying predispute arbitration agreements in all employment matters. Specifically, we agreed that harassment or assault claims should not be joined to an employment claim without a key nexus. Harassment and assault allegations are very serious and should stand on their own. The language of this bill should be narrowly interpreted. It should not be used as a mechanism to move employment claims that are unrelated to these important issues out of the current system. These clarifications are needed.

I care very much and support survivors of sexual harassment or assault having access to the appropriate process to ensure swift justice, but it is also very important to me that those claims stand separate from any other kind of claim. I am grateful that Senators SCHUMER and GRAHAM stand with me today in knowing that those claims are meaningfully different.

There is one other important piece here that I would like to mention and that, I hope, my colleagues can agree with me on. If an employment agreement contains a predispute arbitration clause and a sexual assault or harassment claim is brought forward in conjunction with another employment claim and the assault or harassment claim is later dismissed, a court should remand the other claim back to the arbitration system under this bill.

I think we can all agree that we want to ensure survivors of sexual assault

have their voices heard. We just have to do this in a thorough and thoughtful way.

My hope is that the legislative intent of this bill reflects the conversation with my colleagues discussed here today; namely, that the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2022 should not effectively destroy arbitration in employment litigation.

This bill is narrow and scoped to address sexual assault and sexual harassment cases. These clarifications we are making here reflect the specific challenges that victims of these particular allegations face. And if any subsequent litigation manipulates the text to game the system, Senators SCHUMER and GRAHAM have pledged to work with me on a bipartisan bill to further codify the intent and language of this bill.

I would yield to Senator GRAHAM for further discussion.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I say to the Senator, I agree with everything you said. You said it well. So what is the goal here?

Senator GILLIBRAND and I and many others have been working to stop the practice of someone signing an employment contract, having a sexual harassment or assault problem in the workplace, and being forced into arbitration that is skewed for the employer against the employee for these things to be hidden.

We do not intend to take unrelated claims out of the contract. What we are preventing here is sexual assault and sexual harassment claims being forced into arbitration, which perpetuates the problem. The light of day in a courtroom is what we are hoping for. The plaintiff still has to prove their case. The defendant has robust due process.

But Senator ERNST's concerns, I share. If lawyers try to game the system, they are acting in bad faith. They could be subject to disciplinary proceedings by courts. What we are not going to do is take unrelated claims out of the arbitration contract. So if you have got an hour-and-wage dispute with the employer, you make a sexual harassment, sexual assault claim, the hour-and-wage dispute stays under arbitration unless it is related. That is the goal.

I hope people won't game the system. I hope it will bring about the reform we are all hoping for: to make it harder to hide these problems in the workplace and easier to get justice without gaming the system.

Mr. DURBIN. Mr. President, this body is at its best when we come together to support our most vulnerable neighbors. Today, and in the coming days, we have a chance to do just that.

The Senate will be considering two pieces of legislation that will provide vital support to survivors of domestic violence and sexual assault: the VAWA

Reauthorization Act of 2022 and the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act.

Both of these bills are the product of months of bipartisan negotiations. And they will ensure that survivors of domestic violence and sexual assault can reach for a lifeline in a moment of crisis and seek justice against their abusers.

At a time when nearly one in three women living today say they have experienced some form of physical or sexual violence, this Senate must be united in standing with survivors. With these two pieces of legislation, we can prove to them and every survivor in America that they are not alone.

Every day, domestic violence hotlines throughout the country receive roughly 20,000 calls from victims or people who are at risk of intimate partner violence. That number is a sobering reminder that the crisis of sexual and domestic violence touches every community in America.

We need to ensure that every victim, whether they live in a Native community in rural Alaska or in a city like Chicago or Las Vegas, can reach for help the moment they need it.

Mr. President, yesterday, I joined Senator FEINSTEIN, Senator ERNST, Senator MURKOWSKI—and 16 of our Democratic and Republican colleagues—in introducing a reauthorization of the Violence Against Women Act—also known as VAWA.

Since VAWA was first enacted nearly 30 years ago, it has transformed the way we address domestic and sexual violence in America. And it has helped save the lives of countless survivors.

Let me tell you about one of them. Her name is Meaghan. Years ago, Meaghan was brutally assaulted by her ex-husband. The beating was so violent that she is still suffering from hearing loss to this day. While Meaghan was being attacked, her 2-and-half-year-old son, who is on the autism spectrum, ran over to help her. As he was running, the ex-husband picked up the child and threw him into a closet. Meaghan says the experience was so traumatizing that her son didn't speak for a full year after the attack.

When Meaghan finally broke free from her ex-husband, she packed her bags, buckled her two children into the car, and fled for her life. And today, her ex-husband is on the run with six open warrants for his arrest. Meaghan says she and her kids are constantly looking over their shoulders. As Meaghan and her family have begun to heal from this horrifying ordeal, she says they have found much-needed compassion and support in the detectives and social workers who came to their aid.

She wrote that service providers "were patient with me and didn't push me, [they] only showed me they cared, and most of all didn't give up . . . with their support and guidance I found the light at the end of the tunnel and I fought my way out of the darkness

that my ex-husband had cast . . . on my life.”

Meaghan’s story is just one example of the world of difference VAWA has made for victims of sexual and domestic violence. In her case, VAWA provided critical resources to law enforcement and social service agencies that helped her and her family escape a perilous situation.

And with the bill we introduced yesterday to update and modernize VAWA, we can build on that lifesaving legacy. To be sure, this legislation is a compromise. It does not include every provision I would like—nor every provision that Senators FEINSTEIN, ERNST, or MURKOWSKI would like.

But it will deliver critical assistance to survivors across the country—including funding for legal services, trauma-informed law enforcement responses, and access to services for survivors who require culturally specific services, like LGBTQ survivors, survivors living with disabilities, survivors in rural areas, and members of other underserved communities.

We have crafted a proposal that will save lives—and has a pathway to passage in the Senate.

In fact, the broad, bipartisan coalition in support of this effort was on full display yesterday, when we announced this legislation alongside survivors and advocates, district attorneys, the Baltimore police commissioner, and actor and advocate Angelina Jolie.

Let me just say: If Thena, the goddess of war, can’t convince 60 Senators to support this bill, well, I certainly have my work cut out as whip.

It has been 9 years since we last reauthorized VAWA and 4 years since that reauthorization expired. Survivors can’t wait any longer. Let’s send this law to President Biden’s desk as soon as possible.

Mr. President, there is more we can do to support survivors of sexual misconduct. These acts of abuse and harassment leave behind scars, both visible and invisible, that can last a lifetime. Every survivor deserves the right to seek justice on their own terms.

That is why, this morning, the Senate will vote to enact the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act. It was introduced in the House by my friend and Illinois colleague Representative CHERI BUSTOS and was passed in that Chamber on Monday with a resounding, bipartisan vote of 335–97.

The members of this Senate will join the House in passing this legislation on a bipartisan basis. This bill was introduced last year by Senators GILLIBRAND, GRAHAM, and myself.

The premise of this legislation is simple: Survivors of sexual assault or harassment deserve their day in court. They should be able to choose whether to bring a case forward, instead of being forced into a secret arbitration proceeding where the deck is stacked against them.

It has become increasingly clear that forced arbitration clauses have enabled sexual abusers to escape scrutiny while their victims are compelled to stay silent. That is wrong.

Survivors deserve accountability. And that is exactly what this law will deliver.

Far too many survivors have been locked out of the court system because of a forced arbitration clause buried in the fine print of a contract they signed.

Consider the case of Lilly Silbert. She had a monthly membership to a therapeutic massage company, “Massage Envy.” And one day, she was sexually assaulted by a massage therapist.

Afterwards, Lilly tried to cancel her membership. To do so, she had to download the company’s app and agree to its terms and conditions. But there was a detail buried deep within those terms and conditions: a forced arbitration clause. Lilly didn’t even know it was there.

So when she tried to file a lawsuit against the company, they responded by trying to force her into a secret arbitration proceeding rather than let her get her day in court.

Even national figures have been trapped by forced arbitration clauses, people like Gretchen Carlson, a journalist and FOX News anchor who has been a champion in bringing this issue to light.

You may remember that Ms. Carlson brought a sexual harassment case against her former boss, Roger Ailes. He responded by invoking a forced arbitration clause in her employment agreement.

Forced arbitration clauses not only deny survivors their right to a day in court, they also conceal their allegations from public view. That is a green light for abusers to continue harming and harassing victims.

Hidden in fine print, these agreements silence survivors and enable abusers. We must end this injustice.

The bill we will pass today will ensure that every survivor has the choice to go to court. It will not change the law around what constitutes sexual harassment or assault.

But it will give survivors a choice of whether or not to bring a claim in court after the sexual assault or harassment claim has arisen, notwithstanding the presence of a forced arbitration clause.

There are a few other points about the bill that I want to emphasize.

The Senator from Iowa discussed her concerns about the bill being used to move claims that are “unrelated” to allegations of sexual harassment or sexual assault.

The bill is clear on this point. Under the bill, if the survivor so chooses, no predispute arbitration agreement shall be valid or enforceable “with respect to a case which is filed under federal, tribal or state law and relates to the sexual assault dispute or the sexual harassment dispute.” That resolves the Senator’s concern.

I do want to clarify, though, that the bill text does not require any court to adopt new dismissal mechanisms for survivors’ claims. Current State or Federal law governs how and when a case moves forward, and the bill does not create any new mechanism to allow for dismissal, nor does it require that victims have to prove a sexual assault or harassment claim before the rest of their related case can proceed in court.

Furthermore, the bill should not be interpreted to require that if a sexual assault or harassment claim is brought forward in conjunction with another related claim and the assault or harassment claim is later dismissed, the court must remand the other claim back to forced arbitration. That is not what the bill requires.

There is nothing in the bill directing courts to dismiss related claims and compel them to forced arbitration if a victim ultimately does not prevail on her sexual assault or harassment claim.

If there were such a requirement, it would have the undesirable effect of hiding corporate behavior such as retaliation and discrimination against women who report assaults and harassment.

Take the real-world example of Ms. Taylor Gilbert. In 2015, at age 22, she had just started working for a company called Indeed, Inc. While at a company training at a hotel, she was assaulted and raped by a company manager. Fearing she would lose her job, she did not initially report the assault to the company, but after repeated further sexual harassment from colleagues, she filed complaints with the company and told her supervisor what happened.

The company took no action, and Ms. Gilbert claimed she faced retaliation for having reported her complaints, including being bypassed for promotions and raises. Ms. Gilbert tried to bring a case in court against the manager who raped her and against the company—not just for the rape and harassment, but also for the retaliation that adversely affected her career path. But there was a forced arbitration clause in her employment contract, and her case was sent to forced arbitration.

Under this bill, that would change. Her case and all of its claims were related to the assault and harassment. Under this bill, the survivor would get the choice to bring that case in court, and the bill does not require dismissal of some claims in the case if other claims are not ultimately proven.

In Ms. Gilbert’s case, it was essential that the company’s conduct in enabling the abuse and harassment and also retaliating against her be brought to light, not covered up by being separated and forced into arbitration.

So to clarify, for cases which involve conduct that is related to a sexual harassment dispute or sexual assault dispute, survivors should be allowed to proceed with their full case in court regardless of which claims are ultimately



proven. I am glad that is what this bill provides.

With this bill becoming law, survivors like Lilly Silbert, Gretchen Carlson, and Taylor Gilbert will finally have the right to make their case in court. And it will prevent abusers—along with those who enable them—from hiding behind a veil of secrecy.

I want to thank my colleague, Congresswoman CHERI BUSTOS, once again for her leadership on this proposal in the House. And I want to thank Senator GILLIBRAND for her leadership as well—and for all the work she does to support survivors.

Senator GRAHAM has also been a vital partner in this effort; he held a hearing on this legislation when he served as chair of the Judiciary Committee. And he has been a great partner in getting it across the finish line.

Finally, I want to thank the members of our staffs who have worked day and night on this legislation—in particular: Alexandra Lowe-Server on Senator GILLIBRAND's staff, Katherine Nikas on Senator GRAHAM's staff, and most of all Shanna Winters on my Judiciary Committee staff, who has worked tirelessly on this effort.

Today will be an historic day in the U.S. Senate. With the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act, the rights of every survivor will be protected.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I just want to thank my colleagues Senator GRAHAM and Senator ERNST for their outstanding work in this regard.

We have worked over many years to get a bill that can be agreed upon. Senator ERNST made sure that her concerns were met in several ways. But I agree with both of their statements. I do not believe that survivors of sexual assault and harassment will abuse the ability to file cases in court.

The bill plainly reads, which is very relevant to Senator ERNST's concerns, that only disputes that relate to sexual assault or harassment conduct can escape the forced arbitration clauses. "That relate to" is in the text. The language of the bill specifically states that "the term 'sexual harassment dispute' means a dispute relating to conduct that is alleged to constitute sexual harassment under applicable Federal, Tribal, or State law," and "the term 'sexual assault dispute' means a dispute involving a nonconsensual sexual act or sexual conduct."

To be clear, there are no new legal burdens to sexual harassment established in the bill. This was another concern that Senator ERNST had. It is all tied to existing Federal, State, and Tribal law.

This bill will basically give survivors the ability to go to court where they are "alleging conduct constituting a sexual harassment dispute or a sexual assault dispute." When a sexual assault or sexual harassment survivor files a court case in order to seek account-

ability, her single case may include multiple claims. But as Senator ERNST said, if those claims on harassment or assault are dismissed, then she would go back to the arbitration process.

But it is—and this is important to Senator GRAHAM and I—it is essential that all the claims related to the sexual assault or harassment can be adjudicated at one time for the specific purpose that Senator ERNST is well aware of. We don't want to have to make a sexual assault or harassment victim relive that experience in multiple jurisdictions. So we want to be able to deal with all the harassment- and assault-related claims in one goal. But, again, if those aren't part of it, then this bill does not apply to it.

So you are quite right in your clarification, and that is exactly what we intended the bill to do.

Every State and Federal court in the country requires a person to allege certain things in a certain way in order to properly plead a case such that it won't be immediately dismissed. Victims here must follow the rules and plead a case correctly, and then they must also affirm to the Court that they have a good-faith basis for doing so. Attorneys must do the same thing.

If victims and attorneys break those rules, they can be sanctioned in court, as Senator GRAHAM mentioned. To ensure that a victim is able to realize the rights and protections intended to be restored to her by this legislation, all of the related claims will proceed together.

I yield back to my colleagues.

Can I just read my full statement now?

Mr. SCHUMER. Sure, please.

Mrs. GILLIBRAND. Do you have more to say, Senator ERNST?

Ms. ERNST. I am good.

I will yield the floor but want to thank my colleagues.

Mrs. GILLIBRAND. Mr. President, I just want to, for the record, talk about this legislation and how important it is.

I am extremely grateful for the work of Senator GRAHAM over the last 5 years in writing this bill. And I am very grateful to the majority leader for meeting with Senator ERNST and Senator GRAHAM yesterday to make the final decisions on this bill and to close the deal.

Senator SCHUMER is one of the greatest listeners and has the ability to bring legislation to fruition, and that is exactly what he did yesterday. And I am very grateful.

This bill represents one of the most significant workplace reforms in American history. It will help us fix a broken system that protects perpetrators and corporations and end the days of silencing survivors.

Too often, when survivors of sexual assault or harassment in the workplace come forward, they are told they are legally forbidden to sue their employer because somewhere buried in their employment contract was a forced arbi-

tration clause, often accompanied by a nondisclosure agreement.

Instead of being allowed their day in court, these survivors are pushed into a system designed by the same corporation that they are challenging. They are blocked from seeking information that could prove their case, and they are left in the hands of an extrajudicial arbitrator who is typically selected by their employer and is not always a trained lawyer.

The arbitration process not only allows the corporations to hide sexual harassment and assault cases in this secretive and often biased process, but it shields those who have committed serious misconduct from the public eye. Across the board, employees are less likely to win an arbitration than they are in court. Even when they do win, they typically receive much lower monetary awards. And because the results of arbitration are secret and binding, there is no chance for an appeal, and repeat offenders are often not held to account.

Estimates suggest that more than 60 million Americans are subject to arbitration clauses. Many don't even know it because the clauses are hidden in the fine print. Forced arbitration clauses are especially common in female-dominated industries.

The ACLU has reported that 57.6 percent of female workers are subject to this practice. It is also especially prevalent in low-wage fields and industries with disproportionately high numbers of women of color. These clauses leave those women who often cannot afford to challenge their employers without recourse. But this affects women in every industry.

A 2018 analysis of sexual harassment claims made on Wall Street found that in 30 years, just 17 women—30 years, just 17 women—won their claims before Wall Street's oversight body, and most cases were dismissed or denied.

I want to share the stories of two survivors to illustrate how broken the system is.

First is Lora Henry, who worked at a Kia dealership in Ohio where her boss sexually harassed her, touching her inappropriately, making inappropriate comments, bringing her inappropriate gifts. When she reported him, the company did a sham investigation and forced her into arbitration. She was only able to share her story because Congress issued her a subpoena. She should not have needed the protection of a congressional subpoena to speak out. She testified, "The cycle of harassment will continue if you force women to be quiet and allow sexual harassers and the companies that allow them to hide behind arbitration agreements."

The second story is about Andowah Newton, who was working for the vice president of legal affairs at the luxury goods company LVMH Moët Hennessy Louis Vuitton, Inc., in New York, when she reported being sexually harassed and assaulted by a colleague. Even

though she filed her sexual harassment case in a New York State court, the company moved to compel forced arbitration on the grounds that Federal law supersedes New York State law that attempts to protect victims of harassment from being forced into arbitration. She said:

Because of forced arbitration and [confidentiality agreements], I may never know the extent to which [this perpetrator] sexually assaulted or harassed others, [and] if LVMH retaliated against others as they did me. . . . His sexual harassment, attempted assault, and assault made me feel scared, demeaned, and ashamed. I found myself constantly agitated, distressed, and hypervigilant, preoccupied with avoiding the trauma of encountering him.

Even with her legal expertise and experience as vice president of legal affairs, she was powerless in this system. She said the company convinced her “that . . . harassment was just a by-product of being an attractive woman who works at a company with a French culture.” That is the same company running the arbitration process. That is why this bill fixes the problem.

Survivors deserve a real chance at justice, and that is what this bill does.

This bipartisan, bicameral bill would amend the Federal Arbitration Act to void all forced arbitration provisions for sexual assault and harassment survivors. Removing those provisions would give survivors their day in court, allow them to discuss their case publicly, and end the days of institutional protection of harassers.

This legislation passed with bipartisan, broad support in the House, and I hope my colleagues will join us in supporting this critical workplace reform in the Senate.

Again, I thank Senator SCHUMER and Senator GRAHAM.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Mr. President, first, let me compliment my colleague from New York. Her persistence, her intelligence, her determination and passion to change the law so these injustices, which occur so many times that we don't know about, will no longer be there is so vital.

So thank you for a job well done.

Thanks to my colleague Senator GRAHAM, the lead Republican sponsor, who, when he gets behind something, it gets done. So I want him behind more things with us in the future.

And to Senator ERNST, who is not here, she has been a great leader on this as well. And when we met in my office with Senator GRAHAM, Senator ERNST was very amenable to getting this done.

It is an outrage, just an outrage, that women and men who are abused cannot seek justice, are forced to be quiet, are forced to keep the agony inside themselves. It is outrageous.

For decades, this forced arbitration has just deprived millions of people, almost all women, from basic rights to justice. We need justice in so many

areas, but when you can't seek justice when you are harassed, it is just one of the greatest marks of injustice, one of the greatest times of injustice.

The good news about this legislation is all the clauses that people already signed in their employment contracts, even when they didn't know about it, will no longer be valid. So it not only affects the future but affects those who signed in the past.

If you could ever say that any legislation is long overdue, this is it. It is time for a change. And moments from now, the Senate will finally act to make forced arbitration for sexual harassment and assault a thing of the past.

We are now going to voice vote this wonderful, needed legislation.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. I will be real quick.

Senator SCHUMER, thank you for making this happen. You made sure it would come up today, we would get a voice vote.

Senator ERNST has been great.

Kirsten, it has been a hell of a ride. We talked to Microsoft about 3 or 4 years ago about this. They jumped on-board and started changing it internally.

I have heard from the Chamber. I am open-minded about making sure we don't hurt business. It does not hurt business to make sure that people who are harassed in the workplace get treated fairly. It is better for business.

I just want to say, this shows that we can function up here, that we are listening to the world as it is. So the days of taking sexual harassment and sexual assault claims and burying them in the basement of arbitration are over.

Arbitration has its place between business. It can be a good thing. But when you sign a document—multiple pages—just to get a job, you really don't know what you are signing. We are saying, you are not going to sign away your life in terms of having your day in court if somebody treats you poorly. You still have got to prove your case. The defendant has robust due process rights, which they should, but the abuse of arbitration that perpetuates sexual harassment and sexual assault in the workplace is soon to be done away with.

Thank you, Senator SCHUMER.

Thank you, Senator GILLIBRAND.

And to all of my colleagues on the Republican side, thank you.

This is not bad for business. This is good for America.

VOTE ON H.R. 4445

Mr. SCHUMER. Call the question.

The PRESIDING OFFICER. Under the previous order, the clerk will read the title of the bill for the third time.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 4445) was passed.

## 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 Max Vekich, of Washington, to be a Federal Maritime Commissioner for a term expiring June 30, 2026.

The PRESIDING OFFICER. The Senator from New Hampshire.

### UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mrs. SHAHEEN. Mr. President, I come to the floor today to support three extraordinarily qualified Department of Defense nominees: Melissa Dalton, to be Assistant Secretary of Defense for Homeland Defense and Hemispheric Affairs; Dr. David Honey, to be Deputy Under Secretary of Defense for Research and Engineering; and Dr. Celeste Wallander, to be Assistant Secretary of Defense for International Security Affairs.

These three individuals have been nominated to serve in critical national security positions, and they are tasked with confronting those challenges of national security and securing U.S. interests at home and abroad.

As a senior member of the Armed Services Committee, I attended the committee nomination hearings for all three nominees, and I came away convinced that all three were qualified for their positions and deserving of swift confirmation.

Melissa Dalton previously served as a career civil servant in various positions at the Department of Defense—for a decade—under both President Bush and President Obama. So she had bipartisan support, clearly, in that position. She also was a senior fellow and director at the Center for Strategic and International Studies.

If confirmed, one of Ms. Dalton's core responsibilities as Assistant Secretary for Homeland Defense would be overseeing the Department's ability to operate through impacts to critical infrastructure, an area in which we have increasingly seen our adversaries are trying to exploit, particularly through cyber attacks. As Ms. Dalton has said, the resilience of our capabilities and infrastructure at home strengthens deterrence of aggression abroad, and DOD must be able to demonstrate its resilience.

The recent news of increased threats from Russia's cyber attacks, associated with their unprecedented troop buildup near Ukraine, underscores the need for this position to be filled as quickly as possible.

I also want to express my support for Dr. David Honey, who has dedicated a lifetime of service to the defense of this country. Dr. Honey has served in various research and development positions at the Department of Defense, including roles at the Defense Advanced

Research Projects Agency, or DARPA, which is so important to our innovation. He has also served on the Air Force Scientific Advisory Board and as Deputy Assistant Secretary of Defense for Research.

Today, more than ever, we need talented, qualified individuals like Dr. Honey at the forefront of DOD's innovation and technological efforts. Seemingly every few weeks we hear in the press about shocking technological breakthroughs made by the Chinese military that raise concerns about eroding our technological advantage. Former Vice Chairman of the Joint Chiefs of Staff, General Hyten, described the Chinese test of a fractional orbital bombardment system last summer as "stunning."

Our technological advantage has been a foundational part of deterrence for decades, and if lost it would be enormously destabilizing for global security. But if we are truly committed to preserving our defense technological superiority, it is vital that we confirm Dr. Honey as quickly as possible.

Finally, I want to speak to support Dr. Celeste Wallander, who is the nominee to serve as Assistant Secretary of Defense for International Security Affairs. And as part of that role, she is responsible for defense policy toward Europe, NATO, the Middle East, and Africa—all places right now which are hotbeds of potential conflict.

In light of the ongoing and unprecedented Russian threat to post-Cold War European stability and Ukrainian sovereignty, Dr. Wallander's nomination comes at a particularly critical time. Dr. Wallander has demonstrated a history of expertise on Russia. As former President of the U.S.-Russia Foundation, top Russia expert on the National Security Council, and former Deputy Assistant Secretary of Defense for Russia, Ukraine, and Eurasia, Dr. Wallander is highly respected on both sides of the aisle.

With a bipartisan delegation, I traveled to Ukraine several weeks ago. We met with Ukrainian President Zelenskyy and his national security team to discuss the Russian threat and how we can do everything possible to help our Ukrainian friends. You can't turn on the radio, read a paper, or watch the news at night without seeing the Russian troops that are massed on Ukraine's border.

The message from the Ukrainians was clear when we met with them. They see their future in partnership with the West. They share our democratic values, and the people are proud of their hard-won independence.

And every step that Putin takes toward escalating the situation at the border is a step closer to threatening not only Ukraine's future but the liberal democratic system that he fears and that we all have benefited from.

I can think of no one more qualified for this position at DOD at this time of immense instability than Dr. Wallander.

So, for these reasons, I believe we must move to confirm these three nominees as quickly as possible so they can fulfill the duties of these crucial positions that are so vital to our national security.

So with that, Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following nominations en bloc: Calendar Nos. 476, 692, and 694; that the Senate vote on the nominations en bloc without intervening action or debate; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

The Senator from Missouri.

Mr. HAWLEY. Mr. President, reserving the right to object, here we are 6 months since the last foreign policy disaster into which this administration led this country, the disastrous withdrawal from Afghanistan: 13 servicemembers killed, including 1 from my home State of Missouri; dozens more wounded; hundreds—hundreds—of civilians killed; hundreds more, maybe thousands, of American civilians left behind enemy lines to terrorists, to fend for themselves; still hundreds of Americans stranded there in Afghanistan as we speak.

And what accountability has there been in this time? Who has been relieved of duty? Who has been shown the door? What have we learned?

The answer is there has been no accountability. No one has been relieved of duty. No one has been shown the door.

And now this administration has bumbled to the brink of another foreign policy crisis that they have helped create, having denied Ukraine military aid, lethal aid, when it asked for it last spring; having stuffed dollars in Vladimir Putin's pockets by greenlighting the Nord Stream 2 energy pipeline. And now here they are, on the verge of another foreign policy crisis, and still we have no answers, still we have no accountability.

I will say this, though. We did learn a few interesting details this week about what happened in Afghanistan. And by the way, if you think that Vladimir Putin and the other dictators around this world weren't emboldened by this administration's weakness, by their utter failure in Afghanistan, then you have got another thing coming.

But what have we learned this week about Afghanistan? What have we learned? Actually, a couple of interesting things, a number of interesting things. We learned that, in fact, the White House and the State Department were warned for months on end—months on end—that their failure to evacuate civilians would result in disaster; that the Afghan Government was on the verge of collapse. They were told over and over.

One servicemember who was in Kabul told investigators "the writing was on the wall. The country and its government were actively collapsing," and "we should not have waited [to start evacuations] until every provincial capital had fallen except for Kabul."

Yet that is exactly what the administration did. Our top military commander in Kabul tried to get the Ambassador on the ground to see the security threat for what it was but to no avail. As one military official told investigators—we learned this week—"The Embassy needed to position for withdrawal." Yet they weren't doing it.

Why weren't they doing it? Why weren't civilians evacuated in a timely manner? Why wasn't the White House prepared? Because the White House wasn't taking it seriously.

According to Marine Corps Brig. Gen. Farrell Sullivan, as late as August 6, "the National Security Council was not seriously planning for an evacuation." Mind you, by this point, our military presence is gone. We have withdrawn militarily from the country. Here we are in August, and the National Security Council—the White House—was not seriously planning for an evacuation.

The State Department hadn't even put a team together that was responsible for informing individuals, including American citizens, that they were eligible for evacuation or started collecting the information they would need to put those Americans on flights to safety.

And it wasn't as if the White House and the State Department didn't know better. Our top military commander on the ground in Afghanistan warned as early as March—as early as March, he has testified—that he said the security situation in Afghanistan was dire and collapse could come quickly; when the United States withdrew, collapse could come quickly. He said it in March. By July, our troops were gone. In August, the administration still hadn't started planning.

Here is what the top commander in Kabul said. He said:

I think we could have been much better prepared to conduct a more orderly [civilian evacuation]—

That is what a NEO is—

if policy makers had paid attention to the indicators of what was happening on the ground, and the time lines associated with the Taliban advance, and the Taliban intent to conduct a military takeover.

That is what we learned this week: that the White House was told over and over and over again and did nothing; in fact—worse than that—rejected the counsel of military commanders on the ground, saying that the situation was urgent, saying that civilians needed to be evacuated, saying that there needed to be other steps taken, new measures taken. And the White House drug their feet, did nothing.

So what was the consequence of that? Well, we also learned this week that the consequence was a rapid, chaotic

rush for the exits once the White House suddenly and belatedly realized they had bumbled into a crisis—once they realized that they had left American civilians with nowhere to go, once they realized that they had a collapse on their hands that they had not planned for, despite being warned repeatedly.

As the CENTCOM found—Central Command found—and we learned this week, “Commanders at each gate [around the airport] exercised authority to open or close their respective gates, as they deemed appropriate, according to the situation on the ground. . . . However, there was tremendous pressure from the strategic level,” meaning the Combatant Command, the Joint Staff, and, yes, the White House, “to continue to process and evacuate civilians to the maximum extent possible, so gate closures were done rarely, locally, and temporarily.”

In other words, it was a rush—a mad rush—to the exits once the administration realized that, in fact, the government was collapsing; realized they hadn’t done the preparation they needed to do; realized that hundreds, if not thousands, of American civilians were in grave danger.

And we know the result of that. The result is 13 servicemembers were killed, hundreds of civilians were killed, and hundreds of Americans—maybe more—were left behind to the enemy.

Now, I said we learned all this this week. You might wonder, well, where did we learn it? I mean, maybe at least we are making some progress. We are getting some accountability. We learned something.

Did we learn it in an oversight hearing before this body? Did we learn it in sworn testimony given in public on the evacuation of Afghanistan? No, no. Oh, no. We learned it from a press report. We learned it because the Washington Post obtained what were previously confidential, unpublished, nonpublic reports from within the military—from within Central Command in particular—and the Washington Post published them.

In what has become an all-too-typical scenario, we learned nothing from any hearings this body is doing because they aren’t doing any in public. What we have learned is entirely from leaked reports, secondhand sources—the public having been shut out, having been denied access.

You know, we had multiple hearings, actually—or briefings—on Afghanistan and the security situations in Ukraine last week. Did that happen in public? No. Was there testimony taken in public? No. Were there questions asked by Senators in public? No.

I am willing to come to this floor as long as it takes and insist on regular order as long as it takes until there is accountability for what this administration has done in Afghanistan and now what it is bumbling towards in Ukraine. We have got to get answers.

Why is it that commanders on the ground warn over and over that dis-

aster is imminent and the White House does nothing? Why is it that the White House and the State Department denied a request for a civilian evacuation? Why is it that we are still here all these months later, and the only answers we can get are from leaked reports in the press? Why has not this body done its job to conduct rigorous and serious oversight hearings in public for the American people to see?

I will come to this floor and insist on regular order, insist that this body do its job and vote on Defense Department nominees until we get accountability, until there are public hearings, and until we can learn what actually happened in Afghanistan and who is responsible.

I will tell you this: I wasn’t alive for Vietnam, but I am not willing to participate in the kind of coverup that happened for years in the Vietnam war. I am not willing to kick this oversight responsibility off to some Commission that won’t report for years from now most of its findings, probably in a classified annex. And by that point, somebody will say: Oh, well, it is just too late to do anything about it.

The American public was lied to for years on the Vietnam war. It has been lied to for years on Afghanistan. It is time to get answers. So, yes, I will be here insisting on those answers, insisting on oversight, and insisting on accountability until we get it. Until that time, it is not too much to ask the Senate to do its job.

I believe the majority leader said just the other day that the Senate is here to vote; that is what the Senate is here to do. Well, that is an apt phrase, and for once, I agree very much with the Senate majority leader.

For those reasons, I object.

The PRESIDING OFFICER (Mr. BOOKER). Objection is heard.

The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I appreciate my colleague’s grandstanding on Afghanistan when he knows that in the NDAA, we passed a provision to create a Commission to look at Afghanistan. And I want those answers just as much as he does. I stood up and said, when the President announced the withdrawal, that I didn’t support that withdrawal.

But that is beside the point that we are dealing with now because what we are dealing with now and what my colleague from Missouri is doing is making us less secure because he is holding nominees—he is complaining about the problems we have in Russia and Ukraine, and he is making it worse because he is not willing to allow those nominees who can help with that problem to go forward.

He is absolutely incorrect about Nord Stream 2. I opposed Nord Stream 2. I authored the legislation with Senator CRUZ to sanction Nord Stream 2. For the 4 years that the previous President was in office, they didn’t take any action to sanction Nord Stream 2 until the day Donald Trump left office.

The fact is, that pipeline is not operating now because it hasn’t been certified, and so Russia is not making any money from the Nord Stream 2 Pipeline. So he needs to get his facts correct.

He sits on the Armed Services Committee with me, where he has access to the same information about our pressing national security challenges. Yet he is holding up these nominees. He is disregarding the threats that we face because he would rather stand here and grandstand on Afghanistan. Well, we do need to get answers, and I am willing to work with him on that, but this is not the way to do it.

So let’s remember that Senator HAWLEY declared China as the biggest threat to American security, and that is a quote. Yet he is blocking the confirmation of Dr. Honey, whose job would be to ensure that our defense research and development efforts are continuing on par with China’s. So if his goal is to ensure that China’s technological capabilities surpass ours, I can think of no better way to do that than to refuse to confirm Dr. Honey.

On Russia, my colleague has claimed that the Biden administration has coddled Russia. We heard him say it just now—that they failed to aid Ukraine. But in a recent op-ed, my colleague made his views clear on the current Russian-created crisis. In it, he suggests that the United States is better off closing NATO’s doors to Ukraine and stating that our Nation’s history of promoting and defending liberal democratic values across the globe has been a failure. Well, I am not going to agree to that.

We have an international order that developed after World War II that has had as a large part the containment first of the Soviet Union through NATO and now of Russia. Part of that world order says that a sovereign nation should be able to help determine their own future.

So I am not going to be part of some agreement that says we are going to turn our backs on NATO, we are going to turn our backs on Ukraine, and we are going to say to Russia: You go ahead; you go into Ukraine.

He argues that we should reduce our commitments to places like Europe because, he claims, Russia poses a greater threat to our European allies than to the United States. Well, the last time I looked, when the United States got attacked in 2001—and maybe he doesn’t remember 9/11 because he was too young—the countries that came to our aid were our NATO allies.

So, with all due respect, I find my colleague’s assessment both disturbing and shockingly uninformed. As members of the Senate Armed Services Committee, my colleague and I have been briefed on the multitude of evidence of Russia’s attempts to subvert democratic institutions—including right here in the United States, by the way—to attack our own infrastructure, and to compromise the sovereignty of our allies around the globe.

In 2018, Russian private military contractor forces even assaulted an outpost of Americans in Syria. They were forced to defend themselves, and, of course, they did, and they ultimately routed the Russian force.

So my colleague's stated sentiments do just what Vladimir Putin wants. He wants to divide the United States from our NATO allies and other democracies. He wants to diminish U.S. presence in Europe and to rewrite the European security order in a way that favors his authoritarian interests. We simply cannot allow that to happen.

I could not disagree with my colleague any more on how he has chosen to associate himself. Continuing to block qualified leaders such as Dr. Wallander, Dr. Honey, and Ms. Dalton does not make us stronger, it does not contribute to productive discourse over our national priorities, and it doesn't accomplish what he is trying to accomplish.

If what he wants is answers on Afghanistan, then work with us. Let's work together. Let's make this Commission that we passed in the NDAA—let's make it work. What he wants casts us an unreliable partner to our allies, and it forces the Department of Defense to operate with one hand tied behind their back.

So I am disappointed to hear my colleague—and he talks about regular order. Well, in the last 24 hours, we have confirmed three nominees by regular order. We held up the Senate to get cloture votes. Then we passed Alexandra Baker, the Deputy Under Secretary of Defense for Policy, 75 to 21. We passed Douglas Bush, Assistant Secretary of the Army, 95 to 2. I don't know if Senator HAWLEY was one of those two. I assume he was. We passed Patrick Coffey, general counsel for the Navy, 79 to 17. Then on February 2, by unanimous consent, we passed Gabriel Camarillo, Under Secretary of the Army, and Andrew Hunter, Assistant Secretary of the Air Force, by unanimous consent.

So this is not about regular order; this is about trying to use the Senate process for his own personal ambitions, and that is unfortunate. It is unfortunate because it doesn't get us the individuals we need to get confirmed to make government run, and it is unfortunate because it doesn't accomplish what he says he wants.

So I am disappointed to hear that we are not going to move these nominees forward, and I hope at some point my colleague will reconsider.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I ask unanimous consent to speak for up to 15-minutes prior to the scheduled roll-call vote.

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

#### ECONOMY

Mr. THUNE. Mr. President, the average American household spent an esti-

mated \$3,500 more in expenses last year as a result of inflation—\$3,500. Now, that may not sound like much to a wealthy Democrat politician, but for most American families, that is a lot of money. For a lot of families, \$3,500 is the difference between putting something in savings or living paycheck to paycheck. An additional \$3,500 in expenses can mean having to forgo essential home repairs or needed car work. It can mean putting off braces for a child or forgoing needed medical care.

Now, the White House Chief of Staff may have the budget to regard inflation as a high-class problem, which is how she referred to it, described it, but for ordinary Americans, inflation is a very real problem—a problem that is eating up their wage increases and lowering their standard of living.

We are in the midst of an inflation crisis, a supply chain crisis, and as if those weren't enough, a border crisis. Huge numbers of illegal immigrants are pouring across our southern border and have been pouring across our southern border for months, creating a security, enforcement, and humanitarian nightmare.

So there is a lot for our country's leadership in Washington to be focused on right now. What is the majority party doing about these crises? Well, not much. In fact, most of the time, you can be forgiven for thinking that neither the President nor Democrat leaders even realize there is an inflation crisis or a supply chain crisis or a border crisis. The President, for one, seems to be hoping that if he ignores these crises for long enough, they will just go away.

So what are the President and congressional Democrats doing with their time if they are not addressing our border crisis or inflation crisis? Well, for one thing, they are attempting to double down on the strategy that helped get us into this mess in the first place. That is right. The inflation crisis Democrats would like to ignore is actually something they helped create by flooding the economy with excessive government spending in their so-called American Rescue Plan last March.

For months, they have tried to double down on that bill with another massive spending spree that would flood the economy with more government money and undoubtedly make the inflation crisis worse.

The President has attempted to justify this massive spending legislation by claiming that it will help inflation. Right. So the first massive spending spree helps push us into an inflation crisis, but a second massive spending spree will fix it? I am pretty sure that the definition of "insanity" is doing the same thing over and over again and expecting different results.

But massive inflation concerns haven't stopped Democrats. After all, why deal with a boring inflation crisis when you could be thinking up new ways to expand the Federal Government and new ways of taxing Ameri-

cans to pay for it? Of course, Democrats' Build Back Better plan isn't all tax hikes. Democrats did manage to include a tax break in their tax-and-spending proposal—a tax break for blue State millionaires. If they succeed in passing it, I am sure wealthy Democrat donors will be grateful.

While an inflation crisis has raged, Democrats have pushed for new ways to spend taxpayer dollars and expand the reach of the Federal Government into Americans' lives: a huge expansion of government's involvement in childcare that would disadvantage the religious providers so many Americans choose for their children; a massive increase in the size of the IRS; a proposal to allow the IRS to examine the details of Americans' banking transactions; energy policies that would drive up the cost of electricity and gasoline for American families; billions for priorities like tree equity and environmental justice programs at well-funded colleges and universities. The list goes on.

But it would be unfair for me to suggest that Democrats have expended all their energy on tax-and-spending sprees. The administration has also found time to implement provisions of Democrats' original spending spree, the American Rescue Plan, including, apparently, until they got caught, free government crack pipes and other drug paraphernalia.

Democrats spent a lot of time pushing election legislation that they hope will give them an advantage come November.

On the COVID front, the administration struggled with testing, but it has found time for vaccine and mask mandates, some of which I believe have far exceeded the administration's authority. Fortunately, the courts have stepped in to check some of the administration's excesses, like the administration's attempt to impose a vaccine mandate on large private-sector employers or the administration's decision to impose a mask mandate for 2-year-olds—yes, for 2-year-olds.

Your Democratic government at work, ladies and gentlemen.

In November, the administration issued a mask mandate for Head Start programs requiring all children 2 years of age and up to be masked inside and outside—out on the playground. Now, is there scientific evidence to support this? Not really. The World Health Organization, in fact, recommends against masking for children aged 5 and under, but that hasn't stopped the administration. Democrats seem determined that nothing, including science, will pry their masks from them—or perhaps I should say pry our children's masks from them—since Democratic politicians have not always demonstrated the consistency of mask-wearing that they expect from our children.

Democrats wonder why Republicans think we should be careful how much power we give the Federal Government.

If Democrats really wanted to help American families, they would be focusing on our inflation and supply chain crises and addressing the security nightmare posed by our border crisis. Instead, they are busy focusing on ways to secure their hold on power and vastly expand the reach of the Federal Government into Americans' lives. I guess we will have to see how that strategy works out for them.

I yield the floor.

#### 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 Executive Calendar No. 705, Max Vekich, of Washington, to be a Federal Maritime Commissioner for a term expiring June 30, 2026.

Charles E. Schumer, Christopher Murphy, Edward J. Markey, Robert P. Casey, Jr., Maria Cantwell, Kirsten E. Gillibrand, Debbie Stabenow, Benjamin L. Cardin, John W. Hickenlooper, Tim Kaine, Gary C. Peters, Christopher A. Coons, Brian Schatz, Richard Blumenthal, Jacky Rosen, Jack Reed, Thomas R. Carper, Cory A. Booker.

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 Max Vekich, of Washington, to be a Federal Maritime Commissioner for a term expiring June 30, 2026, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. LUJÁN) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO) and the Senator from Missouri (Mr. BLUNT).

The yeas and nays resulted—yeas 52, nays 45, as follows:

[Rollcall Vote No. 52 Ex.]

#### YEAS—52

Baldwin	Hickenlooper	Rosen
Bennet	Hirono	Sanders
Blumenthal	Kaine	Schatz
Booker	Kelly	Schumer
Brown	King	Shaheen
Cantwell	Klobuchar	Sinema
Cardin	Leahy	Smith
Carper	Manchin	Stabenow
Casey	Markey	Sullivan
Collins	Menendez	Tester
Coons	Merkley	Van Hollen
Cortez Masto	Murkowski	Warner
Duckworth	Murphy	Warnock
Durbin	Murray	Warren
Feinstein	Ossoff	Whitehouse
Gillibrand	Padilla	Wyden
Hassan	Peters	
Heinrich	Reed	

#### NAYS—45

Blackburn	Burr	Cornyn
Boozman	Capito	Cotton
Braun	Cassidy	Cramer

Crapo	Johnson	Rounds
Cruz	Kennedy	Rubio
Daines	Lankford	Sasse
Ernst	Lee	Scott (FL)
Fischer	Lummis	Scott (SC)
Graham	Marshall	Shelby
Grassley	McConnell	Thune
Hagerty	Moran	Tillis
Hawley	Paul	Toomey
Hoeben	Portman	Tuberville
Hyde-Smith	Risch	Wicker
Inhofe	Romney	Young

#### NOT VOTING—3

Barrasso	Blunt	Luján
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The PRESIDING OFFICER (Mr. SCHATZ). On this vote, the yeas are 52, the nays are 45.

The motion is agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

#### UKRAINE

Mr. SANDERS. Mr. President, before I begin, I would like to ask unanimous consent to put into the CONGRESSIONAL RECORD an open letter to the Russian leadership from the Russian Congress of Intellectuals, who state:

Our position is simple: Russia does not need a war with Ukraine and the West. Such a war is devoid of legitimacy and has no moral basis.

This is a very brave statement made by Russian intellectuals.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Review of Books, Feb. 4, 2022]

#### AN OPEN LETTER TO THE RUSSIAN LEADERSHIP RUSSIAN CONGRESS OF INTELLECTUALS

Our position is simple: Russia does not need a war with Ukraine and the West. Such a war is devoid of legitimacy and has no moral basis.

There is an ever-increasing flow of alarming news about a possible Russian invasion of Ukraine. Reports are emerging about stepped-up recruitment of mercenaries within Russia and the transfer of fuel and military equipment to Ukraine's Donetsk and Luhansk regions. In response, Ukraine is arming itself and NATO is sending additional forces into Eastern Europe. The tension is not abating, but rather mounting.

Russian citizens are becoming de facto hostages of a reckless adventurism that has come to typify Russia's foreign policy. Not only must Russians live with the uncertainty of whether a large-scale war will begin, but they are also experiencing a sharp rise in prices and a devaluation of their currency. Is this the sort of policy Russians need? Do they want war—and are they ready to bear the brunt of it? Have they authorized the authorities to play with their lives in this way?

But no one asks Russian citizens for their opinion. There is no public debate. State television presents only a single viewpoint—that of the warmongers. Direct military threats, aggression and hatred are aimed at Ukraine, the US, and the West. But the most dangerous thing is that the war is being depicted not only as permissible, but as inevitable. This is an attempt to deceive the population, to impose upon them the idea of waging a crusade against the West, rather than investing in the country's development and improving living standards. The cost of the conflict is never discussed, but the price—the huge, bloody price—will be paid by the common Russian people.

We, responsible citizens and patriots of Russia, appeal to Russia's political leader-

ship. We openly and publicly call out the Party of War that has been formed within the government.

We represent the viewpoint of those in Russian society who reject war, who consider unlawful the use of military threats and the deployment of a blackmailing style in foreign policy.

We reject war, whereas you, the Party of War, consider it acceptable. We stand for peace and prosperity for all Russian citizens, whereas you put our lives on the line for the sake of political games. You deceive and manipulate people, whereas we tell them the truth. You do not speak in the name of the Russian population—we do. For decades, the Russian people, who lost millions of lives in past wars, have lived by the saying: "if only there were no war." Have you forgotten this?

Our position is quite simple. Russia does not need a war with Ukraine and the West. No one is threatening us, no one is attacking us. Policies based on the idea of such a war are immoral and irresponsible and must not be conducted in the name of the Russian people. Such a war is devoid of legitimacy and has no moral basis. Russian diplomacy should take no other position than a categorical rejection of such a war.

Not only does such a war not reflect Russia's interests, but it also threatens the country's very existence. The senseless actions of the country's political leadership, which is pushing us in this direction, will inevitably lead to a mass anti-war movement in Russia. Each of us will naturally play a part in it.

We will do everything in our power to prevent this war, and if it begins, to stop it.

Signed,

Lev Ponomarev, human rights activist; Valery Borshchev, human rights activist; Svetlana Gannushkina, human rights activist; Leonid Gozman, politician; Liya Akhedzhakova, actress and People's Artist of the Russian Federation; Andrey Makarevich, musician; Garri Bardin, director; Viktor Shenderovich, writer; Tatiana Lazareva, TV presenter; Andrey Zubov, historian and politician; Andrey Nechaev, politician; Alina Vitukhnovskaya, writer; Alexander Belavin, physicist; Nikolai Rozanov, corresponding member of the Russian Academy of Sciences.

Natalia Evdokimova, executive secretary of the Human Rights Council of St. Petersburg; Efim Khazanov, academician of the Russian Academy of Sciences; Hya Ginzburg, physicist and professor; Zoya Svetova, journalist; Grigory Yavlinsky, politician; Lev Shlosberg, politician; Boris Vishnevsky, politician; Lev Gudkov, sociologist and professor; Igor Chubais, philosopher; Tatyana Voltskaya, poet and journalist; Boris Sokolov, historian and writer; Mikhail Krieger, civic activist; Veronika Dolina, poet; Vladimir Mirzoev, director; Ksenia Larina, journalist.

Andrey Piontkovsky, publicist; Mark Urnov, professor, National Research University Higher School of Economics; Mikhail Lavrenov, writer; Nikolai Prokudin, writer; Elena Panailova, poet and journalist; Grigory Mikhnov-Vaytenko, clergyman; Lev Levinson, human rights activist; Sergei Germann, member of the Writer's Union of Russia; Vladimir Alex, civil activist; Yuri Gimmelfarb, journalist; Yuri Samodurov, human rights activist; Evgeniy Tsybmal, civil activist; Vitaly Dixon, writer; Natalya Mavlevich, translator; Ashraf Fattakhov, lawyer.

Viktor Yunak, writer; Valeria Prikhodkina, human rights activist; Elena Grigorieva, children's poet; Vera Shabelnikova, editor; Mair Makhaev, philosopher and linguist; Grigory Amnuel, producer, director, publicist, and politician. Sergei Krivenko, human rights activist;

Yaroslav Nikitenko, environmental and civil activist and scientist; Tatyana Yankelevich Bonner, human rights activist; Nikita Sokolov, historian; Anatoly Golubovsky, historian; Nikolai Rekubratsky, researcher; Vitold Abankin, human rights activist; Elena Bukvareva, doctor of biological sciences; Igor Toporkov, human rights activist; Evgeniy Kalakin, director.

Liudmila Alpern, human rights activist; Nina Caterly, writer; Vladimir Zalishchak, municipal deputy; Olga Mazurova, doctor; Oleg Motkov, director; Natalya Pakhsaryan, professor at Moscow State University; Elena Volkova, philologist and culturologist; Valery Otstavnykh, director and journalist; Georgy Karetnikov, civil activist; Marina Boroditskaya, writer; Sergey Lutsenko, animation supervisor; Alexey Diveev, programmer; Tatyana Vorozheykina, lecturer at the Free University of Moscow; Tatyana Kotlyar, human rights activist.

Anatoly Barmin, pharmacist; Valentin Skvortsov, professor at Moscow State University; Lev Ingel, physicist; Mikhail Mints, historian; Leonid Chubarov, professor; Katya-Anna Taguti, artist; Elena Efros, civil activist; Anna Shapiro, director; Tatyana Dorutina, member of the Human Rights Council of St. Petersburg; Arkady Konikov, programmer; Sergei Pechenkin, civil activist; Anatoly Razumov, historian; Alexander Sannikov, colonel of the Russian Armed Forces (ret'd); Anatoly Tsirlin, professor; Karen Hakobyan, professor.

Mr. SANDERS. Mr. President, as I speak today Europe, for the first time in almost 80 years, is faced with the threat of a major invasion. A large nation threatens a smaller, less powerful neighbor, surrounding it on three sides with well over 100,000 troops as well as tanks and artillery.

My colleagues, as we have painfully learned, wars have unintended consequences. They rarely turn out the way the planners and experts tell us they will. Just ask the officials who provided rosy scenarios for the wars in Vietnam, Afghanistan, and Iraq, only to be proven horribly wrong. Just ask the mothers of the soldiers who were killed or wounded in action during those wars. Just ask the families of the millions of civilians who became collateral damage in those wars.

The war in Vietnam cost us 59,000 American deaths and many others who came home wounded in body and spirit. The casualties in Vietnam, Laos, and Cambodia are almost incalculable, but they were in the millions. In Afghanistan, what began as a response to the horrific attack against us on 9-11-2001 eventually became a 20-year war, costing us \$2 trillion and over 3,500 Americans who were killed, not to mention tens of thousands of Afghan civilians.

George W. Bush claimed in 2003 that the United States had “put the Taliban out of business forever.” Well, not quite the case—the Taliban is in power today.

The war in Iraq, which was sold to the American people by stroking fear of a mushroom cloud from Iraq’s non-existent weapons of mass destruction, led to the deaths of some 4,500 U.S. troops and the wounding—physical and emotional—of tens of thousands of others. It led to the deaths of hundreds of thousands of Iraqis, the displacement

of over 5 million people, and regional destabilization whose consequences the world continues to grapple with today.

In other words, despite all of the rosy scenarios we heard for those foreign policy and military interventions, it turned out that the experts were wrong and millions of innocent people paid the price. That is why we must do everything possible to find a diplomatic resolution to prevent what would be an enormously destructive war in Ukraine.

No one knows exactly what the human costs of such a war would be. There are estimates, however, that come from our own military and intelligence community that there could be over 50,000 civilian casualties in Ukraine, not to mention millions of refugees flooding neighboring countries as they flee what could be the worst European conflict since World War II.

In addition, of course, there would be many thousands of deaths within the Ukrainian and Russian militaries. There is also the possibility that this regional war could escalate to other parts of Europe, a continent with many nuclear weapons, and what might happen then is beyond imagination.

But that is not all. The sanctions against Russia that would be imposed as a consequence of its actions and Russia’s threatened response to those sanctions could result in massive economic upheaval with impacts on energy and gas and oil prices in our country, banking, food supplies, and the day-to-day needs of ordinary people throughout the entire world. It is likely that Russians will not be the only people suffering from sanctions. They would be felt throughout Europe. They would be felt right here in the United States and likely around the world.

And by the way—and we haven’t discussed this terribly much—at a time when the scientific community tells us that climate change is an existential threat to the planet, any hope of international cooperation to address global climate change and to address future pandemics would likely suffer a major setback.

It should be absolutely clear about who is most responsible for the looming crisis, and that is Russian President Vladimir Putin. Having already seized parts of Ukraine in 2014, Putin now threatens to take over the entire country and destroy Ukrainian democracy. There should be no disagreement that that behavior is totally unacceptable. In my view, we must unequivocally support the sovereignty of Ukraine and make clear that the international community will impose severe consequences on Putin and his fellow oligarchs if he does not change course.

With that said, I am extremely concerned when I hear the familiar drumbeats in Washington—the bellicose rhetoric that gets amplified before every war—demanding that we must show strength, demanding that we must get tough, demanding that we must not engage in appeasement.

A simplistic refusal to recognize the complex roots of the tensions in the region undermines the ability of negotiators to reach a peaceful resolution.

Now, I know it is not very popular or politically correct, I guess, in Washington, to consider the perspectives of our adversaries, but I think it is important that we do so if we are going to formulate good policy. I think it is helpful to consider this. One of the precipitating factors of this crisis—one, not the only one—at least from Russia’s perspective, is the prospect of an enhanced security relationship between Ukraine and the United States and Western Europe, including what Russia sees as the threat of Ukraine joining the North Atlantic Treaty Organization, NATO, a military alliance originally created in 1949 to confront the Soviet Union.

It is good to know some history.

When Ukraine became independent after the Soviet Union collapsed in 1991, Russian leaders made clear their concerns about the prospect of former Soviet states becoming part of NATO and positioning hostile military forces along Russia’s border. U.S. officials recognized these concerns as legitimate at the time. One of those officials was William Perry, who served as Defense Secretary under President Bill Clinton. In a 2017 interview, Perry said:

In the last few years, most of the blame can be pointed at the actions that Putin has taken. But in the early years I have to say that the United States deserves much of the blame.

Further:

Our first action that really set us off in a bad direction was when NATO started to expand, bringing in eastern European nations, some of them bordering Russia.

That is former Secretary of State William Perry.

Another U.S. official who acknowledged these concerns is former U.S. Diplomat Bill Burns, who is now head of the CIA in the Biden administration. In his memoir, Burns quotes a memo he wrote while serving as counselor for political affairs at the U.S. Embassy in Moscow in 1995.

Hostility to early NATO expansion is almost universally felt across the domestic political spectrum here.

Over 10 years later, in 2008, Burns wrote in a memo to Secretary of State Condoleezza Rice:

Ukrainian entry into NATO is the brightest of all redlines for the Russian elite (not just Putin). In more than two and a half years of conversations with key Russian players . . . I have yet to find anyone who views Ukraine in NATO as anything other than a direct challenge to Russian interests.

So, again, these concerns were not just invented yesterday by Putin out of thin air. Clearly, invasion by Russia is not an answer, neither is intransigence by NATO. It is important to recognize, for example, that Finland, one of the most developed and democratic countries in the world, borders Russia and has chosen not to be a member of NATO. Sweden and Austria are other

examples of prosperous and democratic countries that have made the same choice.

Vladimir Putin may be a liar and a demagogue, but it is hypocritical for the United States to insist that we as a nation do not accept the principle of spheres of influence. For the last 200 years, our country has operated under the Monroe Doctrine, embracing the principle that as the dominant power in the Western Hemisphere, the United States has the right—according to the United States—to intervene against any country that might threaten our alleged interests. That is U.S. policy. And under this doctrine, the United States has undermined and overthrown at least a dozen countries throughout Latin America, Central America, and the Caribbean.

As many might recall, in 1962, we came to the brink of nuclear war with the Soviet Union. Now, why was that? Why did we almost come to the brink of nuclear war with the Soviet Union?

Well, we did that in response to the placement of Soviet missiles in Cuba, 90 miles from our shore, and the Kennedy administration saw that as an unacceptable threat to national security. We said it is unacceptable for a hostile country to have a significant military presence 90 miles away from our shore.

Let us be clear. The Monroe Doctrine is not ancient history. As recently as 2018, Donald Trump's Secretary of State, Rex Tillerson, called the Monroe Doctrine "as relevant today as it was the day it was written."

In 2019, former Trump National Security Advisor, John Bolton, declared "the Monroe Doctrine is alive and well."

To put it simply, even if Russia were not ruled by a corrupt, oligarchic, authoritarian leader like Vladimir Putin, Russia, like the United States, would still have an interest in the security policies of its neighbors.

I want people to think about this: Does anyone really believe that the United States would not have something to say, if, for example, Mexico or Cuba or any country in Central or Latin America were to form a military alliance with a U.S. adversary?

Do you think that Members of Congress would stand up and say, "Well, you know, Mexico is an independent country. They have the right to do anything they want"? I doubt that very much.

Countries should be free to make their own foreign policy choices, but making those choices wisely requires a serious consideration of the costs and benefits. The fact is that the United States and Ukraine entering into a deeper security relationship is likely to have some very serious costs for both countries.

I believe that we must vigorously support the ongoing diplomatic efforts of the Biden administration to deescalate this crisis. I believe we must reaffirm Ukrainian independence and sovereignty and that we must make clear

to Putin and his gang of oligarchs that they will face major consequences should they continue down their current path.

My colleagues, we must never forget the horrors that a war in the region would cause, and we must do everything possible to achieve a realistic and mutually agreeable resolution, one that is acceptable to Ukraine, Russia, the United States, and our European allies and that prevents what could be the worst European war since World War II. That approach is not weakness; it is not appeasement. Bringing people together to resolve conflicts without war is strength, and it is the right thing to do.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. DURBIN. Mr. President, I have listened carefully to the remarks of my friend and colleague, Senator SANDERS of Vermont. I read his published article in the Guardian newspaper yesterday, and it paralleled many of the things which he said on the floor today.

We have a very positive starting point between us. I think my record on voting to go to war may be identical to his, if not very close. Neither of us wants war—that is the last resort—and it is frightfully predictable that there will be innocent people killed, even in the best of times and in the best of military force.

Secondly, I couldn't agree with the Senator more that we should be promoting all that we can in terms of diplomacy at this moment. The other night, I had the opportunity to be in a meeting with some Senators and with the new Chancellor of Germany, Chancellor Scholz. He was on his way, soon, to Moscow; President Macron of France has been there; and others are going. I encourage that communication, that dialogue, as much as possible. I think it is hopeful that these efforts can lead to a peaceful resolution in the controversy that we are now facing in Ukraine.

The third point, which I agree with, is that it is certainly in the interest of the United States, for our values, to make it clear that we want to protect and defend—at least not in a military fashion but, let me say, in a general fashion—the notion of sovereignty when it comes to Ukraine. It is up to the Ukrainian people to chart their course and make their future.

Where I think we disagree, Senator, is on this whole question of sphere of influence. I am afraid that that suggestion is the green light for Vladimir Putin. If you will concede that he is somehow entitled because of the size of his country to reclaim Soviet Republics or to move into other theaters, I am sorry, but I have to part company with you at that point.

I was fortunate enough, 30 years ago or so, to be on the ground in the Baltics when I saw a dramatic demonstration of courage rarely seen in the world. This tiny nation of 3 million

people broke away from the Soviet Union and scheduled a free election. I was there at the time the election took place, and we knew that it was an invitation for Mikhail Gorbachev to retaliate, and he did. He moved in the Soviet tanks and started killing innocent people. Before it was all over, more than a dozen innocent Lithuanians—and several in Latvia—had given their lives because they wanted to be free again. And who would question why they would want that?

I happened to have visited that area—my mother was born in Lithuania; I must put that on the record—in 1978, and I saw what life was like in the Baltic States under Soviet rule. It was sad. It was enraging. It was disgusting. What they have done in the Soviet Union is to forcibly take those countries and others—some through the Warsaw Pact, some through the direct accession to the Soviet Union—and control every aspect of their lives with communism.

I went to the University of Vilnius, which I believe dates back to the 16th century. They took me to their Catholic chapel, which, under Soviet times, had been converted into what they called a museum in tribute of atheism. On display in the middle of this former chapel setting were showcases of boomerangs from Australia in this holy space, in which they were trying to eradicate religion by demonstrating a new materiel approach to the entity.

I only say this because, when the time came and they finally, through their courage, broke from the Soviet Union, Lithuania, Latvia, and Estonia came to me, knowing that I had an interest in the region, as did the Polish people, and said: We don't want to be under the thumb of Russia ever again. We want our freedom. We want to decide our future. The only way that we can achieve that is if we can ally with the United States. Can we be considered for NATO membership?

Eventually, through a lot of hard work and determination, that is what occurred. Poland and the Baltic States, along with others, joined in the NATO alliance.

It is worth noting here that the NATO alliance is a defensive alliance. The Suwalki Gap, which links Russia as it now exists in Kaliningrad with Belarus, is a gap, a land bridge, and on either side is Poland and Lithuania. It is still contested territory by the Russians, and they are concerned about it. When the Russians put tens of thousands of troops and military exercises on the Baltic border in Belarus, it is understandable they are concerned. They are small countries that could be easily pushed over. The only thing that saves them, I believe, is their NATO alliance.

Should Ukraine be part of the NATO alliance? Well, there are two decisions that must be made, and the first and most important one is by the Ukrainian people. They have to decide if they believe that it is in their best interest



for their future. We cannot decide it for them nor should we try to.

Secondly, the NATO alliance has to decide. Under article V, are we willing to risk the lives of the NATO allies if some terrible event should occur in Ukraine?

That is what the sovereign nations of Poland, Lithuania, Latvia, Estonia, and so many other countries did when they decided to ask for membership in NATO.

I don't understand this theory of the Senator's that, somehow, Vladimir Putin is entitled to a sphere of influence or control. That, to me, is unacceptable and inconsistent with the notion of Ukrainian sovereignty. If they are to decide their future, how can we say that Vladimir Putin has any voice in that process?

There is a way that he can find a more peaceful situation in the world, and that is if he will stop being a thug and stop sending his troops to the borders of countries and stop cutting off gas supplies to countries that he doesn't like.

I mean, his strong-arm tactics deserve a response from the United States, and I am afraid simply sending him a harsh letter is not enough anymore. So we have made it clear that he will pay a price if he invades, the NATO alliance has. The price will be a string of sanctions, and we have included some of them in the legislation that Senator MENENDEZ is working on, which I cosponsored. But that is the only way to make it clear to him that such a price will be paid.

What he has done is very obvious to me. He has united the NATO alliance in a way we didn't expect. There were some divisions within the alliance—some serious and some not serious—but he has brought us together. And we should be together in standing in defense of the territory of the NATO allies and in making it clear that if Vladimir Putin is going to try to extend his reach into Ukraine or into any other area, he will at least meet with political resistance.

I think, at a minimum, that is where it should be. I hope it doesn't go any further. I share the Senator's feeling on that. I don't want the military situation to escalate or to threaten American lives or to involve us at that level at all, but unless we are firm with him now and don't concede that he has any sphere of influence in Ukraine, I am afraid he will take advantage of the situation.

I am open to a question if you have one. I would like to have a dialogue, if possible, on this through the Chair, of course.

Mr. SANDERS. I appreciate the thoughts of my friend from Illinois. With much of what he said, I, obviously, agree. My father came from Poland as a matter of fact.

I think, maybe, the difference of opinion that we have has something to do with what we don't talk about very often openly but that, I think, everybody knows exists.

I mentioned—and I think you will not disagree with me—that, over the last many, many decades, the United States has overthrown governments throughout Latin America, Central America, and the Caribbean. There is no denying that we almost went to a nuclear war in 1962 under the Kennedy administration, which felt—and probably correctly—that Soviet missiles in Cuba, 90 miles away from us, were a threat to this country and not to be tolerated.

So I would only ask my friend from Illinois to put himself into the mindset of the Russians in that nobody here—not I, certainly—is ever talking about reclaiming other countries. You mentioned that, and it is certainly not anything that I support.

But if the United States has a right to overthrow countries throughout Latin America to protect our so-called interests and if there would be an uproar in this Chamber, perhaps from you and me as well, if Mexico, which is an independent nation, decided to form a military alliance with China or Russia, and people were to say you can't do that, should we not put ourselves a little bit in Russia's position in understanding that if we consider Latin America and Central America and the Caribbean to be within our sphere of influence and have the right to intervene, that Russia itself might have some legitimate concerns about military forces 5 miles from their border? That is the question I would pose.

Mr. DURBIN. It is a legitimate historic question.

But if you are saying that in the name of the Monroe Doctrine, to protect ourselves in this hemisphere we have done things which we are not proud of today, interfering with the sovereignty of nations—the term “banana republic” emerged from that Monroe Doctrine.

And what happened in many of these countries is that they became vassals of the U.S. economy, and I don't say that with any pride. We wouldn't want to welcome that to happen in Europe, would we, I mean, Putin invading some sphere of influence and the sovereignty of other nations?

Mr. SANDERS. No, we would not. But my point is, the Monroe Doctrine remains in existence today. It is not just history.

You and I can agree that maybe the United States should not have overthrown governments over the years. The Monroe Doctrine exists today. Two years ago, the Secretary of State said it is in existence. I don't know how many people in this Chamber would tell you that it does not exist today.

I use that example, to my friend from Illinois—if Mexico were to enter into an alliance with China, would my friend say: Well, Mexico is an independent country; they have the right to do anything they want.

Mr. DURBIN. I think that hypothetical is just that. Of course, it is only a hypothetical. But look at the re-

ality. It wasn't that long ago when Ecuador elected a new President. At the inauguration of that President were representatives of Russia, Cuba, and Iran. Now, you wouldn't put any of those countries today on a list of close American allies. And yet did we invade Ecuador? Never considered it. Never considered it.

We live in a different time in the 21st century. I understand the Monroe Doctrine and the days of gunboat diplomacy and the days of moving a handful of troops in to take control back on the Dominican Republic. But to posit the notion that somehow there is going to be a military alliance on the border of the United States, therefore Putin is able to compromise the sovereignty of Ukraine, that doesn't follow, Senator.

Mr. SANDERS. No, it does.

All that I am saying is, 2 years ago, the Secretary of State of the United States of America said the Monroe Doctrine is alive and well.

Yes, of course, it is hypothetical. I do not believe that Mexico is going to enter into an alliance with China. But all I ask is to put what is going on in Russia into a context and to look at American policy and history as well. This is a complicated issue, and I think it is important for us to at least look at the concerns that Russia has.

There is no disagreement that if Putin were to commit the horrible, horrible blunder of invading Ukraine, count me in as somebody who will go as far as we can to make sure there are real consequences against the oligarchs and that policy. But I do think if we are going to reach a settlement in a very complicated issue, it is important for us to understand a little bit about Russia's concerns.

Mr. DURBIN. I would only disagree in this respect: I believe Ukraine has been a victim of Russian aggression for a long period of time. The leader Yanukovych who was deposed in Ukraine when the Maidan demonstrations took place was clearly a servant and vassal of Moscow.

I believe it was the Russians who invaded Crimea and reclaimed that territory for their own. It was the Russians who sent in little green men with no symbols or emblems on their uniforms to invade eastern Ukraine and continued to kill innocent Ukrainians for 8 years now. So it is clear to me that Ukraine has been a victim of Russian aggression for a long period of time.

To suggest the notion that this is somehow within Putin's sphere of influence is to rationalize Putin's conduct, to forgive his conduct. And I am not about to do that. I don't think we should.

You don't put 110,000 Russian troops on the border and prepare for war unless you believe you can pressure that country into acceding to your demands. Ukraine is not a military power. It won't last very long, sadly, if the Russians do invade. But at this moment saying spheres of influence, that the United States has made its own

mistakes in the past in the name of sphere of influence and therefore we should look the other way at what Putin is doing is just contradictory.

Mr. SANDERS. The Senator knows I am not for looking the other way. That is not a fair statement. As I have said many, many times, I am strongly supportive of major, major, major consequences if Putin invades Ukraine, and we have got to do everything we can to protect Ukrainian sovereignty.

All right, I have made my point.

Mr. DURBIN. And I thank you for it.

And I just want to close by saying that there is a—I see the Senator is waiting to speak. I close by saying that I hope very soon, in the next couple of weeks, to make a trip to Poland and to the Baltics.

And I will tell you that the people of Polish descent and Ukrainian descent and Baltic descent in the State that I represent are watching these events by the day. They lived through the Soviet takeover of their countries. They understand what happened to their basic freedoms of speech and political expression and religious belief as a result of it. They don't want to return to those days.

The United States has said we are committed to their democracy and their values, and I think we have demonstrated it, and we should continue to.

I sincerely hope Putin does not take advantage of the situation and invade Ukraine. I am not calling for a military response, but we should have a type of response that he will never forget if he does something that foolhardy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I just feel the need to just make a simple point, although it should be obvious. But let me just state to be clear that what we are witnessing in the Russian buildup at the Ukrainian border has nothing to do with Russian security. There is no Russian security interests at stake here. There is no threat to Russian security. Ukrainians could not mount a credible attack on Russia if they wanted to, and they don't want to. What this is all about entirely is an authoritarian leader of Russia who wants to reestablish hegemony over the states of the former Soviet Union. He wants to reestablish the Russian Empire. It has nothing to do with any legitimate concerns that Russia has.

I strongly feel that if he makes the outrageous mistake of invading Ukraine, that we will use the many very, very powerful tools at our disposal to ensure that he regrets that decision.

#### MONETARY POLICY

The reason I rise today, Mr. President, is to discuss an issue that really should be of serious concern to every Member of this body, and it goes to the heart of the very nature of accountability in a democratic republic such as ours.

There is an awful lot in our culture, in our country, that has been politicized and polarized—we all know that—even sports, certainly news, maybe even music, and definitely our government. We have seen that manifested in many way, including a recent debate over the filibuster. But there are some things that Congress has tried hard to keep from being at least overly politicized in our government, and one of those is monetary policy.

I think it is exceptionally important that we try the best we can, to the maximum extent we can, to not let politics infuse our monetary policy because that is going down a very bad and dangerous road. Unfortunately, I would suggest that we have started to see that encroachment. We started to see politics at the historically independent Federal Reserve.

In the past month, the Banking Committee has held nomination hearings for five of President Biden's nominees for the Fed: Jerome Powell for Chairman of the Fed, Lael Brainard for Vice Chair of the Fed, Sarah Bloom Raskin for Vice Chair for Supervision at the Fed, and Lisa Cook and Philip Jefferson for Fed Governors.

What I think about this slate of nominees, so to speak—and I have different views on the different candidates, but one thing is clear: This moment where we are going to decide whether or not to confirm these nominees is not just about the qualifications of the individuals; it is really a referendum on the role that the Fed is going to play in our country and whether it is going to remain an independent entity.

Let me explain what I mean. I know there are folks on the left, including within the Biden administration—certainly some within the Biden administration—who are openly advocating that the Fed use its enormous supervisory powers over financial institutions to resolve some very complex but essentially political issues, like what we should do about global warming; even social justice; even, in some cases, education policy.

Let me be clear. These are very important issues. These are big challenges for our country. But they are entirely unrelated to the Fed's limited statutory mandates and expertise, for that matter.

Addressing these challenging issues of climate and social justice and education policy—all of them necessarily involve making tradeoffs and some tough decisions. In a democratic society, those tradeoffs must be made by elected representatives, the people who actually report to the American people. That is us. It is a legislative body. These big, tough policy decisions should not be made by unelected and unaccountable central bankers.

The question is not about the importance of these issues. It is not about the specific policies. It is about who should decide—who should decide—how we proceed on these.

Just take the case of global warming. We could decide to limit domestic oil and gas production. If we do that, energy prices will rise. Americans will pay more at the pump to accomplish the intended goal of decreasing emissions. Well, how much of that is appropriate? To what degree should we pursue that policy? If we move aggressively to limit energy production but other countries don't, then scientists tell us that global warming won't change in any significant way. Well, should we do it anyway? And how much of a change in the projected temperature of the planet should we insist on for any given amount of economic pain that we inflict on the American people?

Look, I am not here to debate the answer to those questions. Those are tough questions, it seems to me. It is not about whether you think those are important questions. I think they are very important questions. My point is that they are difficult choices, and they have to be made by the accountable representatives of the American people through a transparent and deliberative legislative process. That is how we ought to make big decisions in this country.

My concern about the Fed is it is wandering away from its mandate, it is overreaching, and there are some who are advocating that it use its enormous powers to make some of these decisions that the American people should be making through their elected representatives.

By the way, this is not just a hypothetical; I have a number of examples. I will just share one example where the Fed is clearly exceeding its mandate, engaging in political advocacy—the Minneapolis Fed.

The Minneapolis Fed—the leader, the President of the Minneapolis Fed—with apparently the full support of the board of the Minneapolis Fed, is actively lobbying to change Minnesota's Constitution and specifically to change it with respect to K-12 education policy. Does anybody think that how we pursue primary and secondary education is the role of the Fed to decide? I can assure you, it is not.

By way of warning, if this kind of political activism by what is supposed to be an independent central bank—if this is tolerated, then the potential for abuse is endless. Again, you don't have to take my word for it. I would argue that three of President Biden's five nominees—Ms. Brainard, Ms. Raskin, and Professor Cook—have made a number of concerning statements that tell us exactly what they think the Fed should do outside of their mandated areas.

Let's start with Governor Brainard. Now, to her credit, she has chosen her words much more carefully than, say, Ms. Raskin has, but Ms. Brainard has nonetheless urged the Fed to take an activist role on global warming.

According to the New York Times, she has "endorsed the use of supervisory guidance—the Fed's recommendations to banks—to encourage

financial institutions to curb their exposures.” That is exactly what I am talking about—using the powers of the Fed to pressure financial institutions to decide who gets credit and who doesn’t.

I am particularly concerned that she has specifically advocated for the Fed to shape environmental policy through the so-called climate scenario analysis. Now, Miss Brainard and others suggest that they just want to understand the systemic risk that arises from global warming. First of all, the Fed doesn’t have any expertise in environmental policy.

The fact is, there is no reason to think that global warming actually poses systemic risk to the financial system. It doesn’t. As I have stated repeatedly, we haven’t found a single bank, a single financial institution anywhere in America that has failed in modern times due to any weather event. We get hit with very severe weather events every single year, year in and year out, but never has a financial institution—not a single one, much less the entire system.

Now, Ms. Raskin—Sarah Bloom Raskin—who is the nominee to actually be in charge of the supervision of Fed-regulated banks, has gone even further than Ms. Brainard in advocating for financial regulators to take this activist role with respect to global warming. She has repeatedly, publicly, and forcefully advocated for using financial regulation in general—and the Fed in particular—to allocate capital and debank energy companies.

Now, again, Ms. Brainard and Ms. Raskin will say that this is just about assessing risk; but in reality, Ms. Raskin has also said the quiet part out loud. In a 2020 report from a progressive organization, Ms. Raskin urged financial regulators to adopt policies that will “allocate capital” away from energy companies. In a 2021 speech at the Green Swan Conference, she proposed “portfolio limits or concentration limits” on banks’ loans to energy companies.

It is not because the banks can’t withstand a credit loss if that should occur. Actually, the American banking system is more heavily capitalized than it has ever been. That is not what it is about. It is about her view about climate change.

In May of 2020, at the height of the pandemic, she wrote an op-ed in the New York Times specifically calling for excluding a single sector, the fossil energy sector, which she called a “dying industry,” from the Fed’s emergency lending facilities. Now, the Fed—you could argue about whether the Fed should have ever stood up these facilities, but at least the Fed, at the time, had the good sense to say: If we go in and buy corporate bonds, we are going to do it through a vehicle where we do not discriminate at all among the many, many sectors of our economy because it is not our job as the Fed to decide which ones get favorable treat-

ment and which ones don’t. That is up to markets to decide.

That is not Ms. Raskin’s view. She was very clear. She criticized the Fed precisely because they did not intentionally exclude the fossil energy sector.

This is a bad idea on many, many levels. One of which is, by the way, central committees that try to allocate capital in economies usually do a really bad job. And that is one of the reasons why our economy has outperformed the rest of the world. We tend not to do that, and many other countries tend to do that.

I can give you an example of where this can go. She wrote at the time, back in 2020, that “Even in the short term”—in the short term—“fossil fuels are a terrible investment.”

Well, whatever you might think about the long term, the jury is back in on the short term. Investment in fossil fuels was absolutely terrific. That is just the data, right? The S&P 500, over the last 12 months, is up 21 percent. Oil and gas indices are up 65, 70 percent.

That is the kind of mistake that too much hubris in government can lead to. And Ms. Raskin’s proposals would not be just devastating for energy workers but also consumers, who would end up inevitably having to pay much more for energy.

Again, what is the basis on which she defends exercising these extraordinary powers? Well, it certainly is her belief that climate risk is so imminent, so threatening, and so devastating that it just requires this.

And let me be clear: The folks—Ms. Raskin and Ms. Brainard—they divide this into two categories—climate risk, that is. There is the physical risk, and then there is what they call transition risk. Now, the data is very clear about the physical risk, right, like an adverse event from severe weather events. They don’t pose a threat to our financial system. Think about the things that we have withstood in the last few years: Hurricane Sandy, forest fires, and devastating events. Name one financial institution in America that failed as a result. There isn’t one. Not even close. They weren’t even harmed, much less our entire financial system. So even Chairman Powell agreed that there is no physical risk to financial institutions.

So the one that they rely on is, well, but there is transition risk. Transition risk. Well, transition risk is really about changing customer preference. And that happens all the time. Customers’ preferences change.

I would suggest that bankers know how to manage changes in their customers’ preferences better than central bankers do or regulators do. That is not that different from the risk they run every day. They lend money to companies that have a permanent risk that consumer preferences will change in ways that could be adverse for the company to which they lend. It is a

fundamental part of their business to understand the risk they take of that sort.

So what is a transition risk, really? What transition risk really is: It is a political risk. And Chairman Powell pretty much acknowledged that too. The real nature of the transition risk is unelected officials like Ms. Raskin exercising the power she thinks the Fed should exercise, which is to step in and make it prohibitively expensive, for instance, for banks to provide credit to the energy sector or put caps on how much exposure they can have to this. That is the risk.

And I don’t know how you do a scenario analysis when the scenario you have to analyze is one in which there are political moves to constrain your business. As I said, Ms. Raskin says the quiet part out loud.

Now let me turn to Professor Cook. Now, the administration cites her role as a director of the Chicago Fed as one of the main qualifications for her elevation to Federal Reserve Board of Governors. She is a director of the Chicago Fed. She was put in that position 2 weeks before she was nominated to be a Fed Board Governor.

She has a Ph.D., but she has done no academic work in monetary economics. And the few times that she has spoken about monetary policy, it has been a cause for considerable concern.

So we have got unemployment at or maybe below 4 percent, inflation above 7 percent, and Professor Cook refused to endorse the Fed’s recent decision to at least begin to withdraw the easy money policy that they have been pursuing.

Let’s keep in mind, today the Fed is still buying bonds. The Fed is still throwing gasoline on the inflation fire. They are throwing a little less gasoline than they did before, and they do intend to phase it out completely by March. So we have got inflation roaring along; we are pretty close to full employment; and she couldn’t bring herself to suggest that, yeah, at least we should accelerate the pace at which we withdraw the easy money we have been pouring into the economy.

I don’t know how Professor Cook could come to that conclusion. I mean, the fact is, inflation is way, way—it is multiples of what the Fed target is. It is at a 40-year high. And while wages have been growing, they are not growing as fast as inflation. So people’s take-home pay goes up, but the cost of the things they need to buy goes up by more. That unambiguously leaves workers further and further behind.

I am also concerned that most of what Professor Cook has focused on in her writing and speaking and, certainly, tweeting is very extreme political advocacy. So, for instance, she is a big supporter of race-based reparations. She has promoted conspiracies about the Georgia voter laws. She has sought to cancel those who disagree with her views. In fact, she publicly called for the firing of an economist who dared to

tweet that he opposed the idea of defunding the Chicago Police.

And after Banking Committee Republican staff highlighted some of these tweets and others and brought it to the public's attention, Professor Cook blocked the Banking Committee Republican Twitter account. Maybe she realizes just how inflammatory her partisan tweets have been.

But, look, I mean, the Fed is already, in my view, suffering from a bit of a credibility problem because it has wandered outside of its lane. It has sought to influence policy beyond its mandate. And I am concerned that Professor Cook will further politicize an institution that absolutely should remain apolitical.

So, Mr. President, I will conclude with this. Let's think about what is the danger here if we went ahead and confirmed all of these nominees. We would be confirming partisans to the Fed Board, contributing to its movement in a partisan direction, and ratifying the idea that the Fed ought to engage in what, in my view, certainly should be the domain of accountable elected representatives. They have told us this.

It would be in global warming. It might very well be in issues of social justice. It might even be education policy, as we are seeing today. And this is not the role of the Fed. This is not appropriate. And it probably doesn't end there.

If this is ratified and if the Fed starts to go down this road, well, someday Republicans will be in control, Republicans will populate the Board of Governors of the Fed. And will those appointees decide, well, maybe the Congress doesn't spend enough money on defense, so maybe we should allocate some financial resources to defense companies? Or maybe Congress doesn't spend enough money building a border wall. Maybe we ought to find a way to subsidize companies engaged in that. Or maybe there is not enough offshore oil development, and we should do that.

Look, that would be a terrible idea. That would be a terrible idea. I might support those policies. I would adamantly oppose the Fed having the authority to decide anything about those policies.

I know my Democratic colleagues have spent the last several months talking about how passionately dedicated they are to democratic values and democratic principles. Look, I think there is a lot of sincerity on the part of my Democratic colleagues. But certainly one of those democratic principles has to be that unelected Governors of America's central bank can't exercise responsibility that belongs with the American people and their elected representatives.

So I think the vote on these nominees isn't just about the individual nominees. It is about whether we are going to keep the Fed apolitical and independent and ensure that elected accountable representatives make the

difficult decisions for our country. If that doesn't convince my colleagues, then I would urge them to remember that in this line of work one thing is always true, and that is that, eventually, the shoe is on the other foot.

I yield the floor.  
The PRESIDING OFFICER (Mr. KING). The Senator from Oklahoma.

#### NOMINATIONS

Mr. LANKFORD. Mr. President, I really believe you can tell a lot about an administration's priorities based on the people that they put in place in each location. And that is true for every administration.

There are more than 300 million Americans. Many of them are passionate about serving our Nation. We have many great Federal employees who spend their entire life serving our Nation. So there are a lot of individuals to be able to choose from to be able to put in different administration roles, but their background tells you a lot about what the priority is and the purpose is.

For instance, I would say Xavier Becerra, who is leading HHS, who has no healthcare background at all, who is an attorney now leading our Nation's healthcare focus—the major issue for him: He was the most vocal proponent of abortion while he was in Congress. While he was attorney general in California, he was an activist pushing abortion in every single country—even suing other States when they limited abortion as the attorney general of California.

He was an activist about abortion. He would increase abortions in America. That was a major reason he was put in that spot with HHS. Why else would you put an activist attorney leading our Nation's healthcare area?

You can say the same thing with some of the major nominations that have come in for DOJ: Kristen Clarke, Vanita Gupta. Both of them are outspoken proponents of the “defund the police” movement, and now they are actually in the Department of Justice.

Kristen Clarke wrote: “We must invest less in police and more in social workers.” She also wrote: “We must invest less in police” and more in social supports for our schools; less in police, more in mental health aid. It was the main focus of the “defund the police” movement that she continued to be able to drive in her op-eds and her writings. That is why she was selected, clearly, to go to the Department of Justice.

Vanita Gupta did the same thing. She said: It is “critical for state and local leaders to . . . decrease police budgets and the scope, role, and responsibility of police in our lives.”

There is a reason she is selected to be able to be in that spot. It matches with the priorities and values of the administration.

It is the same thing when you look at Defense. In national Defense, Alexandra Baker, when she was put to be Under Secretary of Defense, she said

she is outspoken in beliefs that climate change is the leading national security challenge that we face—the leading national security challenge. I am sure the folks in Russia and Ukraine would be glad to be able to hear that our leading challenge currently is climate change in the Department of Defense.

Listen, these are all sets of priorities when you look at them and you look at the different individuals, and it is the same when we look at what is happening right now with Ms. Sarah Bloom Raskin being nominated to be the Vice Chair of Supervision at the Federal Reserve. This is no just ordinary position. The Vice Chair of Supervision of the Federal Reserve will have an immense amount of regulatory and supervisory power to push her agenda and to control many aspects of the Federal economy.

She is in lockstep with President Biden's agenda to take on fossil fuels. The problem is, the direction that she is trying to lead the Federal Reserve is to be able to engage in picking winners and losers, not just from a policy aspect but from a capital aspect, from the Federal Reserve.

This is not something I am just writing in to be able to say. This is something she stated over and over and over again—that the Federal Reserve should be able to reach in and to be able to make it more difficult to get capital for anyone who handles fossil fuels.

Why is that important to us? Well, because 70 percent of the energy in the United States is fossil-fuel related. So what happens if, suddenly, it gets harder to be able to do natural gas investment, it gets harder to do oil investment in the United States?

Well, two things happen with that. It is pretty straightforward. We import more energy, and the prices go up. That is what happens, because we are not going to have a decreasing amount in the foreseeable future. That is not just me saying that. That is President Biden's U.S. Energy Information Administration.

If you look at the charts and details that they put out about what is going to happen for oil and natural gas usage, they would forecast all the way up to 2050 that it is going to be about what it is. Worldwide, it is going to go up significantly, but in the United States, we are still going to need oil and natural gas at about the level we are at right now, at least through 2050.

Now, we can talk a lot about carbon capture, and I am all in on that conversation. But making it harder and more expensive to actually get oil and natural gas while we know we are going to need the same amount or more, who pays for that? Well, consumers do.

So let's look at the simple facts on this. In January of 2020, before COVID starts striking worldwide, natural gas prices: \$2.02 a unit. Natural gas prices in January of 2022, the latest number we have: \$4.38.

Let's look at gasoline for every person that is actually filling up their

tank. If we go back to, let's say, February 2019, well before the pandemic—we will just compare February to February. Before that time period, it was \$2.39 a gallon. Today, the average price is \$3.47 a gallon.

What are we experiencing? Policy pressure on limiting access. And what is happening right now is that Sarah Bloom Raskin has been nominated to step into the Federal Reserve, and her primary issue is: Make it even harder.

When our gasoline prices have gone up almost 50 percent in the last year, I would have to say this administration is intentionally finding ways to be able to make the price of energy more expensive, to be able to push people to other energy resources. Who feels the pain of that? Every single American.

I wish I could just say this was hyperbole, but let me read just a few things to you.

During the COVID pandemic, the Federal Reserve was stepping in and trying to stabilize companies around the country that were struggling and that were challenged. And we all know plenty of companies that were struggling or challenged.

One of the things the Federal Reserve did, like they did for every other company, was also to stabilize oil and gas companies, because if those oil and gas companies tanked, that means we have got to get energy from overseas in the days ahead. So they did what they did to every other entity. They were neutral in it and said: If you are a company that is providing an infrastructure, we are going to provide you access to resources the same as everyone else—except Sarah Bloom Raskin wrote this: The Federal Reserve “buying troubled assets from the fossil fuel industry” is “dangerous.”

She said: “It's bad for the economy, bad for the environment, bad for all of us.”

If Sarah Bloom Raskin was in the Federal Reserve during the COVID pandemic, we would have likely seen multiple energy companies across the United States collapse for lack of capital, and, right now, we would be buying even more gasoline and even more oil or natural gas from Russia instead.

I am not sure how that solves the problem, but her priority is this simple statement she has made: “Financial regulators must reimagine their own role so they can play their part in the broader, reimagining of our economy.”

Now, I don't know how many people who I would run into in Oklahoma who would say: Do you know who I want reimagining our economy? Not the free market but someone in DC—I would be interested in them at their office, working with the capital assets across the country and managing who gets access to capital and who doesn't. I would like to have someone I have never met, in DC, reimagining our economy based on their preferences.

I don't meet many people like that in Oklahoma. They want a fair playing field, they want a level playing field, and they want free markets.

Do we want a clean economy? Absolutely, we do.

I would challenge anyone in this Chamber to look at the energy breakdown in Oklahoma and compare it to your State's energy breakdown, in the amount of renewables that we use in our State versus what you are using in yours.

We are passionate about a clean-energy future, but we are also realists in the process and not trying to drive the price up for every person in the process.

Maria Robinson has also been nominated to be Assistant Secretary of the Office of Electricity. I met with her earlier this week. Ms. Robinson is from Massachusetts. She has vocally opposed natural gas pipelines coming into New England. She was pretty clear that she understands they use dirtier home heating oil in the Northeast, but she doesn't want natural gas pipelines coming in. But she didn't seem to oppose when a Russian tanker pulled in and offloaded natural gas into Boston Harbor. So, literally, buying natural gas from the Russians, not from the United States, didn't seem to be an issue. But she did make this statement: “I would certainly be a part of [the] group of folks who oppose any new gas pipelines.”

In my conversation with her, I asked her about—I just picked a day. January 16, 2022, is the day picked just in our conversation. I said: That particular day in New England, 24 percent of the energy generation was from fuel oil. Over 30 percent was from natural gas. And 8 percent was from renewables—8. That particular day, 24 percent was from home heating oil, over 30 percent natural gas, and 8 percent from renewables.

So my simple question was this: What are you planning to substitute in that? How is this going to work?

Her response was, well, in our area in New England, we are working on connecting our grid more to other parts of the country to deliver electricity to us.

What that really means: We don't like windmills. We don't like to look at them in Boston Harbor. We don't like offshore wind. We want windmills built in Oklahoma, and you guys just ship us our electricity so we can flick on the light.

Ms. Laura Daniels Davis. She has been nominated to be Assistant Secretary for the Office of Land and Minerals Management. She is currently in her role already with DOI. In her role in DOI, she has already made the change that routine permitting decisions that are typically made in the field to expedite the process of making permits, those have all been pulled up to her desk in Washington, DC, where they have slowed down dramatically.

The clear signal was this: If you want to do any oil and gas development, it has to come through me, and it is not going to be rapid like it used to be. So if you are going to invest capital, just understand your capital is whether I make that decision or not.

They have not held a single onshore oil and gas lease sale, even though they are required by law to do so. They just ignored it for a year and said: We are studying it.

There is also a 5-year leasing plan that is required for offshore oil and gas development. So while they have cut off onshore, offshore there is a 5-year lease plan that has to be put in place that is due by June of this year. So far, we have no signal they have even begun that, and it takes months to be able to develop it.

Why are these individuals being selected for these positions? Because it is very clear they have certain priorities in place. They were selected because they are going to block out anything that deals with oil and gas, and their focus is to cut it off right now—cut off pipelines, cut off new leasing, cut off offshore leasing, make it harder to be able to get access to capital. All of that will raise prices for American consumers.

Today—today—it was announced that the inflation rate in the United States is now at 7½ percent. It continues to rise month after month after month. I would say to you: That is directly connected to a group of policies that have been put in place to make energy more expensive—and it is—to make it more difficult to be able to do a lot of things in permitting and such—and it is.

Yes, we are recovering from COVID. I am very aware. But the policies that are put in place are also driving this.

We have 2 million people that have illegally crossed the border last year—2 million. That is an enormous number. That 2-million number did not happen by just the calendar and by COVID. Policies were put in place that have led to a flood of people illegally crossing our border. Policies are being put in place by individuals who are directly leading to 7½ percent inflation in our country.

Can I say to you this? Half of Americans alive have never in their lifetime experienced inflation like they are experiencing right now? Half of the Americans alive do not know what 7½ percent inflation is going to mean to them personally, but they are learning quickly because what they thought they were going to buy last month, they can no longer afford this month. And it doesn't look better next month. And if we don't deal with real consequences for people, including who is put into different positions, this never gets better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I ask that the scheduled vote occur immediately.

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

VOTE ON VEKICH NOMINATION

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

Ms. CANTWELL. 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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. LUJÁN) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from Missouri (Mr. BLUNT), the Senator from North Carolina (Mr. BURR), and the Senator from Tennessee (Mr. HAGERTY).

The result was announced—yeas 51, nays 43, as follows:

[Rollcall Vote No. 53 Ex.]

YEAS—51

Baldwin	Heinrich	Peters
Bennet	Hickenlooper	Reed
Blumenthal	Hirono	Rosen
Booker	Kaine	Schatz
Brown	Kelly	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Sinema
Carper	Leahy	Smith
Casey	Manchin	Stabenow
Collins	Markey	Sullivan
Coons	Menendez	Tester
Cortez Masto	Merkley	Van Hollen
Duckworth	Murkowski	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden

NAYS—43

Blackburn	Hawley	Romney
Boozman	Hoeben	Rounds
Braun	Hyde-Smith	Rubio
Capito	Inhofe	Sasse
Cassidy	Johnson	Scott (FL)
Cornyn	Kennedy	Scott (SC)
Cotton	Lankford	Shelby
Cramer	Lee	Thune
Crapo	Lummis	Tillis
Cruz	Marshall	Toomey
Daines	McConnell	Tuberville
Ernst	Moran	Wicker
Fischer	Paul	Young
Graham	Portman	
Grassley	Risch	

NOT VOTING—6

Barrasso	Burr	Luján
Blunt	Hagerty	Sanders

The nomination was confirmed.

The PRESIDING OFFICER (Mr. VAN HOLLEN). 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 actions.

The senior Senator from Maryland.

LEGISLATIVE SESSION

Mr. CARDIN. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

BLACK HISTORY MONTH

Mr. CARDIN. Mr. President, I rise today in recognition of Black History Month.

Black History Month provides an opportunity for our Nation collectively

to reflect on and celebrate the contributions and legacies of Black Americans. And while we have chosen this month, February, to engage in collective celebration, we must also remember that we benefit from the contributions and legacies of these great Americans every single day.

Today, I would like to focus my remarks on our Nation's black entrepreneurs. From Madame C.J. Walker to Baltimore's own Reginald F. Lewis and beyond, Black entrepreneurs have long been vital to the success of the American economy.

Unfortunately, throughout history, those who seek to hold back the progress of the Black community view the successes of Black entrepreneurs as a threat.

One need only look to the 1921 Tulsa Massacre—a dark incident in our Nation's history that has belatedly entered our collective consciousness.

White residents of Tulsa, OK, bombed, burned, and destroyed the Greenwood District. In addition to an untold number of lives lost—estimates range from dozens to hundreds—the riot destroyed homes, churches, schools, and businesses in the district. At the time, Greenwood was known as “Black Wall Street” due to its thriving Black middle class and successful businesses, and its destruction was one of the worst instances of racial violence in our Nation's history.

It is with instances like Greenwood and the dozens like it in mind that I stand here today because while Black entrepreneurs no longer work under the threat of such violence, they still face many longstanding systemic barriers.

My late friend and mentor, former Congressman Parren J. Mitchell, believed very strongly that the Federal Government had an important role to play in our efforts to right these historical injustices and support Black entrepreneurs.

In 1977, Congressman MITCHELL fought to pass an amendment to a \$4 billion Federal public works program requiring city and State recipients to set aside 10 percent of the funds for minority-owned businesses. He would go on to call the amendment his proudest congressional accomplishment.

I was incredibly proud last year to build on his legacy by working across the aisle and finally codifying the Minority Business Development Agency, MBDA, and giving the agency the resources and leadership necessary to help support entrepreneurs in the Black and other minority communities.

This accomplishment is particularly important in Maryland, as the Presiding Officer knows, since we are the home to the highest concentration of minority-owned businesses in the country.

While we have made progress, we must also continue working together to address these systemic inequities.

At the height of the pandemic, we came together to create the Paycheck

Protection Program, the PPP program, and we worked in a bipartisan manner to improve the program once it became clear that it was leaving far too many of our most vulnerable small businesses behind.

We invested in non-bank financial institutions like the community depository financial institutions and micro-lenders. We strengthened relationships between the Small Business Administration and our Nation's historically Black colleges and universities and minority-serving institutions. We created grant programs that reduced structural barriers instead of reinforcing them.

Recent studies have shown that these policies directly address the inequities present during the phase 1 PPP, which favored larger businesses. Through thoughtful policy, we made the program more equitable with the share of loans made to minority-owned businesses during phases 2 and 3 of the program in proportion with their overall share of small businesses.

As I speak here today, the Senate is still trying to find a path forward on President Biden's Build Back Better budget, which implements many of the lessons we have learned over the past 2 years. The bill contains many key provisions that will provide the SBA and the MBDA with resources to empower Black entrepreneurs even more.

For instance, the Build Back Better Act would create a direct loan program at the SBA. It would create a new Up-lift Accelerator program to deepen the relationships between SBA and HBCUs, and it would make the SBA existing loan products more accessible and affordable.

The pandemic has demonstrated that when we come together to address the problems in our society free from partisanship and in good faith, we are able to make great strides. It also confirms that the Federal Government has a key role to play in addressing the historic injustices that have harmed—and continue to harm—Black entrepreneurs and the Black community at large.

This Black History Month, let us commit to pairing our words with actions, just as we did during the pandemic. We need to enact these proven policies as quickly as possible. We cannot let this opportunity pass us by.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO JUDGE JOHN GERRARD

Mrs. FISCHER. Mr. President, I rise today to celebrate the distinguished career of a Nebraska public servant, U.S. District Court Judge John Gerrard.

After just over 10 years on the Federal bench in the District of Nebraska,

he announced Monday that he will move to senior status starting next year. Judge Gerrard's impressive career has spanned more than four decades, and it is not over yet. After his successor is confirmed, he will remain on the bench with a reduced caseload.

Judge Gerrard is a native Nebraskan. He grew up in Schuyler and attended Nebraska Wesleyan University in Lincoln. He left the good life, temporarily, to pursue an MPA at the University of Arizona and a JD at the University of the Pacific in California.

I am grateful that he came home to Nebraska after law school. In 1981, Judge Gerrard began his career in private practice in Norfolk. A year later, he also began serving as a part-time city attorney for the neighboring community of Battle Creek. That was the start of 40 years and counting of self-less public service.

In 1995, he was appointed to the Nebraska Supreme Court by then-Governor Ben Nelson. He was just 41 years old at the time, making him the youngest-ever Nebraska Supreme Court Justice.

After more than 15 years on our State's highest court, he was nominated by President Obama to the Federal judgeship he holds now in 2011, serving as chief judge for 3 of those years.

At every turn, Judge Gerrard has used his respect for the law to advance the greater good of Nebraskans and all Americans. During his time on the bench, I have appreciated hearing his views about many pressing judicial matters. His perspective as a sentencing judge has also been crucial in helping me to unpack how proposed legislation in Congress would affect Federal judges.

It has been an honor to know Judge Gerrard and to work with him for over a decade. He is an accomplished, skilled, and respected jurist, and I am glad that he has chosen to continue his service after moving to senior status.

Everyone who knows Judge Gerrard can attest that his wisdom extends far beyond the law. He has never failed to impress me with his keen observations about life. He is a good man with a servant's heart, and I am proud to call him a friend.

On behalf of all Nebraskans, I would like to thank him for his four decades of dedicated public service. I look forward to working with President Biden to confirm a district court judge who will live up to Judge Gerrard's legacy of ruling fairly in accordance with the Constitution.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### RED CROSS NATIONAL BLOOD SUPPLY SHORTAGE

Mr. MORAN. Mr. President, last month, the American Red Cross began sounding the alarm on a national blood crisis, the first they have ever declared. COVID-19 has added extra volatility to the blood supply, and this shortage strains hospitals and patient care throughout America.

We continue to face that critical blood supply shortage today, with Kansas's blood supply standing at a 1- to 2-day inventory.

I have heard from medical professionals—doctors, nurses, others in Kansas about the tough decisions rural doctors and healthcare providers are having to make, including canceling surgeries, blood transfusions, and possibly not delivering babies because bleeding complications may require blood that these facilities just don't have.

My hometown of Plainville, KS, has a population of about 2,000. We are fortunate to have a county hospital with dedicated healthcare professionals and physicians. One of my hometown physicians, Dr. Sanchez, who I am told is not on Facebook very often but posted his plea—his plea for people to donate blood.

Dr. Sanchez's Facebook post says—this is his story: Today we had to tell a patient with heart disease that the blood transfusions that had prolonged his life with marked improvement in quality could no longer happen at Rooks County Health Center. My patient and his son were understandably upset. It just so happens that the same patient was told a few days previous that the melanoma cancer that he beat for 40 years back returned. And now no blood transfusion.

The doctor said that the hospital is considering canceling surgeries, possibly even not delivering babies. Our stock of common blood type A-positive and donor O-positive blood units are down over 30 percent, from six units to four units. Universal donor O-negative blood has been in short supply for months and maybe for years. Blood supplies are usually replenished at the American Red Cross every 3 weeks, but we have had no new units given or replaced.

That is one doctor, one hometown, one hospital—but it is people. It is people in Kansas. It is people in this country whom we know and care for, people we love, people in our families, and people we don't even know.

The most vulnerable patients among us rely on blood donations for transfusions to support essential treatments such as those of battling cancer or living with chronic diseases. There is no substitute. There is no alternative.

Our Nation can turn to the absence of blood donations. The only answer is for each of us stepping up to donate, helping to end this crisis and contribute to saving lives of those in our communities.

The shortage is severe, and it is affecting Kansas health providers and

their ability to care for their patients. It will cost us lives.

Kansans pull together in times of need, and I encourage everyone in Kansas and across the country to donate. In the United States, every 2 seconds someone needs blood or platelets, and donating blood is one of the most tangible actions we can give to help save lives.

Donation centers provide specific guidance on blood donation process and safety measures taken within their centers. You can find a location that is accepting blood donations near you, and you can visit the American Red Cross website.

So this is a plea that we all consider donating blood to help save the lives of our friends, our neighbors, and our fellow Americans.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. CORTEZ MASTO). Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. DURBIN. Madam 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 (Ms. CORTEZ MASTO). Without objection, it is so ordered.

#### TRIBUTE TO DON NEAGLE

Mr. MCCONNELL. Madam President, after more than six decades as a staple of Logan County radio, Don Neagle is retiring this year. As the host of the WRUS morning show and the "Feedback" program, Don brings high-quality news to his community, interviewing everyone from politicians, to writers, to theologians. As one local leader put it so aptly, Don is Logan County's "bulletin board," relaying all of his community's most important news in one place. Today, I ask my colleagues to join me in honoring Don in his retirement.

For decades, Don arrived at his office every weekday at 4:15 am, preparing the day's news while most listeners were still fast asleep. By the time Logan County residents were on their morning commute, he was already halfway through his workday. Through his incredible work ethic and scrappy style, Don stayed ahead of breaking news and at the pinnacle of Kentucky journalism.

Don is a legendary interviewer, and his "Feedback" show is the highlight of WRUS's entire programming lineup. Any leader in Kentucky government, myself included, knows that it's basically a requirement to be interviewed

by Don when visiting Logan County. I have had the pleasure of speaking to him many times, and it is always an enlightening conversation full of informed, probing questions.

Don's calm, constant voice has earned him many fans across the Commonwealth. He joined the Kentucky Broadcasters Hall of Fame in 2005 and the Kentucky Journalism Hall of Fame in 2006, demonstrating that his influence reaches far beyond Logan County's borders. While his skill brought him acclaim from around Kentucky, he never strayed in his commitment to his Logan County home. Don's career was more than just a job; he formed a deep bond with Logan County, and even after six decades, he seems loath to give it up.

Though Don is taking a step back from his expansive role at WRUS, he will remain at the station for the time being as host of "Feedback" and an occasional guest interviewer. In the meantime, he will have more time to spend with his two daughters, six grandchildren, and six great-grandchildren. He will also be able to pursue his favorite lifelong pastime, reading, with new gusto.

In honor of Don's retirement, I would like to thank him for his service to the Commonwealth and unflagging loyalty to strong local journalism. He has delivered an invaluable service to Logan County residents for more than 60 years, and we will all miss his ever-present voice.

Mr. President, Bowling Green Daily News paid tribute to Don's career in a recent article. I ask unanimous consent the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Bowling Green Daily News, Jan. 31, 2022]

**'VOICE OF LOGAN COUNTY' ANNOUNCES RETIREMENT**

Logan County residents have trusted Don Neagle as their source of news for more than 63 years. But on Jan. 27, the hall of fame broadcaster and journalist announced his career was coming to an end.

While he will continue to host his popular show "Feedback" and will conduct other interviews for WRUS radio, Neagle is permanently stepping away from his duties as morning host.

At 84 years old, Neagle said the decision to retire was mostly because of health concerns.

"I have shingles, and I'm awfully uncomfortable now. I'm dealing with back problems as well. I thought this would be an ideal time to cut back," Neagle said. "It's just an obvious time to wrap it up. My wife died three years ago, and she always said that when it was time to retire—you'll know it. And I know it now."

Neagle joined WRUS on Sept. 1, 1958, after a stint at WKCT-AM in Bowling Green.

Over the course of his career in Russellville, Neagle has interviewed political figures, Pulitzer Prize-winning writers, theologians and newsmakers of all types. He has earned several honors, including his induction into the Kentucky Broadcasters Hall of Fame in 2005 and the Kentucky Journalism Hall of Fame in 2006.

Neagle said what he will miss most about his time as morning host is bringing the news to Logan County.

"I enjoyed promoting activities in our community and particularly in our African American community," Neagle said. "I really enjoyed breaking news stories. We also put our obituaries right in the front of our newscast. We wanted people to know that information."

In 2002, Neagle partnered with Bill McGinnis and Chris McGinnis to form Logan Radio Inc. and purchase WRUS.

Chris McGinnis will take over the WRUS morning show on an interim basis, while the search begins for a permanent host. He told the Daily News that Neagle was viewed widely across the state as "the voice of Logan County."

"He became the local trusted source for news and information here," Chris McGinnis said. "Don earned the trust of the community. Through the years, Don Neagle was that constant voice that soothed the community. He became that comfort voice."

Chris McGinnis described Neagle as a man of faith who was very educated, addicted to reading books and still a bit shy.

"You will not ever find a more gentle spirit than Don," he said. "He is an individual that cares and wants the best for everyone. He is quick to lift up everyone. It's hard to put into words what a kind spirit he is."

Neagle confirmed his love for reading and said in retirement he hopes to become a night owl who stays up late with his nose in a good book.

He said his love for reading first came from his parents while he grew up in rural Green County. Neagle would go on to be valedictorian of his high school class.

Besides reading, Neagle said he is looking forward to spending more time with his friends and family.

He had two daughters, and his late wife, Vivian Gray Neagle, had two sons. Altogether, Neagle said he has six grandchildren and six great-grandchildren.

Neagle specifically thanked his daughter Lisa Whitt, his granddaughter Anna Haley and the people of Oak Grove Baptist Church for their support during his career.

"I'm looking forward to having a quiet life," Neagle said. "I got all the traveling out of the way with my wife. I'm looking forward to dealing with my pain and living in peace with those who have been just so good to me."

Retired Logan County Circuit and Kentucky Supreme Court Judge William Fuqua said he has been doing an oral history program every Thursday morning with Neagle for over 25 years.

Fuqua told the Daily News that Neagle's knowledge would be "irreplaceable" to Logan County.

"I call him the community morning bulletin board," Fuqua said with a laugh. "He is always accessible. He is a class guy, who loves his job and is dependable in every way I know. He is a keystone of the community. People stop me on the street and ask me about Don. I can't say enough good things about him."

As he now heads into what Neagle hopes is a peaceful retirement, the man who spent more than half a century informing Russellville and Logan County leaves with a word of thanks to his listeners.

"I've enjoyed the support from the people," Neagle said. "For the most part, they have been very kind to me. I love and respect them very much."

**ENDING FORCED ARBITRATION OF SEXUAL ASSAULT AND SEXUAL HARASSMENT ACT**

Mrs. FEINSTEIN. Madam President, I was proud to support and cosponsor S.

2342, the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021. This bill is critically important in supporting survivors who have experienced sexual assault and sexual harassment in the workplace.

Forced arbitration clauses have become increasingly common in employment contracts. According to the Economic Policy Institute, 56.2 percent of private sector, nonunion workers are subject to forced arbitration. That means approximately 60 million workers in the United States are denied the right to have their employment cases heard by a court.

When it comes to matters of sexual assault and sexual harassment, forced arbitration clauses protect predators and prevent survivors from seeking justice in the courts for the wrongs they have experienced.

This practice of forced arbitration is deeply concerning. Employees are often not aware that their employment contracts contain arbitration clauses, and they often do not understand their effect. Scholars have estimated that 98 percent of workers will abandon their legal claims instead of pursuing them through the arbitration process. Employees who choose to arbitrate are then forced to use company-appointed arbitrators and are not able to appeal the decisions.

Even more troubling, forced arbitration clauses have been used to silence survivors of workplace sexual assault and sexual harassment, and that is unacceptable.

This bill will help protect the rights of survivors by allowing courts to invalidate forced arbitration clauses when the case involves sexual assault or harassment. This will ensure that survivors can bring their claims in court if they choose to do so.

I am proud to cosponsor this bipartisan bill, and I am happy to see my colleagues overwhelmingly support it on the floor today.

**ENDING FORCED ARBITRATION OF SEXUAL ASSAULT AND SEXUAL HARASSMENT ACT**

Mrs. GILLIBRAND. Madam President, I want to be clear, there is nothing in the bill requiring any court to adopt new dismissal mechanisms for victims' claims. How and when a case moves forward is by virtue of current existing State or Federal law. There is no new mechanism in this bill to allow for dismissal, and there is no reason to require victims to have to prove a sexual assault or harassment claim prior to trial or have it go back through a forced arbitration process. Civil assault and battery claims are very difficult to prove under especially arcane State laws. But this bill allows any conduct alleging a violation of those laws, and any claims related to such conduct, to move forward together in one case.



NOTICE OF A TIE VOTE UNDER S.  
RES. 27

Mr. DURBIN. Madam President, I ask unanimous consent to print the following letter in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC.

To the Secretary of the Senate:

PN1477, the nomination of Jessica G.L. Clarke, of New York, to be United States District Judge for the Southern District of New York, having been referred to the Committee on the Judiciary, the Committee, with a quorum present, has voted on the nomination as follows—

(1) on the question of reporting the nomination favorably with the recommendation that the nomination be confirmed, 11 ayes to 11 noes; and

In accordance with section 3, paragraph (1)(A) of S. Res. 27 of the 117th Congress, I hereby give notice that the Committee has not reported the nomination because of a tie vote, and ask that this notice be printed in the RECORD pursuant to the resolution.

RICHARD J. DURBIN.

BLACK HISTORY MONTH AND HONORING BRIGADIER GENERAL CHARLES E. MCGEE AND STAFF SERGEANT WAVERLY B. WOODSON, JR.

Mr. CARDIN. Madam President, as we celebrate Black History Month, I rise today to honor two American heroes from our Greatest Generation: Brigadier General Charles E. McGee and Staff Sergeant Waverly B. Woodson, Jr.

McGee was a Tuskegee Airman who passed away peacefully in his home in Bethesda, MD, on January 16, 2021. He was 102. Woodson, an Army medic assigned to the 320th Barrage Balloon Battalion, landed on Omaha Beach on D-day and saved the lives of as many as 200 soldiers over the next 30 hours of continuous duty.

Both of these Marylanders fought with valor and distinction on behalf of a Nation that discriminated against them.

Brigadier General McGee's incandescent spirit, courage, and resolve led us to victory through some of our darkest times. He has left lasting impact on our country as a pilot, patriot, and civil rights advocate. He was born on December 7, 1919, in Cleveland, OH. His mother died soon after. His father, who was a minister, teacher, and social worker, moved the family frequently during McGee's childhood in search of work opportunities that were not easy to come by. Despite this adversity, McGee graduated from high school in Chicago in 1938 and joined the Civilian Conservation Corps, CCC.

McGee used the money he made in the CCC to help pay for college, attending the University of Illinois as an ROTC student.

When we look at the extraordinary life of Charles McGee, one thing is ex-

PLICITLY clear: No matter how dangerous or difficult the call, if his country needed him, he always answered. This inspiring pattern of behavior started during his sophomore year in college when, on McGee's 22nd birthday, Japanese forces attacked Pearl Harbor. McGee began searching for a way to serve in the war. After he heard that President Franklin Delano Roosevelt had authorized a unit of Black soldiers to train as pilots in the Army Air Corps, he applied and to start flight training at the Tuskegee Army Field in Alabama and was accepted.

Charles McGee battled racial discrimination but completed flight school as 1 of only 1,000 pilots, earning his spot as a Tuskegee Airman in the first-of-its-kind, all-Black 332nd Fighter group. In 1944, just a year after graduating, he deployed to Italy as a fighter pilot in World War II. He moved up the ranks quickly, from lieutenant to captain. McGee's squadron was responsible for escorting heavy bombers of the 15th Air Force across Europe and for target-of-opportunity missions. McGee flew 136 missions across Europe. Our victory in World War II, however, was not the end of McGee's service. He remained in the Army Corps and the Air Force for another 30 years, flying in both the Korean and the Vietnam wars. He tallied a record of 409 aerial fighter combat missions over the course of three wars. In 2020, McGee received an honorary promotion to brigadier general.

While there are few individuals living or dead who have had careers as successful or significant as Charles McGee's, what made him so remarkable was his undying positive attitude and kind nature, even in the most trying situations. As a member of the Tuskegee Airmen, he was constantly subject to racial discrimination, both in the military and back home where Jim Crow Laws prevailed. In an essay McGee penned for the Smithsonian National Air and Space Museum, he wrote, "The prevailing opinion was that blacks did not possess the intelligence or courage to be military pilots. One general even said, 'The Negro type has not the proper reflexes to make a first-rate fighter pilot.' The Tuskegee Airmen certainly proved men like him wrong."

Until the day he passed away, Charles McGee educated others about the Black experience during this time and spoke of the "equality of opportunity" that he and the Tuskegee Airmen valiantly fought to achieve.

I am humbled and proud to call Charles McGee a fellow Marylander. His daughters Charlene McGee Smith and Yvonne McGee, 10 grandchildren, 14 great-grandchildren, and a great-great-grandchild survive him. His legacy is intertwined with our Nation's legacy. He is a true American hero.

Waverly Bernard Woodson, Jr., is another true American hero. He was born on August 3, 1922, in Philadelphia and attended Lincoln University in Oxford, Pa, where he was a pre-med student.

McGee enlisted in the Army 8 days after the attack on Pearl Harbor. He joined the anti-aircraft artillery Officer Candidate School after scoring highly on a test, where he was one of only two Black Americans. He learned, however, that he could not become an officer because of his race. He trained as a combat medic at Camp Tyson in Paris, TN, where he experienced segregation and discrimination. He was assigned to the 320th Barrage Balloon Battalion, reaching the rank of corporal by the time Operation Overlord commenced.

On D-day, the 320th Barrage Balloon Battalion was the only African-American battalion to participate. While Corporal Woodson was coming ashore at Omaha Beach, his landing craft tank—LCT—hit a naval mine and then was hit by an "eighty-eight" shell. Woodson suffered shrapnel injuries to his groin, inner thigh, and back. Once he reached shore and received treatment for his wounds, he set up a first-aid station and began treating other wounded soldiers. He worked continuously from 10 a.m. until 4 p.m. on the following day, setting fractured limbs, removing bullets, amputating a foot, dispensing plasma, and reviving three men who nearly drowned while exiting their LCT; Woodson provided artificial respiration to the three men, reviving them.

Woodson's commanding officer recommended him for a Distinguished Service Cross for his actions, but the office of General John C. H. Lee determined that Woodson's actions warranted the greater honor of a Medal of Honor. U.S. Department of War special assistant to the director Philleo Nash proposed that President Franklin D. Roosevelt should give Woodson the award personally. Woodson ultimately received a Bronze Star Medal and a Purple Heart. The Philadelphia Tribune wrote, "The feeling is prevalent among Negroes that had Woodson been of another race the highest honor would have been granted him."

After World War II ended, Woodson hoped to study medicine, but was unable to find a medical school that would admit him as a Black American.

He returned to Lincoln University and graduated with a degree in biology in 1950. Woodson served in the Korean war, initially training combat medics before running an Army morgue. He served in the United Kingdom, France, and the Asia-Pacific. Within the United States, he also served at Fort George G. Meade, Valley Forge General Hospital, the Communicable Disease Center, and Walter Reed Army Medical Center.

Woodson left the Army in 1952 with a final rank of staff sergeant. After leaving the Army, Woodson went on to work in the bacteriology department of the National Naval Medical Center. In 1959, he began working in the clinical pathology department of the National Institutes of Health until he retired in 1980.

Staff Sergeant Woodson married Joann Katharyne Snowden in 1952; the couple had two daughters and a son. He died in 2005 and was buried with military honors in Arlington National Cemetery.

Last month, I joined Senator VAN HOLLEN and Representative TRONE in writing to Army Secretary Christine Wormuth to request that an award decision authority formally review and consider awarding the Medal of Honor to Waverly B. Woodson, Jr., posthumously. In June 2021, Commanding General of the First United States Army Thomas S. James, Jr., wrote in favor of Woodson receiving the Medal of Honor.

Woodson's widow Joann announced that if he were to receive the Medal of Honor posthumously, she would donate it to the Smithsonian's National Museum of African American History and Culture.

These stories are just two examples of Black-American soldiers who fought to defeat fascism during World War II while simultaneously enduring virulent racial discrimination as servicemen and back home in America as civilians.

After the Civil War and Reconstruction, powerful White officials in southern States sought to nullify the political outcome of the Civil War. They passed laws and instituted policies that enforced segregation.

We all know those laws: the Jim Crow laws, the Black Codes, the institutionalized segregation. The intent was to disenfranchise minority voters with poll taxes and literacy tests and voter intimidation.

Thanks to courageous leaders, we were able to reverse those laws. President Harry Truman integrated our military in 1948. Then, there was the landmark decision in 1954 of Brown v. Board of Education. We Marylanders are proud of Thurgood Marshall, a native son, with respect to the role that he played in arguing that case before the Supreme Court. In 1964, Congress passed the Civil Rights Act and followed that historic legislation with the Voting Rights Act in 1965 and the Fair Housing Act in 1968.

Black Americans and other people of color have fought and died to preserve our freedom. As we celebrate Black History Month, if we want to honor Brigadier General Charles E. McGee and Staff Sergeant Waverly B. Woodson, Jr., and countless others like them, we need to continue to expand equal opportunity in America, and we can start by passing voting rights legislation, the need for which I have frequently spoken about on the Senate floor.

#### FLOOR VOTES

Mr. TILLIS. Madam President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, February 2, 2022.

Hon. CHARLES E. SCHUMER,  
Majority Leader, U.S. Senate,  
Washington, DC.

Hon. MITCH MCCONNELL,  
Minority Leader, U.S. Senate,  
Washington, DC.

DEAR MAJORITY LEADER SCHUMER AND MINORITY LEADER MCCONNELL: As you know, despite our collective efforts to encourage Members to vote on the Senate floor in a timely manner, votes are often left open well beyond the allotted time, frustrating a majority of Members from both sides of the aisle. Often, the outcome of the vote is not in doubt.

With this in mind and in order to expedite floor votes, we are instructing the Presiding Officer to close any vote in which: (a) one of the signatories below is the last remaining vote; and (b) the Member's vote would not change the outcome. However, on any particular vote, if a signatory requests that the vote be held open, they may do so by providing notice to their Cloakroom.

Sincerely,

Thom Tillis, Angus S. King, Jr., Christopher A. Coons, Roy Blunt, Shelley Moore Capito, Patrick J. Leahy, Kyrsten Sinema, Jon Tester, Ron Johnson, Amy Klobuchar, Jon Ossoff, John Barrasso, Patty Murray, Sheldon Whitehouse, Rick Scott.

Mark R. Warner, Kirsten E. Gillibrand, Rob Portman, Mike Rounds, James Lankford, Joni Ernst, Cynthia M. Lummis, Mike Crapo, Bill Hagerty, Richard Burr, Dan Sullivan, Debbie Stabenow, Roger Marshall, Jerry Moran, James E. Risch, Tommy Tuberville, Tim Kaine.

Lisa Murkowski, John W. Hickenlooper, Richard J. Durbin, Robert P. Casey, Jr., Ben Sasse, Benjamin L. Cardin, Tammy Duckworth, Margaret Wood Hassan, Jack Reed, Roger F. Wicker, Todd Young, John Boozman, Chris Van Hollen, Michael F. Bennet, Martin Heinrich, Robert Menendez.

Cindy Hyde-Smith, Mike Braun, Jeanne Shaheen, Deb Fischer, John Kennedy, Marco Rubio, Mitt Romney, Joe Manchin, III, Sherrod Brown, Bill Cassidy, John Cornyn, John Thune, Mark Kelly, Cory A. Booker, Richard Blumenthal, Brian Schatz.

Patrick J. Toomey, Lindsey Graham, Steve Daines, John Hoeven, Gary C. Peters, Jeff Merkley, Rand Paul, Bernard Sanders, James M. Inhofe, Alex Padilla, Christopher Murphy, Tina Smith, Kevin Cramer, Marsha Blackburn, Thomas R. Carper, Ron Wyden, Dianne Feinstein.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING CRUISE CUSTOMS

• Mr. PAUL. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, each week I recognize an outstanding Kentucky small business that exemplifies the American entrepreneurial spirit. This week, it is my privilege to recognize the small business, Cruise Customs of Shepherdsville, KY, as the Senate Small Business of the Week.

It is not every week that I have the privilege of honoring a veteran-owned small business, but when I do, it is with profound respect and gratitude not only for this Kentucky entrepreneur,

but for our men and women in uniform. Cruise Customs was started by Chris Cruise, a veteran paratrooper who served in the 82nd Airborne Division during Operation Iraqi Freedom. After serving his country, like many veterans, Chris Cruise returned to the U.S. carrying with him the traumas of war. Woodworking became a sort of therapy for him, and he combined that passion for working with his hands with his deeply rooted patriotism and founded Cruise Customs in 2017.

Cruise Customs not only honors the great Nation that we live in, it also pays tribute to the wonderful State of Kentucky. The idea behind his business came from Chris and his wife Amber's desire to create something that honored both the Nation that he fought for and his wife's native State. The final product was a large American flag constructed from the wood used in old Kentucky bourbon barrels. While bourbon-barrel flags continue to be their most popular item, the business has expanded their scope of products offered. The Cruises' patriotic mission has remained at the heart of their business throughout its steady growth, as they broadened their service to the veteran community and to their local area when Cruise Customs' unique craftsmanship gained national recognition.

The whole Cruise Customs team use their dedication for service as inspiration for designing new products. These days, one can buy Chris' signature bourbon-barrel flag not only in a variety of sizes, one can also find various flags with a different colored stripe running through the center of the flag. The colors symbolize the business' support for various causes: blue, in honor of our Nation's police officers; red, to show their support for our Nation's fire fighters; pink, to spread breast cancer awareness and to champion its survivors. While these limited edition pieces stand out against their array of merchandise, the America "One Heartbeat" flag is perhaps their most impactful creation.

Their America "One Heartbeat" flag, a limited edition piece displaying the EKG sign of a heartbeat down the center stripe, was designed by Chris and Amber Cruise during the early days of the pandemic. Always wanting to give back to their community, Cruise Customs donated all proceeds from the sale of their America "One Heartbeat" flags to the medical frontline heroes at Norton Healthcare and U of L Health in Louisville. This noble idea quickly gained national attention, which allowed Cruise Customs to sell over 4,500 of these flags and donate over \$70,000 to their local medical community.

Cruise Customs' dedication to their community has not gone unnoticed. Last year, Chris Cruise was named one of Louisville Business First's Business Impact Award Nominees. Chris and Amber Cruise have also broadened their venture by opening and co-directing Kentucky's first local chapter of USA Cares, a nonprofit dedicated

to “providing military families with financial and advocacy support during their time of need.” From serving his country, to founding a small business dedicated to giving back to the veteran community, Chris has consistently displayed a generous and patriotic spirit which permeates throughout his business and his family. Congratulations to Chris and Amber Cruise and the entire Cruise Customs team. I thank you for your brave service to this country and for your charitable spirit. I wish them the best of luck and look forward to watching their continued growth and success in Kentucky.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Roberts, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and four withdrawals which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3623. A bill to reauthorize the Violence Against Women Act of 1994, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3161. A communication from the Supervisor, Human Resources Management Division, Environmental Protection Agency, transmitting, pursuant to law, four (4) reports relative to vacancies in the Environmental Protection Agency, received in the Office of the President of the Senate on January 31, 2022; to the Committee on Environment and Public Works.

EC-3162. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “Adjustment of Civil Penalties for Inflation for Fiscal Year 2022” (RIN3150-AK45) received in the Office of the President of the Senate on February 1, 2022; to the Committee on Environment and Public Works.

EC-3163. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “Revision of the NRC Enforcement Policy” (10 CFR Part 2) received in the Office of the President of the Senate on February 1, 2022; to the Committee on Environment and Public Works.

EC-3164. A communication from the Director of Congressional Affairs, Office of Nu-

clear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “Regulatory Guide (RG) 1.245 Rev 0, ‘Preparing Probabilistic Fracture Mechanics (PFM) Submittals’” received in the Office of the President of the Senate on February 1, 2022; to the Committee on Environment and Public Works.

EC-3165. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Broadband Infrastructure Deployment” (RIN2125-AF92) received in the Office of the President of the Senate on January 13, 2022; to the Committee on Environment and Public Works.

EC-3166. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Design Standards for Highways” (RIN2125-AF88) received in the Office of the President of the Senate on January 14, 2022; to the Committee on Environment and Public Works.

EC-3167. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills Residual Risk and Technology Review; Correction” ((RIN2060-AV01)(FRL No. 6838.1-03-OAR)) received in the Office of the President of the Senate on January 20, 2022; to the Committee on Environment and Public Works.

EC-3168. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plan; Delaware; Emissions Statement Certification for the 2015 Ozone National Ambient Air Quality Standard” (FRL No. 9297-02-R3) received in the Office of the President of the Senate on January 20, 2022; to the Committee on Environment and Public Works.

EC-3169. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; Wisconsin; Wisconsin Nonattainment New Source Review Certification for the 2015 Ozone NAAQS” (FRL No. 9444-02-R5) received in the Office of the President of the Senate on January 20, 2022; to the Committee on Environment and Public Works.

EC-3170. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; Illinois; Removal of Infrastructure SIP Requirements for the 2012 PM2.5 and 2015 Ozone NAAQS” (FRL No. 9056-03-R3) received in the Office of the President of the Senate on January 20, 2022; to the Committee on Environment and Public Works.

EC-3171. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Clean Air Act Section 112 List of Hazardous Air Pollutant: Amendments to the List of Hazardous Air Pollutants (HAP)” ((RIN2060-AS26)(FRL No. 5562-08-OAR)) received in the Office of the President of the Senate on January 18, 2022; to the Committee on Environment and Public Works.

EC-3172. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection

Agency, transmitting, pursuant to law, the report of a rule entitled “State of New Mexico Underground Injection Control Program; Primacy Revisions” (FRL No. 7998-02-OW) received in the Office of the President of the Senate on January 18, 2022; to the Committee on Environment and Public Works.

EC-3173. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; North Carolina; Minor Revisions to Cotton Ginning Operations Rule” (FRL No. 9060-02-R4) received in the Office of the President of the Senate on January 18, 2022; to the Committee on Environment and Public Works.

EC-3174. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; North Carolina; Mecklenburg General Provisions” (FRL No. 9235-02-R4) received in the Office of the President of the Senate on January 18, 2022; to the Committee on Environment and Public Works.

EC-3175. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; Ohio; Partial Approval and Partial Disapproval of the Muskingum River SO2 Nonattainment Area Plan” (FRL No. 9271-02-R5) received in the Office of the President of the Senate on January 18, 2022; to the Committee on Environment and Public Works.

EC-3176. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; Michigan; Finding of Failure to Attain the 2010 Sulfur Dioxide Primary National Ambient Air Quality Standard for the Detroit Nonattainment Area” (FRL No. 9166-02-R5) received in the Office of the President of the Senate on January 18, 2022; to the Committee on Environment and Public Works.

EC-3177. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Findings of Failure to Submit State Implementation Plan Revisions in Response to the 2015 Findings of Substantial Inadequacy and SIP Calls to Amend Provisions Applying to Excess Emissions During Periods of Startup, Showdown, and Malfunction” (FRL No. 9250-01-OAR) received in the Office of the President of the Senate on January 14, 2022; to the Committee on Environment and Public Works.

EC-3178. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Limited Approval and Limited Disapproval of California Air Quality Implementation Plan Revisions; Amador Air District; Stationary Source Permits” (FRL No. 8773-02-R9) received in the Office of the President of the Senate on January 14, 2022; to the Committee on Environment and Public Works.

EC-3179. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; Wisconsin; Redesignation of the Rhinelander Sulfur Dioxide Nonattainment Area” (FRL No. 9201-02-R5) received in the Office of the President of the Senate on January 14, 2022; to the Committee on Environment and Public Works.

EC-3180. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection

Agency, transmitting, pursuant to law, the report of a rule entitled "Civil Monetary Penalty Inflation Adjustment" (FRL No. 5906.6-01-OECA) received in the Office of the President of the Senate on January 14, 2022; to the Committee on Environment and Public Works.

EC-3181. A communication from the Acting Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Commonwealth of Kentucky: Codification and Incorporation by Reference of Approved State Underground Storage Tank Program" (FRL No. 9057-02-R4) received in the Office of the President of the Senate on January 31, 2022; to the Committee on Environment and Public Works.

EC-3182. A communication from the Acting Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "District of Columbia: Final Approval of State Underground Storage Tank Program Revisions, Codification, and Incorporation by Reference" (FRL No. 8854-01-R3) received in the Office of the President of the Senate on January 31, 2022; to the Committee on Environment and Public Works.

EC-3183. A communication from the Acting Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Georgia; 2015 8-hour Ozone Nonattainment New Source Review Permit Program Requirements" (FRL No. 9319-02-R4) received in the Office of the President of the Senate on January 31, 2022; to the Committee on Environment and Public Works.

EC-3184. A communication from the Acting Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; North Carolina; Mecklenburg Monitoring, Record-keeping, and Reporting Rule Revisions" (FRL No. 8981-02-R4) received in the Office of the President of the Senate on January 31, 2022; to the Committee on Environment and Public Works.

EC-3185. A communication from the Acting Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; South Carolina; Catawba Indian Nation Portion of the Charlotte-Gastonia-Rock Hill Area Limited Maintenance Plan for the 1997 8-Hour Ozone NAAQS" (FRL No. 9276-02-R4) received in the Office of the President of the Senate on January 31, 2022; to the Committee on Environment and Public Works.

EC-3186. A communication from the Acting Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Washington; Update to the Yakima Regional Clean Air Agency Wood Heater and Burn Ban Regulations" (FRL No. 9189-02-R10) received in the Office of the President of the Senate on January 31, 2022; to the Committee on Environment and Public Works.

EC-3187. A communication from the Acting Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; North Carolina; Mecklenburg; Source Testing" (FRL No. 9278-02-R4) received in the Office of the President of the Senate on January 31, 2022; to the Committee on Environment and Public Works.

EC-3188. A communication from the Acting Director of the Regulatory Management Division, Environmental Protection Agency,

transmitting, pursuant to law, the report of a rule entitled "Revisions to the Unregulated Contaminant Monitoring Rule (UCMR 5) for Public Water Systems and Announcement of Public Meetings; Minor Corrections" ((RIN2040-AF89) (FRL No. 6791-05-OW)) received in the Office of the President of the Senate on January 31, 2022; to the Committee on Environment and Public Works.

EC-3189. A communication from the Acting Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of the Northern Cheyenne Tribe's Tribal Implementation Plan; Northern Cheyenne Tribe; Open Burning Permit Program and Maintenance of the National Ambient Air Quality Standards" (FRL No. 9082-02-R8) received in the Office of the President of the Senate on January 31, 2022; to the Committee on Environment and Public Works.

EC-3190. A communication from the Acting Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Florida; Removal of Motor Vehicle Rules" (FRL No. 9238-02-R4) received in the Office of the President of the Senate on January 31, 2022; to the Committee on Environment and Public Works.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MANCHIN, from the Committee on Energy and Natural Resources, without amendment:

S. 609. A bill to withdraw the National Forest System land in the Ruby Mountains sub-district of the Humboldt-Toiyabe National Forest and the National Wildlife Refuge System land in Ruby Lake National Wildlife Refuge, Elko and White Pine Counties, Nevada, from operation under the mineral leasing laws (Rept. No. 117-70).

By Mr. MANCHIN, from the Committee on Energy and Natural Resources, with an amendment:

S. 2158. A bill to extend the authorization for the Cape Cod National Seashore Advisory Commission (Rept. No. 117-71).

By Mr. MANCHIN, from the Committee on Energy and Natural Resources, without amendment:

S. 2524. A bill to amend the Alaska Native Claims Settlement Act to exclude certain payments to aged, blind, or disabled Alaska Natives or descendants of Alaska Natives from being used to determine eligibility or certain programs, and for other purposes (Rept. No. 117-72).

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mrs. MURRAY for the Committee on Health, Education, Labor, and Pensions.

\*Mary Lucille Jordan, of Maryland, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2026.

\*Glenna Lauren Wright-Gallo, of Nevada, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education.

\*Christopher John Williamson, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health.

\*Timothy Baker, of Virginia, to be a Member of the Federal Mine Safety and Health

Review Commission for a term of six years expiring August 30, 2026.

By Mr. DURBIN for the Committee on the Judiciary.

Andre B. Mathis, of Tennessee, to be United States Circuit Judge for the Sixth Circuit.

Hector Gonzalez, of New York, to be United States District Judge for the Eastern District of New York.

Fred W. Slaughter, of California, to be United States District Judge for the Central District of California.

Marisa T. Darden, of Ohio, to be United States Attorney for the Northern District of Ohio for the term of four years.

Delia L. Smith, of the Virgin Islands, to be United States Attorney for the District of the Virgin Islands for the term of four years.

Eddie M. Frizell, of Minnesota, to be United States Marshal for the District of Minnesota for the term of four years.

LaDon A. Reynolds, of Illinois, to be United States Marshal for the Northern District of Illinois for the term of four years.

Andrew Fois, of the District of Columbia, to be Chairman of the Administrative Conference of the United States for a term of five years.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CARPER (for himself and Mr. CASSIDY):

S. 3624. A bill to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; to the Committee on Environment and Public Works.

By Ms. HASSAN (for herself, Mr. SCOTT of South Carolina, Mr. WARNER, Mrs. CAPITO, and Mr. CARDIN):

S. 3625. A bill to amend the Internal Revenue Code of 1986 to temporarily reinstate the employee retention credit for employers subject to closure due to COVID-19; to the Committee on Finance.

By Mr. CASEY (for himself and Mr. SCOTT of South Carolina):

S. 3626. A bill to improve access to the Program of All-Inclusive Care for the Elderly, and for other purposes; to the Committee on Finance.

By Mr. CASSIDY (for himself and Mr. OSSOFF):

S. 3627. A bill to establish a centralized system to allow individuals to request the simultaneous deletion of their personal information across all data brokers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. ROSEN (for herself and Ms. MURKOWSKI):

S. 3628. A bill to authorize the Secretary of Health and Human Services to establish a grant program to promote comprehensive mental health and suicide prevention efforts in schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MARKEY (for himself and Mr. PAUL):

S. 3629. A bill to authorize a study on certain exemptions for treatment of opioid use disorder through opioid treatment programs during the COVID-19 public health emergency, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCOTT of South Carolina:

S. 3630. A bill to establish a Dual Eligible Quality Care Fund to provide grants to State Medicaid programs to improve their capacity to ensure the provision of quality integrated care for dual eligible beneficiaries; to the Committee on Finance.

By Ms. WARREN (for herself, Mr. DAINES, Mrs. BLACKBURN, Ms. STABENOW, Mr. WARNOCK, and Mr. GRAHAM):

S. 3631. A bill to prohibit stock trading and ownership by Members of Congress and spouses of Members of Congress, and for other purposes; to the Committee on Finance.

By Mr. RUBIO (for himself, Ms. ERNST, Mr. SCOTT of South Carolina, Mr. GRASSLEY, Mr. CASSIDY, Mr. INHOFE, Mrs. CAPITO, Mr. BRAUN, Mr. SCOTT of Florida, Mr. DAINES, Mr. TILLIS, Mr. KENNEDY, Mr. BOOZMAN, Mr. COTTON, Mr. BARRASSO, and Mr. THUNE):

S. 3632. A bill to amend the program for local substance use disorder services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WARNOCK:

S. 3633. A bill to extend the authorizations for the Augusta Canal National Heritage Area, Arabia Mountain National Heritage Area, and Gullah/Geechee Cultural Heritage Corridor, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. ERNST (for herself, Mr. BRAUN, Mr. GRASSLEY, Mr. HAGERTY, Mr. SCOTT of Florida, and Mrs. BLACKBURN):

S. 3634. A bill to create a point of order requiring an inflation impact report with any legislation that makes discretionary appropriations; to the Committee on Rules and Administration.

By Ms. DUCKWORTH (for herself, Mr. CORNYN, Mr. DURBIN, Mr. TILLIS, Mr. KAINE, Ms. COLLINS, Mr. INHOFE, and Mr. BOOKER):

S. 3635. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize public safety officer death benefits to officers suffering from post-traumatic stress disorder or acute stress disorder, and for other purposes; to the Committee on the Judiciary.

By Mr. KELLY (for himself and Mr. MORAN):

S. 3636. A bill to establish within the National Science Foundation a program to award STEM ecosystem grants; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI (for herself, Mr. SULLIVAN, Mr. CASSIDY, and Mrs. MURRAY):

S. 3637. A bill to require the Commandant of the Coast Guard to establish an interim behavioral health policy for members of the Coast Guard that achieves parity with the behavioral health policy of the Department of Defense, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN (for himself, Mr. BLUMENTHAL, Mr. WYDEN, Ms. KLOBUCHAR, Ms. HIRONO, Mr. BROWN, and Mr. PADILLA):

S. 3638. A bill to provide lawful permanent resident status for certain advanced STEM degree holders, and for other purposes; to the Committee on the Judiciary.

By Mr. MARKEY:

S. 3639. A bill to direct the Secretary of Education to make grants to support early college high schools and dual or concurrent enrollment programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LANKFORD:

S. 3640. A bill to require the imposition of sanctions with respect to persons that aid or assist the Russian Federation in acts of military aggression toward Ukraine; to the Committee on Foreign Relations.

By Mr. PAUL (for himself, Mr. MARSHALL, Mr. BRAUN, Mr. CRAMER, Mrs. BLACKBURN, Mr. LANKFORD, Mr. HAWLEY, Mr. CRUZ, Mr. SCOTT of Florida, Mr. WICKER, Mr. COTTON, Mr. TUBERVILLE, Mrs. HYDE-SMITH, Mr. HOEVEN, Mr. LEE, and Ms. LUMMIS):

S.J. Res. 37. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Centers for Disease Control and Prevention relating to "Requirement for Persons To Wear Masks While on Conveyances and at Transportation Hubs"; to the Committee on Health, Education, Labor, and Pensions.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. KLOBUCHAR (for herself, Mr. BLUNT, Ms. BALDWIN, Mr. BENNET, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BROWN, Mrs. CAPITO, Mr. CASEY, Mr. COONS, Ms. CORTEZ MASTO, Mrs. FEINSTEIN, Mrs. FISCHER, Mrs. GILLIBRAND, Mr. HAGERTY, Mrs. HYDE-SMITH, Mr. KAINE, Mr. KELLY, Mr. MARKEY, Mr. MERKLEY, Mr. PADILLA, Ms. SMITH, Mr. VAN HOLLEN, Mr. WARNER, Ms. WARREN, Mr. WICKER, Mr. WYDEN, and Mr. DURBIN):

S. Res. 510. A resolution recognizing January 25, 2022, as "National Poll Worker Recruitment Day"; considered and agreed to.

By Mr. MENENDEZ (for himself and Mr. GRAHAM):

S. Res. 511. A resolution expressing the sense of the Senate that establishing a regional nuclear fuel bank would assist international efforts to avoid a destabilizing arms race in the Middle East and would promote the peaceful use of nuclear power; to the Committee on Foreign Relations.

#### ADDITIONAL COSPONSORS

S. 564

At the request of Mr. MERKLEY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 564, a bill to prohibit Members of Congress from purchasing or selling certain investments, and for other purposes.

S. 1079

At the request of Mr. HEINRICH, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 1079, a bill to award a Congressional Gold Medal to the troops from the United States and the Philippines who defended Bataan and Corregidor, in recognition of their personal sacrifice and service during World War II.

S. 1596

At the request of Mr. ROUNDS, the names of the Senator from Arizona

(Ms. SINEMA), the Senator from North Carolina (Mr. BURR) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 1596, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National World War II Memorial in Washington, DC, and for other purposes.

S. 1625

At the request of Mr. CRAMER, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1625, a bill to authorize notaries public to perform, and to establish minimum standards for, electronic notarizations and remote notarizations that occur in or affect interstate commerce, to require any Federal court to recognize notarizations performed by a notarial officer of any State, to require any State to recognize notarizations performed by a notarial officer of any other State when the notarization was performed under or relates to a public Act, record, or judicial proceeding of the notarial officer's State or when the notarization occurs in or affects interstate commerce, and for other purposes.

S. 1725

At the request of Mr. ROUNDS, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 1725, a bill to grant a Federal charter to the National American Indian Veterans, Incorporated.

S. 1873

At the request of Mr. CRAPO, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1873, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of multi-cancer early detection screening tests.

S. 2013

At the request of Mr. CASEY, the name of the Senator from North Dakota (Mr. CRAMER) was added as a cosponsor of S. 2013, a bill to provide for the coverage of medically necessary food and vitamins and individual amino acids for digestive and inherited metabolic disorder under Federal health programs and private health insurance, to ensure State and Federal protection for existing coverage, and for other purposes.

S. 2295

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr. OSSOFF) was added as a cosponsor of S. 2295, a bill to amend the Horse Protection Act to designate additional unlawful acts under the Act, strengthen penalties for violations of the Act, improve Department of Agriculture enforcement of the Act, and for other purposes.

S. 2342

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2342, a bill to amend title 9 of the United States Code with respect to arbitration of disputes involving sexual assault and sexual harassment.

S. 2613

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2613, a bill to provide for climate change planning, mitigation, adaptation, and resilience in the United States Territories and Freely Associated States, and for other purposes.

S. 2675

At the request of Mr. CARDIN, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 2675, a bill to amend the American Rescue Plan Act of 2021 to increase appropriations to Restaurant Revitalization Fund, and for other purposes.

S. 2937

At the request of Mr. CARDIN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 2937, a bill to authorize humanitarian assistance and civil society support, promote democracy and human rights, and impose targeted sanctions with respect to human rights abuses in Burma, and for other purposes.

S. 3412

At the request of Mr. THUNE, the name of the Senator from Florida (Mr. SCOTT) was added as a cosponsor of S. 3412, a bill to prohibit the use of Federal funds to enforce the rule submitted by the Department of Health and Human Services relating to COVID-19 vaccine and mask requirements for Head Start programs.

S. 3448

At the request of Mr. WARNOCK, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Pennsylvania (Mr. CASEY), the Senator from Maryland (Mr. VAN HOLLEN), the Senator from Minnesota (Ms. SMITH), the Senator from California (Mr. PADILLA), the Senator from Virginia (Mr. Kaine), the Senator from New Jersey (Mr. BOOKER), the Senator from Illinois (Ms. DUCKWORTH), the Senator from Illinois (Mr. DURBIN), the Senator from Colorado (Mr. BENNET), the Senator from Delaware (Mr. COONS), the Senator from Massachusetts (Mr. MARKEY), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Michigan (Ms. STABENOW), the Senator from California (Mrs. FEINSTEIN), the Senator from New Mexico (Mr. HEINRICH), the Senator from New Jersey (Mr. MENENDEZ), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 3448, a bill to award a Congressional Gold Medal to the Freedom Riders, collectively, in recognition of their unique contribution to Civil Rights, which inspired a revolutionary movement for equality in interstate travel.

S. 3508

At the request of Mr. BLUMENTHAL, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a co-

sponsor of S. 3508, a bill to posthumously award a congressional gold medal to Constance Baker Motley.

S. 3541

At the request of Mr. WYDEN, his name was added as a cosponsor of S. 3541, a bill to improve health care and services for veterans exposed to toxic substances, and for other purposes.

S. 3571

At the request of Mr. HEINRICH, the names of the Senator from Nevada (Ms. CORTEZ MASTO) and the Senator from Wyoming (Ms. LUMMIS) were added as cosponsors of S. 3571, a bill to promote remediation of abandoned hardrock mines, and for other purposes.

S. 3600

At the request of Mr. PETERS, the names of the Senator from Virginia (Mr. WARNER), the Senator from Maine (Ms. COLLINS), the Senator from Maine (Mr. KING), the Senator from North Carolina (Mr. BURR), the Senator from Pennsylvania (Mr. CASEY), the Senator from Missouri (Mr. BLUNT), the Senator from Florida (Mr. RUBIO), the Senator from Nevada (Ms. ROSEN), the Senator from California (Mr. PADILLA), the Senator from Idaho (Mr. RISCH) and the Senator from Georgia (Mr. OSSOFF) were added as cosponsors of S. 3600, a bill to improve the cybersecurity of the Federal Government, and for other purposes.

S. 3606

At the request of Mr. TUBERVILLE, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from South Carolina (Mr. SCOTT) and the Senator from Georgia (Mr. WARNOCK) were added as cosponsors of S. 3606, a bill to amend title 38, United States Code, to eliminate the requirement to specify an effective period of transfer of Post-9/11 educational assistance to a dependent, and for other purposes.

S. 3623

At the request of Mrs. FEINSTEIN, the names of the Senator from Nevada (Ms. CORTEZ MASTO) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 3623, a bill to reauthorize the Violence Against Women Act of 1994, and for other purposes.

S. RES. 183

At the request of Mr. WYDEN, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. Res. 183, a resolution condemning the Government of Iran's state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 499

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. Res. 499, a resolution celebrating 100 years of diplomatic relations between the United States and the Baltic States.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. BLUMENTHAL, Mr. WYDEN, Ms. KLOBUCHAR, Ms. HIRONO, Mr. BROWN, and Mr. PADILLA):

S. 3638. A bill to provide lawful permanent resident status for certain advanced STEM degree holders, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3638

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Keep STEM Talent Act of 2022".

**SEC. 2. LAWFUL PERMANENT RESIDENT STATUS FOR CERTAIN ADVANCED STEM DEGREE HOLDERS.**

(a) ALIENS NOT SUBJECT TO DIRECT NUMERICAL LIMITATIONS.—Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following:

“(F)(i) Aliens who—

“(I) have earned a degree in a STEM field at the master’s level or higher while physically present in the United States from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) accredited by an accrediting entity recognized by the Department of Education;

“(II) have an offer of employment from, or are employed by, a United States employer in a field related to such degree at a rate of pay that is higher than the median wage level for the occupational classification in the area of employment, as determined by the Secretary of Labor; and

“(III) are admissible pursuant to an approved labor certification under section 212(a)(5)(A)(i).

“(ii) In this subparagraph, the term ‘STEM field’ means a field of science, technology, engineering, or mathematics described in the most recent version of the Classification of Instructional Programs of the Department of Education taxonomy under the summary group of—

“(I) computer and information sciences and support services;

“(II) engineering;

“(III) mathematics and statistics;

“(IV) biological and biomedical sciences;

“(V) physical sciences;

“(VI) agriculture sciences; or

“(VII) natural resources and conservation sciences.”.

(b) PROCEDURE FOR GRANTING IMMIGRATION STATUS.—Section 204(a)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(F)) is amended—

(1) by striking “203(b)(2)” and all that follows through “Attorney General”; and

(2) by inserting “203(b)(2), 203(b)(3), or 201(b)(1)(F) may file a petition with the Secretary of Homeland Security”.

(c) DUAL INTENT FOR F NONIMMIGRANTS SEEKING ADVANCED STEM DEGREES AT UNITED STATES INSTITUTIONS OF HIGHER EDUCATION.—Notwithstanding sections 101(a)(15)(F)(i) and 214(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)(i), 1184(b)), an alien who is a bona fide student admitted to a program in

a STEM field (as defined in section 201(b)(1)(F)(ii)) for a degree at the master's level or higher at a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) accredited by an accrediting entity recognized by the Department of Education may obtain a student visa or extend or change nonimmigrant status to pursue such degree even if such alien intends to seek lawful permanent resident status in the United States.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 510—RECOGNIZING JANUARY 25, 2022, AS “NATIONAL POLL WORKER RECRUITMENT DAY”

Ms. KLOBUCHAR (for herself, Mr. BLUNT, Ms. BALDWIN, Mr. BENNET, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BROWN, Mrs. CAPITO, Mr. CASEY, Mr. COONS, Ms. CORTEZ MASTO, Mrs. FEINSTEIN, Mrs. FISCHER, Mrs. GILLIBRAND, Mr. HAGERTY, Mrs. HYDE-SMITH, Mr. KAINE, Mr. KELLY, Mr. MARKEY, Mr. MERKLEY, Mr. PADILLA, Ms. SMITH, Mr. VAN HOLLEN, Mr. WARNER, Ms. WARREN, Mr. WICKER, Mr. WYDEN, and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 510

*Resolved*, That the Senate—

(1) recognizes January 25, 2022, as “National Poll Worker Recruitment Day”;

(2) recognizes the need for, and appreciation of, the service of poll workers; and

(3) encourages eligible people to help America vote in the 2022 elections by serving as poll workers.

#### SENATE RESOLUTION 511—EXPRESSING THE SENSE OF THE SENATE THAT ESTABLISHING A REGIONAL NUCLEAR FUEL BANK WOULD ASSIST INTERNATIONAL EFFORTS TO AVOID A DESTABILIZING ARMS RACE IN THE MIDDLE EAST AND WOULD PROMOTE THE PEACEFUL USE OF NUCLEAR POWER

Mr. MENENDEZ (for himself and Mr. GRAHAM) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 511

Whereas the International Atomic Energy Agency (IAEA), on October 17, 2019, established and began operating a Low Enriched Uranium (LEU) Bank in Oskemen, Kazakhstan;

Whereas the IAEA LEU Bank currently has physical stock of 90 metric tons of low enriched uranium hexafluoride suitable to make fuel for nuclear power reactors worldwide;

Whereas the IAEA Bank mission is to ensure member states of the IAEA are able to obtain fuel for their reactors if there is a disruption in their existing fuel supply arrangements and LEU cannot be obtained by any other means;

Whereas a member state of the IAEA who wants to buy LEU from the fuel Bank must be in compliance with all of their nuclear safeguard agreements and not under investigation by the IAEA Board of Governors;

Whereas the establishment and operation of the IAEA LEU Bank is fully funded by voluntary contributions;

Whereas these voluntary contributions have come from the United States, the European Union, Kuwait, the United Arab Emirates (UAE), and non-government actors such as the Nuclear Threat Initiative (NTI);

Whereas, in April 2009, President of Iran Mahmoud Ahmadinejad welcomed the then proposal to set up a global nuclear fuel repository, under strict international controls;

Whereas, in an April 2005 statement at the IAEA, the Islamic Republic of Iran said it will only pursue nuclear activities in the peaceful domain, and the Leader of the Islamic Republic of Iran Ayatollah Ali Khamenei had issued a fatwa that the production, stockpiling, and use of nuclear weapons are forbidden under Islam and that the Islamic Republic of Iran shall never acquire these weapons;

Whereas the provision of LEU fuel enables a state to forgo domestic uranium enrichment and reprocessing for commercial nuclear reactors;

Whereas the UAE has successfully developed commercial nuclear power without a domestic capability to enrich uranium or reprocess spent fuel;

Whereas many states in the Middle East are seeking to establish commercial nuclear power reactors to supply power to their electrical grid;

Whereas the development of uranium enrichment and reprocessing capabilities increases the proliferation risk associated with nuclear technology, materials, and weapons; and

Whereas Iran's nuclear program is leading other Middle East states to consider how to match Iran's enrichment capabilities: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the establishment of a regional nuclear fuel bank, or a rules modification and expansion of the existing LEU Bank, in coordination with other international actors, should be part of a comprehensive plan for confronting nuclear nonproliferation in the Middle East;

(2) the United States should implement a policy that guarantees that any Middle East state that forgoes domestic uranium enrichment and reprocessing will be able to purchase fuel for their commercial nuclear reactors from an international nuclear fuel bank;

(3) in order to expand the existing IAEA LEU Bank or establish a new regional nuclear fuel bank, the United States should provide technical experience and funds and should encourage others to make financial donations to such bank;

(4) the United States should seek bilateral and multilateral nuclear cooperation agreements with various Middle Eastern states, including Iran, pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) (“123 agreements”) that include the adoption of IAEA Additional Protocols for verification of nuclear safeguards that include a commitment by states to forgo domestic uranium enrichment and reprocessing of spent fuel;

(5) if Iran enters into and implements a nuclear agreement in which it forgoes domestic uranium enrichment and reprocessing of spent fuel, the United States should commit to and provide sanctions relief beyond that agreed to in the Joint Comprehensive Plan of Action (JCPOA) signed at Vienna on July 14, 2015, by Iran and by France, Germany, the Russian Federation, the People's Republic of China, the European Union, the United Kingdom, and the United States;

(6) any such sanctions relief should include the termination of certain United States

“primary” sanctions, as appropriate, but other United States sanctions should remain in place until Iran verifiably ceases its malign activity, including its support for terrorism, its human rights abuses, its hostage-taking, and its destabilizing activities in the region, and refrains from resuming such activities; and

(7) any international agreement limiting Iran's nuclear program and providing sanctions relief to which the United States is a signatory should be submitted to the Senate for its advice and consent to ratification pursuant to Article II of the Constitution.

### AMENDMENTS SUBMITTED AND PROPOSED

SA 4924. Mr. DURBIN (for Mr. BLUMENTHAL) proposed an amendment to the resolution S. Res. 467, recognizing the contributions made by the 305-meter radio telescope at the Arecibo Observatory.

SA 4925. Mr. DURBIN (for Mr. BLUMENTHAL) proposed an amendment to the resolution S. Res. 467, supra.

### TEXT OF AMENDMENTS

**SA 4924.** Mr. DURBIN (for Mr. BLUMENTHAL) proposed an amendment to the resolution S. Res. 467, recognizing the contributions made by the 305-meter radio telescope at the Arecibo Observatory; as follows:

On page 4, line 6, insert “in consultation with” before “the National Aeronautics”.

**SA 4925.** Mr. DURBIN (for Mr. BLUMENTHAL) proposed an amendment to the resolution S. Res. 467, recognizing the contributions made by the 305-meter radio telescope at the Arecibo Observatory; as follows:

In the preamble, in the sixth whereas clause, strike “an essential” and insert “a”.

### AUTHORITY FOR COMMITTEES TO MEET

Mr. DURBIN. Mr. President, I have 6 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

#### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Thursday, February 10, 2022, at 10 a.m., to conduct a hearing.

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Thursday, February 10, 2022, at 10 a.m., to conduct a hearing.

#### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Thursday, February 10, 2022, at 10 a.m., to conduct a hearing.

COMMITTEE ON HEALTH, EDUCATION, LABOR,  
AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Thursday, February 10, 2022, at 12 p.m., to conduct a hearing on nominations.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, February 10, 2022, at 9 a.m., to conduct an executive business meeting.

SPECIAL COMMITTEE ON AGING

The Special Committee on Aging is authorized to meet during the session of the Senate on Thursday, February 10, 2022, at 9:30 a.m., to conduct a hearing.

UNANIMOUS CONSENT AGREE-  
MENT—READING OF WASHING-  
TON'S FAREWELL ADDRESS

Mr. DURBIN. Madam President, I ask unanimous consent that pursuant to the resolution of the Senate of January 24, 1901, the traditional reading of Washington's Farewell Address take place on Monday, February 28, following the prayer and pledge; further, that Senator LEAHY be recognized to deliver the address.

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

APPOINTMENT OF SENATOR  
LEAHY TO READ WASHINGTON'S  
FAREWELL ADDRESS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the order of the Senate of January 24, 1901, as modified today, appoints the Senator from Vermont, Mr. LEAHY, to read Washington's Farewell Address on Monday, February 28, 2022.

APPOINTMENT

The PRESIDING OFFICER. The Chair, pursuant to Public Law 117-81, on behalf of the Ranking Member of the Senate Committee on Appropriations, appoints the following individual to serve as a member of the Commission on Planning, Programming, Budgeting, and Execution Reform: Steven J. Cortese of Maryland.

PROVIDING FOR A JOINT SESSION  
OF CONGRESS TO RECEIVE A  
MESSAGE FROM THE PRESIDENT

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 69, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The senior assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 69) providing for a joint session of Congress to receive a message from the President.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be considered made and laid upon the table.

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

The concurrent resolution (H. Con. Res. 69) was agreed to.

RECOGNIZING THE CONTRIBU-  
TIONS MADE BY THE 305-METER  
RADIO TELESCOPE AT THE ARE-  
CIBO OBSERVATORY

Mr. DURBIN. Madam President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration and the Senate now proceed to S. Res. 467.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 467) recognizing the contributions made by the 305-meter radio telescope at the Arecibo Observatory.

There being no objection, the committee was discharged and the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent that the Blumenthal amendment at the desk to the resolution be agreed to; that the resolution, as amended, be agreed to; that the Blumenthal amendment at the desk to the preamble be agreed to; that the preamble, as amended, be agreed to; and that the motions to reconsider be considered made and laid upon the table.

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

The amendment (No. 4924) was agreed to as follows:

(Purpose: To amend the resolution)

On page 4, line 6, insert "in consultation with" before "the National Aeronautics".

The resolution (S. Res. 467), as amended, was agreed to.

The amendment (No. 4925) to the preamble was agreed to as follows:

(Purpose: To amend the preamble)

In the preamble, in the sixth whereas clause, strike "an essential" and insert "a".

The preamble, as amended, was agreed to.

(The resolution, as amended, with its preamble, as amended, reads as follows:)

S. RES. 467

Whereas the Department of Defense began developing the Arecibo Observatory located in Barrio Esperanza, Arecibo, Puerto Rico, during the 1950s, and its characteristic instrument, a large radio telescope of 305 meters in diameter was completed in 1963;

Whereas the facility was later owned by the National Science Foundation, and supported by the National Aeronautics and Space Administration and various university partners;

Whereas the Arecibo Observatory's 305-meter fixed spherical radio telescope, was the world's largest single-dish radio tele-

scope until the Five-Hundred-Meter Aperture Spherical Radio Telescope located in Gizhou, China, began observing in 2016;

Whereas the 305-meter radio telescope made unparalleled contributions to the fields of radio astronomy, planetary, and atmospheric sciences, and played a role in inspiring thousands of students in Puerto Rico, the Nation, and the world to pursue careers in STEM fields through the Arecibo Observatory Education and Public Outreach Programs;

Whereas the radio telescope significantly advanced the field of radio astronomy, including the first indirect detection of gravitational waves, the first detection of extrasolar planets, innumerable contributions to the field of time domain astronomy and the study of the interstellar medium, and played a key role in the search for extraterrestrial intelligence;

Whereas the Arecibo Observatory had the best planetary radar system in the world, used by the National Aeronautics and Space Administration for near-Earth object detection and was a part of the agency's planetary defense program;

Whereas the planetary radar at the Arecibo Observatory has contributed fundamentally and significantly to the knowledge of the solar system;

Whereas the Arecibo Observatory's Incoherent Scatter Radar and supporting facilities have provided fundamental understanding of the ionosphere and upper atmosphere, and the interface between the atmosphere and space that protects the planet from solar wind, meteors, and other potential threats; and

Whereas December 1, 2021, marks the 1-year anniversary of the uncontrolled collapse sustained by the radio telescope after a series of cable failures in tower 4: Now, therefore, be it

*Resolved*, That the Senate—

(1) acknowledges the loss of the Arecibo Observatory's radio telescope due to its collapse and its implications for the loss of a unique world-class multidisciplinary science facility which conducted research in the areas of space and atmospheric sciences, radar astronomy and planetary sciences, astronomy, and astrophysics;

(2) acknowledges that the uncontrolled collapse of the 305-meter radio telescope represents a remarkable loss of astronomical observation capabilities, scientific research and development, planetary defense capabilities, and applied science advantage for the United States;

(3) recognizes the rich scientific, educational, and economic benefits that the Arecibo Telescope has made to the people of Puerto Rico, the Nation, and the world;

(4) recognizes the work and contributions made by the thousands of dedicated staff who have supported the Arecibo Observatory for close to 6 decades;

(5) commends the National Science Foundation for convening a virtual workshop in June 2021, to explore ideas for future scientific and educational activities at the Arecibo Observatory; and

(6) encourages the National Science Foundation, in consultation with the National Aeronautics and Space Administration, and other agencies to study means of replacing the scientific capabilities that were lost at the Arecibo Observatory, utilizing new state-of-the-art technologies at the site.

NATIONAL POLL WORKER  
RECRUITMENT DAY

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate



proceed to the consideration of S. Res. 510, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 510) recognizing January 25, 2022, as “National Poll Worker Recruitment Day”.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to and that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 510) was agreed to.

(The resolution is printed in today’s RECORD under “Submitted Resolutions.”)

#### ORDERS FOR MONDAY, FEBRUARY 14, 2022

Mr. DURBIN. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 3 p.m., Monday, February 14; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate resume consideration of the motion to proceed to Calendar No. 266, H.R. 3076, the Postal Service Reform Act; that the cloture motions filed during today’s session of the Senate ripen at 5:30 p.m.

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

Mr. DURBIN. For the information of Senators, we expect to have one roll-call vote at 5:30 p.m. on Monday.

#### ADJOURNMENT UNTIL FEBRUARY 14, 2022, AT 3 P.M.

Mr. DURBIN. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 3:31 p.m., stands adjourned until Monday, February 14, 2022, at 3 p.m.

### NOMINATIONS

Executive nominations received by the Senate:

#### DEPARTMENT OF STATE

REUBEN E. BRIGETY II, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SOUTH AFRICA.

MARYKAY LOSS CARLSON, OF ARKANSAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE PHILIPPINES.

#### INTERNATIONAL MONETARY FUND

ELIZABETH SHORTINO, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF TWO YEARS, VICE MARGRETHE LUNDSAGER, RESIGNED.

#### IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

#### To be brigadier general

COL. MARGARET H. BLAIS  
COL. BRUCE A. COWAN  
COL. PAUL N. DRAKE IV  
COL. BRIAN C. ELBERT  
COL. GREGORY A. KRANE  
COL. CHARLES W. NICHOLS, JR.  
COL. MATHEW C. WENTHE

#### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

#### To be rear admiral (lower half)

CAPT. MICHAEL L. BAKER

#### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT AS PERMANENT PROFESSORS AT THE UNITED STATES AIR FORCE ACADEMY IN THE GRADE INDICATED IN ACCORDANCE WITH TITLE 10, U.S.C., SECTIONS 9433(B) AND 9436(A):

#### To be colonel

JUSTIN L. JOFFRION  
BETH L. MAKROS

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

#### To be colonel

ROBERT J. ROWE

THE FOLLOWING NAMED OFFICER FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 605:

#### To be major

MANUEL C. RUIZ

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 605:

#### To be lieutenant colonel

JEFFREY M. BEEMAN  
HERMAN E. BULLS, JR.

DANIEL D. CASTLE  
JOHN R. DART  
BRIAN A. ELLIS  
EDWARD S. HOOGLAND  
EDWARD A. JARRET  
BOBBY W. JOHNSON  
PATRICK D. JONES  
NICOLE R. MINER  
LENNOX G. MORRIS  
RICHARD P. PURCELL  
JAMES F. ROSEBERY  
GREGORY S. STERLEY  
ZACHARY L. TEGTMEIER  
THOMAS J. TEPLY  
CHATOM J. WARREN  
ALEXANDER M. WILLARD

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 605:

#### To be colonel

JOSEPH V. DASILVA  
GABRIEL R. DOWNEY II  
VITO J. ERRICO  
GREGORY J. MERKL  
JOSE A. REYES  
AARON M. WILLIAMS  
JASON R. ZUNIGA

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 7064:

#### To be major

SHAKER F. Y. SAAD

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 605:

#### To be lieutenant colonel

WILLIAM T. FREAKLEY  
JOHN L. LIMAURO  
MASON W. THORNAL

### CONFIRMATION

Executive nomination confirmed by the Senate February 10, 2022:

#### FEDERAL MARITIME COMMISSION

MAX VEKICH, OF WASHINGTON, TO BE A FEDERAL MARITIME COMMISSIONER FOR A TERM EXPIRING JUNE 30, 2026.

Executive Message transmitted by the President to the Senate on February 10, 2022 withdrawing from further Senate consideration the following nominations:

ROBERT LUIS SANTOS, OF TEXAS, TO BE DIRECTOR OF THE CENSUS FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 31, 2021, VICE STEVEN DILLINGHAM, WHICH WAS SENT TO THE SENATE ON APRIL 15, 2021.

MARY CATHERINE PHEE, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 27, 2021, VICE LINDA THOMAS-GREENFIELD, RESIGNED, WHICH WAS SENT TO THE SENATE ON APRIL 29, 2021.

KIMBERLY CAUDLE LEWIS, OF ALABAMA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2025, VICE RICHARD CAPEL HOWORTH, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 4, 2022.

CYNTHIA C. HOGAN, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING FEBRUARY 8, 2024, VICE LISA M. QUIROZ, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 4, 2022.

# Daily Digest

## HIGHLIGHTS

Senate passed H.R. 4445, Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act.

## Senate

### Chamber Action

*Routine Proceedings, pages S619–S651*

**Measures Introduced:** Seventeen bills and three resolutions were introduced, as follows: S. 3624–3640, S.J. Res. 37, and S. Res. 510–511. **Pages S646–47**

#### Measures Reported:

S. 609, to withdraw the National Forest System land in the Ruby Mountains subdistrict of the Humboldt-Toiyabe National Forest and the National Wildlife Refuge System land in Ruby Lake National Wildlife Refuge, Elko and White Pine Counties, Nevada, from operation under the mineral leasing laws. (S. Rept. No. 117–70)

S. 2158, to extend the authorization for the Cape Cod National Seashore Advisory Commission, with an amendment. (S. Rept. No. 117–71)

S. 2524, to amend the Alaska Native Claims Settlement Act to exclude certain payments to aged, blind, or disabled Alaska Natives or descendants of Alaska Natives from being used to determine eligibility or certain programs. (S. Rept. No. 117–72)

**Page S646**

#### Measures Passed:

**Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act:** Senate passed H.R. 4445, to amend title 9 of the United States Code with respect to arbitration of disputes involving sexual assault and sexual harassment. **Pages S621–28**

**Joint Session of Congress:** Senate agreed to H. Con. Res. 69, providing for a joint session of Congress to receive a message from the President.

**Page S650**

**Arecibo Observatory:** Committee on Commerce, Science, and Transportation was discharged from further consideration of S. Res. 467, recognizing the contributions made by the 305-meter radio telescope at the Arecibo Observatory, and the resolution was

then agreed to, after agreeing to the following amendments proposed thereto: **Page S650**

Durbin (for Blumenthal) Amendment No. 4924, to amend the resolution. **Page S650**

Durbin (for Blumenthal) Amendment No. 4925, to amend the preamble. **Page S650**

**National Poll Worker Recruitment Day:** Senate agreed to S. Res. 510, recognizing January 25, 2022, as “National Poll Worker Recruitment Day”.

**Pages S650–51**

#### Measures Considered:

**Postal Service Reform Act—Agreement:** Senate began consideration of the motion to proceed to consideration of H.R. 3076, to provide stability to and enhance the services of the United States Postal Service. **Page S621**

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, February 10, 2022, a vote on cloture will occur at 5:30 p.m., on Monday, February 14, 2022. **Page S621**

A unanimous-consent agreement was reached providing that at approximately 3 p.m., on Monday, February 14, 2022, Senate resume consideration of the motion to proceed to consideration of the bill; and that the cloture motions filed during the session of Thursday, February 10, 2022, ripen at 5:30 p.m., on Monday, February 14, 2022. **Page S651**

#### Appointments:

**Commission on Planning, Programming, Budgeting and Execution Reform:** The Chair, pursuant to Public Law 117–81, on behalf of the Ranking Member of the Senate Committee on Appropriations, appointed the following individual to serve as a member of the Commission on Planning, Programming, Budgeting, and Execution Reform: Steven J. Cortese of Maryland. **Page S650**

**Washington's Farewell Address:** Senator Leahy was designated to read Washington's Farewell Address on February 28, 2022, pursuant to the order of the Senate of January 24, 1901, as modified by the order of February 10, 2022. **Page S650**

**Washington's Farewell Address—Agreement:** A unanimous-consent agreement was reached providing that pursuant to the resolution of the Senate of January 24, 1901, the traditional reading of Washington's Farewell Address take place on Monday, February 28, 2022, following the prayer and pledge; further that Senator Leahy be recognized to deliver the address. **Page S650**

**Califf Nomination—Cloture:** Senate began consideration of the nomination of Robert McKinnon Califf, of North Carolina, to be Commissioner of Food and Drugs, Department of Health and Human Services. **Page S621**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of H.R. 3076, to provide stability to and enhance the services of the United States Postal Service. **Page S621**

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Executive Session to consider the nomination. **Page S621**

**Nomination Confirmed:** Senate confirmed the following nomination:

By 51 yeas 43 nays (Vote No. EX. 53), Max Vekich, of Washington, to be a Federal Maritime Commissioner for a term expiring June 30, 2026. **Pages S628–40**

During consideration of this nomination today, Senate also took the following action:

By 52 yeas to 45 nays (Vote No. EX. 52), Senate agreed to the motion to close further debate on the nomination. **Page S632**

**Nominations Received:** Senate received the following nominations:

Reuben E. Brigety II, of Florida, to be Ambassador to the Republic of South Africa.

MaryKay Loss Carlson, of Arkansas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador to the Republic of the Philippines.

Elizabeth Shortino, of the District of Columbia, to be United States Executive Director of the International Monetary Fund for a term of two years.

7 Air Force nominations in the rank of general.  
1 Navy nomination in the rank of admiral.

Routine lists in the Air Force, Army. **Page S651**

**Nominations Withdrawn:** Senate received notification of withdrawal of the following nominations:

Cynthia C. Hogan, of Ohio, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring February 8, 2024, which was sent to the Senate on January 4, 2022.

Kimberly Caudle Lewis, of Alabama, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2025, which was sent to the Senate on January 4, 2022.

Mary Catherine Phee, of Illinois, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 27, 2021, which was sent to the Senate on April 29, 2021.

Robert Luis Santos, of Texas, to be Director of the Census for the remainder of the term expiring December 31, 2021, which was sent to the Senate on April 15, 2021.

**Measures Placed on the Calendar:** **Pages S621, S645**

**Executive Communications:** **Pages S645–46**

**Executive Reports of Committees:** **Page S646**

**Notice of a Tie Vote Under S. Res. 27:** **Page S643**

**Additional Cosponsors:** **Pages S647–48**

**Statements on Introduced Bills/Resolutions:** **Pages S648–49**

**Additional Statements:** **Pages S644–45**

**Amendments Submitted:** **Page S649**

**Authorities for Committees to Meet:** **Pages S649–50**

**Record Votes:** Two record votes were taken today. (Total—53) **Pages S632, S640**

**Adjournment:** Senate convened at 10 a.m. and adjourned at 3:31 p.m., until 3 p.m. on Monday, February 14, 2022. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S651.)

## Committee Meetings

(Committees not listed did not meet)

### HOUSING MARKET

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded a hearing to examine how institutional landlords are changing the housing market, including S. 2920, to provide downpayment assistance to first-generation homebuyers to address multigenerational inequities in access to homeownership and to narrow and ultimately close the racial

homeownership gap in the United States, after receiving testimony from R. Michael Waller, Georgia Appleseed, Atlanta; Tobias J. Peter, American Enterprise Institute, and Joel Griffith, The Heritage Foundation, both of Washington, D.C.; Sally Accorti Martin, City of Cleveland, Cleveland, Ohio; and Aneta Molenda, New York, New York.

#### CLEAN HYDROGEN

*Committee on Energy and Natural Resources:* Committee concluded a hearing to examine the opportunities and challenges in using clean hydrogen in the transportation, utility, industrial, commercial, and residential sectors, after receiving testimony from Sunita Satyapal, Director, Hydrogen and Fuel Cell Technologies Office, Office of Energy Efficiency and Renewable Energy, Hydrogen Program Coordinator, Department of Energy; Glen Richard Murrell, Wyoming Energy Authority, Cheyenne; Jonathan Lewis, Clean Air Task Force, Boston, Massachusetts; Michael J. Graff, American Air Liquide Holdings Inc., Houston, Texas; and Brian Hlavinka, Williams New Energy Ventures, Tulsa, Oklahoma.

#### HEALTH CARE WORKFORCE SHORTAGE

*Committee on Health, Education, Labor, and Pensions:* Subcommittee on Employment and Workplace Safety concluded a hearing to examine the health care workforce shortage, focusing on recruiting, revitalizing and diversifying, after receiving testimony from Margaret Flinter, National Nurse Practitioner Residency and Fellowship Training Consortium, Middletown, Connecticut; C. Reynold Verret, Xavier University of Louisiana, New Orleans; Norma Quinones, Clinica Family Health, Lafayette, Colorado; and Rachel Greszler, The Heritage Foundation, Washington D.C.

#### BUSINESS MEETING

*Committee on Health, Education, Labor, and Pensions:* Committee ordered favorably reported the nominations of Glenna Laureen Wright-Gallo, of Nevada, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, Christopher John Williamson, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and

Health, and Mary Lucille Jordan, of Maryland, and Timothy Baker, of Virginia, both to be a Member of the Federal Mine Safety and Health Review Commission.

#### BUSINESS MEETING

*Committee on the Judiciary:* Committee ordered favorably reported the following business items:

S. 3538, to establish a National Commission on Online Child Sexual Exploitation Prevention;

S. 3103, to amend title 18, United States Code, to eliminate the statute of limitations for the filing of a civil claim for any person who, while a minor, was a victim of a violation of section 1589, 1590, 1591, 2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423 of such title; and

The nominations of Andre B. Mathis, of Tennessee, to be United States Circuit Judge for the Sixth Circuit, Hector Gonzalez, to be United States District Judge for the Eastern District of New York, Fred W. Slaughter, to be United States District Judge for the Central District of California, Andrew Fois, of the District of Columbia, to be Chairman of the Administrative Conference of the United States, and Marisa T. Darden, to be United States Attorney for the Northern District of Ohio, Delia L. Smith, to be United States Attorney for the District of the Virgin Islands, Eddie M. Frizell, to be United States Marshal for the District of Minnesota, and LaDon A. Reynolds, to be United States Marshal for the Northern District of Illinois, all of the Department of Justice.

#### MEDICARE AND MEDICAID

*Special Committee on Aging:* Committee concluded a hearing to examine improving care experiences for people with both Medicare and Medicaid, after receiving testimony from Eunice Medina, South Carolina Department of Health and Human Services Chief of Staff, Columbia; Jose F. Figueroa, Harvard T.H. Chan School of Public Health, Boston, Massachusetts; Dennis Heaphy, Disability Policy Consortium, Malden, Massachusetts; and Jane Doyle, Bartonsville, Pennsylvania.

# House of Representatives

## *Chamber Action*

The House was not in session today. The House is scheduled to meet at 11 a.m. on Friday, February 11, 2022.

## *Committee Meetings*

No hearings were held.

## *Joint Meetings*

No joint committee meetings were held.

## COMMITTEE MEETINGS FOR FRIDAY, FEBRUARY 11, 2022

*(Committee meetings are open unless otherwise indicated)*

### Senate

No meetings/hearings scheduled.

### House

No hearings are scheduled.

*Next Meeting of the SENATE*

3 p.m., Monday, February 14

## Senate Chamber

**Program for Monday:** Senate will resume consideration of the motion to proceed to consideration of H.R. 3076, Postal Service Reform Act, and vote on the motion to invoke cloture thereon at 5:30 p.m.

*Next Meeting of the HOUSE OF REPRESENTATIVES*

11 a.m., Friday, February 11

## House Chamber

**Program for Friday:** House will meet in Pro Forma session at 11 a.m.



## Congressional Record

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