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No. 13

## Senate

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

### PRAYER

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

Let us pray. Eternal God, we love You, for You are our strength and fortress. Lord, You are worthy of our praise. We thank You for showing yourself faithful to all who put their trust in You. Continue to sustain our lawmakers with Your strong right hand.

Lord, equip and empower them by Your Heavenly grace that they may be adequate for these momentous times. Use them as Your instruments to bring decency, justice, and mercy to our Nation and world.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore 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.

### RESERVATION OF LEADER TIME

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

### MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The Senator from Virginia.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

### VOTING RIGHTS

Mr. SCHUMER. Mr. President, last night was a reminder of a difficult but important reality of our great democracy: The march to freedom, through thick and thin, is never over—and we have to keep marching.

While last night's vote was disappointing, it will not deter Senate Democrats from continuing our fight against voter suppression, dark money, and partisan gerrymandering. Democrats are proud of the fight we held last night. The strength, eloquence, enthusiasm, and overwhelming participation of my Democratic colleagues during debate was exhilarating and shows the passion we feel about this issue.

Facing an uphill battle from the start, we lost the vote. But to have not voted would have been a far greater loss, a loss for our Democratic Party, which for generations has stood for voting rights; a loss for the civil rights advocates who have sacrificed so much on this issue; and a loss for the American people and what this country stands for. On an issue this important, not doing everything we could would have been unacceptable.

Now, the bromides of the beltway class hold we should not have held a vote on voting rights if the outcome was not certain. They are wrong. Imagine telling Dr. King not to march from Selma to Montgomery because he could not be sure what obstacles awaited him and his fellow freedom fighters.

Imagine telling John Lewis he should never have crossed the Pettus Bridge because it was unclear what perils awaited him on the other side.

Every Member of this body who has ever invoked these great titans of freedom has an obligation—an obligation—to uphold their legacies not just with words but with actions. Senators were elected to vote. The examples of Dr. King, of John Lewis inspire us, give us strength, and show us that sometimes the only right option is to move forward.

And we need to remember what this is about. With the advent of Donald Trump and his many Big Lies, with the January 6 insurrection, with the vicious acts of voter suppression throughout the States, and with the greedy dark money interests that fuel the Republican Party these days, this is a fight for the soul of America—nothing less. So Democrats will not shy away from an uphill fight; we will continue to face them.

And I believe that the lessons of history are clear: When Representatives have to take a stand, when they have to show to the American people where they are on the issues, the right side of history ultimately prevails. We know history is on the side of voting rights, and we know that forcing leaders to take stands will ultimately move the ball forward.

Now, finally, I want to thank all my colleagues who came to the floor yesterday to speak valiantly in defense of voting rights and for working assiduously for months on this vital issue: Senators KLOBUCHAR and MERKLEY, BOOKER, SCHATZ, Senator Kaine—you, Mr. President—Senators KING, TESTER, WARNOCK, OSSOFF, DURBIN, PADILLA, LEAHY—and so many, so many more. Their leadership, their expertise, and their dedication to protecting our democracy is inspiring. It gives our caucus strength, and it made such a difference. Last night was unusual and exhilarating because we fought the good fight.

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



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As former Majority Leader Alben Barkley of Kentucky said 80 years ago this November, facing a filibuster, which successfully blocked anti-poll tax legislation—the majority leader, Alben Barkley, from Kentucky, said:

I am glad I have made this fight. I have made it in behalf of what I believe to be the broad and true foundations of a true democracy.

Senate Democrats fighting for voting rights is not over. We will keep fighting until voting rights are protected for every single American. And one day—hopefully, sooner rather than later—we will succeed.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

#### MARCH FOR LIFE

Mr. MCCONNELL. Mr. President, tomorrow, our Nation's Capital will once again host many thousands of Americans gathering peacefully to support the most basic human right—the right to life. For 49 years, the March for Life has united people from diverse backgrounds, different faiths, and all 50 States to celebrate the dignity of human life and confront the ways our society fails to protect it.

This year, the marchers will arrive in a Washington controlled by a Democratic Party that has grown increasingly radical on this issue. Today's Democrats work overtime to keep our country one of just seven nations on the planet that have abortion on demand even after the unborn children can feel pain. Our shameful company includes China and North Korea. Fewer than 30 percent of Americans endorse this view, but Democrats have made it party dogma.

On President Biden's watch, Washington Democrats have even turned against the longstanding bipartisan Hyde Amendment. Both parties used to agree that at least Federal taxpayers should not be forced to fund abortions. Now Democrats on both sides of Pennsylvania Avenue declared war on even this.

So I warmly welcome the marchers from Kentucky and across the country. This radical version of the Democratic Party needs to hear your voices now more than ever.

#### BIDEN ADMINISTRATION

Mr. MCCONNELL. Today marks exactly 1 year since President Biden be-

came our forty-sixth President. This all-Democratic government has had 365 days to start delivering on some of their core promises.

So what were those promises, in their own words? "Crushing the virus," "strengthen[ing] our alliances," and, above all else, "lower[ing] the temperature" and reuniting a divided country.

Remember, upon taking office, this administration had historic tailwinds at its back. President Biden inherited lifesaving vaccines and a distribution system that was already up and running. He inherited a string of bipartisan rescue packages, including one that was only just a few days old. He inherited an economy that was prime for a roaring comeback. Those were the promises. That was the inheritance.

So let's take a look at the progress report. Last spring, against expert advice, the Biden administration dumped another mountain of borrowed cash on an already white-hot economy. As a result, we are now being hammered by the worst inflation in 40 years. Practically everything families need and want have gotten much, much more expensive. Constant shortages disrupt family shopping. Households are being hit with soaring heating costs if they stay home and soaring gas prices if they go out. Our economic trajectory looks shakier today than it did when Democrats were sworn in.

Of course, we have continued adding back jobs from COVID lockdowns. That was certainly going to happen. But job creation has massively underperformed Democrats' own projections for job creation with their super costly springtime stimulus package.

When 2021 was said and done, the country had added roughly the same number of jobs that we were on track to create before Democrats implemented one policy or spent one dime. They managed to literally blow \$1.9 trillion but only barely beat the starting trajectory they inherited.

They call that spending a COVID package, but less than 10 percent of the money went to the actual medical fight, and that certainly shows.

Americans are entering their third year of this pandemic with too few tests, too few treatments, too many new cases, and too many school closures; muddled guidance on boosters that caused FDA experts to resign in protest, and needless divisive vaccine mandates that were not even constitutional.

One year in, the coronavirus is decidedly uncrushed.

And COVID wasn't the only epidemic sweeping American streets. Take violent crime. Far-left rhetoric and anti-law-enforcement local policies have led major cities to set all-time records for homicide in 2021.

Or take fentanyl. This deadly imported poison was the leading cause of death for Americans aged 18 to 45, last year. The No. 1 killer of Americans in their prime—fentanyl.

So why aren't Democrats treating this like an emergency? When was the

last time President Biden even talked about this?

And drug deaths are not the only consequence of our weak borders.

Candidate Biden's rhetoric incentivized a historic flood of illegal immigration, and then President Biden's weak policies lit the fuse. The result? The biggest surge in illegal border crossings in 60 years—60 years.

All these issues are priorities for American families, but the Biden administration spent most of 2021 focused on none of those. Washington Democrats spent months chasing a reckless taxing-and-spending spree packed with far-left policies that citizens never wanted. We spent half of 2021 trying and failing to blow \$5 trillion on windmills and welfare.

When that effort faded, Democrats abruptly pivoted and started shouting that American democracy was on death's door. They propagandized that some evil anti-voting conspiracy was sweeping America, and the only solution to this grand crisis was a gigantic partisan election takeover bill that Democrats had conveniently written years before the events which they say now prompted it.

The American people didn't buy the fake hysteria. One-half of one percent of the country thinks election laws are our top issue. In fact, more Americans believe voting laws are too loose than too tight.

Oh, but Democrats went all in on this obsession. A few days ago, the sitting President of the United States called millions of Americans his domestic enemies and analogized—analagized—U.S. Senators to Jefferson Davis.

Well, last night, the fake panic drove 48 Senate Democrats to walk the plank on a failed effort to shatter the Senate itself for short-term power. And now Washington Democrats appear to be launching an absurd and reckless campaign to delegitimize the next election in advance, in case they lose it. Sound familiar?

Yesterday, the President told reporters that he might not accept the 2022 election results as legitimate if his election takeover bills do not pass Congress first. It all sounds eerily familiar.

This morning, the House majority whip followed suit. He was asked if the legitimacy of our elections is contingent on Washington Democrats passing these bills, and he replied: "I am absolutely concerned about that."

The Democrats who preached countless sermons about accepting voter decisions are now saying the midterms may be illegitimate, unless they win.

So America, after all of this, do you feel unified? Do you feel healed? Do you feel like our core institutions are being protected?

Now, Senate Republicans have met this administration more than halfway. In 2021, the Senate built and passed a major infrastructure bill. We passed bipartisan legislation on competing with China.

But beyond that, this administration deliberately chose to build their whole

governing strategy around the party-line reconciliation process.

So the President cannot deflect blame for his disappointing first year. The American people know where the buck stops, and if our Democratic friends do not change course, before long, the buck will stop somewhere else.

Now, on a related matter, President Biden also campaigned on strengthening America's partnerships and renewing our global leadership. Well, how has the administration done?

The administration that campaigned on restoring alliances abandoned a coalition of loyal partners with its disastrous and fatal retreat from Afghanistan.

The Biden administration green-lit Vladimir Putin's Nord Stream 2 pipeline, and the Democrats blocked us from sanctioning it. This pipeline will help Putin gain even more leverage over Western Europe and, of course, further isolate Ukraine.

As we speak—right now—Putin has amassed more than 100,000 Russian troops along the border of Ukraine. If these forces cross into Ukraine, it will not be a new invasion or a "re-invasion." It will represent a major escalation of an ongoing occupation.

Ukraine has been fighting a Russian-backed war on its own now for 8 years. Eight years ago, I tried to warn President Obama that Putin is only deterred when the world imposes real costs—real costs—on his misbehavior.

But the Biden Administration sent Ukraine nonlethal support, and the sanctions it imposed and coordinated proved not to be as tough as advertised. The Obama-Biden administration failed to end Putin's invasion or compel compliance with the Minsk accords. Now the Biden-Harris team must not repeat the Obama-Biden grave mistakes.

But yesterday, on live television, President Biden telegraphed passivity—telegraphed passivity—and weakness, exactly when our allies can least afford it. Our President seemed to state—and, I pray, unintentionally—that he expects Putin to escalate in Ukraine, and, in any case, Putin can do what he wants.

Here is what the President said: "That decision is totally, solely, completely a Putin decision. . . . I suspect it matters which side of the bed he gets up on."

What on Earth does that mean?

Further, the President said: "My guess is he will move in."

The President said: "My guess is he will move in. He has to do something."

So President Biden thinks Putin has to do something. What does that even mean? Why is our President speculating like a passive observer on the sidelines?

He isn't a pundit. He isn't Putin's psychoanalyst. He is the President of the United States.

So will America hold Russia accountable if it escalates? Here was the mes-

sage from our Commander in Chief: "It depends on what Russia does. It's one thing if it's a minor incursion"—a minor incursion—"and then we end up having to fight about what to do and not do, et cetera."

"It is one thing if it is a minor incursion"? Does this mean President Biden will not actually authorize the tough response that his own administration officials have spent weeks—weeks—promising?

This was a moment to deliver a powerful warning to the Kremlin that Ukraine's sovereignty is inviolable; that we would stand with her people; that the cost of escalation would be devastating.

It was a moment to reassure our partners in Kiev and our allies along NATO's eastern flank that America had their back.

It was a moment to call for NATO's unity, not to expose and appear hamstrung by NATO's divisions. It was a bizarre and devastating performance—especially, I would add—for our friends on the frontlines.

President Zelensky's Defense Minister has already shot back. This is from Ukraine's Defense Minister:

We should not give Putin the slightest chance to play with quasi-aggression or small incursion operations. This aggression was [already] there since 2014. This is the fact.

I suspect our own Secretary of State, who is in Europe to meet with our allies and the Russian Foreign Minister—was also shocked by what the President had said. Minutes later, White House staff put out a frantic statement laying out a completely different position than what President Biden had just expressed. By then, of course, significant damage had been done.

But, alas, the damage can be undone. The President of the United States is never powerless. President Biden needs to clean up his remarks. He needs to clearly state American resolve and clearly demonstrate American leadership. He should call President Zelensky and NATO's allies most threatened by Russian aggression. He should rally allies and partners around the world to defend Ukraine and the international system that is being threatened by Putin.

His administration should be using every waking moment right now—right now—to expedite our delivery of real defensive capabilities to Ukraine.

The President must cut the indecision and redtape that has slowed us and our partners down. President Biden should finally, at long last, get around to nominating an Ambassador to Ukraine, a position he has left empty for 12 crucial months.

He should send U.S. forces to shore up NATO's eastern flank—not if—not if and when Putin escalates, but right now, before it is too late.

He should encourage our treaty allies to do likewise. But while alliance unity is important, the lowest common denominator of NATO's most nervous

members cannot be allowed to restrict American action.

Whatever course other nations choose to chart, we cannot afford to let Moscow underestimate our resolve to impose serious—serious—crushing costs in response to any further incursion against Ukraine.

Our friends and America's reputation deserve nothing less.

The PRESIDING OFFICER (Mr. REED). The Republican whip.

#### MARCH FOR LIFE

Mr. THUNE. Mr. President, tomorrow, the streets of our Nation's Capital will be filled with Americans from across the country who have come to Washington, DC, to march for life. They come to nudge the conscience of our Nation, to remind all of us that every day in this country, baby girls and boys are being killed by abortion.

The March for Life, of course, is just one small facet of the pro-life movement, which works every day in this country to offer help and hope to moms in need. Pro-lifers collect supplies for pregnant moms. They pay for prenatal care. They assist moms with housing. They help moms continue with their schooling or find employment. They provide a listening ear to support a mom going through a difficult time.

The March for Life is just one small facet of that work, but it is an important one because abortion is an injustice that happens behind closed doors. It is not something that we see happening, and so it is all too easy to forget that every day in this country, hundreds of babies are being killed by abortion.

The CDC reports that almost 630,000 babies were killed by abortion in 2019 alone—630,000. That number is so big, it is almost unfathomable. To put 630,000 in some kind of perspective, that is equivalent to roughly 70 percent of the population of my State of South Dakota killed in 1 year—630,000 unique, unrepeatable human beings; future doctors, nurses, farmers and teachers and plumbers and busdrivers and research scientists, beloved sisters and brothers and nieces and nephews, future moms and dads. That is a lot of lives lost.

So events like the March for Life are fundamentally important because they provide a public witness to the truth about abortion. They remind all of us of what can be all too easy to minimize or ignore or forget, and that is that in this country, we are denying our most vulnerable citizens their most basic right.

You would think by now that we would have learned our lesson about deciding that one group of human beings is expendable; about deciding that some human beings are excluded from the protection and dignity that every member of the human family should enjoy. Unfortunately, history makes clear that great sins are often repeated. But we don't have to stay silent in the face of them. Indeed, we

[Rollcall Vote No. 11 Executive]

must not stay silent in the face of them.

“Rescue those being led away to death,” it says in the Book of Proverbs. “[H]old back those staggering towards slaughter. If you say, ‘But we knew nothing about this,’ does not he who weighs the heart perceive it? . . . Will he not repay everyone according to what they have done?”

The March for Life helps make sure that we can never offer the excuse “But we knew nothing about this” and reminds us of our responsibility to speak up to rescue the babies in this country who are being led away to death mere weeks or months after their life has begun.

Those who would defend a supposed right to abortion would like Americans to believe that the decision that legalized abortion in this country is settled law, but the truth is, it is not. If it were settled law, the Supreme Court wouldn’t regularly be asked to rule on abortion legislation.

There is a reason why *Roe v. Wade* has never taken on the character of settled law, and that is because it was a fundamentally wrongheaded decision; a decision in tension with our most basic beliefs as Americans—that every person is endowed by our Creator with certain unalienable rights. Chief among them is the right to life.

Americans are not a perfect people. We have made some very grave errors in our past. But Americans are fundamentally a good people. While we have not always fully realized the promise of our Declaration—the promise of protection for the unalienable rights of every person—it is something we keep fighting for and pursuing.

We really believe in the right to life and liberty and to the pursuit of happiness, and we have the sentiments to go with that: a strong sense of justice, a passion for the right, an instinct to protect the vulnerable. So the idea of killing innocent, vulnerable human beings is not something we can easily make our peace with. So it is not surprising to me that, despite the best efforts of the pro-abortion movement, a strong majority of Americans support restrictions on abortion.

An Associated Press poll from this June found that 65 percent of Americans believe that abortion should generally be illegal in the second trimester, or from about 13 weeks of pregnancy, while a whopping 80 percent—80 percent—of Americans believe that abortion should generally be illegal in the third trimester.

Americans know that abortions kill babies. The pro-abortion movement can talk all it wants about blobs of tissue or products of conception; science and technology and common sense point inexorably to the humanity of the unborn child. And Americans know that human beings deserve to be protected even when they are small or weak or vulnerable—especially when they are small or weak or vulnerable.

It is reprehensible that a country like ours, dedicated to the defense of

human rights, has some of the most extreme abortion laws in the world. We are part of just a tiny handful of countries that allow elective abortion past 20 weeks of pregnancy. Among those other countries are China and North Korea—not exactly the kind of company we want to be keeping when it comes to protecting human rights.

It is time for us to do better. We can do better. And I am so grateful for all of the marchers and for all those in the pro-life movement who are out there fighting to ensure that we do better.

“Speak up for those who cannot speak for themselves,” it says in the Book of Proverbs. Thank you to all those who are speaking up tomorrow. Keep speaking up, and I am confident that sooner or later, life will prevail.

I yield the floor.  
The PRESIDING OFFICER (Mr. HEINRICH). The majority leader.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I ask to execute the previous order with respect to the Thomas nomination.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Holly A. Thomas, of California, to be United States Circuit Judge for the Ninth Circuit.

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

Mr. SCHUMER. 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 senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Montana (Mr. TESTER) and the Senator from Arizona (Ms. SINEMA) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from West Virginia (Mrs. CAPITO), the Senator from Louisiana (Mr. CASSIDY), the Senator from North Dakota (Mr. CRAMER), the Senator from Oklahoma (Mr. INHOFE), the Senator from Kansas (Mr. MARSHALL), the Senator from Kansas (Mr. MORAN), the Senator from South Dakota (Mr. ROUNDS), the Senator from South Carolina (Mr. SCOTT), and the Senator from Pennsylvania (Mr. TOOMEY).

Further, if present and voting, the Senator from Kansas (Mr. MARSHALL) would have voted “nay.”

The result was announced—yeas 48, nays 40, as follows:

YEAS—48		
Baldwin	Heinrich	Padilla
Bennet	Hickenlooper	Peters
Blumenthal	Hirono	Reed
Booker	Kaine	Rosen
Brown	Kelly	Sanders
Cantwell	King	Schatz
Cardin	Klobuchar	Schumer
Carper	Leahy	Shaheen
Casey	Lujan	Smith
Coons	Manchin	Stabenow
Cortez Masto	Markey	Van Hollen
Duckworth	Menendez	Warner
Durbin	Merkley	Warnock
Feinstein	Murphy	Warren
Gillibrand	Murray	Whitehouse
Hassan	Ossoff	Wyden

NAYS—40		
Barrasso	Grassley	Risch
Blackburn	Hagerty	Romney
Blunt	Hawley	Rubio
Boozman	Hoeven	Sasse
Braun	Hyde-Smith	Scott (FL)
Collins	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	Lummis	Tuberville
Daines	McConnell	Wicker
Ernst	Murkowski	Young
Fischer	Paul	
Graham	Portman	

### NOT VOTING—12

Burr	Inhofe	Scott (SC)
Capito	Marshall	Sinema
Cassidy	Moran	Tester
Cramer	Rounds	Toomey

The nomination was confirmed.

The PRESIDING OFFICER (Mr. KING). The majority leader.

## LEGISLATIVE SESSION

Mr. SCHUMER. 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.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 655.

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

The motion was agreed to.

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Bridget Meehan Brennan, of Ohio, to be United States District Judge for the Northern District of Ohio.

### CLOTURE MOTION

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

The PRESIDING OFFICER. 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. 655, Bridget Meehan Brennan, of Ohio, to be United

States District Judge for the Northern District of Ohio.

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

#### LEGISLATIVE SESSION

Mr. SCHUMER. Mr. President, I move to proceed to legislative session. The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

#### EXECUTIVE SESSION

##### EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to Executive Session to consider Calendar No. 657.

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

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Charles Esque Fleming, of Ohio, to be United States District Judge for the Northern District of Ohio.

##### CLOTURE MOTION

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

The PRESIDING OFFICER. 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. 657, Charles Esque Fleming, of Ohio, to be United States District Judge for the Northern District of Ohio.

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

#### LEGISLATIVE SESSION

Mr. SCHUMER. Mr. President, I move to proceed to legislative session. The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

#### EXECUTIVE SESSION

##### EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to Executive Session to consider Calendar No. 658.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of David Augustin Ruiz, of Ohio, to be United States District Judge for the Northern District of Ohio.

##### CLOTURE MOTION

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

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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. 658, David Augustin Ruiz, of Ohio, to be United States District Judge for the Northern District of Ohio.

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

#### LEGISLATIVE SESSION

Mr. SCHUMER. 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.

#### EXECUTIVE SESSION

##### EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 404.

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

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Rupa Ranga Puttagunta, of the District of Columbia, to be Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

##### CLOTURE MOTION

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

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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. 404, Rupa Ranga Puttagunta, of the District of Columbia, to be Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Charles E. Schumer, Gary C. Peters, Sheldon Whitehouse, Richard J. Durbin, Richard Blumenthal, Catherine Cortez Masto, Jacky Rosen, Margaret Wood Hassan, Mark Kelly, Benjamin L. Cardin, Brian Schatz, Debbie Stabenow, Angus S. King, Jr., Patrick J. Leahy, Martin Heinrich, Tim Kaine, Chris Van Hollen.

#### LEGISLATIVE SESSION

Mr. SCHUMER. 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.

#### EXECUTIVE SESSION

##### EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 406.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Kenia Seoane Lopez, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

##### CLOTURE MOTION

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

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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. 406, Kenia Seoane Lopez, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Charles E. Schumer, Gary C. Peters, Sheldon Whitehouse, Richard J. Durbin, Richard Blumenthal, Catherine Cortez Masto, Jacky Rosen, Margaret Wood Hassan, Mark Kelly, Benjamin L. Cardin, Brian Schatz, Debbie Stabenow, Angus S. King, Jr., Patrick J. Leahy, Martin Heinrich, Tim Kaine, Chris Van Hollen.

#### LEGISLATIVE SESSION

Mr. SCHUMER. 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.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 410.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Sean C. Staples, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

#### CLOTURE MOTION

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

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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. 410, Sean C. Staples, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Charles E. Schumer, Gary C. Peters, Richard Blumenthal, Catherine Cortez Masto, Sheldon Whitehouse, Richard J. Durbin, Jacky Rosen, Margaret Wood Hassan, Mark Kelly, Benjamin L. Cardin, Brian Schatz, Debbie Stabenow, Angus S. King, Jr., Patrick J. Leahy, Martin Heinrich, Tim Kaine, Chris Van Hollen.

### LEGISLATIVE SESSION

Mr. SCHUMER. 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.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 556.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Ebony M. Scott, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

#### CLOTURE MOTION

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

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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. 556, Ebony M. Scott, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Charles E. Schumer, Gary C. Peters, Sheldon Whitehouse, Richard J. Durbin, Richard Blumenthal, Catherine Cortez Masto, Jacky Rosen, Margaret Wood Hassan, Mark Kelly, Benjamin L. Cardin, Brian Schatz, Debbie Stabenow, Angus S. King, Jr., Patrick J. Leahy, Martin Heinrich, Tim Kaine, Chris Van Hollen.

### LEGISLATIVE SESSION

Mr. SCHUMER. 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.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 557.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Donald Walker Tunnage, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for a term of fifteen years.

#### CLOTURE MOTION

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

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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. 557, Donald Walker Tunnage, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for a term of fifteen years.

Charles E. Schumer, Gary C. Peters, Sheldon Whitehouse, Richard J. Durbin, Richard Blumenthal, Catherine Cortez Masto, Jacky Rosen, Margaret Wood Hassan, Mark Kelly, Benjamin L. Cardin, Brian Schatz, Debbie Stabenow, Angus S. King, Jr., Patrick J. Leahy, Martin Heinrich, Tim Kaine, Chris Van Hollen.

### LEGISLATIVE SESSION

Mr. SCHUMER. 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.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 613.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of John P. Howard III, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

#### CLOTURE MOTION

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

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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. 613, John P. Howard III, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

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

### LEGISLATIVE SESSION

Mr. SCHUMER. 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.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 614.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Loren L. AliKhan, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for a term of fifteen years.

## CLOTURE MOTION

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

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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. 614, Loren L. AliKhan, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for a term of fifteen years.

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

## LEGISLATIVE SESSION

Mr. SCHUMER. 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.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 644.

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

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Amy Gutmann, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Germany.

## CLOTURE MOTION

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

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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. 644, Amy Gutmann, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Germany.

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

## LEGISLATIVE SESSION

Mr. SCHUMER. 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.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 649.

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

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Lisa A. Carty, of Maryland, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

## CLOTURE MOTION

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

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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. 649, Lisa A. Carty, of Maryland, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

Charles E. Schumer, Robert Menendez, Jack Reed, Jacky Rosen, Benjamin L. Cardin, Margaret Wood Hassan, Tina Smith, Robert P. Casey, Jr., Alex Padilla, Michael F. Bennet, Tammy Duckworth, Cory A. Booker, Debbie Stabenow, Christopher Murphy, Ben Ray Lujan, Angus S. King, Jr., Martin Heinrich.

## LEGISLATIVE SESSION

Mr. SCHUMER. 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.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 627.

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

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Scott A. Nathan, of Massachusetts, to be Chief Executive Officer

of the United States International Development Finance Corporation.

## CLOTURE MOTION

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

The PRESIDING OFFICER. 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. 627, Scott A. Nathan, of Massachusetts, to be Chief Executive Officer of the United States International Development Finance Corporation.

Charles E. Schumer, Robert Menendez, Jack Reed, Jacky Rosen, Benjamin L. Cardin, Margaret Wood Hassan, Tina Smith, Robert P. Casey, Jr., Alex Padilla, Michael F. Bennet, Tammy Duckworth, Cory A. Booker, Debbie Stabenow, Christopher Murphy, Ben Ray Lujan, Angus S. King, Jr., Martin Heinrich.

## LEGISLATIVE SESSION

Mr. SCHUMER. 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.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 616.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Chantale Yokmin Wong, of the District of Columbia, to be United States Director of the Asian Development Bank, with the rank of Ambassador.

## CLOTURE MOTION

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

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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. 616, Chantale Yokmin Wong, of the District of Columbia, to be United States Director of the Asian Development Bank, with the rank of Ambassador.

Charles E. Schumer, Robert Menendez, Jack Reed, Jacky Rosen, Benjamin L. Cardin, Margaret Wood Hassan, Tina Smith, Robert P. Casey, Jr., Alex Padilla, Michael F. Bennet, Tammy



Duckworth, Cory A. Booker, Debbie Stabenow, Christopher Murphy, Ben Ray Lujan, Angus S. King, Jr., Martin Heinrich.

#### LEGISLATIVE SESSION

Mr. SCHUMER. 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.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 473.

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

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Gabriel Camarillo, of Texas, to be Under Secretary of the Army.

#### CLOTURE MOTION

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

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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. 473, Gabriel Camarillo, of Texas, to be Under Secretary of the Army.

Charles E. Schumer, Jack Reed, Sheldon Whitehouse, Richard Blumenthal, Catherine Cortez Masto, Richard J. Durbin, Jacky Rosen, Margaret Wood Hassan, Mark Kelly, Benjamin L. Cardin, Brian Schatz, Debbie Stabenow, Angus S. King, Jr., Patrick J. Leahy, Martin Heinrich, Tim Kaine, Gary C. Peters, Chris Van Hollen.

#### LEGISLATIVE SESSION

Mr. SCHUMER. 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.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 474.

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

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Andrew Philip

Hunter, of Virginia, to be an Assistant Secretary of the Air Force.

#### CLOTURE MOTION

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

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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. 474, Andrew Philip Hunter, of Virginia, to be an Assistant Secretary of the Air Force.

Charles E. Schumer, Jack Reed, Richard Blumenthal, Catherine Cortez Masto, Richard J. Durbin, Sheldon Whitehouse, Jacky Rosen, Margaret Wood Hassan, Mark Kelly, Benjamin L. Cardin, Brian Schatz, Debbie Stabenow, Angus S. King, Jr., Patrick J. Leahy, Martin Heinrich, Tim Kaine, Gary C. Peters, Chris Van Hollen.

#### LEGISLATIVE SESSION

Mr. SCHUMER. 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.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 495.

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

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of John Patrick Coffey, of New York, to be General Counsel of the Department of the Navy.

#### CLOTURE MOTION

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

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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. 495, John Patrick Coffey, of New York, to be General Counsel of the Department of the Navy.

Charles E. Schumer, Jack Reed, Sheldon Whitehouse, Richard Blumenthal, Richard J. Durbin, Catherine Cortez Masto, Jacky Rosen, Margaret Wood Hassan, Mark Kelly, Benjamin L. Cardin, Brian Schatz, Debbie Stabenow, Angus S. King, Jr., Patrick J. Leahy, Martin Heinrich, Tim Kaine, Gary C. Peters, Chris Van Hollen.

#### LEGISLATIVE SESSION

Mr. SCHUMER. 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.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 496.

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

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Alexandra Baker, of New Jersey, to be a Deputy Under Secretary of Defense.

#### CLOTURE MOTION

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

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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. 496, Alexandra Baker, of New Jersey, to be a Deputy Under Secretary of Defense.

Charles E. Schumer, Jack Reed, Richard Blumenthal, Catherine Cortez Masto, Sheldon Whitehouse, Richard J. Durbin, Jacky Rosen, Margaret Wood Hassan, Mark Kelly, Benjamin L. Cardin, Brian Schatz, Debbie Stabenow, Angus S. King, Jr., Patrick J. Leahy, Martin Heinrich, Tim Kaine, Gary C. Peters, Chris Van Hollen.

#### LEGISLATIVE SESSION

Mr. SCHUMER. 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.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 673.

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

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Reta Jo Lewis, of Georgia, to be President of the Export-Import Bank of the United States for a term expiring January 20, 2025.

#### CLOTURE MOTION

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



The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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. 673, Reta Jo Lewis, of Georgia, to be President of the Export-Import Bank of the United States for a term expiring January 20, 2025.

Charles E. Schumer, Sherrod Brown, Christopher Murphy, Jeff Merkley, Jack Reed, Ben Ray Lujan, Christopher A. Coons, Chris Van Hollen, Benjamin L. Cardin, Amy Klobuchar, Tammy Baldwin, Tim Kaine, Patrick J. Leahy, Jeanne Shaheen, Edward J. Markey, Debbie Stabenow, Martin Heinrich.

#### LEGISLATIVE SESSION

Mr. SCHUMER. 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.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 654.

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

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Leonard Philip Stark, of Delaware, to be United States Circuit Judge for the Federal Circuit.

#### CLOTURE MOTION

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

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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. 654, Leonard Philip Stark, of Delaware, to be United States Circuit Judge for the Federal Circuit.

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

Mr. SCHUMER. And, finally, I ask unanimous consent that the mandatory quorum calls for the cloture motions filed today, January 20, be waived.

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

Mr. SCHUMER. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

#### UNANIMOUS CONSENT REQUEST—S. 401

Mrs. MURRAY. Mr. President, this weekend is the anniversary of the landmark Roe v. Wade decision. It is a decision that, without a doubt, changed lives for the better. It prevented a lot of harm and helped keep many patients healthy. It opened doors for women to pursue their career and education goals and affirmed the right to control our own bodies and our own futures.

Roe was a giant leap forward, and a majority of Americans want to protect it. But since Roe was decided, extreme Republicans have peddled blatant misinformation, filled our judicial system with anti-abortion judges, and passed State laws designed solely to make it harder to get abortions—laws that are now hurting people of color, the LGBTQ+ community, immigrants, young people, people with low incomes, and people with disabilities the most. And they are not stopping at abortion. They are pushing to make it harder to get birth control and defund family planning clinics—including Planned Parenthood—which provide critical healthcare for so many communities.

In Texas, Republicans have passed, and the Supreme Court green-lit, a law that essentially bans abortions and is enforced by pitting neighbor against neighbor. And even though medication abortion pills are safe to take at home, extreme Republicans are now pushing to pass laws that not only dictate what happens in a doctor's office but also make it harder for patients to take a pill in their very own living room.

You know, Republicans do like to talk about Big Government, but overriding people's individual decisions and science to dictate what people can do in their own homes sounds like a lot of overreach.

The Senator from Oklahoma is here with a bill today that has one goal: to make it harder to get abortion care by allowing someone else's personal beliefs, rather than a patient's best interest, to determine a patient's care. And that is just one example of the extreme agenda Republicans are pushing, today and every day.

I have heard from so many people about the problems and the harm this has caused in their lives. I have heard from many patients who had to jump through unnecessary or even harmful hoops to get the abortion care they needed: patients who had to endure invasive ultrasounds that were medically unnecessary before they could get an abortion; patients who were harassed going in and out of a clinic; patients who had to drive hours or even days to get to the nearest abortion provider or who zeroed out their bank account to afford a plane ticket or childcare; patients, including many in Texas, who didn't have the means to get the abortion care they needed and were forced to stay pregnant when they did not want to be.

And then the Supreme Court took on a direct challenge to Roe that threatens the constitutional right to abortion. I have heard nonstop from people who are very anxious about their future, people who are scared and frustrated, people who, like the majority of Americans, want to protect Roe, who want to live in a country where everyone can make their own decisions about pregnancy and parenting—free from political interference.

That is exactly why I am fighting so hard to protect the right to abortion at the Federal level by passing the Women's Health Protection Act. That bill will safeguard Roe and help make its promises a reality for everyone, no matter their ZIP Code, by ensuring their constitutional right to abortion is not undermined by State abortion bans and restrictions.

But Republican attacks from every angle, like the one we will witness now, means there is no one easy fix.

We have got to do everything we can to undo the damage the extreme Republicans have caused in our laws and in our lives. And that is why I am fighting so hard for the over-the-counter birth control and to make health insurance companies follow the law rather than forcing patients to pay out of pocket for contraception.

It is why I am fighting to make a historic investment in title X family planning centers, which help make healthcare like birth control, STI screenings, and more available to everyone, regardless of their income.

And it is why I am asking for everyone to join me in this fight. It is going to take all of us working together to protect reproductive rights, and there is no action too small.

Share your story. Speak up about what reproductive rights mean to you. Support a local organization helping to get patients the reproductive healthcare they need. Work to combat Republicans' misinformation. Fight to pass local and State laws protecting abortion rights.

And here is something to remember while you do it: It is true that extreme Republicans have worked nonstop to roll back progress on reproductive rights and that abortion access is at risk like never before.

But this is also true: Since Roe, millions and millions of American women and men grew up knowing access to abortion is a constitutional right. Millions and millions more saw how much Roe opened doors for women and empowered people to make their own personal decisions about their body and their future.

The vast majority of Americans believe people should be trusted to make their own decisions about whether or not to get an abortion and that whether and when to get pregnant is a personal decision, not a decision that should be made by any politician or taken away from them because of how much money they have or where they live.

We can make this a reality, but we have got to fight for it. That is what I am doing; that is what I am going to keep doing; and I am very glad to have so many people alongside.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, I guess I am one of those extreme Republicans that believe that a child who sucks their thumb, wiggles their toes and fingers, feels pain, has a beating heart, has a functioning nervous system, has DNA that is different than the mom or the dad is a baby.

I didn't think that was an extreme position to see a child as self-evident. That is a child. Now, I understand Americans are divided on whether children in the womb are convenient or inconvenient, and if they are inconvenient, they can be thrown away as medical waste, but if they are convenient, they are kept.

I just think every child is precious, and I think every child should be honored and protected. So I guess that makes me extreme.

The bill that I bring today is a bill that just looks at the millions and millions and millions of Americans who believe like I do. Many of them work in hospitals, and they joined the healthcare profession and got a medical degree because they wanted to save life. They wanted to be a part of protecting individuals at their most critical times, but they also had this real belief—that is a science-based belief, by the way—that a child in the womb is just like a child outside the womb, the only difference is time.

Forty weeks ago, you were 40 weeks younger. That child in the womb at conception and the child outside the womb is just 40 weeks older, just like you are 40 weeks older than what you were 40 weeks ago. It is still a child.

For the millions of Americans who believe like that, we have had conscience-protection laws on the books, for a long time. In fact, there are 25 conscience-protection laws on the books in America right now. Many of these have not been controversial. In fact, if we go through the church amendments, when they were done, they protect the conscience rights of individuals and entities that object to performing or assisting in the performance of abortions or sterilizations against their religious beliefs or moral convictions.

When that passed, almost 50 years ago now, it passed 92 to 1 in this body. It just wasn't that controversial. We understood that people disagreed on the issue of abortion. And why would you ever compel someone to be able to perform an abortion when their conscience objects to that?

In 2004, Congress created the Weldon amendment. It is on all of our annual appropriations bills. The Weldon amendment bars Federal Government, State and local government, and recipients of Federal funds from dis-

criminating against healthcare entities that refuse to provide, pay for, or provide coverage or refer for abortions. It has not been that controversial.

In fact, it was on the Consolidated Appropriations Act last year, which passed 92 to 6. This has not been that controversial to be able to honor the rights of individuals.

Now, there are some things that have changed. Some of these 25 laws have not been enforced. In fact, these 25 conscience protections that are on our books right now are dependent on the executive branch to actually enforce those laws. If I go back during the Trump administration, they confronted California because California mandated that insurance providers had to provide abortion coverage. Well, that is not consistent with our law.

And so the administration pushed them and said: No, you can't compel a religious institution that has a moral objection to abortion in your State; you can't make them buy abortion coverage and actually pay into that system—though California is.

So the Trump administration said to them: No, you have got to allow those folks to have the option; that is the Federal law. And that was in the process of being enforced until this administration took the leadership and Xavier Becerra, who was the attorney general of California, then moved to HHS and immediately dropped the suit against California, his old State—curious.

So the religious entities don't have any recourse in California because the executive branch won't enforce it.

Let me give you another example. There was an employer, University of Vermont Medical Center. They were pressed with a lawsuit against them for knowingly, willfully, and repeatedly violating the Church amendments. They had nurses that were there that said: I have a conscience issue. I don't want to participate in abortion, and the University of Vermont Medical Center would compel them to perform abortions or they would lose their job.

It is in direct violation of Federal law and the conscience protections. So there was a lawsuit against them to be able to have them actually carry out Federal law.

When the Biden administration came in, Xavier Becerra immediately dropped that lawsuit. There was no settlement. There was no statement about it. Though it is Federal law that you can't violate someone's conscience protections, they said: We are not going to enforce that Federal law—though it was in the process of being enforced.

So the question is, For religious entities in California or for a nurse in Vermont, where do they go? If the entity that is charged under Federal law—25 Federal laws, to be exact, to actually allow people to have conscience protections—if that entity says, "We won't do it," what happens?

Well, this bill is very straightforward. It just gives the ability for

that individual to be able to press a suit for their own rights.

If the Federal Government will not enforce the law, this allows that individual to step up and say: Then, I will then file charges that you are in violation of Federal law for this—to protect their rights as a citizen.

Quite frankly, it is not any different than what any other citizen would do anywhere else—that if they had some civil violation against them that was clearly in violation of their rights, they would be able to go to court and be able to say: My rights have been violated; here is the statute. And they would have their day in court.

That is not allowed currently in Federal law. It has to be the executive branch to carry it out. And, as we have learned, it is under the whims of the executive branch whether they are going to carry that out or not.

But, listen, this is really not that controversial in America. The most recent survey that was done by the Knights of Columbus that actually just came out this week asked a question about conscience protections. It was a very straightforward question. And the answer came back: 75 percent of the individuals surveyed said that doctors and nurses should not be forced to perform abortions if they have a religious objection.

Now, we are very divided on the issue of abortion, but our Nation is really not that divided on the issue of conscience protections. This is, Can an employer compel someone to do something that violates their religious beliefs or moral beliefs? And if they don't, they lose their job. That is the only question that is in this, and that is why I bring it to this body today. That is my simple request.

Now, this body knows, and Senator MURRAY, who is on the floor with me today, knows full well of my beliefs about the value of every single child. I do look forward to a day that we are post-Roe as a nation and the Supreme Court of the United States is not compelling every State to have abortions carried out that are elective abortions in their State.

A post-Roe nation is not a nation that has no abortion. It is a nation where, State to State, each State makes those decisions.

I have brought bills dealing with everything from chemical abortions to 20-week, pain-capable bills dealing with Down syndrome children, dealing with Planned Parenthood, dealing with all sorts of different issues.

This issue today is very specific, though—just about conscientious objectors. Should they be compelled to violate their beliefs by their employer?

So as if in legislative session, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 401 and the Senate proceed to its immediate consideration. I further ask that the bill be considered read a third time and

passed, and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LANKFORD. Mr. President, to the Chair, we will as a nation process through this in the days ahead. This body has very strict laws that cover my State and many other States for a lot of other things.

In my State, if you go to build a building in the southeast part of my State, you have to do frequent inspections to make sure the burying beetle is not going to be harmed in that area because it is considered threatened.

If you are in the western part of my State, you can't build certain buildings in certain places or carry out certain farming activities because the lesser prairie-chicken is there.

If you are in California, they pour their water—their great water—out of the mountains into the ocean because if they don't, it may harm the smelt.

If you are building a bridge in Oklahoma, at certain times of the year, and a migratory bird puts up a nest in that construction area, you have to stop construction, because migratory bird eggs are valuable, burying beetles are valuable, prairie-chickens are valuable, smelts are available, but we throw children in the trash.

We have got to figure this out as a nation, and, currently, we seem to be afraid to talk about it or even to protect the rights of individuals who disagree about this in the workplace. We have got to figure this out as a nation.

I yield the floor.

The PRESIDING OFFICER (Mr. VAN HOLLEN). The Senator from Wyoming.

#### BIDEN ADMINISTRATION

Mr. BARRASSO. Mr. President, I come to the floor today to oppose the Democrats' radical agenda.

For weeks now, America has been breaking records with cases of coronavirus. The scavenger hunt for tests has resulted in long lines and empty shelves. We have just had the worst jobs report of the year—last year—with inflation at a 40-year high. Crime is out of control in big cities run by Democrats. The southern border is being overrun by hundreds of thousands of illegal immigrants every single month. Our foreign policy is in shambles; our friends are endangered; and Vladimir Putin, China, North Korea, and Iran are emboldened.

The American people are deeply worried about all of these issues. Yet Democrats in Washington are offering no solutions on these pressing problems. Democrats created many of these crises in the first place, often through incompetence, mismanagement, and weakness. Now, under President Biden, they are making them worse.

Democrats just spent 5 months trying to pass the most expensive spending bill in American history. It was a

bill nobody asked for except for the radical base of professional activists. The bill would have led to the largest tax increase in 50 years, trillions of dollars in new spending and new debt, and even higher inflation.

Democrats tried to pass this on the narrowest of margins. Democrats failed. As soon as the bill was pronounced dead, Democrats scrambled to change the subject. Democrats know they can't solve the inflation crisis, the supply chain crisis, the coronavirus crisis, or any of the other disasters created by the Biden administration. By ignoring these problems, they are practically admitting that, as Democrats, they have no solutions.

So what are they doing instead?

Well, they have tried to manufacture another crisis. They have invented a phony moral panic about election laws. Joe Biden and KAMALA HARRIS have repeatedly lied about our elections. They got Major League Baseball to move the All-Star Game to a Democrat State. They got Hollywood stars and journalists and wealthy corporations to parrot their talking points. Now they have former Presidents Obama and Clinton getting involved. It has been a shameful effort to frighten the American people and further divide our Nation.

When Joe Biden was a Presidential candidate, he said he would "heal the country." He said he would "restore the soul of the nation." Just 1 year into his Presidency, we have found out that that was all for show. Joe Biden has been one of the most divisive and partisan Presidents in American history, and, today, he is on track to be the least popular President in modern times.

I understand why Democrats are desperate to change the subject. Yet Democrats are failing on the election issue as well. If Democrats think they can win on the idea of a Federal election takeover, they are wrong. Joe Biden is so unpopular in Georgia he couldn't even get Stacey Abrams to show up to his rally in Atlanta. She is running for Governor. She is a political celebrity. Election law is her main issue. Yet she wouldn't be seen in public with Joe Biden, and, frankly, I don't blame her.

Two days later, Joe Biden came to Capitol Hill to convince Democrats to change the rules of the Senate. He failed again. Brave Democratic Senators did the honorable and courageous thing. They kept their word. They said they would not destroy this institution for short-term partisan gain. They deserve the respect of every Member of this body. Joe Biden tried to push them around, and he failed.

The latest Quinnipiac poll has Joe Biden with a 33-percent approval rating just 1 year into his term in office. He has lower economic approval ratings than Jimmy Carter. Yet Senator SCHUMER asked Democrat Senators to follow Joe Biden over the cliff.

Yesterday, in his almost 2-hour press conference, President Biden talked

about taking his message on the road and campaigning with Democrat candidates. I want to see which Democrat candidates actually want to stand with him as more and more Members of the House announce their retirements because they know, and they can see the writing on the wall.

Senator SCHUMER wanted a vote in this body on the Washington election takeover and on changing the rules of the Senate. The American people have utterly rejected both of these ideas. The vast majority of the American people support voter identification. If you want a ballot, show your ID. They support making voters show a photo ID in order to get a ballot. This includes a majority of Democrats, who think it is an important thing to do for ballot integrity and accountability and security.

If Democrats want to fix our election laws, they ought to do something about what is happening in the majority leader's hometown. Just last month, the New York City Council voted to let 900,000 noncitizens vote in New York City's elections—noncitizens. This is a larger group than the margin of victory in this last New York mayoral election. In other words, this new group of voters—not citizens of the United States—could swing and determine the outcome of the next election for the mayor of New York. This is the majority leader's hometown.

Where is the ballot integrity, accountability, and security there for American citizens?

Before CHUCK SCHUMER lectures the American people about our elections, he ought to fix the problems in his own hometown.

Democrats are OK with vaccine passports, and they are OK with noncitizens voting, but they are not OK with voter ID, at least on the legislation that they brought to the floor. Democrats continue to fail to listen to and to fail the American people. Democrats are failing on inflation, on coronavirus, on immigration, on crime, and on national security. By voting on elections and on Senate rules, Democrats are admitting they have absolutely nothing to offer the American people on the key issues and concerns that are impacting the lives of people all across this country.

There is plenty of work to do right now. We have to stop unnecessary government spending to get inflation under control. We need to support law enforcement. We need affordable energy. That is what people want. We need to make sure that our schools stay open. We need to make sure that they teach our children skills, not ideology. We need to secure our border. So, yes, there is plenty of work for this Senate to do. Republicans have been more than willing to work with Democrats on all of these important issues.

The American people are looking for solutions. Yet the majority leader is giving them pointless exercises and show votes. It is time for the majority

leader to abandon this political wish list. Let's get to work on the issues facing the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

UNANIMOUS CONSENT REQUEST—S. 137

Mr. LEE. Mr. President, one of the aims of American foreign aid is to assist countries in times of need. This spirit exemplifies a trait Americans and Utahns rightfully value, that of giving to those in need.

Yet, for many years, our foreign aid dollars in support of abortion have been used to impose violent cultural imperialism. Instead of helping to preserve, strengthen, and sustain the lives of women and children abroad, our taxpayer dollars have been used to harm women's lives and to end the lives of their unborn children, especially baby girls. In some of these countries, girls are disproportionately aborted precisely because they are female. U.S. aid is used not to affirm the equal dignity of women but to violently deny it.

In some of these countries, abortion is forced on women who don't even want abortions, women in countries like Vietnam and Peru, for instance, who were forced to endure the coercive abortion and sterilization campaigns of the 1990s, just to name a couple of examples.

What kind of aid does violence to women and girls? What kind of help is it to impose U.S. abortion extremism on countries that culturally and democratically reject it or contribute to international organizations that allow regimes to use abortion as a tool of oppression? What kind of progress is it to encourage sex-selective abortion and the denigration of human dignity for both the baby and the mother?

U.S. advocacy abroad for the taking of innocent, unborn life is not pro-woman, it is not pro-child, and it is not pro-healthcare. It is pro-sexism. It is pro-violence. And we must end it.

According to recent polling, the American people overwhelmingly agree. Nearly 60 percent of Americans oppose using tax dollars to pay for abortions, and more than 75 percent of Americans oppose using tax dollars to support abortions in other countries.

Thankfully, President Ronald Reagan took steps to reverse this support, starting in 1984, instituting the Mexico City policy to prohibit foreign aid from going to organizations that provide or promote abortions or that advocate to change abortion laws in a foreign country. Since then, the policy has, unfortunately, been rescinded and reinstated again and again, repeating this cycle between changing administrations.

Another policy that used to have lasting support is the Hyde amendment. This legal provision prohibited the use of Federal funds to pay for abortion with a set of exceptions. Recently, Democrats have abandoned this bipartisan position and have placed the Hyde amendment under threat. It, too,

could become a back-and-forth, ping pong policy, depending on who holds majorities within the two Houses of Congress.

The lives of babies and the dignity of women and girls are not political footballs. Women and unborn children everywhere have immeasurable dignity and eternal worth regardless of where they are from, and they are entitled to the right to life and protection from harm regardless of who happens to be in office from one moment to the next.

The Protecting Life in Foreign Assistance Act affirms this truth. This bill would permanently stop the use of our foreign aid money from funding or promoting abortions overseas.

In our laws and through our lives, we must uphold the dignity of each and every human person regardless of race, regardless of sex, and regardless of appearance, abilities, or age. The measure before us today does just that, and I urge my colleagues to support it. The lives of millions of women and children, born and unborn, depend on it.

So, Mr. President, as if in legislative session, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. 137 and that the Senate proceed to its immediate consideration. I further ask that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. BLUMENTHAL. Mr. President.

The PRESIDING OFFICER. The Senator from the Connecticut.

Mr. BLUMENTHAL. Mr. President, reserving the right to object, my colleague and friend from Utah and I agree on a couple of points. Yes, President Biden did rescind the global gag rule, which this proposal would not only reestablish but make permanent and expand, disastrously, and yes, women and children should not be political footballs, nor should this issue be one. Unfortunately, that is the objective of this proposal.

It is difficult to exaggerate the breadth of this proposed legislation or the breadth of harm that the global gag rule does. In fact, it prohibits foreign organizations receiving U.S. assistance from providing legal abortion services or referrals or even information—information—on abortion services even when those activities are funded without any connection to U.S. Government money. It egregiously blocks organizations receiving U.S. funds from advocating for abortion legislation—mere advocacy—stifling their ability to champion their patients, even if that advocacy is not funded in any way by U.S. taxpayers.

This legislation would not only codify this dangerous policy but expand it even beyond what was implemented under previous administrations—expanding it, not just codifying it.

Thankfully, President Biden has rescinded this policy. It was an impor-

tant effort to restore U.S. leadership abroad, promoting healthcare access in places it is needed most. It was a critical step toward what is now needed—permanent prohibition of the global gag rule, not codification of its expansion.

Let's be very clear. The global gag rule does nothing to protect the health of people around the world. It blocks healthcare access, it stifles local advocacy efforts, and it undermines reproductive rights worldwide, putting in jeopardy the people who need those services most. It impedes access to a range of health services, including contraception, HIV prevention and treatment, and maternal and child care, because it cuts off funding for many of the most experienced healthcare providers.

Some proponents of this dangerous policy seem to claim it will reduce abortions or it is intended to do so, but studies have shown that, in fact, it does just the opposite. The global gag rule actually increases rates of abortion—many of them unsafe—because it reduces access to contraceptives and it increases the number of unintended pregnancies.

In short, we should be joining other countries in addressing global goals like creating an AIDS-free generation, ending preventable maternal and child deaths, and achieving universal access to sexual and reproductive healthcare, not putting unnecessary restrictions on U.S. funds that cause fear and impede access to healthcare. Unfortunately, that is what the global gag rule and this legislation do, impeding countries' efforts to improve global health, advance human rights, and achieve gender equality.

I oppose the Lee bill. I urge my colleagues to come together and work, instead, to promote global health. Therefore, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. LEE. Mr. President.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I have tremendous respect for my friend and colleague, the distinguished Senator from Connecticut. He and I both acknowledge that the policy we are arguing—the nature of the policy is one in which we have seen something of a tug-of-war, a ping pong match over the years.

The Republican legislation will put in place or restore the so-called Mexico City policy, prohibiting U.S. foreign aid from going to organizations that perform or advocate for abortion overseas. It is backed by an estimated 75 percent of Americans who don't believe that we should be using U.S. taxpayer dollars especially to further the cause of conducting or advocating for abortions overseas.

He and I both agree that President Biden has rescinded that. I think where we disagree can be highlighted and traced back to the fact that we call it by different names. He refers to this as

the gag rule, a gag rule. Now, normally when we think of a gag rule, we think of something that tells someone who is otherwise free to speak that they may not speak. It is, in fact, what happens when we don't allow people to live. It is what happens to all these baby girls who are never allowed to be born precisely because they are female. And make no mistake, when we fund abortions overseas, that is what is happening. It happens a lot in countries that receive our aid in the absence of the Mexico City policy. Some of that goes to these organizations that perform abortions.

In many of these countries, sex-selective abortions are not only tolerated culturally, they are commonplace. They are excessive. As a result, these baby girls never get to be born. They never get to become women. They never get to speak in the first place. That is a form of gagging. That is not OK.

Regardless of how you feel about abortion, regardless of whether you think that is a baby, a human life, or whether you think it is something else—I am not sure what else it could be. When someone becomes pregnant, we know that is the potential of what will one day be a human being. Absent a death—whether a natural death or a death brought about by someone's actions or by the operation of a disease or medical condition or surgical intervention in the case of abortion—it is a person. We shouldn't lose sight of that.

I have difficulty accepting the premise that the only solution to this is continuing to fund organizations that perform or advocate for abortions overseas. I reject the premise that anything we do in this area to withhold those funds will necessarily result in more abortions.

As far as the suggestion that organizations could receive these funds and still perform abortions and that not translate into U.S. dollars being used to perform abortions, I reject that premise as well for the same reason that I reject the premise that Planned Parenthood isn't using taxpayer dollars to perform abortions. It is. It is spent differently. It is a matter of accounting, but it sustains and supports an organization that itself advocates for and performs many abortions. These are, in fact, human lives, and the American people are, in fact, very uncomfortable with the idea that we are funding abortions with their taxpayer dollars, and we are doing it overseas. We shouldn't do that. This shouldn't be controversial. I look forward to the day when it is not.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, just to be clear, I understand my colleague's point, but I think I have highlighted and I want to emphasize again the limited purposes for which our taxpayer dollars are used and the advocacy, the healthcare, the contraception, HIV screening and treatment—

world health—that would be prevented by this legislation.

I think that is an unintended consequence. Maybe, it is unintended that it is gargantuan in its potential impact, and, therefore, I continue my objection.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

#### ONE-YEAR ANNIVERSARY

Mr. PADILLA. Mr. President, I am here to speak on a nomination, but before I do, a point of personal privilege.

It was 1 year ago today that I had the honor of being sworn in as a Member of this Senate. As I hope my wife is watching at home on C-SPAN 2, I just want to thank her for her love and support throughout this first year. I couldn't have done it without her.

And I thank, of course, the Presiding Officer and all of our colleagues for the tremendous support and experience that this last year has been.

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. President, with respect to the Thomas nomination, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

#### CONFIRMATION OF HOLLY A. THOMAS

Mr. PADILLA. Mr. President, I was hoping to rise prior to the vote just a little while ago but was consumed with the agenda in the Senate Judiciary Committee this morning.

So in lieu of speaking prior to the confirmation vote, I rise to applaud the confirmation of Judge Holly Thomas to the U.S. Court of Appeals for the Ninth Circuit. Judge Thomas is a dedicated advocate for equality under the law and has made a career of fighting to ensure the civil rights of all Americans.

A proud native of San Diego, CA, and a graduate of Yale Law School, Judge Thomas spent 10 years working on civil rights litigation and appeals. That time included litigating at the NAACP Legal Defense Fund, in the U.S. Department of Justice's Civil Rights Division, and in the New York Solicitor General's Office.

In each of these roles, Judge Thomas was a tireless advocate for equal justice. She proved to be a skillful appellate lawyer, an insightful thinker, and a valued colleague.

She returned to California in 2016 to serve as the chief liaison between the California Department of Fair Employment and Housing and the Governor's Office. The State Department of Fair Employment and Housing is California's largest civil rights regulatory body, and in her role there Judge Thomas dedicated herself to protecting workers and families from unlawful discrimination, working closely with then-Governor Brown.

Recognizing her outstanding work and her tremendous talent, Governor

Brown appointed her to the Los Angeles County Superior Court in 2018. Now, this appointment was a full-circle moment for a person whose love of the law was nurtured by her supportive parents starting at a very young age. Judge Thomas's parents, when she was a young girl, would take her to watch court proceedings. Why? So that she could imagine what a career as a lawyer would look like.

Decades later, as a judge on the superior court, Judge Thomas actually requested to serve in the family law division because of her empathy for families going through a difficult process and experience in court.

Now, as the first person in her family to go to college after high school, Judge Thomas knows what it is like to navigate unfamiliar institutions. She is also the granddaughter of sharecroppers, and she is a passionate fighter for equal justice.

Since her appointment, Judge Thomas has proven her excellence as a jurist, as a neutral arbiter, and a compassionate voice for justice both in family court and on the California Court of Appeal, where she served in a pro tem capacity for 6 months.

Judge Thomas's compassion is matched by her legal acumen. Throughout her career, she has distinguished herself with thoughtful analysis, expert judgment, and unshakeable commitment to civil rights.

I know—and I am thrilled—that Judge Thomas will serve with distinction on the Ninth Circuit, and I congratulate her on this very well-deserved confirmation.

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

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

#### UKRAINE DEMOCRACY DEFENSE LEND-LEASE ACT

Mr. CORNYN. Mr. President, yesterday I was dismayed to hear the President of the United States suggest that a Russian invasion of Ukraine might not provoke a powerful response by the United States and our allies.

Now, I am grateful that the Press Secretary did issue a statement subsequently which seemed to clarify the strong commitment that the American people—from the administration to the Members of Congress—have to assist our Ukrainian allies in their efforts to deter or defeat Russian aggression. I believe we have a duty to stand with Ukraine and our European allies as they attempt to defend their democracies.

Strong language and threats of sanctions have their place, but they are not enough to deter Vladimir Putin. We need to take concrete steps to deter the likelihood of a Russian attack in any form.

But it is not just the executive branch of the U.S. Government that

has a role to play. We in Congress have a role we can play, too, in sending a very clear message to Vladimir Putin that we will not stand idly by while he attacks a neighbor, a democracy, and a potential future member of NATO.

To that end, I have introduced bipartisan legislation called the Ukraine Democracy Defense Lend-Lease Act to ensure Ukrainian forces have the weapons that they need to deter that aggression and defend, if necessary, against a Russian invasion.

Of course, students of history remember the importance of lend-lease back in World War II, back when America was officially neutral in the conflict initiated by Nazi Germany in Europe and during a time when the American people were of an isolationist frame of mind.

Recognizing the importance of throwing a lifeline to Great Britain and our other allies, Congress passed on a bipartisan basis the Lend-Lease Act, which ultimately resulted in \$30 billion worth of materiel being delivered to Britain and our other allies to help them defeat Nazi Germany.

So, in a similar vein, this legislation authorizes the President to enter into lend-lease agreements with Ukraine and provide the military equipment necessary to protect the Ukrainian people from Russian aggression. No one is suggesting that American troops should be on the ground, but we are saying clearly that it is our responsibility to provide the Ukrainians everything they need in order to defend themselves.

This legislation would once again, in the immortal words of Franklin Delano Roosevelt, allow us to serve as the arsenal of democracy, just as we did in World War II, and provide Ukraine with the lethal weapons they need to protect themselves against the Russian threat.

Make no mistake, America stands with Ukraine, and we will do everything we can, again, on a bipartisan basis—the executive branch, the legislative branch—to support our friends and to defeat a Russian invasion and allow them to protect their democracy.

Vladimir Putin's stated concerns about Ukraine are completely a false narrative, particularly with regard to his stated concerns about Ukraine becoming a part of the North Atlantic Treaty Organization, which, as we all know, is purely defensive in nature.

Vladimir Putin has called the fall of the Soviet Union one of the greatest geopolitical tragedies of the 20th century, and clearly he is of a mind to regain that lost territory as a result of the fall of the Soviet Union and, if necessary, do it by force. That is what Putin is up to, and we should not be confused about that.

I am proud to have worked with Senators CARDIN and WICKER and Senators SHAHEEN, GRAHAM, and BLUMENTHAL on this legislation, and I hope more of our colleagues—again, on a bipartisan basis—will join us in advancing this

bill and making sure that our Ukrainian friends have everything they need to deter, if possible, Russian aggression and, if that is not possible, to make sure that Vladimir Putin pays a heavy price for attacking Ukraine.

#### BIDEN ADMINISTRATION

Mr. President, on another matter, it was 1 year ago today when we were all on the Capitol steps on a cold January 20, 2020, following the election of Joe Biden as President of the United States and KAMALA HARRIS as Vice President. Exactly 365 days ago, we were out there on the Capitol steps and heard what I believed to be an important and welcomed speech by the President, where the President said he would serve to be a unifying force in Washington.

He said:

[W]ithout unity there is no peace, only bitterness and fury. No progress, only exhausting outrage. No nation, only a state of chaos.

Wonderful, inspirational words.

But now we find ourselves, a year into the Biden administration, with a lot of bitterness, fury, and outrage over the many failures and missteps of this administration. One of the pillars of the President's campaign was the promise of a strong Federal response to the pandemic.

Mr. Biden said:

I am never going to raise the white flag and surrender. We're going to beat this virus. We're going to get it under control, I promise you.

That is a quote.

One year later, we are nowhere close to having this virus under control. New daily cases are breaking records, threatening the capacity of intensive care units and hospitals across the country. Healthcare workers are once again exhausted after having been pushed to their limits—mentally and physically. And, perhaps most embarrassingly, affordable, reliable tests are increasingly hard to come by.

We know testing is one of the most valuable resources we have when it comes to this virus. I remember calling my Governor, and I said: What do you need, Governor?

This is at the beginning of the pandemic.

He said: I need two things.

He said: I need testing, and I need PPE—personal protective equipment.

Well, that is another story about our vulnerable supply chains and the fact that we have outsourced the manufacturing of personal protective equipment to China, which is the main reason we had a lack of access to what we needed.

But as to testing, the sooner positive cases are identified, the better equipped we are as individuals to quarantine ourselves, seek medical attention—if necessary—or, if all else fails, to just ride out the virus without infecting other people.

Even before taking the oath of office, President Biden promised to make free testing widely available. But months and months went by without the President taking any significant action to prevent the current testing shortage.

Last month, the White House Press Secretary even mocked a reporter who asked if the United States should provide free at-home tests, just as other countries have done around the world. It looks like it took swift criticism of her remark to finally prompt some action. Just a couple of days ago, the White House launched a website for people who wanted to request free at-home tests. But I am afraid it is a case of too little, too late.

Many experts have said that Omicron has already peaked in parts of the country. By the time these tests ship, which the website says could take 7 to 12 days, we will be even closer to the beginning of the end of this current wave of Omicron.

Instead, the White House could have purchased and distributed massive quantities of tests at any point over the last year, but it did not do so. Increased access to testing could have lessened the impact of the Omicron variant over the summer as well as the contagious variant that we are confronting today. So it shouldn't take bad press to force the administration to action, especially when they made a commitment to free testing early on but, obviously, were unprepared for Omicron and the wave of new cases.

Unfortunately, the President has broken another big promise about his plan to address the pandemic. He vowed that public health decisions would be made by public health professionals, not politicians.

Once again, things have played out quite a bit differently. Here is one example. Last February, the Centers for Disease Control released a report that said that schools are not a breeding ground for COVID-19 and that as long as precautions are taken, schools could open safely.

Well, Congress did not skimp when it came to providing financial resources to the States and school districts to take those appropriate precautions to help preserve the safety of our children. But the science was at odds with the demands of a key political constituency—teachers unions, which wanted schools to remain closed even if the teachers were vaccinated and appropriate safety measures could be taken to protect the schoolchildren. We all know which side the administration chose. It ignored the science and stood with their political constituency, the teachers' unions.

When the President's big promise of a strong pandemic response failed to meet the need, he shifted the responsibility to the States. He said: I am going to do it. The Federal Government is going to do it. But then, amazingly, pivoted and said: Well, this is not my responsibility. This is not the Federal Government's responsibility. This is the State's responsibility.

Just a few weeks ago, he actually said these words. He said: There is no Federal solution. This gets solved at the State level.



I am sure the American people were flabbergasted at the answer and his obvious flip-flop. President Biden pledged to lead a strong pandemic response when it helped his chances of getting elected, but now that he is actually in office and has the power and authority to follow through, he is folding his hand and pointing the finger at others.

The Biden administration has fumbled the ball time after time. It has chipped away at our energy security. When you saw prices rise at the pump because of inflation or because demand of refined petroleum products exceeded supply, he actually went so far as to encourage Russia and OPEC to produce more oil and gas. At the same time, he was all about canceling the permit for the Keystone XL Pipeline. Nord Stream 2—the Russian pipeline—providing gas to Germany, he is all for it. When it comes to domestic pipelines providing oil and gas to refineries so they can produce gasoline so that people can drive their cars at an affordable price, he is not for it.

Additionally, this administration has failed to address the humanitarian crisis at the border, in an astonishingly blasé sort of way. It doesn't even seem to get a rise out of this administration anymore—the numbers are so high. There are 2 million-plus people apprehended at the border, with no real impediment or deterrent or discouraging words to keep them from entering the country illegally.

And then there is the fumbling of diplomatic relations, insulting some of our oldest allies and emboldening our biggest adversaries. The biggest example of that was ceding the war in Afghanistan to the Taliban in the most humiliating way possible.

So the list of missteps and failures during this last 365 days has been a long one, indeed. But perhaps the biggest disappointment was in not delivering what President Biden promised the American people 1 year ago today, and that is to be a unifying force for our country.

He promised, as we all heard, to bring people of different backgrounds and ideologies and beliefs together and to find common ground. It actually made sense to make a virtue out of something that a 50-50 Senate would ordinarily dictate, and that is: When you can't have your own way because you don't have the votes, then make a virtue out of working together and actually pass bipartisan legislation.

He actually went so far as to point to his record in the Senate as evidence of his ability to work across the aisle and broker bipartisan deals, but it didn't take long for the American people to find out that these were, by and large, empty words.

Less than 2 months into his Presidency, our colleagues across the aisle took a hammer to Congress's perfect record of bipartisan pandemic response. That was during the previous administration. Almost everything we did was bipartisan, virtually unanimous, when it came to responding to the pandemic.

First, our colleagues spent nearly \$2 trillion on a bill that even though it was framed as COVID-19 response, committed less than 10 percent of that funding to COVID-19 and only 1 percent to vaccines. But that blowout, \$2 trillion, wasn't enough.

The President tried and failed, along with his political allies, to advance the so-called Build Back Better agenda. While trying to sell this radical plan to the American people, President Biden continued to make big promises, most of which were not credible. He said, for example, that this multitrillion-dollar bill cost zero dollars. Nobody—nobody—believed that. But here it was, the President of the United States, embarrassingly, for himself and others, was saying that \$5 trillion is really zero dollars. He said it wouldn't increase the deficit. And he said anyone making less than \$400,000 a year would not pay a single penny more in income tax.

All of these claims turned out to be false. And in the end, Democrats couldn't muster enough support to get the bill to the President's desk—again, not particularly surprising to those who have been observers of the Senate for a while. A 50-50 Senate should tell you that the only way you are going to get things done is through bipartisan consensus building, not trying to do things all on your own with 50 votes in the Senate, plus a tie-breaking vote from the Vice President.

But that didn't stop our colleagues from turning to yet another partisan bill—this time, one to launch a Federal takeover of State-run elections. Yesterday, our Democratic colleagues brought this bill up for a vote in the Senate and, of course, as we now know, it failed to garner sufficient votes to pass. But no one should be surprised, especially because this bill was drafted by one party in a 50-50 Senate.

And then when the bill failed, as we all knew it would, our Democratic colleagues took their penchant for partisanship to an entirely new level.

With the President's blessing, somebody who served more than three decades in the Senate and who railed against efforts to eliminate the filibuster, the 60-vote bipartisan consensus requirement before bills can be advanced—the President, in spite of his previous comments supporting that requirement, the so-called filibuster—this time, with the President's blessing, Senate Democrats tried to change the rules of the Senate to secure a purely partisan win.

What we witnessed in the Senate yesterday evening was a remarkable show of priorities of our Democratic colleagues. Forget the rules, forget compromise, forget consensus building, and forget the traditions of this institution, our Democratic colleagues proved that they are willing to taking a wrecking ball to this Chamber in pursuit of power.

It is no wonder that President Biden's approval ratings continue to

plummet. One recent poll found that only 33 percent of the respondents to that poll approved of the job that he was doing. After all, after everything the President promised, and with his dismal record of actually delivering on that promise, it is hardly surprising that the American people are disappointed.

In addition, inflation is up, wages are being eaten away by inflation, eroding the cost of living, and our country feels more divided than ever, despite the President's extravagant promises 1 year ago today, just out here on these steps.

The man who positioned himself as an experienced, unifying leader for the country has spent virtually all his time pursuing partisan ends. As a result, the Democratic Senate majority has wasted a lot of valuable time. I am disappointed by the wasted opportunities during the past year.

Floor time in the U.S. Senate is a precious commodity. It is the coin of the realm. There are a lot of great ideas that occur outside of this Chamber, but unless it can get time on the floor, it doesn't happen. But rather than taking up bills that did have that proud, bipartisan support, wasting time on purely partisan bills has resulted in very few accomplishments.

I can only hope that the second year of the Biden administration will bring more bipartisan cooperation. Hopefully, the administration can learn from its mistakes of the last year. This parade of dead-on-arrival legislation isn't helping the American people. The only way we can accomplish anything is by working together and building consensus.

Again, voters elected a 50-50 Senate, a closely divided House, and a President who promised to bring people of different views together. Let's hope this next year, the second year of the Biden administration, the President will see fit, along with our Democratic colleagues, to deliver on that commitment made 1 year ago today.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Alaska.

S.T.A.N.D. WITH TAIWAN ACT OF 2022

**Mr. SULLIVAN.** Madam President, today I introduce the S.T.A.N.D. with Taiwan Act of 2022, which would mandate comprehensive and devastating economic and financial sanctions against the Chinese Communist Party, key sectors of China's economy, and leaders in the Chinese Communist Party, if the Chinese People's Liberation Army initiates a military invasion of the island democracy of Taiwan. Representative MIKE GALLAGHER of Wisconsin introduced an identical bill in the House today as well.

I am hopeful that when my colleagues come back from recess, the vast majority of Senators here, Democrats and Republicans, will end up joining me in supporting this important bill.

Last March, in a Senate Armed Services Committee hearing, I posed this



question to the INDOPACOM commander, Admiral Davidson:

Given the Chinese Communist Party's recent but long list of coercive and even violent actions—a hostile suppression of freedom in Hong Kong, threatening nuclear war with Japan, hand-to-hand combat with Indian soldiers in the Himalayas, economic blockades of Australia, genocide in its own Xinjiang province, [and aggressive naval actions in the South China Sea]—how do such actions impact your analysis [Admiral Davidson] on if and when China would invade Taiwan?

His response to me in this hearing made news around the world. He called these recent actions by President Xi “alarming,” and then he said:

I think the threat [of an invasion of Taiwan] is manifest during this decade, in fact, in the next 6 years.

Six years—that is not a lot of time. The Senate needs to focus on this issue much more. Indeed, this issue is not unrelated to the actions of another dictator—Vladimir Putin—who is right now threatening and likely to invade one of his neighbors—Ukraine.

Now, some see the defense of Taiwan as a luxury we cannot afford in an age of sharpened and great power competition and China's global economic strength. I reject that view. Importantly, so does American law, particularly the Taiwan Relations Act, which this body passed in 1979 by a vote of 90 to 6. Among other things, it states the following:

The United States will consider any effort to determine the future of Taiwan by other than peaceful means . . . a threat to the peace and security of the Western Pacific area and of grave concern.

The free world cannot be neutral in the contest between freedom and authoritarianism that is once again underway around the world, especially in the Indo-Pacific region.

American alliances, power, and ingenuity helped build a world that provided more freedom and prosperity to more people than ever before. Think about this fact: The U.S. democracy, bolstered by our strong military, has done more to liberate humankind from oppression and tyranny—literally hundreds of millions of people—than any other force in human history.

The Chinese Communist Party knows exactly what it wants to accomplish—to make the world safe for its authoritarian government, to export its dictatorship model to other countries, to separate America from its democratic allies, and to erode U.S. leadership around the world.

A world governed by Xi Jinping's totalitarian vision would be a world unsafe for America and other democracies around the world. That is why Taiwan is so central to the free world and its future. It is a thriving, prosperous Chinese democracy that holds free elections and bounds its power by the rule of law. For that reason, it threatens the CCP's central premise, which is that one man ruling in perpetuity by crushing all dissent knows what is best for 1.4 billion people.

The Chinese Communist Party has already crushed Hong Kong, once a bastion of liberty, and the free world barely raised its voice in protest. Should America and the world stand by as China does something similar to Taiwan, a peaceful democracy of 25 million people who have voted for an entirely different future, that would not simply undermine the security of the Western Pacific, as the Taiwan Relations Act says. A violent military takeover of Taiwan by the Chinese Communist Party would be a sea change in how the world is ordered. It would change the history of the 21st century in ways that the guns of August of 1914 changed the 20th century.

Taiwan is not some peripheral side-show in terms of global great-power competition; it is the frontline between freedom and tyranny, like West Berlin was during the height of the Cold War. It matters everywhere.

Last month, the magazine the National Review highlighted many of these issues in an excellent issue which laid out the arguments for and against whether the U.S. military should come to Taiwan's aid if the island democracy was invaded by the Chinese military. Should our country militarily defend democratic Taiwan after the CCP launches a military invasion of the island? This is a vitally important question which was front and center in the National Review last month. As the National Review points out, there is much disagreement on this issue.

There are powerful arguments on both sides, as this issue admirably demonstrates, but I believe there is much less disagreement on whether the United States should take actions now to deter a Chinese Communist Party military invasion of Taiwan in the future. Indeed, taking actions now to promote deterrence of a Chinese invasion of Taiwan is an area where I believe there is broad bipartisan agreement and support in the U.S. Senate.

Deterrence comes in many forms, and with regard to Taiwan, I believe there are three crucial layers of deterrence, as depicted here.

First is Taiwan's ability to militarily defend itself, the so-called hedgehog approach right here, where Taiwan musters sufficient self-defense capabilities to make a Chinese military invasion very difficult and very costly.

The second layer of deterrence is America's capability and will to defend Taiwan militarily should the President of the United States decide to do so once there is an invasion by the Chinese.

Over the past several decades, through many different crises in the Taiwan Strait, this layer, the American layer of deterrence, has proven to be decisive in keeping the Taiwanese people free. Our deep network of allies in the region augments this level of deterrence.

As it relates to deterrence in Taiwan, it is really often discussed only in these two layers, but there is a third

layer that is depicted here, which in terms of the present circumstances might be the most important, and that is the use of other instruments of American power beyond our military, such as our global economic and financial strengths, to deter China from an invasion.

That is exactly what my bill, the S.T.A.N.D. with Taiwan Act of 2022, is all about. The full name of this bill is Sanctions Targeting Aggressors of Neighboring Democracies—aka S.T.A.N.D.—with Taiwan.

It is a simple bill but a very powerful one, especially in terms of its deterrent effect. It states that if the Chinese Communist Party initiates a military invasion of Taiwan, the United States shall impose a comprehensive suite of mandatory economic and financial sanctions. The bill lays out these comprehensive sanctions, some of which are listed here, in great detail. These sanctions would be crippling to the Chinese Communist Party, its leaders, and key sectors of China's economy.

The bill also calls on the United States to coordinate such comprehensive sanctions with our allies around the globe, with the goal of making the CCP an economic pariah globally if President Xi chooses to militarily invade Taiwan.

The bill's goal is to make very clear to President Xi today the true cost of what such a military invasion of Taiwan would be, thereby heightening deterrence, which we all in the U.S. Senate support.

I believe the S.T.A.N.D. with Taiwan Act of 2022 should receive broad bipartisan support. In many ways, it reinforces the goals, policies, and directives of the Taiwan Relations Act, which continues to have overwhelming support here in the U.S. Senate.

The defense of Taiwan is an issue that has been weaved in and out of the careers and professions of countless Americans, including my own.

Over 25 years ago, in 1995 and 1996, I was a Marine infantry officer deployed to the Taiwan Strait as part of a Marine amphibious task force and two U.S. carrier strike groups, all in response to the Chinese Communist Party's aggressive military provocations on the eve of Presidential elections in Taiwan—the Third Taiwan Strait Crisis, this period is now called. That was an important and decisive demonstration of American commitment and resolve to an emerging democracy and partner that is still remembered today on both sides of the Taiwan Strait.

More recently, I was part of another demonstration of American commitment and resolve when I traveled to Taiwan with Democrat Senators TAMMY DUCKWORTH and CHRIS COONS to provide vaccines—close to a million—from the United States for the Taiwanese people in the face of the Chinese Communist Party's aggressive attempts to prevent the citizens of Taiwan from receiving these lifesaving Western medicines.

I am now a colonel in the Marine Corps Reserve, working again on these issues in the INDOPACOM theater.

Let me conclude with this: American commitment and resolve for Taiwan has been part of our law, heritage, trade, economics, and military deployments for decades and should be for decades to come. The S.T.A.N.D. with Taiwan Act of 2022 is the next logical step to demonstrate America's commitment to Taiwan, this time emphasizing the deterrent power of our economic and financial strengths.

It is our values of freedom, innovation, the rule of law, individual rights, and openness that the Chinese Communist Party is most afraid of. We must be ready as democracies to defend these values or risk a world increasingly governed by autocracy, surveillance, aggression, and permanent conflict. The S.T.A.N.D. with Taiwan Act will help us do just that.

#### TRIBUTE TO EMMA BROYLES

Madam President, it has been a busy week. Let's face it—it has been a contentious week here in the U.S. Senate. We had a big vote last night. I spoke about the issues we were debating last night and a few times on the Senate floor. Just a minute ago, I introduced a bill of mine on a very serious topic regarding a possible war with China and Taiwan. So it has been busy.

To be honest, my team and I were focused on a lot of these issues, and we were thinking about skipping my favorite part of the week—coming down on the Senate floor and talking about the Alaskan of the week—but then we came across a Twitter meme. You almost have to see it to completely understand it, but the gist of it was this: We in the Senate can't achieve civility without an "Alaskan of the Week" speech at the end of the week to lift spirits here in the Senate.

I kind of appreciated that meme, so we wanted to make sure that we, after a rough, contentious couple of weeks, ended it on a note that was uplifting and to highlight another very special Alaskan, as I try to do pretty much every week, whose role right now in our country is, in fact, going to be about bringing civility and respect and emphasizing the importance of service to all people of the United States and across the globe. So I thought, what a great time for an "Alaskan of the Week" speech. I know the pages love it.

So let me introduce to you our Alaskan of the week this week: 20-year-old Emma Broyles from Anchorage, who broke through barriers to become the first Alaskan and the first Korean American ever to be crowned Miss America. This just happened a couple weeks ago. Emma is very well-deserving, as you will see, and when it was announced that she had won Miss America, when that happened, when her name was announced, she cried tears of joy, of course, and Alaskans across the State cheered.

Now, every Miss America contestant picks a cause to champion. Special

Olympics, which I love—I am probably Alaska's Special Olympics biggest fan—was Emma's cause.

The night of the event, they held a watch party at the Jim Balamici Special Olympics training center in Anchorage, which is a great facility. Our Special Olympian athletes were the loudest of any group in the State cheering for Emma and her great win. Then, of course, there is the huge, extended Korean-American family who was also cheering, laughing, and crying when it was announced that she had won.

After it was done, Emma told reporters: "I didn't even expect to make the top 10. I was there for the good time and the cheesecake." That is Emma for you—funny, self-deprecating, humble, and real, just like her home State. She is the perfect Miss America to represent the great State of Alaska.

So let me tell you about our Miss America, America's Miss America, Alaska's Miss America, and her goals going forward.

About 50 years ago, Emma's grandparents emigrated from Korea to Anchorage. They wanted to raise a family, to live the American dream. Alaska, of course, is a great place to do that.

By the way, we have the greatest, strongest, most incredible Korean-American community in Alaska, who are just incredible Americans.

Emma's grandparents' daughter—Emma's mom—Julie was born in Anchorage, and so was her father Ron. Emma grew up a typical Alaskan kid—like my three daughters—fishing, winter sports, hard work at school, community-oriented. Her mom was a special education teacher, and her older brother has Down syndrome.

Emma likes to say that she went to her first Special Olympics meet when she was in the womb, so she has been a fan literally from the beginning of her life, and that is one of the reasons she is so passionate about that issue. She knows firsthand, like many of us do, the power of Special Olympic athletes to inspire and to be such great representatives for inclusion and respect and healthy competition.

Emma graduated from Service High School and made her way to Arizona State University, where she is now a junior studying biomedical sciences and voice performance. She wants to be a doctor. In fact, she wants to be a dermatologist.

Emma shared something with the world during the Miss America pageant that was very brave, like so many young women are doing now, particularly our athletes who have to perform and have a platform and use that platform for good, to talk about some difficult issues. Emma told the world that she had been diagnosed with ADHD—attention deficit hyperactivity disorder—which led to chronic scratching and skin-pinching issues.

Now, we don't hear a lot about that, but roughly 2 percent of the population

has this challenge, mostly young women. That is why Emma wants to be a dermatologist—to help young women like her who suffer from this disorder or other medical challenges.

"It was kind of a hard thing for me to share at first," Emma said, with the world during the pageant. "I wasn't sure if I was ready to be that vulnerable, you know, on a national stage with hundreds [of] thousands of people watching."

That is what she said, but she did it. She did it. That was very courageous, and we are better for it.

With Emma's beautiful singing voice, her poise, her bravery in highlighting an issue that has caused her a lot of pain, her role of championing the Special Olympics, her heritage, her home State, the crown looked very natural and beautiful atop Emma's head, like it was meant to be there.

Here is what she told a reporter after she won:

There were a lot of people who felt like they saw themselves in me.

She talked about all of the positive messages she had received from people all across America, Alaska, and the entire world after she won.

They told her how wonderful it was to see someone like them, someone who had similar issues or someone who has a family member who has a disability, and she talked about it courageously. They told her how wonderful it was "seeing themselves in me and seeing this kind of relatable figure and someone they can look to." That is Emma.

I think you are starting to see what a great young woman she is. Like so many of us, she had a tough time during COVID last year, but she overcame it. She said, "I hope that other people know that they can do the same thing," overcoming these challenges, "whatever it is they're struggling with."

So thank you, Emma, for being such an inspiration—incredible job, incredible courage, incredible poise.

I also—because I am talking about Emma—want to recognize so many other incredible Alaska women who have recently stepped up, done amazing things.

We have a State of very strong women. I am lucky to be surrounded by them everywhere—my wife, my daughters, cousins, sisters-in-law.

There is a famous saying in our State, and when you come to Alaska, you see it everywhere—T-shirts, mugs, bumper stickers. It is a simple saying: Alaska girls kick ass.

Now, look, I am not sure I am supposed to be able to say that on the Senate floor, but I just did. I hope I am not going to get fined or anything. But take a look. It is everywhere in our State. I love the bumper stickers.

And that, in the past year, has really proven to be true—truer than ever. We have our first Alaskan to win Miss America, our Alaskan of the Week today, Emma Broyles. We had our first

Alaskan, Lydia Jacoby, to win a gold medal in swimming, where we don't even have an Olympic-size swimming pool. She won the breaststroke in an amazing race. She did such a great job that she is the first person in U.S. Senate history to be Alaskan of the Week twice—not sure that is ever going to happen again.

We have the first Alaskan woman, Deniz Burnham, chosen to be a NASA astronaut. Another woman, Nichole Ayers, who was stationed at Elmendorf Air Force Base in Anchorage, was also picked to be an astronaut.

I don't know. It is something about breathing the air.

And, as usual, we have winter olympians going to the Winter Olympics again this year, like we almost always do—strong, very strong, in that area: Rosie Brennan, Vicky Persinger.

And there is Quannah Chasinghorse, an Alaskan Native—a young Alaskan Native woman who was featured recently on the cover of *Vogue*.

So it has been a great year for strong Alaskan women. And to Emma, I just want to say: You make us all proud. Congratulations on your incredible win: Miss America, first Alaskan ever. You have been an inspiration to us. Thank you for your courage, your willingness to speak out on tough issues and take up great causes like our Special Olympic athletes. And, of course, congratulations on being our Alaskan of the Week.

I yield the floor.

The PRESIDING OFFICER (Ms. ROSEN). The Senator from Ohio.

#### INFRASTRUCTURE

Mr. BROWN. Madam President, 10 minutes ago there was a different Nevada Senator sitting at the Presiding Officer's chair. Welcome.

I was at a roundtable this morning with a group of Ohio county commissioners from conservative counties like Warren and Medina and more progressive counties like Lucas and Hamilton—Republicans and Democrats alike; male, female; a good cross section of Ohio leaders—talking about the projects we are going to build and the good-paying jobs we are going to create—jobs that will not be off-shored this time because we came together to pass the bipartisan infrastructure bill.

Yesterday, I was on a media call with the Republican mayor of Findlay, OH, about the I-75 bridge project that they need in Hancock County.

The day before, I was at another roundtable with western Ohio leaders, talking with them about how we can leverage these investments. It is some of the most important work I am going to be doing over the coming months, working with local and Federal officials to make sure this investment translates into Ohio jobs.

The Presiding Officer understands this, that we pass legislation here. With it, sometimes, comes a good bit of money, like with infrastructure. But it is also up to us, as representing our States, to make sure those dollars are

spent efficiently and effectively and quickly, frankly.

The infrastructure bill is some of the most important work we have done in the Senate in a long time. We are investing in our country.

For years, mayors and businesses and workers have been telling us, as their representatives, as their Senators, about the need to upgrade infrastructure, but we have noticed over the years that candidates of both parties have promised infrastructure. "We are going to pass an infrastructure bill when I am elected," they say. Plenty talk about it, but now, with a new President and a new majority in the Senate and the House, we are finally getting it done with this bipartisan infrastructure bill.

Over the past few months, I have heard from communities about the projects that this is going to allow them to accomplish.

In Toledo, with the mayor, talking about the city's plans to replace lead pipes—my State has the dubious distinction of being the second leading State, if you will. Our State has the second-most lead-contaminated pipes from main water lines and the pipes going into people's homes. We have 600,000 pipes like that going into people's homes that have high levels of lead.

And science has known, paint companies have known, lead manufacturers have known that infants, babies ingest lead. It affects their brain development for the rest of their lives. So one of our goals, working with the mayor of Toledo, is over the next several years to replace those pipes.

Ohio will get someone \$1 billion in new funding to improve water infrastructure.

The Western Hills Viaduct in Cincinnati, the Patterson Avenue Bridge in Dayton—Ohio has some 3,200 bridges eligible for upgrades. Some of them, like the Brent Spence, unbelievably, across the Ohio River, carries 3 percent of GDP every day across that river.

Some of those bridges are—when I grew up working the family farm, driving a tractor with a hay wagon crossing little culvert bridges that dot our countryside and all over my State, many of those are in states of disrepair.

We have seen the new pollution-free buses that communities like Akron and Canton, Columbus, and Lake County are rolling out through Laketrans, their transit system. We have heard about how they are going to expand service so people can get to work and school.

We have some 60,000 buses—big city buses—and another 50 or 60,000 small transit, more rural buses, that need to be replaced. They are fossil fuel, mostly diesel engines, and we are going to replace those over the next several years with low-emission or zero-emission buses.

From the Port of Ashtabula, the community my wife grew up in, we are hearing about how upgrades to our

ports will increase investment and help speed up and grow Ohio supply chains.

As the Presiding Officer knows, this Congress, this Senate and the House, frankly, over the years, at the behest of corporate lobbyists, sold us out on trade agreements, sold us out on tax policy, so that so many jobs left our country. The industrial Midwest was hit the hardest, but every State was hit by that job loss because of bad government policy, again, lobbied by some of the largest corporations in the world—the tech companies, the drug companies, the oil industry.

We now have a President who wants to get it right and bring those supply chains closer to home.

Now this, we also see how Ohio needs better rail infrastructure—new rail cars for Cleveland RTA, better Amtrak service, safer rail crossings.

But, fundamentally, this bill—the infrastructure bill—is a jobs bill. It will create construction jobs, to be sure. It will create jobs—union jobs: carpenters, millwrights, electricians, plumbers and pipe fitters, sheet metal workers, laborers. It will create those kinds of jobs but also create manufacturing jobs through the supply chain.

Senator PORTMAN and I worked to make sure this bill has the strongest "Buy America" requirements ever in an infrastructure bill with our Build America, Buy America Act.

Every one of these projects will come with the strongest ever "Buy America" rules. No more bridges—no more bay bridges in Northern California—made entirely with Chinese steel.

We introduced the "Build America, Buy America" bill on President Trump's inauguration day. Unfortunately, nothing moved because everything got crowded out of President Trump's agenda so they could give a huge tax cut to the richest people in the country.

We worked with other leaders now, 4 years later, with a new President, to get it right.

With "Buy America" particularly, I call out Senator BALDWIN from Wisconsin, Senator PETERS from Michigan and their work.

We are putting in place a clear, permanent standard: If American tax dollars are involved, American workers should be getting the jobs. It is going to mean more contracts for Ohio businesses.

Cleveland Cliffs' new plant in Toledo, talking about what we are doing there, it is the cleanest steel making, I believe, in the entire world at that new plant.

Owens Corning in Toledo; Gradall Industries in New Philadelphia, OH, on the edge of Appalachia.

We have the potential for hundreds more bridge projects around the State using American rebar, American steel, American iron.

It is an investment in Ohio that will pay off, creating jobs now, both during construction and up and down the supply chain. It will help attract new businesses. It will help keep the existing

ones. It will connect people with their jobs and businesses.

I will spend pretty much every day, and my staff will too, making sure that our State gets its fair share of this investment and these jobs.

If you believe in the dignity of work, you fight for the people who make this country work. We are seeing results.

On Wednesday, the mayor of Findlay and I were talking about the Biden administration's announcement of \$100 million in initial bridge funding already on the way to Ohio. That focus will continue.

We are doing roundtables. We are doing briefings with Federal officials, with local township trustees and county officials and mayors and city officials and State officials, talking about how they can apply for Federal funding, and to make sure communities are best positioned to make the most of this infrastructure.

Our goal is to leverage this investment to create jobs in every city, in every county, in every township across my great State.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

#### EXECUTIVE CALENDAR

Mr. BROWN. Madam President, I ask unanimous consent that the Senate consider the following nomination: Calendar No. 638, Joseph Donnelly, of Indiana, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See; that the Senate vote on the nomination without intervening action or debate; that the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that any statements related to the nomination be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of Joseph Donnelly, of Indiana, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See?

The nomination was confirmed.

#### EXECUTIVE CALENDAR

Mr. BROWN. Madam President, I ask unanimous consent that the Senate consider the following nominations: All nominations placed on the Secretary's desk in the Foreign Service; that the nominations be confirmed en bloc; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nominations; and that the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed are as follows:

#### NOMINATIONS PLACED ON THE SECRETARY'S DESK

##### IN THE FOREIGN SERVICE

PN480-2 FOREIGN SERVICE nomination of Leon Skarshinski, which was received by the Senate and appeared in the Congressional Record of April 27, 2021.

PN903 FOREIGN SERVICE nominations (2) beginning John Breidenstine, and ending Michael Lally, which nominations were received by the Senate and appeared in the Congressional Record of July 19, 2021.

#### LEGISLATIVE SESSION

##### MORNING BUSINESS

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

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

#### NOTICE OF A TIE VOTE UNDER S. RES. 27

Mr. DURBIN. Mr. President, I ask unanimous consent to print the following letters 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:*

PN1501, the nomination of Dale E. Ho, 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.

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

*To the Secretary of the Senate:*

PN1509, the nomination of Charlotte N. Sweeney, of Colorado, to be United States District Judge for the District of Colorado, 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.

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

*To the Secretary of the Senate:*

PN1512, the nomination of Hernan D. Vera, of California, to be United States District Judge for the Central District of California, 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.

(At the request of Mr. DURBIN, the following statement was ordered to be printed in the RECORD.)

#### VOTE EXPLANATION

• Mr. TESTER. Mr. President, had I been present when the Senate voted on vote No. 11 on confirmation of Executive Calendar No. 635 Holly A. Thomas, of California, to be United States Circuit Judge for the Ninth Circuit, I would have voted aye. •

#### COVID-19 VACCINES

Mr. CASEY. Mr. President, as our Nation battles another wave of COVID-19, I want to detail my efforts to lower barriers for Americans to access lifesaving vaccinations against this terrible disease.

The Special Committee on Aging's investigation forced the largest commercial health insurer in the United States to reverse course and make whole providers who were paid far below the market rate for administering COVID-19 vaccines. These efforts will help ensure that every provider who can administer COVID-19 vaccines is doing so, helping get more shots in arms.

Last year, news reports detailed how UnitedHealth had been shortchanging pediatricians who were vaccinating children against COVID-19. In short, Medicare set reimbursement rates for participating providers at \$40 per dose in mid-March 2021. The Federal Government strongly recommended that private carriers do the same and most appear to have done so within weeks, but UnitedHealth did not.

The committee's investigation found that UnitedHealth paid in-network providers roughly 40 percent below the Medicare rate until July 1, 2021. Further, the company delayed action to make providers whole. During the investigation, pediatricians in Pennsylvania and beyond raised concerns that UnitedHealth's original reimbursement rate could dissuade providers from administering the vaccine.

UnitedHealth covers 26 million people in employer and individual market health insurance plans, with 1.4 million

in-network providers and an estimated 14 percent market share. UnitedHealth's decision to reimburse providers below the Medicare rate had the potential to harm families across our Nation at a critical juncture, just as the Food and Drug Administration prepared to expand the availability of vaccines to children ages 5–11.

For parents with questions about vaccines, pediatricians are trusted advisers who can play a key role in overcoming lingering concerns or hesitancy, which remains a major issue in our Nation.

In the long term, ensuring that all hands are on deck to deliver vaccines will help end this pandemic. Data has shown time and again that being vaccinated against COVID-19 reduces infections, severe disease, hospitalization, and death. Vaccinating children also will help protect adults by increasing the number of Americans shielded from the virus, reducing its spread. It also reduces the chance for the virus to mutate and spawn variants, like Omicron, that has led to another wave of illness and death. These concerns are particularly important for older adults who are more likely than the general population to experience both severe COVID-19 and breakthrough infections. Vaccinating children helps protect older generations, particularly older adults living in multigenerational households, including more than 7 million grandparents who live with grandchildren under the age of 18.

Providing more parents with the information they need to ensure they are comfortable vaccinating their kids will help protect all of our children. While pediatric hospitalizations remain relatively rare, there has nonetheless been a significant increase of such hospitalizations as the Omicron variant has spread in recent weeks. The Wall Street Journal recently reported that pediatric hospitalizations due to COVID-19 reached pandemic highs in the United States.

Vaccinating more children is essential to keep schools open for in-person learning, a live issue for schools throughout our Nation that have been forced to return to online classes in the face of the Omicron variant. We must do all that we can to safely keep students in the classroom so that they can receive the high-quality education they deserve. School closures also cause a disruption in the lives of families, with parents often struggling to find childcare or forcing them to take time from work. Vaccinating children will help schools remain open, protect students and educators, and help parents stay in the workforce.

After Aging Committee investigators reached out to UnitedHealth, the company quickly and voluntarily committed to change course, commitments I detailed in an October 20, 2021, letter. In response to my letter, UnitedHealth confirmed its plans to retroactively increase reimbursements for approximately 2 million COVID-19 vaccine ad-

ministration claims to the Medicare rate across its entire commercial network, including individual plans on the Affordable Care Act marketplace. On January 14, 2022, the company reported that it had processed 1.64 million claims in connection with its commitment to the committee—more than 99.8 percent of the affected total—at an average cost of \$14.55 per claim for a total of \$23.9 million. The company expects the remaining claims, which number less than 2,900, to be processed by February 1, 2022.

UnitedHealth also committed to more quickly update reimbursement rates for future emergent vaccines and therapeutics, whether for COVID-19 or the next pandemic. The company added that it is “redirecting additional internal resources and automating updates whenever possible,” while noting that their new processes still might involve withholding claims “for a short time,” which it characterized as no longer than 30 days. On January 14, the company went further, stating that it will implement new billing codes in a national public health emergency “faster than industry standard,” while noting that it has “learned over the past few months the required technology and human resources that need to be brought forward to accelerate” adoption of new billing codes in a public health emergency.

While lacking some details, the steps UnitedHealth has described appear to be an appropriate response. However, UnitedHealth has not adequately addressed an issue that a senior company official raised when speaking with Aging Committee investigators in September, that the company's size and numerous claims systems presented a barrier to quickly updating COVID-19 vaccine reimbursement rates in the first place. In its responses to subsequent questions about the issue from committee staff, UnitedHealth has cited reasons such as contracting language for the delay, but has failed to provide additional information or explanation in their written responses. The fact that a senior UnitedHealth official told the committee that the company's size negatively affected the quality and efficiency of its interactions with the market is concerning and a matter that deserves continued oversight from Congress and regulators.

In recent weeks, the world has been upended by the Omicron variant. Case rates have skyrocketed, and hospitals are once again filling up, primarily with people who have not gotten a COVID-19 vaccine or booster. In order to leave the tragedy, the disruptions and the closures of the pandemic behind, every person who can be vaccinated has a duty to the country to roll up their sleeves and get the shot.

We will continue to learn more about the Omicron variant and variants to come. However, there is one thing about this variant, past variants, and future variants that will not change:

The key to ending this pandemic is getting more people vaccinated.

I remain committed to removing future roadblocks that may emerge to widespread vaccination against COVID-19.

This body should do the same.

In closing, I ask unanimous consent to have printed in the RECORD the following documents: a September 3, 2021 Modern Healthcare article detailing UnitedHealth's under reimbursement for COVID-19 vaccines compared to most other major carriers; my October 20, 2021 letter to UnitedHealth; UnitedHealth's November 5, 2021 response to my letter; a November 12, 2021 supplement to the company's original response; and a January 14, 2022 email from UnitedHealth providing further updates.

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

[From Modern Healthcare, Sept. 3, 2021]

UNITEDHEALTHCARE PAYS PROVIDERS BELOW STANDARD RATES FOR COVID-19 VACCINES

(By Nona Tepper)

Pediatricians across the country are claiming the nation's largest insurer is short-changing them for administering COVID-19 vaccines, jeopardizing access to the main tool for stopping the virus' spread.

The American Academy of Pediatrics has fielded complaints from providers nationwide who are frustrated that UnitedHealth Group is paying about 50% of the federal rate for vaccine administration, said Dr. Sue Kressly, who chairs the AAP's payment advocacy advisory committee and runs Pennsylvania-based Kressly Pediatrics. While UnitedHealthcare is not legally required to pay the federal rate, Kressly said the Minnetonka, Minnesota-based insurer is the only national carrier that has not agreed to pay at least \$40 for vaccine administration.

The insurer also continues to pay pediatricians and family medicine providers below-market rates for COVID-19 tests, Kressly said, an issue the New York Times revealed in February.

With new variants of COVID-19 continuing to emerge, Kressly worried that low fees for testing and vaccine administration would lead some doctors to stop offering these services, worsening the public health crisis, increasing medical costs and inspiring more independent practices to shutter, particularly as providers struggle with overwork during the pandemic.

“They had record-breaking profits in 2020, and we struggled with getting them to pay adequately for COVID testing. That still not been resolved,” Kressly said. “Now pediatricians who are giving the vaccine to people covered by UnitedHealthcare, they're effectively opening their wallet, and subsidizing that patient to get the vaccine.”

At the end of the company's most recent second quarter on June 30, UnitedHealthcare generated \$55.5 billion in revenue, up 13% from the \$49.1 billion reported during the same period last year. The company counted more than 49.6 million enrollees, an increase of 1.2 million year-over-year. Meanwhile, the insurer's low vaccine reimbursement rates threaten the future of family practices, Kressly said. Unlike most medical services, federal legislation bars providers from balance billing patients for the COVID-19 vaccine.

“If we don't at least make enough money to cover our costs, then we won't be here as practices to serve the community beyond the



public health emergency,” Kressly said. “That’s a bigger problem.”

UnitedHealthcare is not the only payer offering clinicians low fees for vaccine administration—some regional plans and employers are also paying below the federal rate, Kressly said. But she said these payers are likely just slow to react to payment standards. In March, the Centers for Medicare and Medicaid Services nearly doubled what it was paying providers for giving the vaccine, after the American Medical Association found the previous rate did not cover the costs associated with administering the shot. Most of these payers are just confused about the update and, when Kressly reaches out to them, she said they generally immediately increase their rate. But UnitedHealthcare has refused to increase what it is paying pediatricians.

“They say, ‘Our fee schedule is our fee schedule, it’s up to the contract that the practice has with UnitedHealthcare, let them try to have the conversation,’” Kressly said.

UnitedHealthcare, for its part, said it recently offered to increase reimbursement for COVID-19 testing for some pediatric and family medicine practices that met specific criteria. When it comes to vaccines, UnitedHealthcare said it is continually reviewing its reimbursement rates.

Dr. George Rogu, president of the Independent Pediatric Collaborative of Long Island and head of RBK Pediatrics, hopes to be one of the providers paid more for giving UnitedHealthcare enrollees COVID-19 vaccines.

When Rogu reached out to the insurer last month, a UnitedHealthcare customer service representative blamed his low rates on his different customers’ plans and the different fee schedules associated with each. The customer service representative said Rogu was the first provider to complain about the matter and offered to refer his case to the company’s management team.

“We cannot in good conscience say, ‘Oh, we can’t give you the vaccine because you have UnitedHealthcare.’ That’s not right,” Rogu said. “It’s just not humanely right. But people that have a large panel of UnitedHealthcare customers? It’s killing them.”

Rogu said he is still waiting to hear back from the insurer.

He said he noticed that he was being paid below the federal rates in May and asked New York-based Canid Vaccines, his vaccine administration software system, about the problem. The startup verified that UnitedHealthcare reimbursed him at about half the rate that other insurers did. Canid Vaccines said it has identified at least 25 independent practices representing more than 350 providers nationwide that UnitedHealthcare is paying at less than the federal rate.

Among pediatric circles, UnitedHealthcare is often referred to as the “evil empire” since they are the least transparent and least cooperative among the major insurers, said Dr. Peter Pogacar, vice president of the Rhode Island chapter of the AAP and a pediatrician at East Greenwich Pediatrics. He said UnitedHealthcare is underpaying physicians for COVID-19 vaccine administration there too.

“Healthcare should be about healing with business as a sideshow, not the main event,” Pogacar wrote in an email.

The insurer isn’t just offering low rates for administering the COVID-19 vaccine. UnitedHealthcare has also reimbursed providers for less than what it cost them to purchase COVID-19 testing kits. After significant media attention, the manufacturer and distributor of the tests dropped their prices

so that providers were no longer losing money when they were paid UnitedHealthcare rates, said Dr. Reshma Chugani, a pediatrician at the Atlanta Children’s Clinical Center. The insurer also announced it would increase the rate paid for the tests, as well as allow pediatricians to resubmit patient claims, she said. But they are still not offering to reimburse providers for tests previously paid at below-market rates.

“We lost money on every United patient,” Chugani said.

Additionally, the insurer has made it difficult for providers to recoup the money it said it owes them, forcing them to go through multiple administrative layers and still failing to reimburse one type of test at the full rate, said AAP’s Kressly. She said she talked to UnitedHealthcare about this issue two weeks ago and that it has still not been resolved.

“They’ve put barriers for us to have to act when we have no time, energy or resources to do so,” she said.

OCTOBER 20, 2021.

Sir ANDREW WITTY,  
Chief Executive Officer,  
UnitedHealth Group.

DEAR SIR ANDREW: I write in regard to commitments UnitedHealth Group (UnitedHealth) made to the U.S. Senate Special Committee on Aging related to reimbursement policies for the administration of COVID-19 vaccines. UnitedHealth’s past policies appeared to have created access barriers for children seeking COVID-19 vaccination from their primary care pediatrician—barriers that affected younger and older Americans alike. I appreciate the company’s decision to reprocess certain COVID-19 vaccine claims, which I expect will facilitate the broadest possible access to COVID-19 vaccines among UnitedHealth’s members. I expect that the steps UnitedHealth has committed to take will help children seeking COVID-19 vaccines as well as older Americans under the purview of the Aging Committee, including the millions who live with and care for their grandchildren or other younger relatives. I appreciate your company’s assurance that UnitedHealth will keep the Aging Committee updated on its progress toward expeditiously resolving the concerns raised with the company.

The Aging Committee’s attention was drawn to this issue by press reports highlighting that during a four-month period earlier this year, UnitedHealth reimbursed pediatricians at rates that failed to meet the costs of administering COVID-19 vaccines. During that time, other large insurers reportedly reimbursed pediatricians and other health care providers at a higher rate, in line with what the Centers for Medicare & Medicaid Services (CMS) set in March 2021. Pediatricians raised concerns that UnitedHealth’s low reimbursement rates would deter in-network providers from administering COVID-19 vaccines, creating barriers for patients. The additional costs of administering COVID-19 vaccines have been significant for providers, a point that CMS noted at the time it increased reimbursement rates, citing “updated information about the costs involved in administering the COVID-19 vaccine for different types of providers and suppliers and the additional resources you need to safely and appropriately administer the vaccine.” The agency furthermore encouraged private payers to follow suit, noting that “in light of CMS’s increased Medicare payment rates, CMS will expect commercial carriers to continue to ensure that their rates are reasonable in comparison to prevailing market rates.” Given UnitedHealth’s status as the Nation’s

largest commercial payer—with 26 million people enrolled in employer and individual plans, 1.4 million in-network providers and an estimated 14 percent market share—it is critical that the company do all it can to ensure that vaccines are available to every person that is eligible to receive one. To that end, the Aging Committee requested that UnitedHealth provide information about the company’s reimbursement rates, the timeliness of future fee schedule updates and the company’s progress toward making providers whole for vaccines they administered while UnitedHealth was reimbursing below reimbursement rates set by CMS.

The ongoing effort to increase COVID-19 vaccination rates across our Nation demands an all-hands-on-deck approach. Ensuring that all eligible children are vaccinated against COVID-19 is key to improving the overall vaccination rate, which will better protect older Americans by helping stem the spread of the virus. Such efforts are of particular importance ahead of the Food and Drug Administration’s (FDA) expected consideration of COVID-19 vaccines for young children later this month. Older Americans have been among those hit hardest by COVID-19 and face the greatest health risks if they contract the disease, even after being vaccinated. Recognizing the elevated risk of breakthrough infections in older adults, the Biden administration recently authorized third doses of the Pfizer-BioNTech vaccine for people ages 65 and over. The serious health risks COVID-19 poses for older adults are especially acute for those living in multi-generation households, including more than 7 million grandparents who live with grandchildren under the age of 18. Those older Americans are at even greater risk of exposure when they live with unvaccinated individuals, an important consideration given the greater impact of the delta variant on children. The current wave of COVID-19 has led to higher pediatric case rates, record pediatric hospitalizations and school closures that have affected more than 900,000 students at 1,800 schools across 44 states in August and September alone.

During calls in September with Aging Committee staff, UnitedHealth officials confirmed press accounts that reported a months-long period when the company was reimbursing providers up to 40 percent less for COVID-19 vaccine administration than the rate set by the CMS. While other major payers reportedly adopted the reimbursement rate set by CMS swiftly, UnitedHealth continued reimbursing at a lower rate until the end of June. During conversations with staff, UnitedHealth reported that it had problems uploading the CMS rate to the company’s various fee schedules. Aging Committee staff have heard concerns from providers that the reimbursement issues pediatricians experienced with UnitedHealth earlier this year could resurface when the FDA authorizes a COVID-19 vaccine for 5–11 year-olds, which will carry a different billing code.

Following the concerns raised by the Aging Committee last month, UnitedHealth informed Aging Committee staff during a call on October 6 that the company planned to address the concerns outlined above. Specifically, UnitedHealth committed to reprocessing all of its commercial claims—not just pediatric claims—from the time CMS issued new rates for COVID-19 vaccines in mid-March to the time United updated its fee schedule on July 1. Company officials further stated that United Health would reprocess the claims automatically and that providers would not be required to resubmit claims for reprocessing. Noting that the company expected to reprocess “millions” of claims that

were submitted by providers during the three-and-a-half month period prior to July 1, UnitedHealth officials told Aging Committee staff that they hoped to make “significant progress” within 30–45 days. Company officials further committed to:

1. Review UnitedHealth’s claims process to minimize delays in making payments to providers for COVID–19 vaccines;

2. Verify that there are no similar underpayment issues in its Affordable Care Act Exchange and Medicaid Managed Care books of business; and

3. Provide updates to Aging Committee staff on the company’s progress toward meeting these goals.

As part of these updates, please also provide me with the following information no later than November 5, 2021:

1. How many claims does UnitedHealth expect to reprocess for COVID–19 vaccinations that were administered prior to July 1, 2021? What was the average difference between the initial reimbursement and the reprocessed claim? What was the total amount that UnitedHealth paid to providers to settle these claims at the CMS rates?

2. UnitedHealth told Aging Committee staff that it is difficult to quickly update its reimbursement rates when new vaccine billing codes and rates are issued by CMS. UnitedHealth further stated that its expected solution for this issue may involve delaying payments to providers to give the company’s payment systems time to reflect new codes and rates. In order to minimize access delays in the future, what steps is UnitedHealth taking to ensure that pediatricians and other providers will be reimbursed in a timely manner when CMS issues new rates for COVID–19 vaccines or other emergent vaccines and therapeutics in the future?

Thank you for your attention to this important issue. If you or your staff has questions, please contact Peter Gartrell, Chief Investigator for Chairman Casey.

Sincerely,

ROBERT P. CASEY, Jr.,

Chairman,

U.S. Senate Special Committee on Aging.

NOVEMBER 5, 2021.

Chairman BOB CASEY,

U.S. Senate Special Committee on Aging,  
Washington, DC.

DEAR CHAIRMAN CASEY: On behalf of UnitedHealth Group, including our over 120,000 frontline doctors, nurses, and other health care practitioners, thank you for your recent letter regarding retroactive payment for COVID–19 vaccine administration. Like many individuals and families, clinicians and essential health workers have sacrificed deeply these past two years as our country worked together to fight COVID–19.

We share your commitment to ensuring and expanding access to critically important health care services and understand these are extraordinarily challenging times for the millions of people we are privileged to serve, as well as employers, health care providers, governments, and the health care system. We welcome this opportunity to provide you with an overview of the significant actions we have voluntarily taken regarding vaccine reimbursement and the steps we are taking to quickly address the concerns expressed.

UnitedHealth Group is committed to helping people live healthier lives and making the health care system work better for everyone. We do this by working with stakeholders and partners to address the biggest challenges facing our system. As we shared during our conversation, we have been in close contact with the American Academy of Pediatrics regarding concerns they raised about vaccine reimbursement.

Consistent with the discussion with your staff on October 6th and your October 21st

letter, we are writing to confirm the following details related to our reimbursement for COVID–19 vaccine administration:

UnitedHealthcare (UHC) has been reimbursing providers using the new CMS rates since July 1, 2021, consistent with timing specified in UHC’s contracts with providers.

UHC will adjust claims paid less than \$40 between March 15 and June 30, 2021 to reimburse at \$40 per administration, so providers can benefit from the increase CMS announced on March 15, 2021.

The voluntary retroactive reimbursement changes are in process and claims will be adjusted accordingly. Providers will not need to take action to receive the change in reimbursement.

UnitedHealth Group recognizes the important role that reimbursement plays in addressing the COVID–19 pandemic, which is why we are taking action to adjust previous claims and accelerating our processes to update reimbursement rates when changes are announced by CMS. In your letter dated October 21, 2021, you asked for the following information:

The number of COVID–19 vaccine administration claims UHC expects to reprocess.

The average difference between the initial reimbursement and the reprocessed claim.

The total amount that will be reimbursed. Information on how we will ensure providers will be reimbursed in a timely manner when CMS issues new rates for COVID–19 vaccine claims going forward.

Approximately two million COVID–19 vaccine administration claims paid between March 15 and June 30, 2021 will be impacted by this retroactive adjustment. We anticipate the average adjustment will be approximately \$12.50 per claim, for total additional reimbursement of approximately \$25 million. UHC has already begun processing these reimbursements.

With regard to new rates for COVID–19 vaccinations or other emergent therapeutics for COVID–19, we will be accelerating our process for updating our reimbursement to support the COVID–19 vaccine codes and rates implemented by CMS as they become available. Specifically, UHC will implement new COVID–19 codes and rates upon the publication of this information by CMS rather than including these changes in our scheduled quarterly reimbursement update processes. This will ensure provider payments are updated as quickly as possible.

We appreciate the services provided by health care professionals during the pandemic. The actions we are taking to adjust COVID–19 vaccine claims build on the many steps we have taken to support providers over the last eighteen months, including accelerating claims payments, assisting in processing and administering CARES Act Federal funding to providers, working with HHS to ensure clinicians who provided COVID–19 testing or treatment for individuals without insurance were reimbursed for their services, and removing administrative requirements in highly impacted areas.

We appreciate the opportunity to address the Committee’s questions.

Sincerely,

BRIAN THOMPSON,  
CEO, UnitedHealthcare.

NOVEMBER 12, 2021.

Addendum to UHG—Senate Aging Committee Response on 11/5/21

Thank you for the email of November 8, 2021 with follow-up questions to UHG’s letter dated 11/5/2021, and for your continued engagement regarding how we reimburse providers for COVID–19 vaccine administration. Please see our additional responses below:

Staff asked that we clarify whether “similar underpayment issues occurred in United’s

Affordable Care Act and Medicaid Managed Care plans.”

Answer: As discussed with staff, we have been paying providers according to their contracts since the vaccines first became available. These provider contracts explicitly provide how new procedure codes are implemented and on what timeline; those provisions are agreed to by all parties. Because United paid its network providers according to these contracts, there have been no “underpayments.” Nevertheless, after reviewing concerns about the contracted reimbursement amounts paid earlier this year, we elected to voluntarily increase reimbursement—above and beyond contractual rates—for all commercial plans (including individual plans purchased via ACA exchanges), for dates of service between March 15, 2021 and June 30, 2021.

Within ACA Exchanges, we similarly have paid according to contracts agreed to with providers. ACA Exchange plans will be included in the voluntary increase in reimbursement described above. The completion of that increase will be on the same time frame as commercial plans. With respect to managed Medicaid, as we noted in our first discussion with staff on September 22, 2021, those plans pay according to rates set by state law and state payment policies. United has paid for vaccine administration consistent with those parameters and will continue to do so.

Staff asked that we provide detail about how we will timely reimburse providers for emergent vaccines and therapeutics unrelated to COVID–19 and the current Public Health Emergency (PHE).

Answer: In the event of a future pandemic or new PHE we will take immediate actions (noted below) to accelerate reimbursement updates. Outside of a pandemic or PHE how we update codes and payment rates will continue to be guided by our existing contracts with providers. Consistent with industry practice, those contracts provide for timely and substantial payment to providers while we complete the update to our systems. At all times we will follow all applicable state and federal requirements.

Staff noted the complexity of adjusting reimbursement rates for new procedure codes and asked for details on how United might make those adjustments more quickly in the future.

Answer: We hope that under less exigent circumstances CMS will provide additional lead time for its pronouncements, but United is not relying on that to speed its processes during this PHE. Instead, we are devoting significant time and effort to ensuring that the process of updating new COVID–19-related codes within our systems begins at the time of publication of those codes and without regard to contractual timelines. This includes, for example, redirecting additional internal resources and automating updates whenever possible. While some claims filed immediately after new payment codes are announced might be held for a short time while those updates are being made (generally no longer than 30 days after receipt), we believe this will result in overall faster reimbursement at updated rates. Indeed, it is common in the industry to hold claims during a period of change or uncertainty to help ensure that those claims are paid accurately. We are confident we will be able to update new codes for all claims platforms on a timely basis.

Finally, staff asked for updates as to our progress on increasing the reimbursement amount for the approximately two million claims impacted by our decision to voluntarily increase reimbursement for COVID–19 vaccine administration.

Answer: To date, we have resolved approximately 60% of these claims. We expect the



remaining claims to be completed in the coming 6-8 weeks. We will update you when all claims are complete.

From: Prible, John M.  
To: Gartrell, Peter (Aging)  
Cc: Hartman, Doug (Aging); Shakow, Peter  
Subject: RE: Follow Up on  
UnitedHealthcare's Response  
Date: Friday, January 14, 2022 5:12:29 PM

Peter, thank you for your recent email, in which you asked for an update on our voluntary efforts to retroactively increase reimbursement to \$40 for COVID-19 vaccine administration. Answers to your questions are provided below; however, we expect that this confidential information will not be shared with third parties.

To date, we have retroactively reimbursed providers for 1,640,996 claims, or more than 99.8% of all affected claims. The average additional payment for those claims was \$14.55, for a total of approximately \$23.9 million in additional payments. At this time, fewer than 2,900 claims (less than 0.2% percent of all affected claims) remain to be reprocessed. Because the original paid amount on those remaining claims averaged about \$36, the average additional reimbursement to be paid will be about \$4. Those remaining reimbursements continue to be prioritized and sent out the door. We anticipate those few remaining claims will be completed by February 1, 2022.

We note that you asked for claims and payment data by state. There are a few reasons we are not able to cut this data cleanly by state, including that providers submit claims via tax identification numbers (TIN), many of which cover physicians (and therefore claims) from multiple states.

You also asked for additional information about how we will shorten the adoption time of new rates in this or a future national public health emergency (NPHE). As we stated previously, contracts between United and its network provider groups specifically provide for time to implement new rates in an orderly way. We understand this to be routine across the industry, understood and long accepted by the provider community, and entirely proper. If there is another NPHE or there are exceptional circumstances which dictate more timely adoption of new rates, we have learned over the past few months the required technology and human resources that need to be brought forward to accelerate. As a point of reference, should circumstances justify it, we commit to implement new codes in an NPHE faster than industry standard.

JOHN PRIBLE,  
Vice President, External Affairs,  
UnitedHealth Group.

#### MIGRATORY BIRD TREATY ACT

Mr. BARRASSO. Mr. President, I often hear from people in Wyoming who are concerned about the changes being proposed in Washington, DC. When the Federal Government changes the rules, authorities, or standards, it can significantly impact critical Wyoming industries.

In the "Wyoming Livestock Roundup," a weekly news source for Wyoming's ranchers, farmers, and Agribusiness community, Sarah L. Falen authored an opinion editorial titled "The Government's Word: Should We Trust It."

She raises concerns about the Biden administration's rule revoking the Trump administration policy prohibiting prosecution for accidentally

harming migratory birds under the Migratory Bird Treaty Act. While there has been a lot of discussion about the impact on the energy industries, Sarah Falen points out how the new rule could affect the agriculture industry. It is important that Congress note these consequences and the uncertainty created by the Biden administration's rule.

Mr. President, I ask unanimous consent to have printed in the RECORD the opinion editorial written by Sarah L. Falen.

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

THE GOVERNMENT'S WORD: SHOULD WE TRUST IT?

(By Sarah L. Falen)

Americans trust the U.S. government less and less. In fact, according to the Edelman Trust Barometer, trust in the federal government hovers around 40%. Yet, with the revocation of the Trump Administration's rule that prohibits prosecution for accidentally harming migratory birds under the Migratory Bird Treaty Act (MBTA), the Biden Administration is asking citizens to do just that, "trust" the federal government.

People involved in industries such as energy or agriculture have a clear understanding of how environmental legislation, originally passed with the best intention, has been weaponized to negatively affect their livelihoods. One of the lesser known, but just as dangerous environmental swords is the MBTA. While it is easy to see that energy industries, such as oil and gas, wind or even solar would be impacted by the Biden decision, this Act has the potential for very serious impacts on the agriculture industry.

The MBTA is a statute that allows for the criminal prosecution of any person who "incidentally takes" a migratory bird. To understand the breath of this Act, there are two important concepts. First, nearly all birds in the U.S. are considered migratory. Second, what constitutes an "incidental take." The MBTA states that "it [is] unlawful at any time, . . . to pursue, hunt, take, capture, kill, . . . any migratory bird . . ." 16 U.S.C. 703(a). If you read that language, it would make sense that this Act is referring to someone who intends to kill a migratory bird. That commonsense reading is what the Trump MBTA rule enforced . . . only those engaged in an action that purposefully "takes" a migratory bird would be subject to fines and prison time. This is not how the Biden Administration reads that language.

According to the Biden Administration, even if a person is doing something that accidentally harms a migratory bird, that person can still be criminally liable. Thus, someone can be prosecuted for an action or inaction that is otherwise legal, but just so happens to "take" a migratory bird.

We should all be concerned about the Biden Administration allowing "incidental take" to be prosecuted because there is no limit on what can be prosecuted. This means that if a farmer uses a pesticide that is legally administered and a migratory bird just so happens to ingest that pesticide, he could be subject to criminal prosecution. The MBTA allows for up to a \$5,000 fine or six months in prison for an incidental take.

The scenarios under which a person can accidentally kill a migratory bird are infinite and can be ridiculous. Yet, the government expects us to believe that they will only prosecute "foreseeable" accidental killings of migratory birds. It is foreseeable that a bird can ingest a legally administered pes-

ticide. Are farmers now risking prison time for growing the food that feeds America and the world?

The Biden Administration has entertained the idea of an "incidental take permit" that might remove some of the liability for birds that are accidentally killed, however they have not developed the idea enough to know what the permit would look like. There aren't any standards for what actions would be exempt from liability under the permit system and the MBTA office doesn't have enough staff to begin handling the undoubtedly thousands of permit applications they will receive.

The government has often implemented rules, promising it will not take advantage of its authority, but time after time this has proven to be just a way to get a rule approved or legislation passed. From wolves and grizzly bears to ever changing definitions of "navigable waters," the government has proven that its word should not be trusted and the MBTA is no exception.

#### PUBLIC SERVICE REVIEW

Mr. WICKER. For all who are looking for encouragement about the future of our country, I want to call attention to the Fall 2021 issue of "Public Service Review," produced by the Stennis Center for Public Service and available at [www.stennis.gov](http://www.stennis.gov). "Public Service Review" features rising young leaders across the country sharing their own experiences, insights, and aspirations as they engage in public service, both in their communities and around the world. The commitment of these future leaders to keeping our Nation strong and free is truly inspiring.

The eight authors featured in the fall 2021 issue are Alexis Eberlein of Ohio University, Sarah Glaser of the University of South Florida, Hannah Krawczyk of Auburn University, Mia Robertson of Mississippi State University, Alanna Cronk of Georgetown University, Katie Medford of Harvard University, Preeti Chemiti of Princeton University, and Amitoj Kaur of Miami University.

"Public Service Review" provides young leaders a platform to share stories of both challenge and hope as they focus on causes that draw their unique passions. Their stories are hopegiving to those of us currently engaged in public service and offer valuable perspectives for younger students looking to become involved.

On behalf of my colleagues and fellow members of the Stennis Center Board of Trustees, U.S. Senator CHRIS COONS, Tom Daffron, U.S. Representative TERRI SEWELL, and former U.S. Representatives Martha Roby and Gregg Harper, I commend the Stennis Center for this excellent publication and encourage its wide distribution to audiences of all ages.

#### TRIBUTE TO LINDA WILSON

Ms. MURKOWSKI. Mr. President, I rise today to recognize and congratulate Linda Wilson, who recently retired from the U.S. Department of Education after over 33 years of service to the American people.

Linda earned a degree from University of Arizona in 1980 before embarking on a career dedicated to public service. Linda began her service as a congressional staffer for Representative Millicent Fenwick from her home State of New Jersey. She then served the people of Illinois as a legislative aide for Representative Bob Michel. In 1989, Linda began her service at the U.S. Department of Education, engaging with State and local officials and congressional offices in both the Inter-governmental Affairs Office and the Office of Legislation and Congressional Affairs, serving 9 of the 12 U.S. Secretaries of Education across political parties.

Linda has been an indispensable resource in my work on the Senate Health, Education, Labor, and Pensions Committee and the Senate Appropriations Committee, of which I am a member. She assisted me to solve innumerable problems and concerns important to my constituents. She provided information about various administrations' implementation of important Federal programs, such as the Alaska Native Educational Equity Program, the Native American Language program, the State-Tribal Education Partnership program, and Impact Aid, in addition to providing insight into the Department's budget priorities. In addition to her expertise on these issues, she always approached my questions and concerns with the utmost diligence and attention, providing the support necessary for me to craft legislation that meets the needs of my constituents and the American people.

I am grateful for Linda's professionalism and dedication. I thank her and congratulate her on her upcoming retirement and wish her well in the future.

#### VOTING RIGHTS

Mrs. SHAHEEN. Mr. President, on Monday, our Nation celebrated the life and legacy of Rev. Martin Luther King, Jr. Like many Americans, it was a day of self-reflection for me. While leading a bipartisan delegation to Ukraine, I had a front-row seat to a nation struggling to hold on to its democracy in the face of a potential outside attack. This comes at a very poignant moment in America's history when we were reminded of the strength and fragility of our own democracy.

One year ago, a violent mob fueled by false claims of widespread election fraud stormed the U.S. Capitol. This was the most significant assault on the Capitol since the War of 1812. Although State and Federal judges ruled against efforts to overturn the results of the election, this lie of election fraud has continued to propagate. And now, those who didn't like the 2020 election results are trying to rewrite the rules.

Since the 2020 elections, Republican State lawmakers have passed an unprecedented number of bills to erode the authority of state and local elec-

tion officials. These new laws would strip secretaries of state of their authority, allow partisan ballot reviews, and even make local election officials criminally or financially liable for technical errors and actions, such as proactively sending out absentee ballot applications.

In total, 19 States have passed regressive laws that make it harder to vote and, in some extreme cases, may even allow Republican-controlled legislatures to overturn the results of a legitimate election by using false claims of voter fraud. In New Hampshire, over the past year, we have seen efforts to eliminate same-day voter registration, a measure that would disproportionately impact young voters, including college students and first-time voters.

Similarly, other efforts to prohibit students attending college in New Hampshire from voting in our State's elections would unduly burden—if not outright disenfranchise—many of those young voters. Other attempts to make voter registration more complicated have failed in court, including requirements for additional documentation for same-day registrants, and restrictions on which types of addresses are valid for registration.

These efforts are ongoing, with additional restrictive and burdensome measures being introduced as recently as the current legislative session. And it is not just our voter laws. Earlier this month, the Republican-controlled New Hampshire House approved a redistricting plan that can only be described as gerrymandering. Taken together, these measures represent a comprehensive and coordinated attempt to burden—or even deprive—certain Granite State citizens of their right to vote. Such blatant efforts to suppress the vote must not be tolerated.

The right to vote is one of the most fundamental and cherished principles of our democracy. The history of our Republic is marked by those seminal moments when we as a nation extended the right to cast a ballot to broader populations, thereby including more voices in our representative government: first after the Civil War with the 15th Amendment, then to women with the 19th Amendment, and then notably with the 1965 Voting Rights Act. As others have noted, the Voting Rights Act has historically drawn great bipartisan support for its reauthorization because the principles embodied in it go to the very heart of our democracy.

But the issues and challenges that are increasingly facing our voters are very real and very troubling—and we must take them seriously or risk eroding that most fundamental of rights. Making voter registration more difficult or making the process of voting more burdensome has disproportionate effects on some of the most vulnerable voters—whether those be young voters, communities of color, the poor, the homeless, among others. Eliminating or limiting opportunities for early vot-

ing, same-day registration, voting by mail, automatic registration, or the use of absentee ballots are all different pathways to the same pernicious effect—the suppression of the vote.

That is why I am proud to cosponsor the Freedom to Vote Act and the John Lewis Voting Rights Advancement Act. Together, these bills would standardize voting election laws across the country, expand voting access and restore key provisions of the 1965 Voting Rights Act that have been struck down or weakened by the Supreme Court.

The right to vote isn't determined by political affiliation. It is the most sacred right enshrined in the U.S. Constitution for every eligible American and ensures that our country is, as President Lincoln said, "government of the people, by the people, for the people."

I am deeply disappointed by the inability—or unwillingness—of this august body to come together today to take this basic step in defense of our democracy. We, the U.S. Senate, ought to be the foremost champions and defenders of democracy, but today, I fear that we have allowed partisan considerations to distract us from that duty.

We cannot afford to stay silent and ignore these measures that attempt to undo the progress that we have made over decades. We especially cannot stay silent when all of us here witnessed the horrific events of January 2021 and the attempt to undo a legitimate election. Protecting voting rights for every American is the first and irreplaceable step towards protecting our democracy. We must take it seriously, we must not let it wither in the dark, and we must not stay silent. It is far too important—and once damaged, it is far too hard to rebuild.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING POWELL VALLEY MILLWORK

• 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, Powell Valley Millwork of Clay City, KY, as the Senate Small Business of the Week.

Twenty-seven years ago Jim Thornberry and his son Jimmy left the mining industry behind in search of a new venture. Shortly thereafter, Powell Valley Millwork was founded. The Thornberry's started their mill with the desire to harvest a tangible product within a sustainable industry, and that mission has stayed at the heart of their business throughout their decades of growth and success.

The talent and substance of Powell Valley Millwork draws directly from our State, with the mill focusing on only one species of lumber: poplar. As

the State tree of Kentucky, poplar is an abundant resource within Appalachia, which makes their location in rural Clay City a prime spot for their operation. Often referred to as “the painter’s wood,” poplar is known for its clear grain, smooth milling, and paint-taking qualities. The versatile and fine nature of the wood allows Powell Valley Millwork to supply consumers with a wide variety of interior-trim products, such as stretcher bars, door and window jambs, stair parts, cabinetry components, primed finger-joint interior trim, and more. In creating all these products, the Powell Valley millworkers make sure nothing goes to waste. Poplar can be safely used as animal bedding which means the mill’s offcuts, those that are not already being used to fuel the company’s wood drying kilns, are turned into shavings. These shavings are then bagged and shipped out by the truck load to be sold in a wide variety of retail outlets.

This Powell County mill maintains their technology at a topnotch standard. In 2019 the owners invested in a new addition to the team: a sophisticated scanning rough mill line from Eagle Machinery & Supply, Inc. The new rough mill line is able to process 65,000 board feet of lumber in a single 8-hour shift with only six people required to operate it. The joint project between Powell and Eagle, both family companies, demonstrates that U.S. machinery manufacturers can successfully compete with Europeans in providing world-class technology to the North American wood processing industry.

The Thornberrys keep their eye on efficiency and progress, opening up ownership of the company to experts outside the family, including Brian Lambert, Powell Valley Mill’s General manager, and Dale Budke, the mill’s operations manager. As fellow owners of the company, these gentlemen provide the expertise necessary for navigating the growing Kentucky lumber industry. In 2019 Powell Valley Millwork acquired the Metrie Poplar manufacturing facility in nearby Jeffersonville, KY. With a new 125,000-square-foot location only 12 miles from their original facility, the two locations utilize their natural synergies to support the needs of a diverse customer base across North America in full truck and railroad quantities.

Powell Valley Millwork is a testament to the ingenuity and resourcefulness of Kentuckians. Drawing from our beautiful natural resources and employing over 200 local men and women, this business illustrates some of the best qualities Kentucky has to offer—fine craftsmanship and dedicated hard work. Powell Valley Millwork is a decades-old dream the Thornberrys had when they left the mining industry, a dream that has grown beyond what they had imagined. Small businesses like Powell Valley are the core of small towns across Kentucky, and like the poplars they use in their mill, their

roots grow deep to help our communities flourish. Congratulations to the Thornberrys and the entire Powell Valley team. I wish them the best of luck and look forward to watching their continued growth and success in Kentucky.●

#### MARYLAND SCHOOL BOARD RECOGNITION MONTH

● Mr. VAN HOLLEN. Mr. President, devotion, commitment, resilience—these are just a few of the words that describe the professionals who comprise Maryland’s 24 local boards of education.

The dedicated public servants who lead the school systems in Maryland counties and Baltimore City act with deep commitment to their communities and their time-intensive school board duties. Maryland school board members make critical budget and planning decisions, adopt policies to create supportive learning environments for all students, engage with parents, students, school staff, and other community stakeholders, work closely with superintendents, respond to crises, and undergo ongoing training to carry out effective governance, continue to grow as leaders, and stay up-to-date on the latest best practices.

As devoted professionals who serve students, school systems, and their communities at large, Maryland school board members face an array of daunting challenges every day, challenges made significantly more difficult and complex during the COVID-19 pandemic. Yet Maryland’s 24 school boards have consistently risen to these challenges, working to ensure excellence in public education throughout the State.

School board members come from all backgrounds and professions. They may not agree on every issue, but they unite and volunteer to serve under the strong conviction that Maryland students come first.

Because of the extraordinary, continuing commitment of those who serve on our school boards to helping Maryland students grow, thrive, and excel each day—and with my ongoing commitment to Maryland public education in mind—I am proud to recognize January as Maryland School Board Recognition Month.●

#### MESSAGES FROM THE PRESIDENT

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

#### EXECUTIVE MESSAGES REFERRED

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

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

#### MESSAGES FROM THE HOUSE

At 1:05 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4673. An act to amend title 38, United States Code, to provide for the automatic enrollment of eligible veterans in patient enrollment system of Department of Veterans Affairs, and for other purposes.

#### ENROLLED BILLS SIGNED

At 1:53 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 452. An act to award a Congressional Gold Medal to Willie O’Ree, in recognition of his extraordinary contributions and commitment to hockey, inclusion, and recreational opportunity.

S. 2959. An act to provide that, due to the disruptions caused by COVID-19, applications for impact aid funding for fiscal year 2023 may use certain data submitted in the fiscal year 2022 application.

The enrolled bills were subsequently signed by the President pro tempore (Mr. LEAHY).

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4673. An act to amend title 38, United States Code, to provide for the automatic enrollment of eligible veterans in patient enrollment system of Department of Veterans Affairs, and for other purposes; to the Committee on Veterans’ Affairs.

#### ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, January 20, 2022, she had presented to the President of the United States the following enrolled bills:

S. 452. An act to award a Congressional Gold Medal to Willie O’Ree, in recognition of his extraordinary contributions and commitment to hockey, inclusion, and recreational opportunity.

S. 2959. An act to provide that, due to the disruptions caused by COVID-19, applications for impact aid funding for fiscal year 2023 may use certain data submitted in the fiscal year 2022 application.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PETERS, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 2305. A bill to enhance cybersecurity education (Rept. No. 117-59).

#### EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. DURBIN for the Committee on the Judiciary.

Alison J. Nathan, of New York, to be United States Circuit Judge for the Second Circuit.

Victoria Marie Calvert, of Georgia, to be United States District Judge for the Northern District of Georgia.

John H. Chun, of Washington, to be United States District Judge for the Western District of Washington.

Sarah Elisabeth Geraghty, of Georgia, to be United States District Judge for the Northern District of Georgia.

Georgette Castner, of New Jersey, to be United States District Judge for the District of New Jersey.

Ruth Bermudez Montenegro, of California, to be United States District Judge for the Southern District of California.

Julie Rebecca Rubin, of Maryland, to be United States District Judge for the District of Maryland.

Cristina D. Silva, of Nevada, to be United States District Judge for the District of Nevada.

Anne Rachel Traum, of Nevada, to be United States District Judge for the District of Nevada.

(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. KELLY (for himself and Mr. OSSOFF):

S. 3528. A bill to amend the Federal Election Campaign Act of 1971 to limit the authority of corporations to establish and operate separate segregated funds utilized for political purposes, including the establishment or operation of a political committee, to nonprofit corporations, and for other purposes; to the Committee on Rules and Administration.

By Mr. VAN HOLLEN (for himself, Mr. SCOTT of South Carolina, Mr. WARNOCK, and Ms. LUMMIS):

S. 3529. A bill to amend the Investor Protection and Securities Reform Act of 2010 to provide grants to States for enhanced protection of senior investors and senior policyholders, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. COTTON (for himself and Mr. KELLY):

S. 3530. A bill to encourage the extraction and processing of rare earth metals in the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COONS (for himself, Ms. MURKOWSKI, Ms. COLLINS, Ms. ROSEN, and Mr. CASSIDY):

S. 3531. A bill to require the Federal Government to produce a national climate adaptation and resilience strategy, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CRUZ (for himself, Mr. BARRASSO, Mr. HAGERTY, Mr. RUBIO, Mr. MARSHALL, Mr. TILLIS, Mr. INHOFE, Mr. SASSE, and Mr. COTTON):

S. 3532. A bill to require the imposition of sanctions with respect to Ansarallah and its officials, agents, or affiliates for acts of international terrorism; to the Committee on Foreign Relations.

By Mr. SCHATZ (for himself and Ms. MURKOWSKI):

S. 3533. A bill to amend the John D. Dingell, Jr. Conservation, Management, and Recreation Act to improve the National Volcano Early Warning and Monitoring System, and for other purposes; to the Committee on Commerce, Science, and Transportation.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BRAUN (for himself, Mr. DAINES, Mr. INHOFE, Mrs. BLACKBURN, Mr. HAGERTY, Mr. LANKFORD, Mr. HAWLEY, and Mr. ROUNDS):

S. Res. 494. A resolution memorializing the unborn by lowering the United States flag to half-staff on the 22nd day of January each year; to the Committee on the Judiciary.

By Mr. LANKFORD (for himself and Mr. RUBIO):

S. Res. 495. A resolution urging the International Olympic Committee to relocate the 2022 Beijing Winter Olympic Games in response to the refusal of the People's Republic of China to end its egregious human rights abuses, including genocide, forced labor, and crimes against humanity; to the Committee on Commerce, Science, and Transportation.

By Mr. OSSOFF (for himself and Mr. WARNOCK):

S. Res. 496. A resolution congratulating the University of Georgia Bulldogs football team for winning the 2022 National Collegiate Athletic Association College Football Playoff National Championship; to the Committee on Commerce, Science, and Transportation.

By Mr. HOEVEN (for himself and Mr. CRAMER):

S. Res. 497. A resolution congratulating the North Dakota State University Bison football team for winning the 2022 National Collegiate Athletic Association Division I Football Championship Subdivision title; considered and agreed to.

By Mr. WHITEHOUSE (for himself, Mr. BLUNT, Ms. KLOBUCHAR, Mr. KENNEDY, Mrs. CAPITO, Mr. BOOKER, Mr. PETERS, Mr. BARRASSO, Mr. VAN HOLLEN, Mr. BOOZMAN, Mr. DURBIN, Mr. INHOFE, Mr. REED, Mr. LANKFORD, Mr. WYDEN, Mr. BRAUN, Mr. CORNYN, Ms. SMITH, and Mr. SULLIVAN):

S. Res. 498. A resolution recognizing January 2022 as "National Mentoring Month"; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI (for herself, Mr. SCHATZ, Ms. WARREN, Mr. ROUNDS, and Mr. SULLIVAN):

S. Con. Res. 28. A concurrent resolution expressing the sense of Congress that September 30 should be observed as a national day of remembrance for the Native American children who died while attending a United States Indian boarding school and recognizing, honoring, and supporting the survivors of Indian boarding schools, their families, and their communities; considered and agreed to.

### ADDITIONAL COSPONSORS

S. 766

At the request of Mr. CORTEZ MASTO, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 766, a bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for attorney fees and costs in connection with consumer claim awards.

S. 1106

At the request of Mr. BOOKER, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Georgia (Mr. WARNOCK) were added as cosponsors of S. 1106, a bill to prohibit the sale of shark fins, and for other purposes.

S. 2779

At the request of Ms. HASSAN, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S. 2779, a bill to amend the Public Health Service Act to provide for the establishment of a Task Force on Maternal Mental Health, and for other purposes.

S. 3236

At the request of Ms. KLOBUCHAR, the names of the Senator from Colorado (Mr. BENNET) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 3236, a bill to require the Federal Communications Commission to reform the contribution system of the Universal Service Fund, and for other purposes.

S. 3486

At the request of Mr. SANDERS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 3486, a bill to provide, manufacture, and distribute high quality N-95 respirator masks for every individual in the United States during the COVID-19 pandemic using the Defense Production Act and other means.

S. 3494

At the request of Mr. OSSOFF, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3494, a bill to amend the Ethics in Government Act of 1978 to require Members of Congress and their spouses and dependents to place certain assets into blind trusts, and for other purposes.

S. 3514

At the request of Mr. PAUL, the names of the Senator from Utah (Mr. LEE) and the Senator from Missouri (Mr. HAWLEY) were added as cosponsors of S. 3514, a bill to repeal COVID-19 vaccination requirements imposed by the District of Columbia.

S. 3522

At the request of Mr. CORNYN, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 3522, a bill to provide enhanced authority for the President to enter into agreements with the Government of Ukraine to lend or lease defense articles to that Government to protect civilian populations in Ukraine from Russian military invasion, and for other purposes.

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 494—MEMORIALIZING THE UNBORN BY LOWERING THE UNITED STATES FLAG TO HALF-STAFF ON THE 22ND DAY OF JANUARY EACH YEAR

Mr. BRAUN (for himself, Mr. DAINES, Mr. INHOFE, Mrs. BLACKBURN, Mr. HAGERTY, Mr. LANKFORD, Mr. HAWLEY, and Mr. ROUNDS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 494

Whereas, on January 22, 1973, the majority of the members of the Supreme Court of the United States ruled that abortion was a right secured by the Constitution; and

Whereas, since that fateful day, over 60,000,000 unborn children have perished: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the recognition of the Day of Tears in the United States on the 22nd day of January each year; and

(2) encourages the people of the United States to lower their flags to half-staff to mourn and honor the innocents who have lost their lives to abortion.

## SENATE RESOLUTION 495—URGING THE INTERNATIONAL OLYMPIC COMMITTEE TO RELOCATE THE 2022 BEIJING WINTER OLYMPIC GAMES IN RESPONSE TO THE REFUSAL OF THE PEOPLE'S REPUBLIC OF CHINA TO END ITS EGREGIOUS HUMAN RIGHTS ABUSES, INCLUDING GENOCIDE, FORCED LABOR, AND CRIMES AGAINST HUMANITY

Mr. LANKFORD (for himself and Mr. RUBIO) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 495

Whereas the Olympic Games should never be held in a country whose government is actively committing genocide, forced labor, and crimes against humanity;

Whereas the ongoing crimes against humanity perpetrated by the Chinese Communist Party in the Xinjiang Uyghur Autonomous Region include—

(1) the arbitrary imprisonment and other types of severe deprivation of physical liberty of more than 1,800,000 civilians;

(2) forced sterilization;

(3) forced abortion;

(4) infanticide;

(5) torture;

(6) forced labor; and

(7) restrictions on freedom of religion or belief, freedom of expression, and freedom of movement;

Whereas the Chinese Communist Party is committing ongoing genocide as a direct attempt to forcibly “assimilate”, or eventually eliminate, vulnerable ethnic and religious groups;

Whereas, on December 9, 1948, the United Nations General Assembly unanimously adopted the Convention on the Prevention and Punishment of the Crime of Genocide, done at Paris December 9, 1948 (referred to in this preamble as the “Genocide Convention”), as a commitment of “never again” in response to the Holocaust and other crimes

against humanity committed in the first half of the 20th century;

Whereas, on November 5, 1988, the United States ratified the Genocide Convention with the understanding that the Genocide Convention declares that all state parties “confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish”;

Whereas, on January 19, 2021, former Secretary of State Michael Pompeo determined that the Chinese Communist Party has committed genocide and crimes against humanity, and Secretary of State Antony Blinken has expressed agreement with that determination;

Whereas, as of January 2022, 152 countries, including the People's Republic of China, have ratified or acceded to the Genocide Convention, and each such country has its own national Olympic committee and is recognized by the International Olympic Committee;

Whereas the International Olympic Committee should always take human rights into account in making decisions, especially in choosing a host country for the Olympic Games;

Whereas, in March 2020, human rights expert Rachel Davis and former United Nations High Commissioner for Human Rights HRH Prince Zeid Ra'ad Al Hussein submitted to the International Olympic Committee a report containing human rights recommendations;

Whereas, on December 2, 2020, the International Olympic Committee announced that it would incorporate “human rights standards into the ‘Operational Requirements’ of the Host City Contract for the Olympic Games 2024 and beyond”, which does not apply to the 2022 Beijing Winter Olympic Games;

Whereas, in their report, Rachel Davis and Zeid Ra'ad Al Hussein—

(1) note that “the human rights impacts that could be connected to the [2022 Beijing Winter Olympic] Games are severe—as our consultations with expert civil society stakeholders also confirmed—and addressing them remains challenging”; and

(2) urge the International Olympic Committee to consider “strengthening [human rights] due diligence across its operations [before 2024] and advancing the agreed strategic approach to engaging with Beijing 2022 on human rights, with support from the top levels of the organization and informed by the [International Olympic Committee's] own consultations with expert stakeholders”;

Whereas there are no human rights conditions set forth in the host city contract between the International Olympic Committee and the Government of the People's Republic of China;

Whereas there is no evidence that the International Olympic Committee has taken any steps to pressure the Government of the People's Republic of China to change its behavior;

Whereas the code of ethics of the International Olympic Committee sets forth universal fundamental ethical principles that are the foundation of Olympism, including—

(1) “respect of the principle of the universality and political neutrality of the Olympic Movement”; and

(2) “maintaining harmonious relations with state authorities, while respecting the principle of autonomy as set out in the Olympic Charter”;

Whereas, historically, the International Olympic Committee has not maintained political neutrality, including by—

(1) requiring the Government of Germany to accept qualified Jewish athletes on Ger-

man Olympic team during the 1936 Olympic Games

(2) revoking South Africa's invitation in opposition to the Government of South Africa's policy of apartheid during 1964 Olympic Games; and

(3) in 1948, banning Germany and Japan from participating in the first Olympic Games after World War II;

Whereas taking action against genocide and crimes against humanity is a matter of morality, not politics;

Whereas the absence of rule of law and due process in the People's Republic of China inhibits the ability of the International Olympic Committee and the respective national Olympic committees of participate countries to ensure the safety of all athletes, staff, and spectators throughout the duration of the 2022 Beijing Winter Olympic Games;

Whereas, on November 2, 2021, 3-time Olympian Peng Shuai disappeared after stating that she had been sexually assaulted and forced into a sexual relationship with Zhang Gaoli, a former Vice Premier and member of the Chinese Communist Party Politburo Standing Committee;

Whereas the International Olympic Committee's acceptance of the Chinese Communist Party cover-up of sexual assault allegations and dismissal of safety concerns for Peng Shuai call into question the International Olympic Committee's willingness to protect athletes participating in the 2022 Olympic Games in Beijing;

Whereas the International Olympic Committee should not force athletes to choose between their conscience and their pursuit of the highest goals in athletics;

Whereas Olympic athletes should not have to worry about—

(1) wearing clothing or consuming food that is a product of forced labor; or

(2) being penalized or detained by the host government for exercising their right to speak out against genocide, crimes against humanity, and any other human rights abuse;

Whereas it is in the best interest of the athletes to move the Olympic Games in fulfillment of the International Olympic Committee's mission “to promote safe sport and the protection of athletes from all forms of harassment and abuse” and “oppose any political or commercial abuse of sport and athletes”;

Whereas, during the 2008 Beijing Olympic Games, the Government of the People's Republic of China broke its commitment to the International Olympic Committee when it—

(1) displaced Chinese residents in order to construct Olympic venues;

(2) detained demonstrators;

(3) censored the internet; and

(4) restricted media access and the freedom of speech;

Whereas the 2008 Beijing Olympic Games provided the Government of the People's Republic of China the ability to perpetuate propaganda and distract from ongoing human rights abuses;

Whereas the International Olympic Committee should consider the individuals who will not be able to celebrate the Olympic spirit because they have been unjustly detained, imprisoned, beaten, or worse by the government the International Olympic Committee selected to host the 2022 Winter Olympic Games;

Whereas it reflects poorly on the entire Olympic movement, and therefore the international community in general, to proceed with holding the Olympic Games in a country whose government is committing genocide and crimes against humanity;

Whereas, on March 24, 2020, 4 months before the start of the 2020 Summer Olympics, the International Olympic Committee and

the Government of Japan announced the postponement of the Tokyo Olympic Games due to the COVID-19 pandemic, an action that demonstrates the ability to postpone the Olympic Games on short notice;

Whereas the International Olympic Committee has the right to terminate the host city contract with the People's Republic of China if, at any time, "the IOC has reasonable grounds to believe, in its sole discretion, that the safety of participants in the Games would be seriously threatened or jeopardized for any reason whatsoever";

Whereas relocating the 2022 Winter Olympic Games due to ongoing genocide and crimes against humanity perpetrated by the Government of the People's Republic of China is consistent with the vision of the International Olympic Committee to build a better world through sport; and

Whereas the International Olympic Committee failed to adhere to its own human rights commitments by extending the honor of hosting the 2022 Olympic Games to Beijing, particularly after Chinese authorities violated commitments to the International Olympic Committee in 2008: Now, therefore, be it

*Resolved*, That the Senate urges—

(1) the International Olympic Committee to relocate the 2022 Beijing Winter Olympic Games to another country in response to the refusal of the People's Republic of China to stop committing genocide and crimes against humanity;

(2) the International Olympic Committee to take human rights into account in all decisions, especially in selecting future host countries for the Olympic Games; and

(3) the Chinese Communist Party to immediately cease harassment of tennis star Peng Shuai and ensure her safety and freedom.

#### SENATE RESOLUTION 496—CONGRATULATING THE UNIVERSITY OF GEORGIA BULLDOGS FOOTBALL TEAM FOR WINNING THE 2022 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION COLLEGE FOOTBALL PLAYOFF NATIONAL CHAMPIONSHIP

Mr. OSSOFF (for himself and Mr. WARNOCK) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 496

Whereas the University of Georgia Bulldogs football team (referred to in this preamble as the "Georgia Bulldogs") went 14-1 during the 2021 college football season and won the 2022 National Collegiate Athletic Association College Football Playoff National Championship (referred to in this preamble as the "2022 National Championship"), defeating the University of Alabama Crimson Tide by a score of 33 to 18 at the Lucas Oil Stadium in Indianapolis, Indiana, on January 10, 2022;

Whereas this victory marks the first college football national championship for the University of Georgia since the 1980 college football season and its third national championship overall;

Whereas the 2022 National Championship was the 59th football bowl appearance and the 34th football bowl victory for the University of Georgia;

Whereas the 2021-2022 Georgia Bulldogs achieved a 14-1 overall record for the season, the most single-season wins in the history of the University of Georgia football program;

Whereas the 2021-2022 defensive unit for the Georgia Bulldogs allowed on average only

10.2 points and 153 opposing yards per game, making it one of the most dominant defensive units in the history of college football;

Whereas the 2021-2022 Georgia Bulldogs overcame a loss in the Southeastern Conference Championship to the University of Alabama on December 4, 2021, achieving a historic victory over the University of Alabama in the 2022 National Championship;

Whereas Georgia Bulldogs quarterback and Blackshear, Georgia, native Stetson Bennett IV, a former walk-on player and junior college transfer, demonstrated tremendous leadership and skill throughout the 2021 college football season, and was named the 2022 National Championship Offensive Player of the Game;

Whereas Georgia Bulldogs defensive back, Lewis Cine, was named the 2022 National Championship Defensive Player of the Game;

Whereas the University of Georgia head football coach, Kirby Smart, a University of Georgia alumnus and former Georgia Bulldogs defensive back, has now led his team to 5 consecutive Associated Press Top 10 finishes and the first national championship since the end of the 1980 college football season;

Whereas this victory extends the record of Coach Smart to 66 wins and 15 losses during his tenure as the 26th Football Head Coach at the University of Georgia, his first stint as a head coach;

Whereas members of the 2021-2022 Georgia Bulldogs have been honored by various awards throughout the 2021 college football season and during the post-season, including the 2021 Chuck Bednarik Award and Outland Trophy winner, Jordan Davis, and the 37th Dick Butkus Award winner, Nakobe Dean;

Whereas President Jere Morehead, Athletic Director Josh Brooks, and Coach Kirby Smart have emphasized the importance of academic success to the Georgia Bulldogs and all student-athletes at the University of Georgia; and

Whereas the 2021-2022 Georgia Bulldogs have brought great pride and honor to the University of Georgia, loyal fans of the Georgia Bulldogs, and the entire State of Georgia: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the University of Georgia Bulldogs football team for a great season and winning the 2022 National Collegiate Athletic Association College Football Playoff National Championship game;

(2) recognizes the achievements of all players, coaches, and staff who contributed to the championship season; and

(3) respectfully requests that the Secretary of the Senate prepare an official copy of this resolution for presentation to—

(A) the President of the University of Georgia, Jere Morehead;

(B) the Athletic Director of the University of Georgia, Josh Brooks; and

(C) the Head Coach of the University of Georgia Bulldogs football team, Kirby Smart.

#### SENATE RESOLUTION 497—CONGRATULATING THE NORTH DAKOTA STATE UNIVERSITY BISON FOOTBALL TEAM FOR WINNING THE 2022 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I FOOTBALL CHAMPIONSHIP SUBDIVISION TITLE

Mr. HOEVEN (for himself and Mr. CRAMER) submitted the following resolution; which was considered and agreed to:

S. RES. 497

Whereas the North Dakota State University (referred to in this preamble as "NDSU") Bison football team won the 2022 National Collegiate Athletic Association (referred to in this preamble as the "NCAA") Division I Football Championship Subdivision (referred to in this preamble as the "FCS") title game in Frisco, Texas, on January 8, 2022, in a well-fought victory over the Montana State University Bobcats by a score of 38 to 10;

Whereas, including the 2022 NCAA Division I FCS title, the NDSU Bison football team has won 17 national football championships;

Whereas the NDSU Bison football team has won 9 of the last 11 NCAA Division I FCS titles, an achievement that continues to be unmatched in modern collegiate football history;

Whereas the NDSU Bison have displayed tremendous resilience and skill since 2011, with 149 wins to only 12 losses, including a streak of 39 consecutive wins;

Whereas head coach Matt Entz and his staff led the NDSU Bison football team to a dominant season and a second championship in his 3 years as head coach at NDSU, continuing the culture of excellence of the NDSU Bison football program;

Whereas thousands of Bison fans once again attended the championship game in Frisco, Texas, reflecting the tremendous pride and dedication of Bison Nation, which has supported and helped drive the achievement of the NDSU Bison football team; and

Whereas the 2022 NCAA Division I FCS title was a victory for both the NDSU Bison football team and the entire State of North Dakota: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the North Dakota State University Bison football team for winning the 2022 National Collegiate Athletic Association (referred to in this resolution as the "NCAA") Division I Football Championship Subdivision (referred to in this resolution as the "FCS") title;

(2) commends the players, coaches, and staff of the North Dakota State University Bison football team for—

(A) their tireless work and dedication; and

(B) fostering a continued tradition of excellence;

(3) congratulates North Dakota State University President Dean Bresciani, North Dakota State University Athletic Director Matt Larsen, and all the faculty and staff of North Dakota State University for creating an environment that emphasizes excellence in both academics and athletics; and

(4) recognizes the students, alumni, and fans of North Dakota State University and all of Bison Nation for supporting the North Dakota State University Bison football team so well during its successful quest to bring home yet another NCAA Division I FCS trophy for North Dakota State University.

#### SENATE RESOLUTION 498—RECOGNIZING JANUARY 2022 AS "NATIONAL MENTORING MONTH"

Mr. WHITEHOUSE (for himself, Mr. BLUNT, Ms. KLOBUCHAR, Mr. KENNEDY, Mrs. CAPITO, Mr. BOOKER, Mr. PETERS, Mr. BARRASSO, Mr. VAN HOLLEN, Mr. BOOZMAN, Mr. DURBIN, Mr. INHOFE, Mr. REED, Mr. LANKFORD, Mr. WYDEN, Mr. BRAUN, Mr. CORNYN, Ms. SMITH, and Mr. SULLIVAN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:



S. RES. 498

Whereas the goals of National Mentoring Month are to raise awareness of and celebrate the powerful impact of mentoring relationships, recruit new mentors, and encourage institutions to integrate quality mentoring into their policies, practices, and programs;

Whereas quality mentoring fosters positive life and social skills, promotes self-esteem, bolsters academic achievement and college access, supports career exploration, and nurtures youth leadership development;

Whereas mentoring happens in many settings, including community-based programs, elementary and secondary schools, institutions of higher education, government agencies, religious institutions, and the workplace, and in various ways, including formal mentoring matches and informal relationships with teachers, coaches, neighbors, faith leaders, and others;

Whereas effective mentoring of underserved and vulnerable populations helps individuals confront challenges and enjoy improved mental health and social-emotional well-being;

Whereas studies have shown that incorporating culture and heritage into mentoring programs can improve academic outcomes and increase community engagement, especially for Alaska Native and American Indian youth;

Whereas youth development experts agree that mentoring encourages positive youth development and smart daily behaviors, such as finishing homework and having healthy social interactions, and has a positive impact on the growth and success of a young person;

Whereas mentors help young people set career goals and can help connect mentees to industry professionals to train for and find jobs;

Whereas mentoring programs generally have a significant, positive impact on youth academic achievement, school connectedness and engagement, and educational success, which leads to outcomes such as improved attendance, grades and test scores, and classroom behavior;

Whereas research has found that young people facing a risk of not completing high school but who had a mentor were, compared with their peers, more likely to enroll in college, to participate regularly in sports or extracurricular activities, to hold a leadership position in a club or sports team, and to volunteer regularly, and less likely to start using drugs;

Whereas mentoring has long been a staple of juvenile justice and violence prevention efforts, and can offer comprehensive support to youth at risk for committing violence or victimization, as mentoring can address many risk factors at once;

Whereas mentoring relationships for youth facing risk, such as foster youth, can have a positive impact on a wide range of factors, including mental health, educational functioning and attainment, peer relationships, employment, and housing stability;

Whereas mentoring programs have been found to positively impact many aspects of mental well-being, including reducing unhealthy coping mechanisms, improving interpersonal relationships, and reducing parental stress;

Whereas mentoring is an innovative, evidence-based practice and, uniquely, is both a prevention and intervention strategy that can support young people of all demographics and backgrounds in all aspects of their lives;

Whereas each of the benefits of mentors described in this preamble serves to link youth to economic and social opportunity while

also strengthening communities in the United States;

Whereas despite the benefits of mentoring, one young person of every three is growing up without a mentor, which means a third of the young people of the United States are growing up without someone outside of the home to offer real life guidance and support; and

Whereas this “mentoring gap” demonstrates the need for collaboration among the private, public, and nonprofit sectors to increase resources for relationship-centric supports for youth in communities, schools, and workplaces: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes “National Mentoring Month”;

(2) recognizes the caring adults who serve as staff and volunteers at quality mentoring programs and help the young people of the United States find inner strength and reach their full potential;

(3) acknowledges that mentoring supports educational achievement, engagement, and self-confidence, supports young people in setting career goals and expanding social capital, reduces juvenile delinquency, and strengthens communities;

(4) promotes the establishment and expansion of quality mentoring programs across the United States to equip young people with the tools needed to lead healthy and productive lives; and

(5) supports initiatives to close the “mentoring gap” that exists for the many young people in the United States who do not have meaningful connections with adults outside the home.

**SENATE CONCURRENT RESOLUTION 28—EXPRESSING THE SENSE OF CONGRESS THAT SEPTEMBER 30 SHOULD BE OBSERVED AS A NATIONAL DAY OF REMEMBRANCE FOR THE NATIVE AMERICAN CHILDREN WHO DIED WHILE ATTENDING A UNITED STATES INDIAN BOARDING SCHOOL AND RECOGNIZING, HONORING, AND SUPPORTING THE SURVIVORS OF INDIAN BOARDING SCHOOLS, THEIR FAMILIES, AND THEIR COMMUNITIES**

Ms. MURKOWSKI (for herself, Mr. SCHATZ, Ms. WARREN, Mr. ROUNDS, and Mr. SULLIVAN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 28

Whereas, more than 200 years ago, the Act entitled “An Act making provision for the civilization of the Indian tribes adjoining the frontier settlements”, approved March 3, 1819 (3 Stat. 516, chapter 85) (commonly known as the “Civilization Fund Act”), was enacted and ushered in devastating policies and practices designed to assimilate American Indian, Alaska Native, and Native Hawaiian children by removing the children from their families and Native communities throughout the United States;

Whereas that Act intended to resolve what was commonly referred to in the United States as the “Indian problem” and was based on the unjust belief of many that Native people needed to be “civilized” and that education would be the appropriate vehicle to enact assimilationist policies on Native American people;

Whereas, pursuant to that Act, numerous church- and government-operated boarding schools were established on and off Indian

territories and homelands to house and educate numerous Native American children through policies and practices that sought to eliminate the cultural identity of Native children and assimilate them into mainstream United States society;

Whereas, according to the Native American Rights Fund, Native American families were torn apart by the removal of Native American children, either voluntarily or forcibly, from their homelands and communities to attend Indian boarding schools located across the country;

Whereas many parents of children sent to Indian boarding schools were forbidden to contact or visit their children, compounding the problem of isolation that negatively impacted and continues to impact the lives of many Native children, their families, and their communities;

Whereas the Native American Rights Fund also reported that an unidentified number of Native children died at Indian boarding schools due to abuse, neglect, malnourishment, or disease, and many of those children were buried far from their homes in unmarked graves or under tombstones that misidentified the children or ascribed Anglicized names to the children;

Whereas many of the parents of children who died at Indian boarding schools were never informed of the fate of their children;

Whereas, according to a report issued by the Native American Rights Fund, many survivors of Indian boarding schools have testified that Indian boarding schools stripped Native American children of their traditional cultures, languages, and religions by forbidding the children to wear traditional clothing, speak their Indigenous languages, or practice their cultural, religious, or spiritual beliefs, and many of the boarding schools are known to have severely punished children who violated these policies through verbal, psychological, and physical abuse;

Whereas many survivors of Indian boarding schools and families of children who attended those schools have recounted details of the physical, sexual, and psychological abuse that countless Native American children endured while attending the schools;

Whereas, according to the report entitled “The Problem of Indian Administration” and dated February 21, 1928 (commonly known as the “Meriam Report”), many Indian boarding schools sent students to nearby communities for forced manual work as servants or farm laborers, and the operation of many Indian boarding schools was supported by the labor of the students;

Whereas the Federal policy of Indian assimilation and education has proven to be a disastrous failure and a national tragedy;

Whereas, as stated in the report entitled “Indian Education: A National Tragedy—A National Challenge” and dated November 3, 1969 (Senate Report 91-501) (commonly known as the “Kennedy Report”), “the dominant policy of the Federal Government toward the American Indian has been one of coercive assimilation” that had “disastrous effects” on the education of many Native American children;

Whereas, in 2018, the United States Commission on Civil Rights reported that many American Indian and Alaska Native people suffer from intergenerational trauma as a result of policies and practices of Indian boarding schools that alienated many children from their families, traditional cultures, languages, and religions, and deprived those children of their true identities and heritage;

Whereas, while early assimilationist policies were eventually eliminated and Indian boarding school attendance has greatly diminished since its apex, the impact of this shameful period in United States history



still affects the lives of many Native American people today;

Whereas many Native American people are still suffering from and trying to comprehend and cope with direct trauma, including impacts on health and well-being, and the intergenerational trauma, that resulted from losing connection to family, culture, language, religion, and heritage;

Whereas significant research shows that adverse childhood experiences, such as the experiences of many Native American children who attended Indian boarding schools and the descendants of those children, can cause numerous negative health outcomes, increased suicide rates, and other harmful outcomes throughout life; and

Whereas recognition that healing and promotion of care for the mind, body, and spirit is essential to overcoming the dark shadows on United States history cast by Federal Indian assimilationist policies and practices carried out by the Federal Government through Indian boarding schools and acknowledging the lived experiences of the Native American children and families who endured and continue to endure the trauma and grief associated with Indian boarding schools: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That—*

(1) it is the sense of Congress that there should be a national day of remembrance for the Native American children who died while attending a United States Indian boarding school;

(2) Congress recognizes, honors, and supports the survivors and the families and communities of children who attended such schools; and

(3) Congress encourages the people of the United States—

(A) to support and recognize the grief, pain, and hardship many Native American people suffered and still endure as a result of the assimilationist policies and practices carried out by the United States through Indian boarding school policies;

(B) to honor the legacy of and remember those who were lost or harmed by those policies and practices; and

(C) to appreciate the resilience of the survivors and their families with appropriate ceremonies, programs, events, and other activities to support and commemorate a national day of remembrance.

#### AUTHORITY FOR COMMITTEES TO MEET

Mr. BLUMENTHAL. Mr. President, I have 1 request 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 THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, January 20, 2022, at 9 a.m., to conduct an executive business meeting.

#### APPOINTMENTS

The PRESIDING OFFICER. The Chair announces, on behalf of the Republican Leader, pursuant to the provisions of Public Law 106-398, as amended by Public Law 108-7 and in consulta-

tion with the ranking members of the Senate Committee on Armed Services and the Senate Committee on Finance, the appointment of the following individuals to serve as members of the United States-China Economic and Security Review Commission: the Honorable Randall Schriver, of Virginia, and Aaron Friedberg, of New Jersey.

The Chair announces, on behalf of the Republican Leader, pursuant to the provisions of Public Law 116-260, the appointment of the following individual to serve as a member of the People-to-People Partnership for Peace Fund Advisory Board: the Honorable Elliott Abrams of Virginia.

#### COMMEMORATING THE 100TH ANNIVERSARY OF THE ALABAMA FARMERS FEDERATION

Mr. BROWN. Madam President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be discharged from further consideration and the Senate now proceed to S. Res. 471.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 471) commemorating the 100th anniversary of the Alabama Farmers Federation and celebrating the long history of the Alabama Farmers Federation serving as the voice for Alabama agriculture and forestry.

There being no objection, the committee was discharged and the Senate proceeded to consider the resolution.

Mr. BROWN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table.

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

The resolution (S. Res. 471) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of December 7, 2021, under "Submitted Resolutions.")

#### CONGRATULATING THE UNIVERSITY OF WISCONSIN BADGERS ON WINNING THE 2021 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I WOMEN'S VOLLEYBALL CHAMPIONSHIP

Mr. BROWN. 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. 487.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 487) congratulating the University of Wisconsin Badgers on winning the 2021 National Collegiate Athletic Association Division I Women's Volleyball Championship.

There being no objection, the committee was discharged and the Senate proceeded to consider the resolution.

Mr. BROWN. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table.

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

The resolution (S. Res. 487) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of January 12, 2021, under "Submitted Resolutions.")

#### CONGRATULATING THE UNIVERSITY OF WISCONSIN-EAU CLAIRE BLUGOLDS ON WINNING THE 2021 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION III WOMEN'S VOLLEYBALL CHAMPIONSHIP

Mr. BROWN. Madam President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration and that the Senate now proceed to S. Res. 488.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 488) congratulating the University of Wisconsin-Eau Claire Blugolds on winning the 2021 National Collegiate Athletic Association Division III Women's Volleyball Championship.

There being no objection, the committee was discharged, and the Senate proceeded to consider the resolution.

Mr. BROWN. I ask unanimous consent that the resolution be agreed to, that the preamble 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 resolution (S. Res. 488) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of January 12 (legislative day, January 10), 2022, under "Submitted Resolutions.")

#### CONGRATULATING THE NORTH DAKOTA STATE UNIVERSITY BISON FOOTBALL TEAM FOR WINNING THE 2022 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I FOOTBALL CHAMPIONSHIP SUBDIVISION TITLE

Mr. BROWN. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 497, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 497) congratulating the North Dakota State University Bison football team for winning the 2022 National Collegiate Athletic Association Division I Football Championship Subdivision title.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. I ask unanimous consent that the resolution be agreed to, that the preamble be agreed to, and that the motions 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. 497) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### ORDERS FOR MONDAY, JANUARY 24, 2022, THROUGH MONDAY, JANUARY 31, 2022

Mr. BROWN. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn to then convene for pro forma sessions only, with no business being conducted on the following dates and times and that following each pro forma session, the Senate adjourn until the next pro forma session: Monday, January 24, at 1 p.m. and Thursday, January 27, at 10 a.m. I further ask that when the Senate adjourns on Thursday, January 27, it next convene at 3 p.m., Monday, January 31; 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 proceed to executive session to resume consideration of the Brennan nomination—I would add that Brennan is from Ohio—and that the cloture motions filed during today's session ripen at 5:30 p.m.

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

#### ORDER FOR ADJOURNMENT

Mr. BROWN. 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 following the remarks of Senator MERKLEY from Oregon.

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

The Senator from Oregon.

#### RECOGNIZING THE 50TH ANNIVERSARY OF THE ALASKA NATIVE CLAIMS SETTLEMENT ACT AND THE LASTING IMPACT OF THAT ACT ON THE STATE OF ALASKA AND ALASKA NATIVE PEOPLE

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be discharged from further consideration and that the Senate now proceed to S. Res. 482.

The PRESIDING OFFICER (Mr. WARNOCK). The clerk will read the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 482) recognizing the 50th anniversary of the Alaska Native Claims Settlement Act and the lasting impact of that Act on the State of Alaska and Alaska Native people.

There being no objection, the committee was discharged, and the Senate proceeded to consider the resolution.

Mr. MERKLEY. I ask unanimous consent that the resolution be agreed to, that the preamble 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 resolution (S. Res. 482) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of December 16, 2021, under "Submitted Resolutions.")

#### EXPRESSING THE SENSE OF CONGRESS THAT SEPTEMBER 30 SHOULD BE OBSERVED AS A NATIONAL DAY OF REMEMBRANCE FOR THE NATIVE AMERICAN CHILDREN WHO DIED WHILE ATTENDING A UNITED STATES INDIAN BOARDING SCHOOL AND RECOGNIZING, HONORING, AND SUPPORTING THE SURVIVORS OF INDIAN BOARDING SCHOOLS, THEIR FAMILIES, AND THEIR COMMUNITIES

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 28.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The senior assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 28) expressing the sense of Congress that September 30 should be observed as a national day of remembrance for the Native American children who died while attending a United States Indian boarding school and recognizing, honoring, and supporting the survivors of Indian boarding schools, their families, and their communities.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MERKLEY. I ask unanimous consent that the concurrent resolution be agreed to, that the preamble be agreed to, and that the motions 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 concurrent resolution (S. Con. Res. 28) was agreed to.

The preamble was agreed to.

(The concurrent resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### TRIBUTE TO RAY ZACCARO

Mr. MERKLEY. Mr. President, I believe we are all familiar with the question: If a tree falls in the woods and no

one is there to hear it, does it make a sound? Well, here in the U.S. Senate, we can ask the question: If we accomplish something important but fail to communicate that to our constituents, did it actually happen?

The majority of the American people have so much on their plates that they are not following the intricate, daily workings of this Chamber, so they expect their Senators to speak to them on a regular basis about the work they are doing on their behalf.

As the author and former Presidential speechwriter James Humes has said: "The art of communication is the language of leadership." That is why each and every one of us, in turn, relies on the dedicated men and women to help us communicate with folks back home.

I am here on the floor today to say farewell to a member of my team who has been so instrumental in helping me communicate to the people of Oregon.

For the past now 7½ years, Ray Zaccaro has served as my communications director. What a 7½ years it has been, especially when you consider how drastically the media and communications landscape has changed in that 7½ years. We have gone from local newspapers and cable news in serving as the dominant means of mass communication to Facebook and Twitter and Instagram and Snapchat and TikTok and others that are far too numerous for me to keep track of, but that is why we have a communications team.

One day, produced video content performed the best. The next, it was suddenly selfie-style videos. Videos used to do very well on Facebook. When the algorithms changed, they didn't do so well. Then Instagram reels took off, and on and on and on. It is incredible how fast the communication world keeps changing. Since March of 2020, it has only gotten more chaotic as the pandemic has turned everything upside down, including how we consume information and how we communicate.

Ray Zaccaro expertly helped me and the entire team navigate this ever-shifting media landscape. As recording studios shut down, he mobilized the communications team to quickly transition to use a vast array of tools, including Skype and Zoom, so that we could continue to get our message and timely information to the people of Oregon.

That foresight and quick action are just extensions of his entire approach to communication—always challenging the members of our team to think outside the box and never being afraid to suggest new ideas, no matter how crazy they might initially seem. It doesn't matter if they work in communications or on the legislative team or with constituent services. He believes everyone on the team has a role to play in helping to develop and tell the story of what we are working to do. And he has proven right, time and time again, over the last 7-plus years.

When Jeff Sessions, as Attorney General under the previous administration,

gave his “zero tolerance” speech, I said to my team: It sounds like he is planning for a policy of tearing children out of their parents’ arms down at the border, and I am sure that is hyperbole because no American administration would ever do that to children.

A member of my team said: There is one way to find out. Go down there yourself.

Well, Ray, who is sitting behind me on the bench, took that idea and ran with it. We went down there the following Sunday, down to Texas, and he used his cell phone to livestream our attempts to try and ascertain exactly what was happening to young boys and girls.

At a detention facility in McAllen, we were the first legislative team to witness that, indeed, Team Trump was ripping children out of their parents’ arms. I will never forget, as Ray and I walked into that facility, there was a group of press outside who said: What are you going to find?

I said: I have no idea, but I will talk with you all when we come out.

Ray and I went in and saw those children in cages. And as we were being given a tour, I remember this group of young boys who were in one of the cages. They were being asked to line up—there were about 10 of them—from the shortest to the tallest, and the youngest was knee-high to a grasshopper. He was just maybe 4 years old.

I asked: Where did these young boys come from?

He said: Well, we brought them in that door over there, and we took them away from their parents.

And in that warehouse room, the parents were in other cyclone fence cages. And if the boys peered really hard, they might possibly see a parent or a sister, a father or mother, an uncle somewhere in that warehouse, but they had no idea what fate awaited them.

We went outside and talked to the press outside and told them what was happening. And in a flash, it was national news about what was going on by our government in their treatment of young children.

We went up the road to Brownsville. We had heard that there were a few hundred boys possibly being held in a former Walmart. I thought that was an astounding story, not possibly true, but should we go and check it out? Ray and I decided we would.

We went up to this former Walmart. It had barriers to keep you from parking in the former Walmart parking lot so we walked across the grounds to the door, where, by cell phone, I called up the number that was inside and said: We are here. I am a U.S. Senator, and we would like to have a tour, please, of your facility, if we could speak with your manager or your manager could come out and talk with us. Eventually, the manager did come out. His assistant had said he would be talking to us, but, actually, what he did was he called the police. And he didn’t come out until the police cars were arriving.

I think Ray, who was livestreaming the whole thing, secretly wanted me to be arrested and carried off in handcuffs to magnify the impact of the story. I am sorry, Ray, that it didn’t come to that, but the story had a tremendous impact.

They would not let me into that Walmart to see what was going on, but the national scandal that ensued in the days that followed meant the press of the United States of America got in the following weekend, and a national debate started about who are we as citizens of the United States of America and who is our government and what are we doing to these children?

It turned out there were not a few hundred boys in that facility; there were a few boys short of 1,500 in that single former Walmart.

The work that Ray did that day revealed the truth of Trump’s actions and shocked this Nation and moved this Nation to action. Horrified, as we continued to learn about the realities of the situation, Ray kept up the drumbeat with his contacts in the media throughout months that followed to ensure that that story of traumatized children and how we can help them continued, and those children were never forgotten.

Let me be clear. It wasn’t just the power of the story or the opportunity to get his boss—me—on television; he kept up the drumbeat because he is a passionate person who cares deeply about others.

Countless members of Team Merkley could recount stories about a time when Ray went out of his way to help them, to provide comfort and support when they were going through a difficult moment in their lives, or just a call to check in on how someone is doing or a full-blown Italian feast delivered to the home of a fellow team member grieving the loss of a loved one. And as his work with those migrant children separated from their parents at the border showed, he doesn’t have to know you personally to care deeply.

One time Ray was out with me in Oregon for a series of townhalls, and a constituent showed up who was having a personal crisis. Ray went out of his way to make sure that man got the help he needed, while still continuing to do the other aspects of his job: attending to members of the media, guiding and supporting staff in their respective tasks, and ensuring that the constituent had everything he needed.

That is just who he is, the type of person who will drop everything if someone needs help, who will offer up his own apartment so his boss can come film an important, last-minute video when the planned location fell through.

I couldn’t begin to count how many late nights and early mornings we spent together sitting for media interviews. I am thinking right now, here on the floor of the Senate, of a night a few years ago, when I was here through the

night, speaking for over 15 hours straight to protest the theft of a Supreme Court seat by our former President and then-Majority Leader MITCH MCCONNELL. Throughout the night, there was Ray, in between running back and forth to the office to take calls from reporters and producers, returning to flip floor charts as my speech proceeded.

Thank you, Ray, for all that you have done for the team, for the people of Oregon, and for the people of this Nation. Thank you for your tireless efforts to utilize communication tools at our disposal to protect our democracy and enhance the important issues that face our Nation, from healthcare to housing, to education, to living-wage jobs, to equality of opportunity, to taking on climate chaos. Thank you for bringing the passionate and long-standing commitment to democratic politics and principals that were forged in your early experiences back home in Long Island, and you brought them to Capitol Hill.

It is hard to picture what our Team Merkley experience will be after you leave because you have been such an integral part for so long. But know that while you will be deeply missed, we all wish you nothing but the best in this next chapter of your life as you continue fighting to build a better world.

Thank you.

ADJOURNMENT UNTIL MONDAY,  
JANUARY 24, 2022, AT 1 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 1 p.m. on Monday.

Thereupon, the Senate, at 4:39 p.m., adjourned until Monday, January 24, 2022, at 1 p.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF DEFENSE

FRANKLIN R. PARKER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE GREGORY J. SLAVONIC.

##### DEPARTMENT OF STATE

ELIZABETH FRAWLEY BAGLEY, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND Plenipotentiary OF THE UNITED STATES OF AMERICA TO THE FEDERATIVE REPUBLIC OF BRAZIL.

JANE HARTLEY, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND Plenipotentiary OF THE UNITED STATES OF AMERICA TO THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND.

ALEXANDER MARK LASKARIS, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN AMBASSADOR EXTRAORDINARY AND Plenipotentiary OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHAD.

ALAN M. LEVENTHAL, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND Plenipotentiary OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF DENMARK.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate January 20, 2022:

##### THE JUDICIARY

HOLLY A. THOMAS, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

DEPARTMENT OF STATE	FOREIGN SERVICE	FOREIGN SERVICE NOMINATIONS BEGINNING WITH JOHN BREIDENSTINE AND ENDING WITH MICHAEL LALLY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 19, 2021.
JOSEPH DONNELLY, OF INDIANA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HOLY SEE.	FOREIGN SERVICE NOMINATION OF LEON SKARSHINSKI.	