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Senate

The Senate met at 11:30 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, our hope for years to come we worship You. Your Name is great, and we offer You our adoration and praise.

Bless our Senators. Lord, open their eyes so they can discern Your involvement in human affairs. Prepare their hearts and minds for today's challenges, inspiring them to conduct themselves with civility and honor. Keep their motives pure, their words true, and their actions constructive.

Almighty God, we acknowledge that our lives are in Your hands, so please keep our feet from stumbling.

We pray in Your merciful 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.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

LEGISLATIVE SESSION

DR. LORNA BREEN HEALTH CARE PROVIDER PROTECTION ACT

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany S. 610, which the clerk will report.

The legislative clerk read as follows:

House message to accompany S. 610, a bill to address behavioral health and well-being among health care professionals.

Pending:

Schumer motion to concur in the amendment of the House of Representatives to the bill.

Schumer motion to concur in the amendment of the House of Representatives to the bill, with Schumer amendment No. 4871 (to the House amendment), to add an effective date.

Schumer amendment No. 4872 (to amendment No. 4871), to modify the effective date.

Schumer motion to refer the message of the House on the bill to the Committee on Finance, with instructions, Schumer amendment No. 4873, to add an effective date.

Schumer amendment No. 4874 (to the instructions (amendment No. 4873) of the motion to refer), to modify the effective date.

Schumer amendment No. 4875 (to amendment No. 4874), to modify the effective date.

The PRESIDENT pro tempore. The Senator from New Jersey.

Mr. BOOKER. 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. BOOKER). Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The majority leader is recognized.

REMEMBERING ROBERT J. DOLE

Mr. SCHUMER. Mr. President, earlier this morning, it was my honor to join with President Biden, the Vice President, Leader MCCONNELL, the Speaker, and other congressional leaders in paying a final tribute to our former colleague, Senator Bob Dole of Kansas.

From defending our country in World War II, where he fought the Nazis on the hillsides of Italy, to dedicating his final years advocating with disabled Americans and veterans, Senator Dole redefined and elevated what it means to serve our country. By 21, he had given more of himself than most of us give in a lifetime, and then he kept going for 70 years after that.

Leader Dole, rest in peace. Thank you for all you did to make our country better. And I extend my condolences and prayers to his wife, Senator Elizabeth Dole, their family, and all who mourn the loss of the gentleman from Kansas.

DEBT CEILING

Mr. President, now on the debt ceiling.

Later today, the Senate is going to hold a crucial vote that will enable us to address the debt ceiling on a fast-track basis, avoiding the prospect of a catastrophic, calamitous default on our sovereign debt.

The proposal I worked on with Leader MCCONNELL will allow Democrats to do precisely what we have been seeking to do for months, what I have been coming down to the floor advocating since the fall: provide a simple majority vote to fix the debt ceiling without having to resort to a convoluted, lengthy, and ultimately risky process.

The Nation's debt has been incurred on a bipartisan basis, so I am pleased that this responsible action will be taken today to facilitate a process that avoids a default.

I want to thank Leader MCCONNELL for working with us on this agreement. Our multiple conversations were fruitful, candid, productive.

This is the responsible path forward: no brinksmanship, no default on the debt, no risk of another recession.

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

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We still have a few more steps to take before we completely resolve this matter, but I am optimistic that after today's vote we will be on a glide path to avoid a catastrophic default.

BUILD BACK BETTER ACT

Mr. President, now on Build Back Better. In the first 9 days of December, Democrats have made very good progress on some of our largest priorities for the month. We successfully avoided a needless government shutdown. We cleared the path to address the debt ceiling and avoid a default. And now we are close to passing an annual Defense bill on a bipartisan basis, as we have done for decades.

Last night, I filed cloture on NDAA and, for the information of my colleagues, we will vote early next week to move forward on this bill.

Soon we will be able to turn to another crucial item on our December to-do list: passing Build Back Better in time for Christmas. We remain on schedule to bring this bill to the floor of the Senate before December 25. Yesterday, four Senate committees released their titles of the Build Back Better Act, and the Congressional Budget Office released scores for those titles. More titles and scores are scheduled to be released this week.

For the knowledge of all Senators, the text and scores can be found online at the Senate Democrats' and CBO websites. So it is available to everybody.

Senate Democrats have also wrapped up all of our final meetings with the Parliamentarian's office. Those are the meetings where just Democrats talked to the Parliamentarian. Republicans also get their chance alone. And now we anticipate that the bipartisan Byrd bath—where both sides are together to make their case to the Parliamentarian and argue back and forth—we expect those to start next week.

I want to thank the Parliamentarian's office and all of our committee's staff for working so hard this week to bring us to this point.

For all the reasons we should pass Build Back Better, I want to talk about one in some detail this morning: extending the child tax credit.

During the holiday season, American families are looking for every option to lower costs, make ends meet. So the best thing we can do is pass Build Back Better before some critical tax breaks from the American Rescue Plan—above all, the child tax credit checks—come to a premature end. That is one thing no American should want.

COVID isn't over, and so these checks shouldn't lapse either. On the contrary, they should keep going. Roughly 35 million families will get their next $300-per-child check in the mail on December 15, and we need to assure that they will get their checks in January, too, without any glitch. As a number of outlets have reported, families are at risk of seeing these checks end after December, if we don't take action.

So let's get this done. Let's pass and enact Build Back Better into law before Christmas so families won't see their checks come to a halt in the coming months, and families, as they are doing their Christmas shopping, can be assured that new checks will be coming over the next year.

For the tens of millions of families that have taken it on the chin during COVID, an extra $300 per month, per child could be what helps the parents stand on their own two feet. That is extra money for groceries, fill up the tank at the gas station, pay for diapers.

These are not luxuries. These are not handouts. They are daily essentials that nobody should have to worry about in today's day and age. In an affluent society, no one should have to worry about these things, and that is what these checks do: they bring a little more fairness into our economy.

They say to poorer people: You can have a chance and, more importantly, your children can have a chance. That is part of the American dream.

Of course, Build Back Better will do more than that. It will, for example, provide the largest investments to date to fight climate change.

I have been working with my colleagues for months to make sure our climate investments will be robust, effective, and will lay a foundation for us to keep taking action to fight the climate crisis here in Congress in the future.

Climate change costs our country tens of billions of dollars every time that storms we used to label ''once in a century'' slam us. Build Back Better will help us address the climate crisis by lowering emissions, making our communities more resistant to disasters, and protect our planet for the next generation.

Our work on Build Back Better will keep going until we get the job done.

STUDENT LOANS

Finally, on student loans, Mr. President, as the year comes to an end, tens of millions—tens of millions—of Americans face another looming deadline they cannot afford. Soon, the Federal Government's moratorium on student loan payments will expire, and payments are set to resume in February of next year.

Yesterday, I joined with my colleagues Senator WARREN and Representative PRESSLEY to call on the Biden administration to extend the pause on student loan payments. The pause expires in January, and it has been paused because of COVID. It ought to be extended. COVID is not over, and students still have these huge burdens. They are just readjusting to life, where they may have missed school or missed jobs or not gotten fully paid. So we need to certainly pause these payments. But we also urge the administration to take the next important step in granting borrowers relief by canceling student loan debt.

As we keep recovering from COVID, as Americans are looking to cut costs and make ends meet, now is precisely the wrong time for us to allow this commonsense moratorium to end. According to one study, it could strip away more than $85 billion—$85 billion—from American families over the coming year. At a time like this, that just makes no sense. We should give student loan payers a break and keep the moratorium going.

Should the moratorium be allowed to expire, the burden will fall the heaviest on those who are least prepared to shoulder it—on low-income borrowers and borrowers of color, who typically take out more loans than White Americans and end up paying them back over a much longer time horizon.

On the flip side, the President's decision to extend the moratorium over the course of the year was precisely—precisely—the right thing to do. It has allowed borrowers to focus on saving up for these hard times, to save up for emergencies, and to pay down other forms of debt. We should keep it going.

This is about taking one commonsense, easy step to save people costs. It is about racial equality. It is about giving people more opportunities to build wealth and achieve the American dream. The administration can do it on its own. They don't need any kind of congressional approval. We know how arduous those things are around here.

Should the moratorium be extended, the administration should take further action to cancel up to $50,000 in student loan debt per borrower. Imagine the economic activity we can see if tens of millions of Americans are suddenly freed from crushing student loan debt. They can buy homes, start a business, buy a car, or help send their own kids to college. What a boom that would be for our country, especially at a time now when it is needed.

For decades, higher education was considered a ladder up for tens of millions of people—for immigrants, people of color, and working-class families—but, today, it is an anchor weighing too many down. These Americans deserve relief. They deserve help. They deserve to have the moratorium extended and their student debt canceled.

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 Republican leader is recognized.

REMEMBERING ROBERT J. DOLE

Mr. MCCONNELL. Mr. President, today, the Capitol is once again hosting a hallowed tradition. The U.S. Congress just solemnly welcomed our

late friend and colleague, Leader Robert J. Dole, one final time. This most distinguished soldier-statesman now lies in state at the epicenter of our democracy. Our Nation has bestowed this honor only 33 times in its history—to Presidents, to Senators and Representatives, to heroes of war.

With today's ceremony, Bob's path aligned one last time with his Army hospital buddy's, turned longtime fellow Senator, Danny Inouye. It was amazing enough that Bob's and Danny's paths converged all the way from bedside bridge games in the 1940s to votes on this floor into the 1990s, but now they have both rested on the exact same catafalque that has held up our great statesmen, dating back to President Lincoln.

Bob Dole earned these honors many, many times over—through a heroic fight that began on Hill 913 and left lifelong scars, through accomplished service at both ends of this building, and in a bid for even higher office, conducted with integrity and grace.

Bob Dole left this Chamber a quarter of a century ago, but service to his beloved Kansas and his fellow Americans remained the focus of his life until the moment he was called home on Sunday.

The sting of losing our friend is still fresh, but we are proud to celebrate this extraordinary American—now draped in the colors to which his entire life was dedicated and already at home in eternal rest.

BUILD BACK BETTER ACT

Now, Mr. President, on an entirely different matter, on Tuesday, I shined a spotlight on Washington Democrats' proposed toddler takeover. They want to spend hundreds of billions of dollars in order to upend families' arrangements, create massive inflation in daycare costs, and attack faith-based providers.

Now, Democrats say their plan would not hurt faith-based providers because it wouldn't explicitly block them up front. Ah, but that is only a small part of the story. The reckless taxing-and-spending spree might not ban faith-based providers on day 1, but their scheme of mandates and subsidies would slowly and quietly push them out.

The Democrats' bill would deny religious providers an extra funding stream for upgrading their facilities, which their secular competitors would actually get, and their proposal would let woke bureaucrats persecute faith-based groups unless they leave their values at the door. If a Jewish daycare wants to prioritize Jewish families, they could get thrown out of the Democrats' scheme for engaging in discrimination. A Catholic facility could be kicked out if families who are registered parishioners get first dibs. If a faith-based provider decides not to hire somebody who fundamentally rejects their teachings, leftwing bureaucrats and lawyers would come after them as well. The woke mob that stalks cake bakers and florists is now coming for church daycare.

Twenty-one organizations, representing hundreds of thousands of faith-based daycares and preschools, signed an open letter to the Senate. Catholics, Protestants, Jews, and Muslims all wrote to Chairwoman MURRAY and Senator BURR.

Here is what they said:

> The Build Back Better Act will suppress, if not exclude, the participation of many faith-based providers. . . . [P]rovisions in the bill text make it virtually impossible for many religious providers to participate.

Let me say that again:

> [P]rovisions in the bill text make it virtually impossible for many religious providers to participate.

Now, the far left says that if you don't support the toddler takeover, you are somehow out of touch, but they are projecting, as it is their Big Government scheme that is out of touch with the diverse aspirations of different families.

Last year, a nonpartisan survey asked families what childcare arrangements they would ideally like. Apart from the pandemic, if finances were no obstacle, what would American parents want? The share who said ''center-based childcare'' was 27 percent. This is the only route that Democrats want to subsidize—center-based childcare. Just 27 percent of parents say that is their ideal world, and of that 27 percent, a majority prefer the faith-based options that Democrats would push out.

Now, a larger group, nearly 40 percent, said their ideal arrangement would involve full-time parenting in some form, either one parent stays home or the two trade off. Another 9 percent said they would ideally like an extended relative like a grandparent to be the caregiver. Other families would ideally want a nanny share or a neighborhood co-op.

The Democrats' daycare scheme would give all these people nothing—nothing. A family that has sacrificed so much so that a mom or dad can stay home will not get one penny for books or supplies or make up for lost wages. A grandparent who leaves a part-time job to spend weekdays with their grandkids will not get a dime under the Democrats' plan. A neighborhood nanny share gets zero help.

Forget about diversity. Forget about choice and fairness. Families would either enroll in a specific pathway that Big Labor and Big Government like best or they get nothing. Meanwhile, even in the centers that Democrats do want to subsidize, parents would get a very mixed bag.

Analysts agree the new regulations would send costs skyrocketing. The District of Columbia's local government estimates that these sorts of policies would increase the cost of daycare by roughly $12,000 per child per year. Their plan would supposedly use government subsidies to make up this new inflation, but that assistance would be confusing and uneven.

So this bill manages to be wildly inflationary and wildly unfair at the same time. That is pretty hard to pull off—wildly unfair and wildly inflationary at the same time. It insults the diversity of American families and their aspirations. It simply hands money and power to the same woke bureaucrats who are letting far-left propaganda into K–12 schools and then sending the Department of Justice after parents who speak up.

This bill would give HHS Secretary Becerra, a hard-core culture warrior, a giant slush fund to start shaping the care of babies and toddlers. And facilities and families who make different choices would be left facing a massively inflated market with zero help.

This would be an awful—awful—proposal for American families, even if it were free. But, of course, it isn't.

Washington Democrats don't just have to explain to parents why they want to make childcare more expensive, more inflexible, and more unfair; they also get to explain why they want to print and borrow hundreds of billions of dollars to do it.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SCHATZ). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

GREEN RIBBON CAMPAIGN

Ms. ERNST. Mr. President, I am glad to be on the floor today, joined by my colleague Senator RICHARD BLUMENTHAL and Senator LINDSEY GRAHAM.

We all saw and remember the horrific images from this past summer when Afghanistan fell into the hands of a brutal Taliban regime. It was a difficult time for many of us, especially our veterans, our Gold Star families, and the families of the 13 servicemembers we lost during that disastrous exit, including the family of Marine Cpl Daegan William-Tyeler Page of Red Oak, IA, my hometown.

These heroes must never be forgotten. While the tragic exit from Afghanistan may have moved off of the front pages, and while it may not be top of mind for many Americans here at home, the devastating situation in Afghanistan is all too real for the hundreds of American citizens and allies who were left behind.

The reality is, right now, U.S. citizens, green card holders, and SIV-eligible Afghans are still stranded behind enemy lines in Afghanistan.

I am furious over the mishandling of this administration's exit from Afghanistan. It was a disaster from start to finish. Now, America has a duty and an obligation to get these people home or brought to safety, plain and simple.

To those who are stranded in Afghanistan today, my message to you is clear: I have not forgotten you. America has not forgotten you.

As my colleagues pointed out already, we are trying to find ways to remind Congress, the administration, and the public of those Americans who are still stranded in the country and the importance of taking action to get them home.

As a way to remind those around that our fellow Americans are still stranded and that we need to get them home, I am encouraging Iowans and all Americans to join me, to join Senators Graham and Blumenthal in wearing a green ribbon this holiday season.

We must ensure that America does not forget those who this administration has left behind.

I am proud to join my colleagues today, Democrats and Republicans, to ensure we keep the pressure on and to get these people, including our fellow Americans, home at last. We cannot and we will not let them be forgotten.

I yield the floor to Senator BLUMENTHAL.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I am honored today to join Senator ERNST and Senator GRAHAM in this call on America to honor our commitment.

This effort is completely bipartisan, and it is about values and ideals that we share and that we should reemphasize at this time of year, at this moment in our history, at this challenging moment in world history.

We are here to support a grassroots initiative called Honor Our Commitment. Our goal is very simply to keep this cause present and real for Americans, even as we complete the wars in Afghanistan and Iraq, so that we keep faith with the Afghan allies and their families to bring them to safety, to evacuate them, to enable them to escape the danger, death, and torture that threatens them now.

For 20 years, these men and women helped to protect our troops and our diplomats. They are the translators, civil servants, humanitarian workers, members of the judiciary, and others who supported the U.S. mission in Afghanistan. They were at our side, at significant risk to them, sometimes in combat. I know because one of my sons was a Marine Corps infantry officer in Helmand Province, and he felt so deeply that he had an obligation to bring to safety his translator, which he was able to do after years of effort. There are many other translators like him still in danger there who went into combat with our troops and helped to protect them. My other son is a Navy SEAL—was. He is out now. But he knows as well the importance of these people on the ground to protect them.

I fear for other parents in the future who will know their sons and daughters are in harms' way and who need those folks on the ground, the people who speak the language, who know the culture, who have friends in the community. How can we ask them to serve us when we are engaged in the same kind of conflict, if we fail to honor our promises to these men and women in Afghanistan who now have targets on their backs only because they helped us in moments of danger and crisis?

Most of my colleagues, I think, share these feelings of apprehension and anxiety on behalf of those men and women who now are in hiding, many of them with their families, trying to get out.

I strongly believe that honoring our past commitments, keeping our promises, as every great nation does, means establishing a clear, consistent, compassionate strategy for the evacuation and settlement of all of these individuals and their families. That is why I have called repeatedly for an evacuation czar, with clear Presidential direction and authority to implement such a strategy and coordinate all of the numerous Federal Agencies, with all of their individual responsibilities and authority, to evacuate and resettle our at-risk Afghan allies and their families.

Our at-risk Afghan allies deserve no less. That is what I have said to the President of the United States in a letter that I have written to him personally. That is the reason that I offered an amendment with Senator GRAHAM and Senator ERNST, which, unfortunately, was not included in the final version of the National Defense Authorization Act. And that is why I enlisted colleagues to support it. And, indeed, it has broad bipartisan, broad bicameral support to establish a strategy—very simply a strategy—to support the mission of evacuating those at-risk Afghan allies.

I am saddened that the Congress has failed to require this basic plan and fulfill our moral obligation. That legislation directed the administration to develop a plan that would provide for an initial, expedited security screening and vetting, conducted remotely, if necessary, to get our allies out of Afghanistan as quickly as possible.

We need to encourage rapid departure by air charter and land passage because the United States has no presence diplomatically or militarily. Those charter flights, the on-land passage, are the only means of escape right now, and the situation of these at-risk Afghan allies and their families is increasingly dire and dangerous.

There are numerous humanitarian flights, independently organized and funded by nonprofit organizations, to expedite the evacuation process in parallel to U.S. Government efforts. We ought to encourage that assistance, not create bureaucratic hurdles to hobble these efforts.

We need a strategy to have our government engaged with relevant countries to facilitate transport to third countries—or lily pads, as they are called—where more rigorous and thorough security screening and vetting can be completed before onward movement to the United States or other locations for resettlement.

So I am disappointed—in fact, I am angry—that this amendment was not included in the National Defense Authorization Act, but I am committed that we will honor this commitment to these at-risk Afghan allies and families, and I am heartened by this green ribbon initiative.

And that is why I am wearing a green ribbon today and why my colleagues, I hope, will do so as well and why I thank my friend Sid Goodfriend of Greenwich, CT, for initiating this effort—and all of his support network.

I want to close by thanking our veterans. I have been inspired over these last weeks and months by their determination to enable those Afghan allies who served them to escape the danger in Afghanistan. Their steadfast commitment is a part of the reason why I feel we need to honor our commitment.

Those veterans and NGOs, the network of people, the coalition of groups that has worked so hard to evacuate allies against all the odds—and my office has been proud to work with them—have inspired me.

I call on my colleagues in both parties and in both Chambers of Congress and the executive branch to continue this work until we enable every at-risk Afghan ally to leave Afghanistan. To do any less is an immense tragedy, and it will forever stain the honor of this country if we fail to complete this mission.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I want to—before Senator BLUMENTHAL departs—thank him so much for bringing this to my attention. And it came from his constituent—the idea—Sid Goodfriend, who has truly been a good friend to this cause.

And Senator BLUMENTHAL I find to be always willing to work with you where he can. And the fact that he has a son who served as a Marine infantry officer and a son who is a Navy SEAL speaks volumes to his family. And to those two young men, who served at the highest level in the military, thank you very much.

Mr. Goodfriend came to us with the idea of what can we do to not let America forget. Afghanistan is hell on Earth right now. Twenty-three million people are virtually starving to death. ISIS is at war with the Taliban. Al-Qaida is growing in influence. And people inside of Afghanistan are living a miserable life. Those who helped us are being hunted down. Special operations commandos are now having to choose between joining ISIS or dying.

And the point here is not to focus on how we got here. I have got my views; Senator BLUMENTHAL has his. We have agreed, when it comes to going forward, we have to be together. And there is plenty of blame to go around, so we don't need to beat on one group versus the other right now. What we need to focus on is what is next.

And Senator BLUMENTHAL's legislation that I joined with to create a plan, an evacuation czar, is the bare minimum we need to be doing. Out of

sight, out of mind does not work in this environment.

''Honor our commitment'' is a phrase we use to describe what we are trying to achieve. You can't fight these wars by yourself. If America has to go it alone in the war on terror, it is going to be a very dark period for the United States.

The goal is to get people in the faith, in the region, to fight back against the radical Islamic movement that would take the whole world into darkness. And the good news is, for 20-something years, people fought. The Afghans died in large numbers in the last 5 years. I don't think we lost a soldier in 18 months. God bless the fallen and God bless the injured, but to say that the Afghans weren't fighting is just a dishonor to those who fell.

And now we are out, and we have left behind people who had a choice between standing up to the Taliban and ISIS and al-Qaida and siding with us. They chose us, and now we are gone. We cannot forget them.

I promise you, how we handle the next year or two in Afghanistan will determine what kind of a national security future America has. People are testing us all over the world right now.

I would like to work with Senator BLUMENTHAL and others when it comes to Ukraine. I want to introduce sanctions with a national security waiver that would allow President Biden to sanction the hell out of Russia based on the military buildup that threatens Ukraine, not the actual invasion; to give him tools where he can go to Putin and say: This is what Congress, in a bipartisan fashion, thinks about what you are doing. You go forward at your own peril.

I would like to create legislation that would make sure this administration and other administrations have the direction and the tools they need to end this Afghan engagement with a sense of honor.

Honorourcommitment.org—you can go to that site and get information about the status of people in Afghanistan. We have gotten some out, but we have got a lot left behind. And this green ribbon is an effort to remind ourselves and the Nation writ large what is at stake if we abandon those who fought along our side.

I did my Reserve duty in Afghanistan on several occasions. My commitment was small in comparison to most, but I got to know the translators. I got to know the people who worked with the judges and the law enforcement officials to bring a rule of law to being in Afghanistan.

I am sure all those who served relied upon their translators for their very life—not only ''What did the guy say?'' but ''Are we safe?'' And the bravery of Afghans to side with us should be respected and honored.

And I am going to join with Senator BLUMENTHAL and ERNST and others to introduce freestanding legislation. We will try to do it before the holidays.

And the one thing I like about Senator BLUMENTHAL: He is the most tenacious guy I have ever met without being mean about it. He has a determination for his causes that is unparalleled.

I can understand why your sons went in the Marine Corps and the Navy. I think they probably get those qualities from you and your wife.

So we are going to take that quiet determination. We are not going to let this go. We are going to insist that this body vote to create a system to make sure that those who were with us get treated fairly.

To the American people: You abandon those who helped us in Afghanistan at our own peril.

This is a time of reckoning for the American people. It is a time of choosing. And I choose honor over abandonment. I choose to be a good ally, someone you can count on when the going gets tough. And I think that spirit really does describe our country.

So the green ribbon campaign—I would like more of our colleagues to wear the ribbon during the holiday season to get people who are looking to America for hope see a demonstration of our will.

If you travel abroad, you are shocked at how people view our country. We sort of fight with each other all the time that sometimes we lose sight of how important we are. When you travel throughout the world—I know the Presiding Officer does this—the people care what we think, and they watch what we do.

We still, in spite of all our differences, represent the best hope of mankind. I really believe that. I think our military represents the best spirit of mankind.

I think the men and women who fought on our behalf in Afghanistan wearing the American flag feel a sense of obligation to those who stood by them. That is why we wear the green ribbon.

Go to honorourcommitment.org.

To Mr. Goodfriend, thank you. The private sector is going to get involved. We are going to get major corporations advancing this cause.

And what can we do beyond wear the ribbon and say a prayer?

We can pass legislation that will make honoring our commitment real, not just a talking point.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to S. 610, a bill to address behavioral health and well-being among health care professionals.

Charles E. Schumer, Tina Smith, Martin Heinrich, Elizabeth Warren, Patty Murray, Tammy Duckworth, Tim Kaine, Gary C. Peters, Angus S. King, Jr., Richard J. Durbin, Brian Schatz, Margaret Wood Hassan, Jacky Rosen, Chris Van Hollen, Jeanne Shaheen, Christopher Murphy, Ron Wyden.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to S. 610, a bill to address behavioral health and well-being among health care professionals, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 64, nays 36, as follows:

[Rollcall Vote No. 490 Leg.]

YEAS—64

Baldwin	Hassan	Reed
Barrasso	Heinrich	Romney
Bennet	Hickenlooper	Rosen
Blumenthal	Hirono	Sanders
Blunt	Kaine	Schatz
Booker	Kelly	Schumer
Brown	King	Shaheen
Burr	Klobuchar	Sinema
Cantwell	Leahy	Smith
Capito	Luján	Stabenow
Cardin	Manchin	Tester
Carper	Markey	Thune
Casey	McConnell	Tillis
Collins	Menendez	Van Hollen
Coons	Merkley	Warner
Cornyn	Murkowski	Warnock
Cortez Masto	Murphy	Warren
Duckworth	Murray	Whitehouse
Durbin	Ossoff	Wicker
Ernst	Padilla	Wyden
Feinstein	Peters	
Gillibrand	Portman	

NAYS—36

Blackburn	Hagerty	Paul
Boozman	Hawley	Risch
Braun	Hoeven	Rounds
Cassidy	Hyde-Smith	Rubio
Cotton	Inhofe	Sasse
Cramer	Johnson	Scott (FL)
Crapo	Kennedy	Scott (SC)
Cruz	Lankford	Shelby
Daines	Lee	Sullivan
Fischer	Lummis	Toomey
Graham	Marshall	Tuberville
Grassley	Moran	Young

The PRESIDING OFFICER (Mr. KING). On this vote, the yeas are 64, the nays are 36.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Cloture having been invoked, the motion to refer and the amendment pending thereto fall.

The Senator from Utah.

UNANIMOUS CONSENT REQUEST—S. 2846

Mr. LEE. Mr. President, Pfizer released a study this week showing how antibodies from its vaccines respond to the Omicron variant in a lab.

The company claims that three doses should provide some protection against the variant. It also showed that those who had previously had COVID and recovered demonstrated stronger immunity to the Omicron variant.

While natural immunity comes at a cost, studies have shown throughout the pandemic that it works. Those who have recovered from COVID have significant protection from both catching the virus again and from the most severe symptomatic infections. While this is not always the case, and vaccination may improve immunity further, natural immunity is real. There are data to prove that.

A study conducted in Italy showed that natural immunity is more effective than vaccines at reducing risk of future infection. Another study of half a million people in Denmark showed that natural immunity provides significant, lasting protection against infection.

Finally, a study from three separate hospitals in Israel found that natural immunity from a previous COVID infection was ''twenty-seven times more effective than vaccinated immunity in preventing symptomatic infections.''

This, of course, is good news, especially considering that natural immunity is combining with vaccinated immunity in the general population. Recent data from the Nationwide Blood Donor Seroprevalence Survey shows that almost 92 percent of Americans over the age of 16 have COVID antibodies from vaccination or infection. The vast majority of Americans have at least some protection against COVID–19—92 percent.

I believe the vaccines are generally safe and effective. I have been vaccinated, as has my family. I see these vaccines as a miracle, one that is helping protect many millions of Americans from the dangers associated with COVID–19.

But I also recognize that millions of Americans are separately protected, separate and apart from anything else that might be there, as a result of immunity built up through their natural defenses because they have previously contracted and then recovered from COVID.

Now, the science shows that this immunity is strong, that it is effective, and that it is really widespread in America. Astoundingly, that information is not frequently shared in the media and never mentioned by the Biden administration. In fact, the administration makes no effort to recognize natural immunity in its mandates or in its formal guidelines.

I have asked the Biden administration to provide clarity on its research on natural immunity as well as meaningfully address the research being conducted by other countries that show natural immunity is strong and effective and valid. However, the Biden administration has yet to respond to my inquiries, inquiries that I asked, reasonably, to be answered no later than the beginning of this week.

Tragically, tens of millions of Americans have superior protection against the virus, even from new variants, and yet this administration would still fire them if they don't comply with the administration's mandates regarding vaccination. It is as irrational as it is cruel.

I have heard from hundreds of Utahns who are worried about losing their jobs due to the mandate. They are just a few of the half a million workers who are at risk of losing their jobs in my State. There are 45 million Americans altogether who could lose their jobs due to this unconstitutional, illegal, and immoral overstep.

The Senate, thankfully, recognized that these jobs were worth saving last night. Fifty-two Senators, including Democrats and Republicans, stood with American workers. Now, that resolution could, of course, fail in the House, but it could, of course, be vetoed by the President. Nevertheless, regardless of that outcome, the Senate's statement last night rings loud and clear.

Moreover, I hold out hope that the American people are being heard—they are being heard in the Senate, as evidenced by last night's vote; they are being heard in the House of Representatives, which will take up this measure in the coming days.

I hold out hope that the House, too, will pass this measure, and I implore the President to consider allowing it to become law.

But regardless of what else happens, these workers need immediate, real, lasting protection from the threat of the mandates. One way to have a significant portion of these jobs protected is to recognize the benefits of natural immunity.

So today I am offering a bill that would require that Federal Agencies recognize, accept, truthfully present, and include natural immunity in any regulation. This bill does not say that vaccines are bad or unhelpful; it merely asks the Federal Government to respect widely available science.

I am glad to be joined in this effort by Senators BRAUN, TUBERVILLE, and SULLIVAN, who are with me as cosponsors.

This bill would keep Americans employed and help us beat the pandemic in a smart way. I urge my colleagues to support it.

To that end, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 2846 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?

The Senator from Washington.

Mrs. MURRAY. Mr. President, reserving the right to object, unfortunately, even though the Senate has had multiple exposures to nonsense ideas like this bill, they keep coming back.

Agencies like the CDC and NIH are already looking closely at the data on COVID–19 infection and natural immunity; they have been since the earliest days of this pandemic.

In an August ''Morbidity and Mortality Weekly Report,'' CDC actually assessed data from Kentucky and found that out of a group of people who had been infected with COVID before, those who were unvaccinated were twice as likely to get COVID again than people who were vaccinated.

And a CDC report from October looked at multiple studies and concluded that vaccinating people who were previously infected significantly strengthened their immune response and reduced their risk from COVID.

In other words, being unvaccinated puts you at higher risk of being reinfected, period. Getting vaccinated is a necessary step to protect you and to protect those around you.

And now our Agencies are focused on a new variant, as we know, that appears to be spreading quickly throughout the world—Omicron.

We are in the middle of the deadliest pandemic in American history. It has killed 785,000 people and counting. If we are going to end this, if we are going to reopen our economy, if we are going to save lives, we need to get everyone vaccinated when they are eligible.

We certainly don't need politicians suggesting they know more than the experts and ignoring the data. We don't need bills meant to weaken one of our strongest tools to get this thing behind us, like the one that the Republicans have repeatedly been pressing for.

Workplace safety standards are nothing new in this country. Immunization requirements are nothing new in this country.

And let's be clear. The emergency temporary standard OSHA has put forward specifically provides employers the flexibility to offer testing as an alternative to vaccination.

People are dying every day. Families are scared and they are tired and they are angry that, even as they try so hard to do the right thing so we can end this crisis, even after all the progress we have made to rebuild our economy and get students safely back in our classes, get people safely back to work, and get unemployment back to the lowest level since before this pandemic started—all that progress, all of our hard work is at risk of being undermined by bills like this.

Can Republicans please stop wasting our time trying to take us backward and pretending they know more than the experts about this disease? Is that too much to ask? I think not.

I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Utah.

Mr. LEE. Mr. President, it is important to remember that the fact that someone holds a government post and is an expert in a field does not make that person capable of making laws.

Yes, there are lots of experts in our government; some of them hold high bureaucratic or other executive posts. It doesn't mean that they may make laws.

By operation of the Constitution, we are the experts for purposes relevant to making law. We are the only organ of the Federal Government that may make law.

And so anytime someone starts to say they are the experts, therefore, they get to make the law, that is a problem.

To call this a ''nonsense idea,'' to refer to this as an idea that wastes the time of the American people, ignores the plight of almost 45 million Americans whose jobs are being threatened right now.

My friend and distinguished colleague, the Senator from Washington, has made an argument against this that doesn't match her conclusion. What she is stating is not that natural immunity makes no difference—although her conclusion would seem to suggest that—what she is saying instead is that someone who has had COVID and recovered and therefore developed natural immunity could develop additional resistance to future infections by also being vaccinated.

I understand this argument. In fact, it is an argument that I myself have used. I had COVID, I recovered from COVID, and I have been fully vaccinated. But the question is not whether you can gain additional protection from that; it is whether or not you can look at an original COVID infection from which someone has recovered and accept the fact that it offers at least a comparable degree of protection as one can obtain from a vaccine.

So let's be honest about what we are and are not talking about here. We are talking about 45 million Americans whose jobs are being threatened as they head into the holidays at a time when economic conditions make that unusually intolerable—intolerable as a result of many conditions that the Federal Government itself put in place.

In all events, this is really a bare minimum of what we can do for the American people. The burden should not be on them to prove why they should not be fired—fired by a company being threatened by the President of the United States with crippling fines. This is cruel. It is barbaric. It is not authorized by statute or the Constitution. And in this circumstance, they are ignoring science.

The PRESIDING OFFICER. The Senator from Washington.

UNANIMOUS CONSENT REQUESTS—EXECUTIVE CALENDAR

Mrs. MURRAY. Mr. President, I rise this afternoon to request unanimous consent to move qualified, uncontroversial nominees from the Committee on Health, Education, Labor, and Pensions.

I ask unanimous consent that notwithstanding rule XXII, the Senate proceed to executive session to consider the following nominations: Executive Calendar Nos. 300, 348, 349, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 484, 485, 569, 570, 571, 589, 590, 591, 592, 593, 594; that the nominations be confirmed and 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; that any related statements be printed in the RECORD; and that the President be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from Utah.

Mr. LEE. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I am sorry that we had an objection because right now, the HELP Committee has more than 30 nominees who are waiting on us to confirm them. These are qualified nominees, and they should be on the job and working, overseeing critical parts of the Department of Labor and the Department of Education, leading independent Agencies, and serving in very important roles. We need to confirm them so they can get to work on behalf of the American people, especially as we continue our economic recovery. If we are going to rebuild from this pandemic, we need all hands on deck.

Many of the nominees whom I just tried to move by unanimous consent were voted out of the HELP Committee unanimously, and they have bipartisan support. But now my Republican colleagues are holding up all these nominations for manufactured reasons and in some cases, for absolutely no reason at all.

That was, by the way, not our practice during President Trump's administration or any other administration, and it should not be the practice now.

Obstructionism is not helping anyone. All this does is make it harder for Departments and Agencies to do their work and harder for our families and our communities to get the help they need.

It should not be this difficult for the Senate to perform its constitutional duty and confirm nominees who are qualified and supported by both Democrats and Republicans. Republicans are blocking or have delayed nominees who received support from every Republican on the HELP Committee, nominees who received support from bipartisan groups and who will serve in nonpartisan roles, and privileged nominees who are supposed to be fast-tracked through the Senate as part of a longstanding bipartisan practice, and that, by the way, includes a former colleague of ours, Dennis DeConcini. Every one of these nominees has gone through the full process and cleared the HELP Committee.

I am extremely frustrated that Republicans have blocked nominations despite their clear qualifications, the history of fast-tracking nominations like this in a bipartisan way, and most importantly, the critical challenge we are facing and the work that families are counting on all of us to get done. They have been blocking several other critical, noncontroversial nominees my colleagues have been pushing to confirm as well.

We have heard plenty of excuses from across the aisle, but all we know is that there is no good reason for this. We know these are qualified nominees. We know the work they are being blocked from doing is important if we are going to rebuild our Nation stronger and better. I want my colleagues across the aisle to know that we are not going to give up on this side. We are going to keep pushing to get these nominees confirmed so they can do their jobs and get to work for the people and the communities of this Nation.

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

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

UNANIMOUS CONSENT REQUESTS—EXECUTIVE CALENDAR

Mr. CARDIN. Mr. President, shortly, I am going to be making a unanimous consent request in regard to the confirmations of several nominations that are currently pending before the U.S. Senate.

My colleagues have been pointing out that these are unprecedented times with the number of Presidential nominations that have cleared our committee and cleared committees with overwhelming votes—in some cases, near unanimous votes—of people who are well qualified for the positions to which they have been nominated, but they cannot take their responsibilities, their oaths, until after we have confirmed them before the U.S. Senate.

So, for reasons unrelated to their qualifications or the need to have confirmed nominees in positions, we have seen individual objections to allowing these nominations to go forward—objections from Republican Members of the U.S. Senate. I say that because these are unprecedented. We have never seen mass numbers like we have seen in this Congress.

We have a responsibility. We have a responsibility to confirm Presidential nominations so that they can carry out the missions that we want them to carry out and the responsibilities that go with the reasons why we think it is important enough for the Senate to confirm those nominations. We then have a responsibility to take these nominations up in a timely way and act on them.

Secondly, when we have a confirmed person in position, we get greater accountability on the responsibilities of

that Agency. We have a person whom we can hold accountable because of the actions that we have taken in confirming that individual. Both are missing in regard to not having these confirmed positions.

I chair the subcommittee of the Senate Foreign Relations Committee that deals with the management of the State Department, and I am going to be asking unanimous consent in regard to seven nominees who passed out of our committees a long time ago and have been pending in the Senate for months. There is no question as to the qualifications of the individuals, but they are not able to take on the responsibilities for why we decided it was important enough to have nominations with the confirmations of the Senate. That is just not right, and I think we need to point that out.

First, I want to just talk about the individuals, and then I will make my consent.

One is Adam Scheinman, as the Special Representative of the President for Nuclear Nonproliferation, with the rank of Ambassador. The nomination has been pending before the full Senate since October 19—for over 50 days.

Adam Scheinman is the Special Representative of the President for the Nuclear Nonproliferation, a position that is essential to national security as a U.S. Special Representative on the nuclear nonproliferation treaties and the support of activities to strengthen global nuclear nonproliferation regimes. Can you think of a more important position?

Mr. Scheinman is eminently qualified for the position to which he has been nominated, and there is no stated reason not to confirm his nomination.

The second is Jack Markell, to be Representative of the United States to the Organization for Economic Cooperation and Development, with the rank of Ambassador. Jack Markell is the nominee to be the Ambassador of the OECD, known as the heavy-weight multilateral organization in the area of anti-corruption and keeper of the OECD's anti-bribery convention, which is one of the most important international anti-corruption treaties. We all talk about our commitment to fight corruption, and yet we are holding back a confirmed ambassador to that position.

Jack Markell is a former Governor and is eminently qualified for the position to which he has been nominated. There is no reason why we should not confirm his nomination.

Marcela Escobari was appointed to be the Assistant Administrator of the U.S. Agency for International Development, USAID. The Assistant Administrator for Latin America and the Caribbean oversees all USAID activities in the region, including the 13 field offices for regional programs and 3 Washington, DC-based programs. Ms. Escobari served in the same position for which this nomination is being made under the Obama-Biden administration.

I must tell you, I was on a call with Senator BLUNT yesterday with regard to Colombia, the need to up our game in regard to USAID activities in that one country and so many more.

Ms. Escobari is eminently qualified for the position to which she has been nominated. Indeed, she served in this position under the Obama-Biden administration, and she should be confirmed today.

Atul Gawande has been nominated as the Assistant Administrator of the United States Agency for International Development, another USAID appointment. He would lead the U.S. international health, development, and humanitarian efforts worldwide.

Now, more than ever, we know we need a confirmed person in the USAID to deal with the COVID–19 pandemic. Our leadership is desperately needed. We are asking lots of international questions today from the Biden administration. Wouldn't it be nice to have a confirmed ambassador who is responsible for this?

The nomination has been pending before the full Senate since September 29, for over 70 days.

Dr. Gawande is eminently qualified for the position to which he has been nominated. There is no good reason not to confirm him today.

Next will be Marcia Bernicat, as the Director General of the Foreign Service and Chair of the Board of the Foreign Service, Department of State.

The Director General of Foreign Service, who serves concurrently as the Director of Global Talent Management, is responsible for leading the GTM Bureau's mission of recruiting, retaining, and sustaining a diverse, talented, and inclusive Foreign Service and Civil Service workforce at the Department of State.

The position is critical in the modernization of the State Department and making sure the Department is attracting and training the necessary talent needed to tackle the challenges of the 21st century.

This nomination has been pending before the full Senate since September 13, over 86 days.

I recently held a hearing in the subcommittee on the retention and training of our State Department personnel. We had lots of questions, lots of good things we need to do. We need a confirmed administrator in order to have a person responsible to carry out the changes that we need in regard to the personnel at the State Department. There is no reason why she should not be confirmed without any further delay.

My next unanimous consent will be in regard to Julieta Valls Noyes to be Assistant Secretary of State for Population, Refugees, and Migration.

Now, more than ever, with the administration dealing with a backlog that has been heightened by COVID and with the withdrawal from Afghanistan, the Bureau of Population, Refugees, and Migration needs to have a Senate-confirmed representative in place.

This nomination has been pending for over 50 days.

My colleagues on both sides of the aisle are questioning the State Department and asking what they are doing to get people out of Afghanistan. We are asking valid questions. There is no reason to hold up this nomination from the point of view of her qualifications.

We need this position filled in order to carry out our responsibility to those Afghans who are at risk today and migrants who are at risk around the world.

Lastly, I will be asking consent with regard to Anne Witkowsky, the nominee for Assistant Secretary for Conflict and Stabilization Operations and Coordinator for Reconstruction and Stabilization.

The Conflict and Stabilization Operation Bureau is responsible to anticipate, prevent, and respond to conflicts that undermine U.S. national interests. We are putting our national security at risk without leadership in the Conflict and Stabilization Bureau to assess how the United States will engage in emerging conflicts.

We were trying to stop conflicts from happening. We all recognize that. The risk factors couldn't be greater around the world for conflict. We need to have a confirmed Assistant Secretary responsible for this portfolio in place immediately.

This nomination was reported out of the Senate Foreign Relations Committee on August 4. Her nomination has been awaiting confirmation for 126 days.

Dr. Witkowsky is fully qualified and should be confirmed without further delay.

So, Mr. President, I ask unanimous consent that notwithstanding rule XXII, the Senate proceed to executive session to consider the following nominations: Executive Calendar Nos. 323, 327, 328, 461, 462, and 528; that the nominations be confirmed, 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; that any related statements be printed in the Record; that the President be immediately notified of the Senate's actions; and the Senate resume legislative session.

The PRESIDING OFFICER (Mr. VAN HOLLEN). Is there objection?

Mr. HAWLEY. Mr. President.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. HAWLEY. Mr. President, reserving the right to object, approximately 24 hours after the attack at Abbey Gate in Kabul, I had the privilege to speak with the father of one of the marines who lost his life there, a young marine from the State of Missouri, St. Charles County, named Jared Schmitz.

His father, whose name is Mark, told me of the devastation of losing his son. He later spoke in public about his son in this way. He said:

I am very honored—

This is Mark talking about his boy Jared.

I'm very honored that I could call him my son. His life meant so much more. I'm so incredibly devastated that I won't be able to see the man that he was very quickly growing into becoming.

Thirteen servicemembers lost their lives on that day and hundreds of civilians. As a result of the botched evacuation operation, hundreds, if not thousands, of American civilians were left behind to the enemy, where hundreds still remain.

Now, I am not going to reveal the contents of my conversation with Mr. Schmitz, except to say something that he asked me, something that he told me. He told me, ''Go fight like hell,'' and that is exactly what I am going to do until there is accountability for the worst foreign policy crisis this country has suffered since the Vietnam war.

We hear from our friends on the other side of the aisle that our insistence that we actually vote on nominees is unprecedented. I would humbly suggest that the crisis into which this President has led this country is unprecedented. In my lifetime, it is unprecedented.

It is unprecedented for an American President to watch 13 servicemembers lose their lives in an evacuation for which he is responsible and then to celebrate that operation as ''an unqualified success,'' ''an extraordinary success,'' I believe were President Biden's words.

Really, an extraordinary success? Thirteen servicemembers dead, hundreds of civilians dead, hundreds of Americans left behind to the enemy—that is success? No, that is a failure. That is unacceptable.

And who has been held accountable for this disaster? No one. Who has the President fired? Who has offered their resignation? Which of the planners at the Department of State or the Department of Defense or the National Security Council has been relieved of duty? No one.

We have seen this movie before. Back to Vietnam. In Vietnam, we watched as the experts in Washington sent thousands and thousands of Americans to die, concealing the true state of the war, lying to the American people.

And what happened to the people who planned that disastrous war over all those years? Nothing. They went on to their board seats. They went on to collect their fat pension checks. They went on to be celebrated. And who was left to pick up the pieces? It was the families of the fallen. It was those who lost their lives.

Well, I, for one, am not willing to stand by and participate in that kind of theater again. I am not going to go back to the families of the fallen in my State and say that I didn't do anything while people in this body looked the other way. It is time that there was accountability.

So is this a protest that I am launching by asking the Senate to actually vote on these nominees? You bet it is. You bet it is because we don't need more leadership of the same kind in the State Department. We don't need more leadership of the same kind in the Department of Defense. We need a different kind of leadership. We need a different direction for this country.

Until there is accountability, I am going to ask that the Senate do the simple task of its job, which is to actually vote on these nominees. The least we could do is observe regular order and vote on these leadership positions at the Department of State and at the Department of Defense.

My colleague from Maryland says—and I think he is right—that we have got to put national security first. I agree with him about that. That begins at the top, with the President of the United States and the leadership of the Department of Defense and the Department of State. But I, for one, am not going to stand by and look the other way while this administration systematically endangers our national security, imperils the American people, and watches the sacrifice of our soldiers go by without any accountability, without any change in direction.

I am not willing to look the other way and just pretend it didn't happen, which seems to be the posture that many in this body have adopted. I am not willing to do that. Frankly, I can't do that because I promised the parents of the fallen that I wouldn't do that.

So I am going to discharge my responsibility. And as long as it takes, I will continue to draw attention to what happened at Abbey Gate and to demand accountability for it.

If I am still here on the floor doing this in 2023, so be it; 2024, so be it, until somebody is held accountable. I don't care who the President is. I don't care what administration it is. I want to see accountability for what has happened in Afghanistan, what happened to those servicemembers, and what happened to those hundreds of civilians who are even now left behind enemy lines to the enemy.

I would just note one other thing about the situation we are in, vis-a-vis these nominees. While I can ask that there be a vote on the floor of the Senate, I certainly can't prevent that vote. So you might ask yourself: Why in the world, if these nominations are so important—and, by the way, I agree that these are leadership positions. That is, in fact, why I am asking for a vote. These are leadership positions to the Department of State, in this case, the Department of Defense in other cases. But why in the world we haven't voted? I can't prevent a vote. None of my colleagues can prevent a vote.

The answer is, ask Senator SCHUMER. My friends control the floor. Senator SCHUMER is the majority leader of the U.S. Senate, and what has he had the Senate doing? Well, not much.

Last week, over a 3-day period—3 days—how many votes did the U.S. Senate take? One. For 2 full days, we were in session. How many votes did the U.S. Senate take on any subject? Zero. If these were such pressing priorities, why isn't the Senate majority leader putting them on the floor for a vote? I have no earthly idea other than, apparently, he just can't get his act together to do it.

Here we are. It is 2:15 in the afternoon on a Thursday.

Are we voting?

No.

How many votes have we taken today?

One.

Will we be voting tomorrow?

I doubt it.

Will we be voting next week?

Who knows. Apparently it is not that much of a priority.

So Senator SCHUMER has a lot to answer for in many regards, not the least of which is his defense of the indefensible Afghanistan debacle and the loss of life there. But he also should take a look in the mirror. And I humbly suggest that my colleagues across the aisle might want to question him as to why these nominations that they insist are so important aren't being put on the floor to be voted on.

I would be happy to vote on them anytime, but I am not going to consent to waving them through and waiving regular order until there is some accountability for the disaster that this administration has pushed upon this country and upon the people of my State.

Now, I have one other—before I object—and I am going to object, Mr. President. Before I do, I want to pick up one piece of bookkeeping item, bookkeeping issue with my colleague, the Senator from Maryland. Let me just say this while I am on that subject. The Senator from Maryland is across the aisle. I want to be clear about this with my colleague, the Senator from Maryland, whom I have worked with many times before.

I don't doubt for a moment his sincerity or his earnestness on this issue. And I know that he thinks that these nominations are pressing and that they are important, and I agree with him. And I am sure that he is frustrated by the fact that we disagree on the right way to get accountability in Afghanistan. I acknowledge that. It is an honest disagreement.

So I don't want my remarks in any way to suggest in any fashion that I question the integrity or the uprightness or the sincerity of my colleague from Maryland, and I just wanted to say to him that two of the nominations that he read out I don't have any objection to: Adam Scheinman and Jack Markell. So if the Senator were willing to reoffer those separately, I think he certainly would encounter no objection from me.

But with all of that, Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Maryland.

Mr. CARDIN. Mr. President, I would be willing to modify to get those two nominations approved. I want to be clear. I have been told that there may be other objections on the other side of the aisle. I would like to get them done right now, if possible. I would modify my request to get these two nominations done.

I have been told that there is a Republican objection to the other two nominations.

Let me just conclude this part of the discussion by saying I understand that you have a right to demand a vote, but you are requiring us to file cloture, which means basically it is a filibuster. And under the Senate rules, that requires an intervening day; it requires a vote and debate on the cloture motion; then debate time. And there are only a certain number you can get done within a period of time while other ones are pending.

So the fact that we are not able to have a process to conclude these nominations is not the majority leader's fault. It is the fault of the massive objections that are being made en bloc to qualified individuals in regards to these appointments.

And I understand the gentleman's concerns, but the American people have a right to demand that there is an accountable person to deal with nonproliferation, that there is a confirmed nominee to deal with the remaining individuals that are in Afghanistan that we are trying to get out of Afghanistan. And by denying the confirmations of these appointments, we are denying the rights of Americans to have accountable people confirmed by the Senate in regards to all of these important subjects.

So, for all those reasons, I am disappointed. I will take back to my colleagues the offer in regards to the two individuals that the gentleman mentioned. And if we can clear those two, we will try to bring them back to the floor and get them cleared. So I appreciate that offer, and we will see what we can do about getting those two confirmed.

I yield the floor.

The PRESIDING OFFICER. The Democratic whip.

UNANIMOUS CONSENT REQUEST—S. 426

Mr. DURBIN. Mr. President, after Watergate, Congress passed the Inspector General Act, creating independent watchdogs who would ensure integrity, transparency, and accountability for executive branch Agencies and officials.

Since then, inspectors general have played a vital role in exposing misconduct by administrations of both political parties. Over the years, IGs have proven indispensable—so much so that Congress has repeatedly expanded their ranks—originally 12 after the 1978 Inspector General Act, to now 74 separate, independent inspectors general in the Federal Government.

In 1988, Congress created several new inspectors general, including an inspector general for the Department of Justice. The IG oversees Justice Department components ranging from the FBI to the Federal Bureau of Prisons and the Drug Enforcement Administration.

But there is a problem. There is a loophole. There is one clear omission when it comes to the authority of the inspector general. Listen. The Justice Department inspector general cannot investigate professional misconduct by Justice Department lawyers. Let me repeat that. The Justice Department inspector general cannot investigate misconduct by Justice Department lawyers.

This means the Department's independent inspector general cannot investigate allegations of misconduct by lawyers in the Department's National Security Division, Criminal Division, 93 offices of U.S. attorneys, or even the Attorney General himself.

Well, what does this result in?

All too often, Justice Department officials from the administrations of both political parties have escaped independent scrutiny by the inspector general.

The IG was unable to investigate, for example, discovery violations during the prosecution of our former colleague Ted Stevens. The inspector general was unable to investigate the unethical non-prosecution agreement with sex offender Jeffrey Epstein. And absent approval by the Attorney General or his deputy, the inspector general cannot investigate professional misconduct by high-ranking Department of Justice political appointees.

This lawyer loophole, of all places, is unique to the Justice Department. The Department of Justice—I want this clear for the record—is the only, only, Agency in the Federal Government whose inspector general cannot investigate professional misconduct by Agency lawyers. I hope that is clear.

Inspectors general investigate the activity and conduct of lawyers in every other Federal Agency other than the Department of Justice. Instead, DOJ lawyers get special treatment. They aren't subject to the inspector general like every other Federal agency. Instead, they are under the supervision of the Department's Office of Professional Responsibility, known as OPR.

Now, I don't dispute the skill or dedication of OPR. The problem is not their qualifications; it is their independence.

Listen to this. Unlike the inspector general, OPR reports to the Attorney General, who can control and even terminate investigations. This doesn't happen in any other Federal Agency. This creates an unfair double standard where every other DOJ employee is subject to inspector general scrutiny.

So if you are an FBI agent, the inspector general is going to be watching your conduct to make sure it is proper. Drug enforcement agents in the Department of Justice, subject to the inspector general; U.S. marshals, subject to the inspector general; Federal prison guards, inspector general. They can all be investigated by the independent inspector general, except for the lawyers. And it enables the appearance, if not the reality, of politicization in cases where the alleged misconduct involves high-ranking Department attorneys.

For years, literally decades across administrations, other Senators before us and Senator LEE and myself now have worked to close the lawyer loophole with our Inspector General Access Act. He advocated for this bill when Bill Barr was the Attorney General of President Trump. I am advocating for this bill when Merrick Garland is the Attorney General of President Biden.

You would be hard pressed to find a bill with broader-based bipartisan support. Our original cosponsors include—and he is here today on the floor—my colleague Senator GRASSLEY, the ranking member of the Judiciary Committee; Senators LEAHY, FEINSTEIN, RUBIO, KLOBUCHAR, CRUZ, COONS, BLACKBURN, BLUMENTHAL, and HIRONO, to name a few.

Last year, we considered this bill in the Judiciary Committee and we reported it out of the committee after a debate, and the vote was 21 to 1 to bring this bill to the floor. Unfortunately, it didn't pass last year. It passed the House. It passed again this year in the House.

This broad support reflects a basic principle: No Attorney General from either political party should be insulated from independent scrutiny by the inspector general; and no Attorney General should have veto power over the inspector general's authority to investigate Department of Justice attorneys, whether that Attorney General is a Democrat or a Republican.

Mr. President, I would like at this point to yield to my colleague Senator LEE.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, it is important to remember every Agency within the Federal Government has an inspector general. Inspectors general play an important role in every Agency, and they are there for the purpose of independently reviewing the actions of those who operate that Agency.

Everywhere you look, these inspectors general serve with independence, and what we see from them is work product that is publicly released and can be digested by the public. It is a helpful resource not only for the American people but also to us personally as Members of the U.S. Senate, who, in our capacity as Senators, have the ability and, in fact, the duty of exercising oversight over Federal Agencies.

With respect to the U.S. Department of Justice, a body that really is all about law and has a lot of lawyers, to put it very mildly, you end up with a dichotomy—a dichotomy that can't be found anywhere else.

In every other Federal Agency, the inspector general is able to do his or

her job, to conduct research, to do evaluations, issue public reports. And those reports allow us to exercise our oversight responsibilities. They also allow the American people to know what is going on in the Agency in question.

We have got a difference within the Department of Justice. If you are a lawyer within the Department of Justice, you are covered by the Office of Professional Responsibility.

Now, I want to point out a couple of differences within the Office of Professional Responsibility—between OPR, as it is called, and the Office of Inspector General. These don't reflect any idea that one is bad and the other one isn't. They are just different.

The Office of Professional Responsibility does operate on a confidential basis. It operates in secret. And I don't use that term denigratingly. It is there to perform a specific, highly specialized role.

See, lawyers have a separate set of ethical rules and standards they are expected to abide by. The Department of Justice, employing a lot of lawyers, wants to make sure that there is some degree of consistency and discipline within the practice of law. They want to make sure that the relative interests, the privacy, and the professionalism of the attorney can be balanced with their other investigative demands.

But the inspector general has a different function. The inspector general isn't there to evaluate whether or to what extent and in what way any of the highly specialized, sometimes complex, nuanced rules of professional responsibility affecting lawyers in the practice of law are concerned. No. The inspector general has a much different role.

So that is one difference, is that one has a public-facing role; the other one has a private-facing role affecting the individual attorney or attorneys under investigation.

Secondly—and this one is perhaps even more significant in its impact—the inspector general operates independently of the Attorney General. The head of the Office of Professional Responsibility, by contrast, reports directly to the Attorney General of the United States and can be fired by the Attorney General of the United States.

This is a big difference, and it is a difference we don't see replicated in any other Federal Agency—not with lawyers, not with any other regulated professional class that I am aware of—nor should we, because, if we were to do that, we would end up creating problems.

So this is not about a perceived inadequacy or a perceived culture of corruption within the Department of Justice created by the Office of Professional Responsibility.

That is not at all what I am saying. In fact, I believe the people who operate the Department of Justice, the lawyers of the Department of Justice, including those who operate the Office of Professional Responsibility, by and large do their job and do their job well and faithfully. But insofar as we allow them to do their job in such a way that it precludes any ability by the inspector general of the Department of Justice to penetrate section 8E of the Inspector General Act insofar as it insulates the operations of the U.S. Department of Justice from investigation of the sort that we have come to expect and rely on from the Office of Inspector General, it is going to be a problem.

Within the Department of Justice in particular, it is a big problem. I think it would be unwise in any Federal Agency for us to say: OK, the IG can do anything that the IG needs to do unless there is a lawyer involved. I think that would be dangerous anywhere because you do have lawyers involved, but it is especially dangerous at the Department of Justice because so much of what they do is law, is necessarily performed by people who are lawyers.

What happens is that we see countless dead ends where, because the Office of Professional Responsibility has jurisdiction, the inspector general may not tread. They hit dead end after dead end. In the absence of evidence of actual criminal misconduct, they can't proceed, and nobody else can penetrate it. It ought not take evidence of criminal accountability—of criminal liability to enable the inspector general to do his or her job.

There are myriad circumstances where someone might engage in unseemly, unethical, unwise behavior within the Department. Whether they are lawyers or whether they are not and separate and apart from whether those deviate from the professional standards imposed by the State bar of any State, by the rules of any court, or the professional standards for lawyers operating within the U.S. Department of Justice, there is an adequate, independent, freestanding interest that the American people have in being able to gain access to that information. But, alas, since 1988, section 8E of the Inspector General Act has precluded his visibility. This needs to stop.

As my friend and colleague the Senator from Illinois stated so well moments ago, this bill is not either Republican or Democratic; it is not liberal or conservative. I have been a proud supporter of this bill and sponsored this bill during a Republican administration because I believe that regardless of who is in power, we need visibility into the Department of Justice—visibility that we have in every other Federal Agency, every one. We lack it here. We lack it here with respect to a whole lot of what the Department of Justice does because of this loophole in section 8E. What benefit does this bring to the American people? To the extent there are benefits there, I respectfully submit, they don't even come close to offsetting what we lose in terms of visibility.

We need this. We need it now as much as ever. I implore my colleagues to support it.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. I thank the Senator from Utah for his cosponsorship of this bipartisan measure.

I want to yield at this point to the ranking Republican member of the Senate Judiciary Committee. I can't think of a single Member on either side of the aisle who has been as outspoken as Senator GRASSLEY of Iowa on the role and the importance of inspectors general.

I yield the floor to Senator GRASSLEY.

Mr. GRASSLEY. Thank you, Senator DURBIN, and thank you, Senators DURBIN and LEE, for bringing some common sense to the principles of checks and balances of government.

In this particular case, it is not checks and balances between the legislative branch and the executive branch so much as it is injecting another level of checks on abusive authority within the executive branch.

So I strongly support this act and the bipartisan work of you two Senators to bring greater accountability to the attorneys at the Department of Justice.

Congress created the inspectors general to be independent. They don't just investigate whatever their Agency or Congress might want them to; the law says that inspectors general shine a light on waste, fraud, and abuse in Federal Agencies. Sometimes transparency is very uncomfortable, but it is extremely necessary.

You are not going to get real accountability if you have an Agency's employees policing themselves. Right now, the only folks who can investigate the Justice Department attorneys are other Justice Department attorneys. This system erodes public trust and creates clear conflict of interest.

For example, the Justice Department attorneys reviewed the plea agreement given to serial child sex offender Jeffrey Epstein. I note that many of my colleagues here found that internal review ''substantively inadequate.'' Those are words from my colleagues. Had the inspector general conducted the review, he might have gotten somewhere with it, just like he did with the behavior of FBI agents in the Larry Nassar case. What if we had left that investigation to the FBI to police itself?

This is why the Justice Department inspector general has identified as the Agency's No. 1 top management challenge ''strengthening public trust'' in the Justice Department. One way to fix that is to make sure the independent inspector general has the same authority over all Department employees. Why do FBI analysts and DEA agents require more independent scrutiny than Department attorneys? This is so simple that even a lawyer could get this.

I heard rumors that my friend Senator COTTON may be objecting to this—a person I agree with 90 percent of the time. It seems to be very uncharacteristic. He and I believe alike that there are two ways of doing business in the United States: life, liberty, and the pursuit of happiness or let the bureaucrats run everything. And I know Senator COTTON is a person who doesn't think bureaucrats should run everything. In this case, nothing is reviewable by people who make a decision not to produce this. That is the height of irresponsibility.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from Iowa for his spirited support of this effort. I am glad he used that classic example. Of all the hearings—and we have had many good ones and many important ones—in the Senate Judiciary Committee this year. The one we all remember is when the gymnasts came, the Olympic gymnasts came. These wonderful, young women came before us and summoned the courage to tell us about the abuse that took place by a man who purported to be a doctor, Larry Nassar.

Sitting next to them during the entire presentation was the head of the FBI, taking the medicine he should have taken, because the inspector general gave us a graphic report of how the agents at the Federal Bureau of Investigation let those young women down. When they summoned the courage to come forward and tell the world what had happened to them, it was virtually ignored by the Federal Bureau of Investigation. Thank goodness the inspector general was there to be critical, to produce the evidence, and to make it clear to the American people that this conduct was disgusting and deplorable and unacceptable.

The inspector general was critical for the administration of justice. Why is it any different if, instead of an attorney who works for the Federal Bureau of Investigation, we are talking about an attorney who works in a U.S. Attorney's Office somewhere in the United States or in the Department of Justice itself? It shouldn't make a difference.

As Senator GRASSLEY and Senator LEE have made clear, all we are asking for is the same level of accountability for attorneys in the Department of Justice that applies to every other Federal Agency. Why are we treating these attorneys any differently?

Senator GRASSLEY makes the point—we are succumbing to bureaucratic deference at a time when we ought to have our eyes wide open, and wide open, we would see that this bill, which was extensively debated and discussed last year and reported out of the Senate Judiciary Committee under the chairmanship of Senator GRAHAM by a vote of 21 to 1, wasn't called on the calendar. We are bringing it back this year in the same manner. The bill has not changed. We are bringing it back this year, and I believe now is the time for us to do what is right for the cause of justice.

Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 426 and the Senate proceed to its immediate consideration; further, that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon table.

The PRESIDING OFFICER. Is there objection?

The Senator from Arkansas is recognized.

Mr. COTTON. Mr. President, I oppose passage of the Inspector General Act. This bill or similar versions of it have been around for at least a decade now. To my knowledge, the Judiciary Committee hasn't had a hearing on this specific issue—certainly hasn't had one this year.

As my colleagues have said, this bill has bipartisan support, and they have a principled position on the bill. The Senator from Illinois pointed out that he supports the bill now that Merrick Garland is the Attorney General, just like the Senator from Utah supported it when Bill Barr was the Attorney General, just like the Senator from Iowa supported it when Bill Barr was the Attorney General. So it is true it has bipartisan support. Bipartisanship can cut another way as well.

To my knowledge, every Attorney General, both Democratic and Republican, has opposed this bill since the very beginning of the inspector general for the Department of Justice.

Both the Senator from Illinois and the Senator from Utah used the word ''loophole''—a loophole that an inspector general can't investigate attorneys in the Department of Justice. That implies it was an unintended consequence. That simply is not the case.

In 1988, when Congress created the inspector general for the Department of Justice, Congress had detailed negotiations with the Department of Justice under the leadership of Attorney General Thornburgh, and they reached a compromise to keep investigations of allegations of attorney professional misconduct within the responsibility of the Office of Professional Responsibility.

In 2007, Eric Holder—not someone whom I usually cite as an authority—after he had been the Deputy Attorney General, called an earlier version of this bill ''deleterious and unnecessary,'' and he said he ''believe[s] strongly'' that it ''would create additional opportunities for improper political concerns to influence law enforcement decisions.'' In other words, Eric Holder thought the bill would compound the problem it purported to address.

In 2017, the Department of Justice once again articulated similar concerns with the bill.

Just yesterday, I can relay, the esteemed Judge Michael Mukasey—also a former Attorney General—said that he opposed the expansion of inspector general authority into allegations of attorney professional misconduct, which has always been handled competently by the Office of Professional Responsibility. Judge Mukasey also relayed that he would be happy to testify at a hearing at a later date on such legislation.

I share some of those same concerns raised about this bill, and I think at the very least we should have a hearing on what would be a significant change in the way the Department polices allegations of attorney misconduct to study its relevance and its impact.

I want to note that the Office of Professional Responsibility historically has conducted its investigations with integrity and competence. I did not hear any allegations to the contrary today either. That is in part because it is composed of attorneys—both former prosecutors and former defense attorneys—who have decades—decades—of experience and a special expertise in legal ethics rules and the many complicated decisions any Department attorney makes in the process of charging grand jury proceedings or jury trials. The inspector general and his investigators simply do not have that expertise. The inspector general is charged with investigating waste, fraud, and abuse.

We also heard some today about independence and alleged conflicts of interest. I have to say I am also concerned that this bill would create a serious conflict of interest itself if the inspector general is given broad authority to investigate allegations of attorney professional misconduct.

The inspector general can and does refer criminal matters to Department prosecutors. Let's say a prosecutor declines to prosecute one of these referrals. An inspector general could then come up with any reason to investigate that prosecutor.

I think we all agree that the determination of who will be prosecuted or not be prosecuted lies with and must constitutionally lie with the Attorney General and that the inspector general should not be able to influence who is prosecuted or not prosecuted with the looming threat of potential investigation.

I, of course, as the Senator from Iowa said, do not want to see a government of the bureaucrats. But I would point out that the inspector general is a bureaucrat. The Attorney General is a politically accountable officer of the United States.

I also have concerns that this bill could empower criminals.

Criminals can additionally use the inspector general to try to harass Federal prosecutors by making unfounded targets of Federal investigations. With the wrong inspector general and with the wrong political climate, a career prosecutor could be under pressure by leftwing jailbreak advocates into dropping cases against violent criminals,

pursuing cases against police officers who have broken our laws. It is not surprising that this bill is supported by leftwing groups such as the ACLU, Demand Progress, and the Brennan Center.

The inspector general could easily weaponize professional misconduct investigations also to defeat anti-crime policies the executive branch chooses to pursue. Imagine, for instance, an inspector general who refused to dismiss allegations of racism when the U.S. Attorneys' Office simply chooses to prioritize gun prosecutions in high-crime areas. Such investigations have a chilling factor, of course, on other offices for prioritizing similar prosecutions.

We also heard some about transparency. But I would note this bill does not necessarily provide more transparency, because, just like the Office of Professional Responsibility, the inspector general is governed by the Privacy Act, rules pertaining to grand jury materials and court orders sealing documents. This bill would not change that.

If it is punishment and sanctions that the bill is concerned about, I would also note that the Office of Professional Responsibility is not responsible for the legal level of discipline imposed. That falls, instead, to the Professional Misconduct Review Unit, the unit created by then-Attorney General Eric Holder in 2014. Expansion of inspector general jurisdiction would not change where that responsibility falls.

I, of course, share concerns with my colleagues about politically motivated prosecutions or prosecutions pursued by so-called glory seekers. But I do not want to proceed down a path where we unintentionally exacerbate the very problem we are trying to solve. Therefore, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Illinois.

Mr. DURBIN. I am disappointed by the objection by the Senator from Arkansas.

This has overwhelmingly bipartisan support in the House and in the Senate, and we had an opportunity to make history today and we missed that opportunity for the moment.

The suggestion that inspectors general are not up to the job of inspecting attorneys, I am afraid if you look at the fact that every other Federal Agency's lawyers are subject to review and scrutiny by the inspector general of their departments, it certainly says that particular observation is not accurate.

The argument that the Attorney General, because he is approved by the President directly and by Congress, should be the person to make this decision overlooks the obvious. Each inspector general goes through the approval process, the nomination process, and advise and consent of the Senate. So they are subject to the same level of scrutiny.

I might also add that what we are suggesting has been an evolution that I think really calls for this change that we have asked for in this measure. In the course of that evolution, in the year 2002, the inspector general's responsibilities were extended within the Department of Justice to apply to both the FBI and DEA agents who are involved, obviously, in significant law enforcement operations within the Department. The inspector general has handled that responsibility without jeopardizing any prosecutions. So I think that argument is certainly a weak argument when you look at the facts since 2002.

We will return with this. I am glad to have bipartisan support of Senators LEE and GRASSLEY, who will have more to say on the subject.

I believe if we are going to apply this standard of IG responsibility for lawyers' activity across Federal Government, there is no reason to make an exception for the Department of Justice.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I agree with and echo the observations made by my friend and distinguished colleague, the Senator from Illinois. I would like to add a couple of things in response to the observations and remarks presented by the Senator from Arkansas.

One of the points that he made that I feel compelled to respond to is he expressed concern about what he describes as potential weaponization of—I feel compelled to respond, in particular, to his argument that the Inspector General Access Act could result in the weaponization of allegations of attorney misconduct within the Department of Justice and that this could be used in circumstances to intimidate, threaten, and harass Department of Justice attorneys, including prosecutors, for either taking or not taking actions in retaliation to the same.

This is always a concern. It is a concern that follows government, generally. It is, in particular, a concern that follows Federal prosecutors. It is also not a concern that is unique to the Inspector General Access Act.

With or without passage of this, there is always a risk of that happening. Nothing about that risk that we immunize ourselves from by leaving intact the loophole—and it is a loophole. It is a deliberate carve-out in Section 8E of the Inspector General Act. It is a loophole. And my friend from Arkansas is right, it is not unintended. It is intentionally created. It was there for a reason. I don't mean to suggest any nefarious motive on the part of those who created it, but it might have been a shortsighted move at the time. It has, at least, in time, exposed a vulnerability in Democratic and Republican administrations alike.

If the risk is weaponizing allegations of professional misconduct against Department of Justice lawyers, that is not something that we are immune from today. It is something that I am certain the Office of Professional Responsibility deals with all the time. It doesn't mean we make ourselves more vulnerable to it. It is simply by allowing the inspector general of the Department of Justice to do his or her job without regard to who is a lawyer and who is not, and without regard to this special carve-out for this one Federal Agency that makes it different from every other Federal Agency, including what makes Department of Justice lawyers different from attorneys in every Federal Agency.

If the risk is that you might have people who, for bad reasons, might make up allegations of misconduct, there is no more risk of that with an inspector general than there is with the Office of Professional Responsibility.

Here, again, they perform different functions. One of them is there specifically to deal with the rules of professional responsibility within the practice of law by Department of Justice lawyers. That is their focus. Their focus is not a broad one. Their focus does not include or extend to issuing a public report to inform the public about abuses of power.

My friend from Arkansas is right. They can go in—if there are allegations of criminal misconduct and if they have evidence of the same that they have to pursue—yes, they can do that. That doesn't mean we don't need an inspector general capable of doing the job of the inspector general.

He also made the argument that there is no expertise among and between inspectors general with regard to handling allegations of attorney misconduct. If that is true, the same can be said of all other attorneys and all other departments.

My friend from Arkansas does correctly point out that attorneys within the Department of Justice—at least some of them do—perform different functions than what we see from attorneys in other Federal Agencies. That part is true. But that doesn't mean inspectors general assigned to the Department of Justice don't have the expertise necessary to investigate the types of allegations that they typically investigate.

My friend from Arkansas also points out inspectors general tend to focus on allegations of waste, fraud, and abuse. Yes, this is absolutely true, and this is absolutely why we should not limit the access that inspectors general in the Department of Justice have to attorneys. Remember, this is a department that is all about law. It is focused on law. It is, therefore, not surprising that they have an unusual abundance of lawyers.

You know what the Office of Professional Responsibility is not focused on—is not really their role; they are not involved in; they are not trained in—their focus is not on issuing public reports and informing the American

people of allegations of things like waste, fraud, and abuse, generally. They have a much narrower function and perform that function especially well. They perform it laudably, and they do a great job of doing it.

It is not the same thing as an IG. We need IGs with access to visibility into the Department of Justice. We don't have it now. We haven't since 1988. Thirty-three years is long enough. Let's close the 8E loophole and give the Department of Justice inspector general the access needed.

The PRESIDING OFFICER. The Senator from Iowa.

BIDEN ADMINISTRATION

Ms. ERNST. Mr. President, do you hear what I hear?

Before the prancing and pawing of each little hoof of Santa's eight tiny reindeer will be heard on the roof, there is a joyful sound that denotes the coming of the yuletide season in just a few instantly recognizable notes.

Of course, I am talking about Mariah Carey's ''All I Want for Christmas Is You.'' While it has become a holiday classic, the song is taking on a whole new meaning this season.

If, like Mariah, you don't want a lot for Christmas and don't care about the presents underneath the Christmas tree, this may be your year. That is because Bidenomics is causing everything to be back-ordered, delayed, unavailable, or just plain unaffordable. Even Christmas trees are in short supply. So don't be surprised if your only option to deck the halls this year looks like Charlie Brown's sad little twig of a fir tree branch.

Whether shopping at a store or online, we are all experiencing it. With the cost of gifts up 20 percent and consumer prices surging to the highest level in over 30 years, you are paying a ho ho whole lot more for a ho ho whole lot less; that is if you can even find what you are looking for.

Perhaps the most telling sign of the times, the Dollar Tree—which had to discontinue selling some of its popular products due to cost constraints—is raising prices to $1.25.

President Biden's contribution to this year's season of giving could best be summed up by an elf on an empty shelf. After all, the Biden administration has ignored, dismissed, and even contributed to the conditions causing these economic hardships.

Speaking at the White House just last week, the President actually claimed his efforts have resulted in ''shelves across the country being well-stocked.'' That may be true at his White House gift shop, but not in the stores in Iowa and across the country. The supply chain problem is such a mess, not even Rudolph with his nose so bright can guide all of the barges stuck at sea into port by Christmas night.

The Democrats' out-of-control spending spree and misguided economic policies, like paying people not to work for most of the year, have decreased both the availability of goods, as well as the value of the money in your wallet.

For folks in Iowa and the rest of the Nation who are working longer hours due to labor shortages or just to keep up with the skyrocketing prices, this has created a real-life ''Nightmare Before Christmas.''

As a result, a record number of Americans say they won't be buying gifts this year. But rather than addressing these concerns, ''Bare Shelves Biden'' is pushing his so-called Build Back Better Act, which itself is a Christmas tree bill adorned with something for every leftwing special interest group and topped off with a massive $300 billion tax break for coastal elites.

For those millionaires on their wish list who literally have everything, DC Democrats are wrapping up a generous tax cut worth nearly $17,000. To no one's surprise, those benefitting the most from this tax giveaway live in or around the San Francisco Congressional District represented by Speaker NANCY PELOSI; and the State of New York, home of the Senate majority leader. It is a lot like a plot twist to Charles Dickens' classic, ''A Christmas Carol.''

But instead of learning to embrace the giving spirit of Christmas, Scrooge receives a tax handout paid for out of the pockets of essential workers struggling to provide for their own families. What a bunch of humbug.

Santa Claus, I don't know if you are listening, but if you are, when you're making your list and checking it twice, remember that President Biden promised taxpayers that his Build Back Better plan costs zero dollars, doesn't waste any money on tax breaks for the wealthy, and adds—you guessed it—zero dollars to the national debt.

To no one's surprise, that promise ended up being a fa-la-la-la-lot of malarkey. The truth is the Biden bill costs $1.7 trillion, adds $376 billion to our debt and gives a huge tax cut to millionaires.

While the President certainly deserves a stocking full of coal for breaking his promises to taxpayers, even coal is in short supply at the moment, and the price has soared to the highest level in more than 12 years.

Other energy prices, whether to warm your home or fill up the gas tank of your car, are also up sharply. The President has done his part to limit fuel supplies by signing Executive orders to further restrict access to oil and gas.

After enduring nearly 2 years of making sacrifices, folks should not have to now choose between heating their house, buying food for their families, or putting gifts under the tree.

So rather than passing another one of President Biden's budget busting bills, the best gift that Washington can give taxpayers is to keep this from being a blue Christmas and simply stop making matters worse.

Folks who have worked hard all year desperately deserve a break from the economic pressures being caused by Bidenomics so they can enjoy some time with their families. And unlike last Christmas, we can once again rediscover the true meaning of this holiday season by spending time with those we love the most, just like Mariah sings about, ''Make my wish come true, all I want for Christmas is you.''

Madam President, I yield the floor.

The PRESIDING OFFICER (Ms. CORTEZ MASTO). The Senator from Iowa.

Mr. GRASSLEY. Well, following on the Christmas season message that we just heard, this season is around the corner, and Democrats are scrambling very, very hard to deliver on their liberal wish list before the end of the year. And that's not a Christmas list that people—or an agenda that people are going to accept very well, from what I've heard about the opposition to the trillions of dollars that they are trying to spend.

This grab bag of long-sought, new government programs is a top priority for Washington Democrats. Meanwhile, the bigger concern that I hear around Iowa is rising prices on everything from gas, to food, to home goods.

Americans doing their holiday shopping this year are finding items out of stock and, when in stock, paying far more for less. Even the Christmas tree is no exception. Christmas tree prices are up 30 percent.

Overall, consumer prices were up 6.2 percent on an annual basis in the month of October—a 31-year high. Economists polled by the Wall Street Journal expect November inflation to shoot up to 6.7 percent. Even some analysts are saying that it could be closer to 7 percent.

Americans are experiencing the highest inflation in a generation. The last thing they need for Christmas is another Democrat spending boondoggle further fanning the flames of inflation.

They ought to listen to their own Democrat economists. Larry Summers, former Secretary of Treasury in the Clinton administration, Council of Economic Advisers in the Obama administration, warning us in January, again in April, again in August, again in October, I saw on television. They're pouring fires on the—gasoline on the fires of inflation.

Unfortunately, unless our voices of reason within the Democratic Party prevail, that's exactly what they are going to get, more inflation. Democrats say there is nothing to worry about because—to quote Treasury Secretary Yellen—their bill is, ''fully paid for.''

We know that's not true. But even the Washington Post isn't buying Yellen's statement, and they said that by awarding the Secretary two Pinocchios for her comment. The reality is Democrats pull every budget trick in the book in an attempt to cloak the reckless tax-and-spending spree with the illusion of fiscal responsibility.

However, even their budget sleight of hands fail to mask the upfront inflationary pressures embedded in that

very bill. According to the nonpartisan Congressional Budget Office—CBO, as we call it around here—their bill contains hundreds of billions of dollars in deficit spending in each of the first 5 years.

That means that, regardless of what Democrats say, their bill will add to inflation pressures now when it matters most. Under honest assumptions, the deficit spending never stops.

According to the Penn Wharton Budget Model, their analysis, if their spending proposals are permanent, as they intend, their plan would increase debt and deficits by more than $2 trillion over 10 years. As a result, by 2050, government debt would be 24 percent higher, economic growth will be 3 percent higher, and wages of the middle class would be 1.7 percent less than they would otherwise be.

Now, they go by the bill, building back better. Sounds to me like all of this is building back worse. So I urge my Democratic colleagues to pursue and rethink the approach. Securing a near-term ideological win is not worth the risk of spurring unchecked inflation, sapping the value of America's hard-earned dollars.

I yield the floor.

The PRESIDING OFFICER. The minority whip.

Mr. THUNE. Madam President, one thing you can say for the Democrats so-called Build Back Better plan is that it provides a never-ending supply of bad proposals to talk about. And the bad Build Back Better measure I want to discuss today is Democrats' plan to double the size of the IRS—yes, double the size of the IRS.

The IRS is not exactly the most popular government Agency, and with good reason. The Agency has gained for itself a reputation for poor taxpayer service and, most seriously, for mishandling the confidential information—taxpayer information it has access to.

In fact, the IRS was subject to a massive leak or hack of private taxpayer information mere months ago—information that somehow ended up in the hands of advocates at ProPublica. And neither Treasury nor the IRS has provided meaningful followup about the data breach, much less any accountability.

For months, Republicans on the Senate Finance Committee have pressed the administration for details about the breach of private taxpayer information. I would have hoped by now that my friends on the other side of the aisle would have shown similar concern for the privacy of the American taxpayer.

And who could forget the IRS scandal during the Obama administration, when the IRS targeted a number of organizations based on their political beliefs?

Those are two notorious examples of IRS misconduct, but there are plenty of others.

The Treasury Inspector General for Tax Administration has repeatedly found instances of IRS agents violating taxpayer rights. And then there is the Agency's record of irresponsibility or incompetence, or both—losing track of laptops that may have contained sensitive taxpayer information, rehiring employees who'd been fired for bad behavior, work delays due to a lack of simple printer maintenance, hanging up on taxpayers who call the IRS for information.

Customer service departments, in general, can be frustrating, but at least at many companies you can reach an actual person in a fairly reasonable amount of time. If you call the IRS, you have a 1-in-50 chance of reaching a human being—1 in 50.

I could go on, but suffice it to say that there are good reasons why Americans tend not to be big fans of the IRS and why they think this Agency already has too much power.

But Democrats would like to double the size of the Agency. The Democrats' bill would add 87,000 new IRS employees—87,000. That's enough employees to fill an entire football stadium with some left over; 87,000 is more than the population of Rapid City, SD, the second largest city in my home State.

The Congressional Budget Office estimates that increasing the size of the Agency in this way would result in significantly higher audit rates of American taxpayers. Many of those audits would hit middle-income taxpayers and small businesses; in other words, individuals without easy access to an army of accountants to help them navigate the process and ensure that their rights are protected.

Democrats' primary reason for the IRS expansion is to raise revenue, to help pay for their partisan tax-and-spending spree. They claim that hiring all these new IRS agents and employees will allow them to close or reduce the tax gap—the difference between taxes owed and taxes paid.

But there are a couple of problems with that. In the first place, it is extremely doubtful that they will be able to raise the money they claim they will be able to raise. In fact, the Congressional Budget Office doesn't even score hoped-for revenue from enforcement since it considers the acquisition of that revenue to be so uncertain.

And even if Democrats are able to raise a meaningful sum from increased enforcement, what exactly is it going to cost Americans for Democrats to recapture this money?

Increased scrutiny and costly audits of law-abiding taxpayers. IRS intimidation and harassment.

And just in case anyone thinks I am exaggerating about that intimidation, I would note that a provision in the House version of the Democrats' reckless tax-and-spending spree would repeal a measure requiring written approval of a supervisor before an IRS agent can access—or I should say, can assess any penalties.

The provision was intended to prevent overreaching IRS agents from threatening Americans with unjustified penalties. And it is hard to imagine why Democrats are trying to repeal this measure if they are not trying to pave the way for much more aggressive IRS pressure and enforcement.

And I haven't even mentioned the provision that was in Democrats' proposal for a long time and which some Democrats, including the President's Treasury Secretary and other administration officials, would still—still—like to see included, and that's a provision that would empower the IRS to snoop on the details of Americans' bank accounts.

Under one version of this provision, the IRS would be able to sift through the bank records of any American with just $600 in annual transactions. In other words, the IRS would be able to look through the bank records of just about every American and find out just how much you spent on Starbucks or your last doctor's bill or that new winter coat.

It is staggering that the Democrats could even contemplate giving that much power to an Agency that has a track record of mishandling sensitive taxpayer information. But that is the kind of power the President's Treasury Secretary, for one, would like this Agency to have.

With their so-called Build Back Better plan, Democrats are proposing a massive expansion of government, and we are apparently just supposed to take it on faith that the government will be able to handle all these new responsibilities.

Well, I have to say, I—and I would say many other Americans—have my doubts. And the IRS provides a perfect example of why.

The IRS can't even properly handle the staff and responsibilities it already has, and yet Democrats think it is a good idea to double the size of this Agency and give it new enforcement powers and, if some have their way, expanded access to Americans' personal information.

Doubling the size of the IRS is a terrible idea, and it is one more reason why Build Back Better is a bad deal for the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Madam President, when the Grinch stole Christmas, it was a relatively simple operation, one that required a relatively simple solution.

Unfortunately, cold, unfeeling regulations and entrenched bureaucracies do not have undersized hearts; hearts that can somehow grow three sizes.

Protectionist laws and labor support shortages do not warm to holiday cheer.

The COVID–19 pandemic has caused our already deeply troubled economy problems, and it has caused our already deeply troubled supply chain to become mired with challenges of all sorts, including truckdriver shortages, outdated port technology, lack of container storage capacity, port labor difficulties, and scarce freight equipment.

In fact, as situations become more dire with the supply chain crisis, with inflation, and with shortages all over the country, our own regulations do a whole lot to delay and disrupt solutions that we need the most at the time we most need them.

Americans are feeling the pain of skyrocketing prices, of shipping delays, and empty shelves as our laws and bureaucracies fail to respond to shipping backlogs and labor shortages. The system just is not working. And President Biden's press release policies have not fixed it. In fact, they have made it much, much worse.

Like so many problems during his Presidency, President Biden is not touching them with a 39½-foot pole.

As the holidays are here, we see the problems continuing to mount. And these problems needed solutions many, many months ago, but there is still hope. My STOP the GRINCH Act can help us fix the supply chain crisis and save Christmas.

This is a bill that focuses on the problems that are actually slowing down our supply chain, and it is a bill that, if enacted, would get products off of ships, onto trucks, and into stores so that people in Utah and across the Nation could get the things they need for everyday life and especially for Christmas.

By suspending a number of Federal restrictions on ports, on ships, and on trucks, we can help clear the backlog at our ports, get products onto shelves, and get the presents under the trees.

The bill will help solve our truck-driver shortage by temporarily lowering the commercial driver license age to 18 for interstate travel, and it would waive for 1 year the hours-of-service requirements, specifically, for those involved in transporting containers into and out of ports.

The bill would allow for more ships to move more freely and to move cargo between American ports by waiving the Jones Act, and it would also allow for Federal land that has been designated as appropriate for multiple use to be used to temporarily store cargo containers. That would do a lot in and of itself to help us break our port logjams. A combination of these things would do so masterfully.

And, finally, my bill would help ease the lack of freight equipment by allowing excess Department of Defense equipment to be used to help move cargo. A lot of our problems can be traced to a lack of available truck chassis, and if we open up those that are deemed excess, we can do a lot to move freight.

While this bill doesn't address every challenge with our supply chain, it does provide tangible solutions that, if enacted into law, would solve real problems right now.

Look, we can end this nightmare before Christmas. We can stop the Grinch, save our holidays, and secure our economy.

My STOP the GRINCH Act is the start to a merry Christmas and a happy new year.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. SCOTT of Florida. Madam President, we are less than 3 weeks away from Christmas, and Joe Biden has run this country into the ground.

I know President Biden thinks that Santa can solve his problems, but our supply chain is such a mess not even Santa Claus, with all of his Christmas magic, can fix it.

There are nearly 100 ships waiting to dock in California ports. About 40 of them are a few miles off the coast, but more than 50 are holding back farther in the Pacific. It looks to me like the Biden administration didn't like the visual.

I recently received a letter from a grandmother in New Smyrna Beach, FL. She is retired now but was a small business owner who has spent her life working hard to support her kids and grandkids.

I have the letter with me. In her letter she writes:

> I am worried about inflation. I see prices of fuel, groceries, and staples going through the roof. I see the American standard of life declining. It is getting harder and harder for families to make ends meet, buy a home, afford medical care and higher education for their children.

She also tells me that Joe Biden's unconstitutional vaccine mandate is putting her husband at risk of losing his job, despite the fact that he worked throughout the pandemic as an essential worker.

She is not alone. She shares the exact same concerns as millions of Americans and businesses right now that are reeling from the impacts of Biden's socialism.

The Pantry of Broward County, FL, usually supplies meals to 500 families each month, but they weren't able to donate as many Thanksgiving turkeys this year because of skyrocketing prices.

And there are other terrible stories in the news across my State every day.

I heard about a single father of three in Clearwater, FL, who lost his job due to COVID, and at his new job he is having to stretch each dollar as far as it can possibly go as prices for meat, food, rent, everything goes up and up and up.

I heard about a woman who delivers groceries in South Miami. She is seeing prices going up and having to send pictures of empty shelves to her online customers to show grocery stores are out of so many products. She can hardly ever find any juice boxes for her own children.

These are the stories of real Floridians, and I could keep going because Florida families and families all across our great country are struggling as Biden's inflation and supply chain crisis rages on.

Now, most people, when they are in charge, they want to do something positive when a problem arises. When the families are struggling, leaders should want to solve a problem.

What is shocking is that even as ships wait in docks, in ports—wait to dock in ports and families are forced to count their pennies and sometimes even go without certain products, the Biden administration is doing absolutely nothing.

Secretary Raimondo and Secretary Buttigieg would rather play TV commentator than actually travel to California and solve some of these problems facing our distributors. Instead of coming to the Senate Commerce Committee to testify about what actions they are actually taking, they would rather stay silent. If they don't want to show up and do the job they signed up for, I have heard there is an opening at CNN.

Energy prices are up, and families who are simply trying to stay warm during the winter season are going to face higher bills, just as gas prices and food prices continue to climb.

The American people are fed up with President Biden's utter lack of leadership. Time and time again, I have come to the floor to try to get some information about this crisis, but Senate Democrats have stood in the way.

When I came down to demand notes from internal meetings the Biden administration held about the signs of inflation they were seeing, Democrats blocked—blocked—it. When I walked down here to request a report about the factors causing the energy prices to rise, Senate Democrats blocked it. When I came down here to pass bicameral, commonsense legislation that would alleviate the supply chain crisis facing our ports, Senate Democrats blocked it.

This isn't how Washington should be working. I came here to make Washington work for Florida families, but Democrats in this body are joining hands with the White House to institute policies that make life more difficult and more expensive.

This isn't government for the people; this is Big Government that hurts the people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. YOUNG. Madam President, in case anyone was wondering, there are 16 days left before Christmas—16 shopping days.

Now, I know I still have some shopping to do, and I look forward to that, but it seems as though some of my colleagues have a jump on me. Seems as though President Biden has a jump on me, and that is good thinking because this year you can't start too early, with the supply chain as bad as it is and the price of presents rising.

So why don't we gather around the Christmas tree to see what gifts national Democrats are prepared to pass out on Christmas morning, thanks to their reckless tax-and-spending spree.

To the leftwing labor unions, what do they offer? Democrats are gifting billions of dollars in handouts to strengthen this core constituency of

theirs. While they are letting charitable deductions expire in Build Back Better, they have gift wrapped an above-the-line tax deduction for union dues.

Let's see what we have here.

Well, that is a car. That is a car. And this is the labor union present. Hmm. As a special Christmas surprise, it seems that the Democrats have put under the tree a shiny new tax credit for electric vehicles but only if those vehicles are made in a union shop—only a union shop.

You see, if you are naughty, and you buy an electric vehicle from a non-union shop, like those that are made in my State of Indiana, you will miss out on the Democrats' $4,500 holiday giveaway in this bill. Apparently, during the Christmas season, the impact of electric vehicles on climate change only matters if the workers' contracts are collectively bargained.

Which brings us to another gift we have, and that is China. China has a gift under the tree. Why don't we just open this China gift. Well, that is a lot of money. The tax hikes on businesses large and small in this bill will give China an unfair competitive advantage. Increasing taxes on American employers by more than $800 billion, when they are already struggling with supply chain issues and worker shortages—this is going to do very little to bring jobs back home, jobs of the future here in the United States of America, which is exactly why the Chinese Communist Party and all of its leaders will love this very expensive gift.

And the largest gift under the Washington Democrats' tree goes to—is that—could that be? It says ''the rich.''

I am going to see what is in there.

Well, this must mean—it says SALT. By dramatically increasing the cap on the State and local tax deduction, or what is known around here as SALT for short, the once-proud party of the working class is giving a tax cut to two-thirds of people earning more than $1 million a year. Now, the average size of that tax cut is almost $17,000 a year for millionaires. This is the new Democratic Party.

Merry Christmas. This is the single most expensive tax expenditure in the Build Back Better Act, and it is the second biggest component of the entire bill.

So, evidently, the national Democrats believe it is better to give than to receive from millionaires so they proposed a tax cut for the wealthiest Americans from the wealthiest cities in the wealthiest States, gift wrapped from the Democratic Party.

So after the handouts and giveaways and entitlements and earmarks, what is left for regular, middle-class working stiffs?

Well, we know that really big gifts come in smaller packages. So I see this stocking here that says ''taxpayers'' on it. Let me see what is in here.

Oh, my word. That looks like coal—a lump of coal. That lump of coal must represent the massive $367 billion that will be added to the debt by the Democrats' reckless tax-and-spending bill, according to the nonpartisan Congressional Budget Office, not to mention the 10 years of tax increases included in the bill to pay for only a few years of policy changes.

Of course, we all know that figure is going to be much higher in reality. If all the temporary provisions in this bill are made permanent, it will increase our budget deficit by nearly $3 trillion in this decade. It seems the Democrats want our children and grandchildren to pay for this bundle of goodies through the layaway plan.

GDP is expected to fall because of Build Back Better. The cost of living is expected to rise even more because of Build Back Better. And despite the promises of President Biden and my Senate Democratic colleagues, despite their votes right here on this floor, if Build Back Better were to become law, taxes would be raised on lower and middle-class Americans who are just trying to get by this Christmas season.

Ho, Ho, Ho. Ladies and gentlemen, boys and girls, this Christmas season Democrats are not offering holiday jobs or good cheer. Instead, this feels more like the nightmare before Christmas.

Colleagues, the best present that all of us can give the American people is to do whatever is in our power to stop the Build Back Better Act.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. PORTMAN. Madam President, I appreciate the comments of my colleague from Indiana. What he didn't have under that Christmas tree or in the stocking was a lump of coal because I guess a lump of coal is not something we would find in Build Back Better. Even though there is a lot of stuff in there that is really bad for our economy right now, bad for our families, bad for our workers. And when you think about it, right now, we are in a time of high inflation, supply chain difficulties, record levels of debt and deficit, and an uncertain economy due largely to the uncertainty regarding COVID and particularly this variant, the Omicron.

So this is not a time for us to be putting forward a massive new spending bill and a massive new tax increase on the American economy. In fact, it is the time for us to retrench a little bit and try to help to get back to where we were before COVID–19.

Remember, that was the time when after the 2017 tax reforms, we had a great economy, by any measure. And it was an opportunity time. It was the lowest poverty rate in the history of our country since we started keeping track in the 1950s.

As of February, just before going into the COVID–19 period, February 2020, we had 19 straight months of wage gain of over 3 percent. By the way, that was over inflation because inflation was so low. So people were feeling it. They were actually getting a wage increase. In my State of Ohio, that was the first time in probably a decade and a half.

Now, it is just the opposite. Wages are actually down when you take inflation into account. And inflation is high, as everyone feared because we have dumped so much on the demand side of the economy, and the supply side is restricted, in part, because of what has happened with COVID, and it creates this inflation. This was warned by not just Republicans like myself, but back in March, when President Biden and the Democrats put $1.9 trillion into this economy—the most ever, the biggest bill ever—it was Larry Summers, former Secretary of the Treasury under President Clinton, and NEC, National Economic Council, Chair under President Obama, who said: You know, this is going to stoke inflation. It is going to overheat the economy.

And that is exactly what it did.

So we have this high inflation. We have these record levels of debt and deficit. We are talking about extending the debt limit right now, and people think the number is going to be—just to extend it for about a year—over $2 trillion; meaning that we are spending so much more than we are taking in. And yet there is this discussion that somehow before Christmas we are going to put forward this Build Back Better legislation that we just talked about.

It is not building back America better. Unfortunately, it is building us worse off than we were and adding to inflation, adding to the supply chain difficulties, adding to the debt and deficits at record levels, and certainly doing nothing with regard to COVID–19.

So why would we do this? And certainly why would we do this now? It makes no sense. Well, because I guess there was a promise made that we are going to have this massive new spending and these massive new tax increases.

What is in there? Well, on the spending side, when you look at it, it is the largest spending bill ever put forward by the U.S. Congress, unless you believe that it is really only $1.7 trillion instead of two or three times that. In that case, it is the second biggest ever. But the analyses I have seen from the Penn Wharton study, from the Committee for a Responsible Budget, and from others said: You know, there are a lot of sunsets in there.

As an example, the child tax credit lasts for 1 year. Does anybody believe it only lasts for 1 year? That wouldn't be the history of this place. So it will continue.

So these sunsets are not going to be effective so the spending will continue to increase. The tax increases don't cover them so there will be a big gap accrued to the deficit, and the projections are it is more like $4½ trillion in spending. So it is the largest increase in the history of our country by far.

We are talking about doing this, again, at a time when already we have record levels of debt and deficit and high inflation and driven by COVID, a lot of uncertainty in our economy.

On the tax side, I could argue it is even worse because the tax increases are going to be hard on workers because they are taxes on businesses. What the Joint Committee on Taxation says—which is the nonpartisan group here in Congress that advises us—what CBO says, the Congressional Budget Office says, what other outside groups say is the same thing, which is when you tax these businesses, who gets taxed? Well, it is workers—lower wages, lower benefits.

Seventy percent of the benefit of our tax cuts in 2017 went to workers, and 70 percent of this increase in taxes will be coming out of workers' pockets. So it is a bad idea. But let's look a little deeper at what these taxes actually are. There is a 15-percent minimum tax—a new alternative minimum tax, which is always complicated for everybody to figure out what that is. But in this case, it is called the book tax.

Now, I don't know if this was on purpose or not. I assume it wasn't. But the book tax, as you apply it to our economy, will result in real damage to things that most people think are important like defined benefit plans, pension plans. Democrats and Republicans alike have supported defined benefit plans. I support them. Unfortunately, there aren't as many as there used to be. But there will be even fewer if this passes. Why? Because when you calculate your taxes under the book tax, you now have to take into account whatever your asset increase is in your pension. And if you are one of these companies caught up in this, you could well find yourself in a situation where, for the first time ever, you get no deduction for your contribution to your pension. Why would we do that? And then you are taxed on the asset increase, which may be caused by higher interest rates, may be caused by the market going up, but you get no benefit in your company, and your profits in your company may not be enough to pay those taxes.

Here is an example of this. There are some companies that have figured out this problem. By the way, there are some unions figuring it out, too, because a lot of union workers are caught up in this as well because they have defined benefit plans, typically. The company is saying: OK. If I make $100 million in profit and if I have a $2 billion or $1 billion increase in my pension assets and you apply a 15-percent tax to that, I am not going to have enough money to pay my taxes.

So what are they going to do? Well, they could declare bankruptcy. They could get a loan, which again hurts workers. So that, I hope, is an inadvertent part of this, but that is in this legislation.

Why do we want to hurt defined benefit plans?

I think it was an effort to say: OK. We are going to raise taxes, but we are going to do it in a sort of convoluted way so that it doesn't look like we are really raising taxes. But it is real taxes, and it is going to hurt, again, workers in America.

Another thing it would disqualify companies from doing is taking what is called bonus depreciation. All of us, I thought, were kind of supportive of that.

In 2017, that tax bill, this put in place where you can immediately write off expansion of plant equipment. Retailers love it, restaurants love it, and so do manufacturers. And they use it a lot. And those manufacturers are telling me: OK. Now, under the book tax, you have to go back to the regular depreciation so you are not writing things off that first year as you can now under bonus depreciation. Why would you want to do that right now, again, with all the economic uncertainty out there, with COVID, with inflation fears? We want to encourage people to expand plant equipment, and there are a lot of people hesitating. That is in this legislation.

Now let's talk quickly about the SALT provisions. We already know what that is because it has gotten a lot of play. But the State and local tax deduction means that in States like mine, Ohio, we are subsidizing high-tax States. So if you are from Missouri—Senator BLUNT is here on the floor—or if you are from Ohio, by having a deduction for your State and local taxes at the Federal level, you are not only encouraging those States to continue to have high taxes and even have further taxes if you are being subsidized by Federal taxpayers, but it is unfair to those States that have done the responsible thing to try to keep taxes under control.

But in this legislation, Democrats say: No, we are going to increase this cap from 10,000 to 80,000 bucks a year; in other words, provide more help to the SALT beneficiaries. Guess what. There is an analysis out this week that says almost none of that benefit goes to Americans who are not in the top 10 percent of wage earners. Almost none of that benefit that is in this bill goes to people not in the top 10 percent. There is $285 billion devoted to this—$100 billion more than is devoted to the cornerstone social safety net program, the childcare credit in this bill. Over $100 billion more for this.

So how does this all shake out in terms of whom it is helping and whom it is hurting?

Well, here are what the numbers are. This is, again, the Joint Tax Committee, folks who are nonpartisan, looking at this. Almost 70 percent—almost 70 percent—of people who make $1 million or more a year are going to get a significant tax cut because of this legislation.

Think about that. It is about 68 percent-plus are going to get a significant tax cut if you make a million bucks a year. If you are a millionaire, you are going to do very well.

If you make between $500,000 and a million bucks a year, 90 percent will get a tax cut under this legislation.

But if you make $30,000 a year—only 30,000—only 30 percent of people who make $30,000 a year are going to get tax relief under this legislation, and that is just in the first year.

In the second year, it goes down below 30 percent to 12 percent; in the third year, 10 percent; and then it goes down to single digits. So the benefit is heavily skewed toward higher income Americans. Why would we do that? It just makes no sense. Are we worried about millionaires? But that is in this legislation.

So, again, I would say, Build Back Better? I don't think so. We were building pretty well when we had the lowest poverty rate in the history of our country, when we had the lowest unemployment rate ever for Blacks, Hispanics, the disabled, when we had 50-year lows in unemployment overall in our economy, when we had a situation where wages were going up—again, 19 straight months of 3 percent or more wage gains. It was real wage gains above inflation.

Let's get back to that. That is how you grow the opportunity economy. That is how you give people a chance. That is how you help everybody.

But let's not do this massive new spending bill that will cause more inflation, massive tax increases that are going to hurt the economy and hurt workers, especially coming into the holiday season. Let's instead do something that gives the American people the gifts they deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BLUNT. I think we are a little beyond our time on this side, but I am grateful for my friend from Rhode Island who is willing to let me have a chance to make the points I wanted to make. And I think, as is often the case here, many of them have already been made and were just made pretty well by Senator PORTMAN, certainly, in the spending bill he was talking about and the tax bill that he was talking about.

We keep hearing that a majority of all Americans like these programs; that if they could just know what was in the bill, they would like the bill. We are going to have some time now over the next few weeks, I am confident, to talk about what is in the bill. These are programs that are supposed to make life better for everyday Americans. Things like paid family leave, I am sure would be helpful in many, many cases.

But what the Senator from Ohio was just talking about, you know, four times what this bill would spend on paid family leave it pays on tax cuts for the wealthiest families.

When people begin to look at that, they are going to have to wonder, how is that priority established to where

the second biggest spending item in the entire bill would be tax cuts for the wealthiest families in America—$230 billion of that $1.7 trillion is tax cuts for those families. The deductibility of State and local taxes goes from $10,000 as a cap to $80,000 as a cap.

Let me just repeat what I think I just heard, which was that 70 percent of this tax break—70 percent of that entire $230 billion—goes to the top 5 percent of all taxpayers; 94 percent goes to the top 20 percent; and 85 percent goes to the top 10 percent.

Those are pretty big numbers in a bill that is supposed to make life easier for everyday American challenges.

Now, I am sure the top 5 percent of all taxpayers have their own challenges. I am also sure they are different than my challenges, but they are not the challenges that everyday Americans face. It is pretty amazing, I think, in all the discussion of what this bill is designed to do, that that is what would happen.

VACCINE MANDATE

Madam President, let me talk about one other topic as I make way here for the Senator from Rhode Island. I want to talk a little bit about the vaccine mandate and what I am hearing about that.

Yesterday, in a vote in the Senate on the Congressional Review Act, which is when we have an opportunity to look at regulations proposed by the administration, 52 Senators from both parties—Senators from both parties made up that 52—voted not to go forward with this mandate.

It is very possible to be pro-vaccine and not pro-mandate. I am pro-vaccine. Over and over again, I have recommended to my friends and my family that you get the first shot and, now, if you are available for the booster shot after you have had either one or two of the other shots, to get that one too. The vaccines have made a big difference. Frankly, my advice would be, unless your doctor tells you you shouldn't do this, I think you ought to do it.

The mandate just appears not to be working. I am not even going to assume it was designed in a way that the administration thought it would have the impact it appears to be having, but it is clear and it is out there. You know it, and I know it.

I have visited with Missouri hospital administrators, and they may have been at a place where, just a few days ago, if that mandate had gone into effect, you couldn't have gotten Medicare or Medicaid patients paid for at your hospital if you weren't 100-percent vaccinated.

Now, fortunately, a Federal court said: No, we are not sure the President has the authority to do that, so we are going to postpone that.

But as we approached that deadline, I kept hearing more and more hospital administrators say: We think we can get almost all of our professional staff vaccinated, but we are not even sure about that. We are absolutely sure we can't get 100 percent of the people—those who work in the cafeteria, who mop the floors, and who provide security for the building—vaccinated. So we wouldn't be able to participate in those programs, and that would create a serious problem, particularly in small, rural hospitals.

There is the next mandate, the one for every group that has more than 100 employees in it. All kinds of police officers, for whatever reason, either don't want to get vaccinated or don't want to be told they have to be vaccinated. You know, we have enough problems right now in finding police officers and firemen and first responders that, if you delete those forces, our current problems will be even bigger. That is what will happen.

If you have got that 100-person force but you still want to be a police officer, in all likelihood, within driving distance, there is a 20-person police force or a 5-person police force. It may be a little easier, safer job anyway, and you will not have to be told by the government what you have to do.

I am hearing that from schools. We have schools where the National Guard is driving school buses. By the way, a lot of the people in the National Guard are thinking about leaving the National Guard if they have to do something like this.

You know, what people really, I think, resent is when government tells them: You have to do this, and you have to do it for your own good.

If it is for your own good, that is probably a decision that you should be allowed to make.

Whether you are allowed to make it or not, this is the response to all of these mandates, whether it is the Health and Human Services mandate on hospitals; the mandate on Federal contractors—and, by the way, we need those Federal contractors or we wouldn't have contracted with them—or the mandate on policemen and firemen and grocery store workers.

I saw a number the other day of 50-some percent—I think it was 56 percent—of the people who work in a grocery store would rather work somewhere else after what they have gone through in the last year: shorthanded; more people getting food at the grocery store than ever before. They are looking for a reason to say: OK. I am done with this.

We need our grocery store workers. We need our healthcare providers. We need our policemen. We need our firemen. We need our school bus drivers. We need our schoolteachers.

This is not working. Fortunately, up to now, Federal judge after Federal judge has said: We don't think you have the authority to do this, and we are going to suspend the implementation of these mandates.

I think this gives the Biden administration a chance to look at this again and realize that the unintended consequences of what they were trying to do might be more significant than the consequences of what would happen if you forced compliance.

I thank my friend for giving us a few extra minutes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

U.S. SUPREME COURT

Mr. WHITEHOUSE. Madam President, it is a pleasure, and I appreciate my friend, Senator BLUNT.

I am here today to rise for the 10th time to talk about the rightwing scheme to capture our Supreme Court.

As the Presiding Officer knows, I have delivered a lot of speeches on the Senate floor, and a majority of them—279 of them, to be precise—addressed climate change. These were my ''Time to Wake Up'' speeches, many of which focused on the network of phony front groups and trade associations used by the fossil fuel industry to block any meaningful climate legislation.

That vast web of climate denial and climate obstruction is one of the main reasons that we are in the climate crisis we face today. I am here today to report that there is common technique behind that smelly climate denial operation and the rightwing donor operation to capture the Court.

They both rely on massive amounts of dark money. They both rely on a small number of ultrawealthy donors who supply that dark money. And they both rely on an armada of front groups and phony corporate entities, funded by those big donors, to hide their hands. At this point, it is, actually, depressingly, familiar.

But it is worse than just common technique. It is the same entities: the Koch operation, Americans for Prosperity, DonorsTrust, the Bradley Foundation, the Scaife Foundation, the Competitive Enterprise Institute, the U.S. Chamber of Commerce. The list goes on and on and on. These are the exact same players on both sides of the operation—on the climate-denying web and on the Court-capturing scheme.

My colleagues and I showed in a number of Web of Denial climate speeches how a few ultrawealthy, rightwing foundations, corporate trade groups, and so-called donor-advised funds supply the bulk of the dark money for modern-day climate denial.

Big oil companies used to do that directly, but they got burned and learned that it is bad for their public image, and I suspect they are hiding now behind those anonymizing entities and trade groups.

The big funding guns included the Koch network; the Lynde and Harry Bradley Foundation; the Searle Freedom Trust; the Sarah Scaife Foundation; Donors Capital; and DonorsTrust, which has been called the rightwing's ''dark money ATM.''

This is the Web of Denial graphic that we used in many of those Web of Denial speeches, and you will see these groups turning up over and over again. They are central in the web of climate denial.

Now, if you look at the big funders behind the scheme to capture the Court, you will see this—in my last scheme speech, I talked about the flotillas of amici curiae—or ''friends of the court''—who come in and orchestrate phalanxes to file briefs for the rightwing in cases of significance to the scheme's big donors. Well, it turns out that those funders also inhabit the web of denial.

This is an appendix that I filed in the case of Seila Law v. Consumer Financial Protection Bureau—a case that was the rightwing's shot at weakening a consumer watchdog agency they hate. This appendix—a first of its kind in the Supreme Court, which was attached to my amicus brief—looked at some of the other amici who had filed briefs and cross-referenced where their funding had come from.

My point then was that the Court was not told that there was this huge overlap of funding. Each brief came in as if it were independent rather than part of an orchestrated cascade. So nearly every one of these groups is part of the web of denial: DonorsTrust, Donors Capital, the Charles Koch Foundation, the Sarah Scaife Foundation, the Bradley Foundation, the Searle Foundation.

But the overlay isn't just with the phony amicus flotillas that are orchestrated up at the Supreme Court; it is right in the cases themselves. Take the notorious anti-labor cases of Friedrichs and Janus. According to a trove of documents uncovered in 2016, legal groups funded by the Bradley Foundation brought those cases. They weren't just amici filing briefs; they were the litigating law group in those cases. The law group went out and found the plaintiffs—plaintiffs of convenience, and they paid the plaintiffs' legal expenses. Those same donors, Bradley has shown in this, funded that whole boatload of amici who came in to support their also-funded group that was bringing the case on behalf of a nominal plaintiff. By the way, they funded a flotilla of amici in Janus. Seventeen Supreme Court amicus briefs came from groups funded by DonorsTrust, Donors Capital, and Bradley.

The front groups in those labor cases actually played a little bit of switcheroo amongst themselves. Think of the pea-and-shell game. The group that brought the case in Friedrichs became an amicus supporting the plaintiff in Janus. The group that brought the case in Janus had been an amicus supporting the plaintiff in Friedrichs. All of those groups—the ones that brought the two cases and the groups that chimed in as amici—were funded by the same organizations. It is a little bit like that pea-and-shell game except, if you know the parties, it is being played with transparent shells; but for some reason, the Court is incapable of noticing this scheme that is being pulled in plain view, in their presence.

Now, some front groups are invented shells—purpose built—just to hide whoever is behind them. Others are preexisting, captured, and co-opted. The key common characteristic, whether invented or captured and co-opted, is that they got to hide the donors. The U.S. Chamber of Commerce is the easy example of a captured and co-opted group.

According to the watchdog group InfluenceMap, the Chamber is one of the biggest climate obstructors in Washington.

Why?

The Chamber has lots of members who don't support climate obstruction, but someone—someone—gave the Chamber enough money to become a worst climate obstructor. And guess what. The Chamber is also a major player in the scheme. It is the biggest filer of scheme amicus briefs; it campaigned hard for all three of Trump's dark money-chosen Supreme Court Justices; and way back, it commissioned the Lewis Powell memo that launched the entire scheme.

Other major front groups serving both the web and the scheme include the Heritage Foundation, the Cato Institute, and the Competitive Enterprise.

Again, the common thread?

They all hide the donors so they can provide that vital screening, anonymizing function, which is key to the donors because they have to hide their identities and their motives in order to do their dark work.

On the scheme side, each one of these groups gets gobs of scheme dark money, helps hatch hot-house legal theories to present to scheme Justices, helps locate plaintiffs of convenience to bring cases for and/or joins the orchestrated flotillas of scheme amicus briefs. You see the same players over and over and over again, and how the Court manages not to notice or be curious is a mystery.

On the web side, each is also a central node in the web of denial. Here, for instance, is the Lynde and Harry Bradley Foundation. Here is the Donors Trust, Donors Capital. Here is Koch-affiliated foundations. Here is Searle Freedom Trust. Here is the Americans for Prosperity Foundation. These groups pretty notoriously represent the interests of Big Business and rightwing donors, so you at least know that much, if not the specific identity of who is funding the brief. But some of the web-scheme overlay gets a little bit harder to unravel, so let's drill into one: the Independent Women's Forum.

This group was founded by rightwing donors in the very early days of the scheme to prop up the troubled nomination of Justice Thomas. It has accepted millions of dollars from a who's who of scheme and web-of-denial donors—Bradley, Scaife, Koch, Donors Trust. Its stated mission is to ''improve the lives of Americans by increasing the number of women who value free markets and personal liberty,'' but its real mission is to pop up anytime its dark money donors want to trot out a front group purporting to represent women. In practice, that means they pop up everywhere. They popped up in a pending Second Amendment case before the Court. They popped up in the Americans for Prosperity Foundation case that granted a constitutional right to dark money, signed off on by the dark money Justices. They popped up in the Little Sisters of the Poor contraception case. They popped up in a challenge to the EPA's authority to regulate greenhouse gases.

The Independent Women's Forum's work in that EPA case brings the overlay between the web and the scheme into focus.

In 2016, the forum joined the dark money amicus flotilla asking the Supreme Court to strike down the EPA's Clean Power Plan, along with other web-scheme front groups like the Competitive Enterprise Institute, the Texas Public Policy Institute, and other groups opposing the EPA. These parties asked the Robert Court to stop the Clean Power Plan before it went into effect. Just days before Antonin Scalia died and their 5-to-4 majority evaporated, the Republican Justices obliged.

This was ''shadow docket'' work, for those of you following the Texas abortion case ''shadow docket'' fiasco.

In the EPA case, for the first time, the Court stepped in to stay a regulation before it went into effect and before the lower court had a chance to weigh in.

By the way, it was a purely partisan decision, with all the Republicans behind it and none of the other Justices.

Fast-forward to today. The Trump administration replaced the Clean Power Plan in 2018 with a Trump donothing, polluter-friendly rule. When the Biden administration came in, it completely abandoned the Trump donothing, polluter-friendly rule, so right now, there is actually no regulation to challenge. But the scheme has replenished its dark money Court and supercharged it with a sixth Justice.

They are out to disable what they call the administrative state for the sake of their big donors, so they sued again, backed by familiar organizations—the Competitive Enterprise Institute, the Texas Public Policy Institute, and other web-scheme groups—to ask, as they put it in their brief, that the Court ''finish what it started when it stayed the [Clean Power Plan].''

There is no regulation to challenge. Yet the Republicans on the Court took the case—so much for the ''case or controversy'' principle of the Constitution. Now the Court, I guess, is going to make decisions based on what might happen. Where I come from, that is called an advisory opinion, which our Court is not supposed to do under the separation of powers. But the Federalist Society six on the Court are out for big game. The prize is to bring down the ''regulatory state'' altogether, and where better than where it most helps the fossil fuel industry—the

industry lurking behind this web of denial and likely also working behind the dark money that put the last Justices on the Court and likely also lurking behind the dark money millions that fund the Republican election groups.

This Clean Power Plan challenge opens an avenue for scheme-appointed Justices to delight the donors behind both the scheme and the web. In the short term, it would hobble the EPA's ability to combat climate change—something very much sought by vested interests in the fossil fuel industry. Over the long term, it would accomplish rightwing donors' goal of kneecapping Federal Agency power across the board.

For Donors Trust, the Chamber of Commerce, the Independent Women's Forum, and dozens of other groups that link the web and the scheme, winning cases like this one means big wins for their big secret donors.

To go back to my early speeches about the scheme, they are following Lewis Powell's advice years ago to seize what he called the ''most important instrument for social, economic, and political change''—the Federal judiciary—and to control it with what he called ''an activist-minded Supreme Court.'' The scheme has captured the Court. The scheme's captured Court will deliver for the web. It is the same donors and organizations behind both, and it has got to be cleaned up because this is not how courts are supposed to work.

To be continued.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WARNOCK). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST

Mrs. SHAHEEN. Mr. President, I come to the floor today to support a number of our nominees for Ambassadors and positions within the State Department.

As the chair of the European Affairs Subcommittee, I am particularly concerned about the number of openings we have in Europe for Ambassadors.

I want to support today Mark Gitenstein, again, to be U.S. Ambassador to the European Union; Kent Logsdon to be U.S. Ambassador to Moldova; Michael Murphy to be U.S. Ambassador to Bosnia and Herzegovina; Clair Cronin to be U.S. Ambassador to Ireland; Denise Bauer to be U.S. Ambassador to France and Monaco; and Julissa Reynoso Pantaleon to be Ambassador to Spain and Andorra.

Those are the Ambassadors in Europe whom I wanted to raise this afternoon, but I also want to raise concern about Rufus Gifford, who has been nominated to be Chief of Protocol for the Department of State.

As I said, I am chair of the European Subcommittee, so I have had the opportunity to attend the hearings for these nominees and to see just how qualified they are and how important to American foreign policy they are.

Earlier this week, Victoria Nuland, who is an Under Secretary at the Department of State, testified in front of the Senate Foreign Relations Committee that the U.S. foreign diplomacy is operating at quarter-power as a consequence of the numerous holds that have been placed on ambassadorial appointments by just a few of our Republican colleagues.

I have some maps here that I think really very vividly demonstrate the consequences of this inaction in the Senate.

The first map shows where we have U.S. Ambassadors to Europe. You can see that anything blue is where we have Ambassadors. On this map, everything from Spain to Ukraine, the United Kingdom, Iceland, Ireland—we have no U.S. Ambassadors approved in those countries.

Compare that to what Russia and China have in terms of their diplomatic ability in Europe. The gold color is Russian Ambassadors, countries where Russia has their Ambassadors—virtually every country in Europe. Red is where China has its Ambassadors—virtually every country in Europe. Again, the United States, our Ambassadors in Europe—it is basically empty. Finland, Sweden, Norway, Spain, France, Germany, Poland, Ireland, the EU—we are desperately in need of Ambassadors because right now, we have very little presence in Europe.

This is happening at a time when we know there are significant challenges taking place in Europe, particularly in Ukraine, where Russia is threatening to invade Ukraine, its sovereign territory, again, and where we need—if we are going to be successful in responding to Russia—where we need to take a unified approach among our allies. We need to be working with the EU, with NATO, with all of our European allies.

Yet, in most of the countries where we need to be working, we don't have Ambassadors, and we don't have Ambassadors because of opposition from just a few of our Republican colleagues.

I see Senator CRUZ on the floor, so I know that he is going to be here to object to my effort to move these. But this is the impact of what is happening as a result of the holds of Senator CRUZ. We can't put our national security in the hands of those people who don't have the status of Ambassadors. We know that our Embassies are doing a great job in all of those countries. They are working hard. But it makes a difference to have someone who has been approved by the Senate, who has been nominated by the President, who has the rank of Ambassador.

As I think about the challenges that are facing this country, I can't think of anything that is more harmful to our foreign policy than deliberately hampering this country's ability to advance American interests on the international stage.

I want to say a few words about each of these nominees before I move for unanimous consent. Again, I would like to begin with Mark Gitenstein, who has already served our Nation before. He was the U.S. Ambassador to Romania. He has spent over 25 years working on energy issues. And as we think about the negotiations that are happening around energy and Nord Stream 2 in particular, which I know is a concern for Senator CRUZ because it is a concern that I have, we don't have an ambassador to the EU at the table for those discussions. Mr. Gitenstein's nomination is critically important in responding to Russia's weaponization of gas flows to Europe and strengthening the transatlantic alliance as we face escalating aggression from Russia.

Similarly, Kent Logsdon's nomination as Ambassador to Moldova couldn't come at a more critical moment where Russia is, again, using energy there as a weapon.

Maia Sandu—the newly elected, pro-EU, pro-reform President there—has every intention of steering Moldova, the poorest country in Europe, toward a better path, and she is looking west to do that. But, of course, she has already faced pressure from Putin and his cronies, who have threatened to weaponize gas flows into Moldova.

We can't allow Moldova to become the next Ukraine or the next Georgia, and we can only prevent that by conveying strong U.S. leadership to support its pro-European aspirations.

I also want to say a few words on Michael Murphy's nomination as Ambassador to Bosnia and Herzegovina. America played a critical role in bringing peace to Bosnia through the Dayton Accords, but we are seeing now that peace and stability in Bosnia and unity in Bosnia are under increasing attack.

Earlier today, I had a chance to meet with the Bosnian Foreign Minister, and I am seriously concerned by the deteriorating political situation there. It requires an expert career diplomat like Michael Murphy to provide the commanding leadership to help Bosnia through this moment.

The same is true in Ireland. Claire Cronin's nomination as Ambassador to Ireland is not just a symbolic gesture to a longstanding ally of the United States. Peace in Northern Ireland is hanging by a thread as the UK, Ireland, and the EU handle the fallout from Brexit.

I was concerned by the release of a report on Tuesday which indicated that the paramilitary gangs embedded in Northern Ireland's divided communities pose a ''clear and present danger'' of violence fueled by post-Brexit tensions. By stalling our confirmation of Ms. Cronin, we risk tarnishing our legacy in fostering peace in Northern Ireland through the Good Friday Agreement.

Of course, Denise Bauer's nomination to France is necessary as the country prepares for national elections next year. These elections have significant implications for our bilateral relationship, in addition to the role France will play in the EU and NATO.

Similarly, Julissa Reynoso's nomination to Spain requires swift confirmation. Spain will host the Madrid Summit next year, where NATO will elect the next Secretary General and finalize the strategic concept. What happens in NATO is critical to America's national security, and we want to have an ambassador on the ground there who can monitor what is going on with those talks, in addition to the other officials we need to send.

Finally, Ambassador Rufus Gifford has been nominated to be the Chief of Protocol for the Department of State. He previously served as our Ambassador to Denmark, where the Queen there acknowledged him for his meritorious service to the Kingdom of Denmark. His background and service will make him an excellent Chief of Protocol, and we urgently need him in place to assist Secretary Blinken.

Combined, these nominations are all critical to immediate challenges facing our national security interests.

With that in mind, Mr. President, I ask unanimous consent that notwithstanding rule XXII, the Senate proceed to executive session to consider the following nominations: Executive Calendar Nos. 320, 440, 447, 448, 450, 454, and 519; that the Senate vote on the nominations en bloc 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 nominations be printed in the Record; and that the President be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Is there an objection?

The Senator from Texas.

Mr. CRUZ. Mr. President, reserving the right to object, you know, in Washington, there is always political rhetoric that goes around. The Senator from New Hampshire just moments ago described the Embassies in Europe that are missing Ambassadors. She said they are missing Ambassadors because of Republican objections, and she highlighted in particular Ukraine.

I would like to point out there is some irony in her doing so because actually the reason there is no Ambassador in Ukraine is because of one thing and one thing only: President Biden has not nominated anybody to serve as Ambassador to Ukraine. We are in December of the first year of his Presidency, and Biden has yet to name an ambassador. So there are no Republican holds, there are no Republican objections to an ambassador that Biden has not even named.

In addition, there were multiple Ambassadors who have been named whom the Senate Foreign Relations Committee has yet to hold a hearing on. For every one of those nominees on whom there hasn't been a hearing, again, there are no Republican objections; it is simply that the Senate Democrats have failed to move forward with hearings.

But there are a number of nominees who have been nominated and who have had hearings on whom I have holds. And we are here today once again because the Democrats in this Chamber have been unwilling to do the one thing that would stop Vladimir Putin from potentially invading Ukraine, which is sanctioning the Nord Stream 2 Pipeline and making sure that it never becomes fully operational.

Now, Senator SHAHEEN, along with every other Senator in this Chamber, knows exactly why I have holds on these nominees. Right now, as we speak, over 100,000 Russian troops are massed on the border of Ukraine, waiting to invade. And it is Joe Biden's fault because it is a direct consequence of President Biden's surrender to Vladimir Putin on Nord Stream 2.

For those watching at home asking ''What is Nord Stream 2?'' it is a pipeline being constructed from Russia to Germany to carry natural gas. Putin is building Nord Stream 2 to go around Ukraine because right now, Russian gas gets to Europe through Ukraine.

Putin didn't just wake up one day and decide to invade Ukraine; he has wanted to invade Ukraine for years. He did it in 2014, but he stopped short of a full invasion because he needed to use Ukrainian energy infrastructure to transport Russian gas to the European market. Ukraine's energy infrastructure is their insurance policy against a Russian invasion.

Nord Stream 2 is all about Putin building an alternative avenue to get Russian gas to Europe. So if Nord Stream 2 comes online, it leaves Ukraine exposed to Russian aggression.

Just 2 years ago, we had a bipartisan consensus in the Senate that we needed to stop Nord Stream 2. Now, Senator SHAHEEN knows that well because she and I authored the legislation together. She and I worked together to get the support of Democrats and Republicans in the Senate and the support of Democrats and Republicans in the House. The Cruz-Shaheen legislation sanctioning Nord Stream 2 passed both Houses of Congress overwhelmingly and was signed into law. The Cruz-Shaheen legislation worked marvelously well, so well that Putin stopped construction of Nord Stream 2 the day that President Trump signed our legislation into law—not even a week later, not a month later, but the very day that our sanctions were signed into law.

It was an incredible, bipartisan national security victory that we won together, and that victory continued for over a year. For over a year, Nord Stream 2 lay dormant on the bottom of the ocean, dead, until, unfortunately, Joe Biden became President.

Almost from the moment of election day, Biden and the incoming administration began projecting weakness to Russia and Putin, and to understand just how much that message was received: Joe Biden was sworn in as President on January 20, 2021. Putin began building the Nord Stream 2 Pipeline again on January 24, 2021, 4 days after Biden was sworn in.

In the Senate, I introduced legislation again in the Senate Foreign Relations Committee that passed in the Senate Foreign Relations Committee—in this Senate—with overwhelming bipartisan support to sanction Nord Stream 2 yet again. But this summer, the Biden White House made a political decision to surrender completely to Putin on Nord Stream 2, and President Biden waived the sanctions on Nord Stream 2. He did so overruling the recommendations of his own State Department that argued that this protects U.S. national security interests, this stands up to Russia, and this protects Ukraine. The Biden White House didn't care about any of that—overruled it all.

Then, unfortunately, Senate Democrats lost their willingness to hold Biden to account. This is an issue on which Democrats and Republicans are agreed on the substance. But it can be difficult to stand up to a President of your own party, and on Nord Stream 2, Senate Democrats have not been willing to do so. They were eager to do so when Donald Trump was in the White House, but when a Democrat was in the White House, suddenly their willingness to stand up to the President evaporated.

So the holds that I have placed are directly in order to try to force Joe Biden and KAMALA HARRIS to follow the law and stand up to Russia and stand up to Putin.

So I will offer my colleague Senator SHAHEEN a deal that I have offered many times to the White House, to the State Department, to the Department of the Treasury, and to Senate Democrats—a deal that if we, as the Senate, will impose sanctions on Nord Stream 2, CAATSA sanctions—yet another Russia sanctions bill that both Senator SHAHEEN and I voted for, that we both advocated and supported, and that the Biden administration is refusing to apply—if the Senate will impose those sanctions, I will happily, enthusiastically lift my holds on these nominees, and Senator SHAHEEN can take her map of Europe and color in all of those countries. We can do that right now by doing the right thing substantively.

By the way, this is the one step which has a real possibility of stopping a Russian invasion of Ukraine.

This past weekend, the Biden administration declassified their own internal projections that an invasion is imminent; it could happen as soon as January or February. And if we see Russian tanks in the streets of Kiev, it will

be because Joe Biden surrendered to Putin and Senate Democrats weren't willing to hold him to account.

I hope that is not the case. We can act right now to sanction Nord Stream 2 to stop the pipeline from being operational, to stop Putin and the soldiers at the border to prevent the invasion, and to clear these ambassadorial nominees that my Democratic colleagues want.

Accordingly, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of S. 3322 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 an objection?

The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, reserving the right to object.

My colleague and I agree on our opposition to Nord Stream 2, but I am not looking at it, despite your accusations, through the same partisan lens that you are, Senator CRUZ.

And I would go back—I think you threw out a lot of red herrings in your initial objection there, one of which was to suggest that I said that you had a hold on our Ambassador to Ukraine, and I actually agree with you. I think this administration needed to appoint that Ambassador to Ukraine 8 months ago.

And if you agree with me right now, then will you agree that you will not put a hold on the Ukraine nomination, once we get it—if we get it within the next couple of weeks, before the end of this year?

I will ask you to think about that for a minute because I do think we need to have an Ambassador there. And that is certainly on my list of places in Europe where we need Ambassadors.

But I think the bigger question now, you suggest that the mere action of sanctioning Nord Stream 2 would be enough to deter Putin and his ambitions in Ukraine. Sadly, I think that is a simplistic analysis of the situation that we are in because the biggest deterrent we can provide right now to what Putin is thinking about is to let him know that we are united with our allies in Europe on our opposition to any action he might take in Ukraine, that we are united with our NATO allies, that we are united with our European allies. And, unfortunately, one of those major allies is Germany.

And I don't think it would be good for the unity message that we need to give to Putin to, at this point, sanction Nord Stream 2 because I think the Germans are going to come to that conclusion on their own. They have a new administration. They have a new administration that has issued some contracts—what they call contracts in developing their coalition government—that have a very different tone with respect to how they are talking about Russia and China, for that matter, and so I think it is more prudent.

I also have real concerns about the current legislation on Nord Stream 2. But I think it is more prudent for us to continue to work with our allies to make clear to Putin what is at stake. And Nord Stream 2 is at stake if he goes into Ukraine. There is no about that. And right now, as we know, the certification of the pipeline has been delayed, and it has been delayed until well after the first of the year. We are not sure what the timetable is, but it is going to be sometime after the spring.

So I just came to a different conclusion than you did, Senator CRUZ, about the best way to deter Putin at this point. I think it is to work together. It is not to poke a finger at our most prominent ally on this issue and suggest that we create those divisions, which is what you would like to do.

And I think, furthermore, that the efforts to undermine our appointment of Ambassadors and our ability for the State Department to conduct foreign policy further weakens our ability to negotiate with Putin. And it sends a message about divisions within Congress that is really not helpful. It is not helpful as Putin is watching us; it is not helpful as China is watching us.

So you and I just have fundamentally different views of how best to address this issue and how we can achieve the goal that we both want, which is to end Nord Stream 2 and reduce Europe's dependence on Russia and to prevent Putin from invading Ukraine.

So, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the original request?

The Senator from Texas.

Mr. CRUZ. Mr. President, reserving the right to object. You know, I would note that Senator SHAHEEN said it was simplistic to say that sanctioning Nord Stream 2 would stop a Russian invasion of Ukraine. And in that, Senator SHAHEEN may well be right.

I cannot guarantee that Nord Stream 2 sanctions would prevent an invasion of Ukraine. What we do know is, it has in the past—what we do know is that in 2014, when Putin invaded Ukraine in the Crimea, that he stopped short of a full invasion because he needed the Ukrainian energy infrastructure.

And we also know that, during the more than a year in which the Cruz-Shaheen sanctions were in effect and Nord Stream 2 was dead, that Putin didn't amass troops in preparation for an invasion. So we know that it has been effective.

And we also know, although I cannot promise that sanctioning Nord Stream 2 would prevent an invasion—we know the obverse is true, which is that allowing Nord Stream 2 to go online and become operational would invite an invasion.

Senator SHAHEEN noted that the certification process is expected to be concluded in January or February of next year.

I would note that according to the Biden administration's own documents, the Russian invasion is expected, potentially, in January or February of next year. I do not believe it is coincidental that the instant Putin can turn on the switch of Nord Stream 2 is when the tanks are preparing to invade.

If the Senate Democrats continue their partisan blockade of sanctions, they are inviting a Russian invasion.

Mrs. SHAHEEN. Will my colleague let me ask a question?

Mr. CRUZ. I would happily consent to a colloquy.

Mrs. SHAHEEN. I just want to correct what I said because I think the Senator mischaracterized it.

What I said was, we know that the certification has been delayed until after the first of the year, and it is not likely to happen until after the spring, which is well later than January, February, So I just want to correct for the record that. And I think if you look at what is being proposed, you will find that it is even later than that.

Mr. CRUZ. Well, I will accept that correction. I don't believe the Senator said the spring. I think the Senator said after the first of the year, but—

Mrs. SHAHEEN. Then I went on to say, after the spring, as well. I just want the Senator to listen to what I said.

Mr. CRUZ. I do not think it is coincidental that the timing of Nord Stream 2 and the timing of an invasion are intertwined.

Now, Senator SHAHEEN also suggested the way to prevent an invasion is to be united with our allies. I actually agree with that.

I would point out that this summer, when President Biden waived the sanctions on Nord Stream 2, do you know what our allies said? Ukraine and Poland put out a joint statement. I would encourage you to read the joint statement from the Foreign Ministers of Ukraine and Poland because they denounced the Biden administration for waiving sanctions on Nord Stream 2.

And do you know what Ukraine told us? That waiving those sanctions makes a military attack on Ukraine much more likely. That is what Poland told us.

Senator SHAHEEN knows that. She has spoken with the governments of both countries, I am sure. I have spoken with the governments of both countries. And they adamantly believe that waiving those sanctions is a major force increasing the likelihood of a Russian invasion.

You know, one of the things that is striking in the debates we have had in Nord Stream 2, throughout the course of all of this, we have yet to see a single Democrat stand up and defend the Biden administration's waiver of sanctions on Nord Stream 2 on the merits. They all know it is wrong.

The only arguable benefit that the Biden White House claims is they

earned some good will with Angela Merkel. Angela Merkel had been the leader of Germany. But, as Senator SHAHEEN noted, she is no longer the leader of Germany. The German people voted her party out of office. And the new administration is expected to oppose Nord Stream 2.

So we literally have a situation in which the Biden White House surrendered to Russia, gave a multibillion-dollar pipeline to finance the Russian military, abandon our Ukrainian allies, and did it all in search of good will from a leader who is no longer in office.

Do you want us to be united? The European Parliament voted to condemn Nord Stream 2. The last vote was roughly 500 to 50 to condemn Nord Stream 2. Do you want to be united? How about if we stand with the 500 and not the 50?

If Senate Democrats would not object to my motion, we would be standing with the whole of Europe, and we would be united.

And a final observation, Senator SHAHEEN decried the holds as an effort to undermine Ambassadors. I would note that I have offered here, as I have offered many, many times—as I have offered in writing as far back as August of this year—to lift the holds if we adopt policy that actually stands up to Russia.

Senator SHAHEEN says her changed position is not partisan. I understand why one would want to say that. But her substantive argument is, now, she doesn't want us to disagree with Germany.

Well, when Senator SHAHEEN and I authored Cruz-Shaheen in 2019, when we authored the second Cruz-Shaheen in 2020, when we passed both of them, we were disagreeing with Germany. The German Government was very unhappy with it. But it was the right thing for American national security. Nothing has changed.

And by the way, when there was a Republican President in the White House, I repeatedly took on the Trump administration and pressed them on this issue. The only thing that has changed—one thing has changed: the letter behind the name of the person in the White House. Now, it is a ''D'' and not an ''R.'' And all the Democrats who gave speeches on Nord Stream 2, suddenly, we hear crickets. That needs to change.

I object.

The PRESIDING OFFICER. The objection is heard.

Mrs. SHAHEEN. Mr. President, I just want to clarify a couple of things that Senator CRUZ said. One is that the Nord Stream 2 pipeline was completed, despite those sanctions, because what Russia did was to employ their own ships with Gazprom and complete the Nord Stream 2 pipeline despite the sanctions that we had threatened. And it was, in fact, not until right before he left office that President Trump actually invoked some of those sanctions.

So, again, I think the response has been somewhat simplistic in terms of what we really need to do now to address what is happening with Russia and Ukraine. And I certainly applaud our allies: Poland and Ukraine. But I think we need to stand united with many more of our allies in Europe in order to deter Putin that the United States, Poland, and Ukraine probably are not going to do it on our own, and we need all of us to act together.

Also, you know, maybe if we had our Ambassador to the EU, he could have reported to the Senate what the vote was in the EU about Nord Stream 2, but because he is still on hold, we haven't had a chance to hear from him.

I would also point out that at this time in the first year of the Trump administration, 44 of his Ambassadors had been confirmed, compared to 13 for the Biden administration. And, you know, it seems like there ought to be a number of things we can agree on. And by the way, there was going to be a vote on Nord Stream 3 before some of your colleagues objected to the process under the Defense bill. If that hadn't happened, we would have actually had a vote on Nord Stream 2 and we could see what the view of this body is. But, unfortunately, it was because of those objections that we didn't get that vote.

I think, again, if you look at our ability to conduct our foreign policy and to be effective against Vladimir Putin, one of the most important things we can do is to put in place our diplomats so that they can help advance American foreign policy.

What is happening right now, in addition to those people you have on hold, we have over 50 State Department nominees on hold because of your objections and the objections of some of your other colleagues. Again, I don't think that is where most of the Members of your caucus are. I think most of them, while they may not agree with all these Ambassadors, they would agree that we should go forward and allow our foreign policy to move forward with diplomats.

I understand your objection to Nord Stream 2. As I said, I have objected to Nord Stream 2. But I think at this point what we need to do is look at how we can conduct our foreign policy in a way that best puts pressure on Vladimir Putin, and I just disagree with you that that is going to do it right now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Mr. President, a brief moment of clarification. Several of the facts that I said in my remarks are undisputed because they are undisputable.

No. 1, it is a fact that Putin stopped construction of Nord Stream 2 the day—the exact day—that President Trump signed the Cruz-Shaheen sanctions into law—that day—and the pipeline was dormant for over a year.

Now, Senator SHAHEEN said Putin ultimately went back to building the pipeline even with the sanctions on the books. That is true—after Joe Biden was sworn into office. Putin began building the pipeline on January 24, 2021, 4 days after Biden was sworn in. Not a foot of the pipeline was built between December of 2019, when the sanctions were signed into law, and January 24. Putin began building the pipeline because Biden telegraphed his surrender.

Secondly, Senator SHAHEEN suggested that if only we had an ambassador, we might know what the European Parliament did. Thankfully, we have these magic little devices that let us cross the Atlantic in the twinkle of an eye, so we actually know that the European Parliament voted roughly 500 to 50 to condemn Nord Stream 2. So if we want to stand united with Europe—not just Ukraine and Poland; Europe—we want to stand up to Nord Stream 2.

A final point I will say to Senator SHAHEEN perhaps is a word of encouragement, which is that I have right now pending an offer with the Democratic leadership to lift a number of these holds—a significant number of these holds—if the Democratic leadership will agree to a vote on Nord Stream 2 sanctions. We are engaged in productive negotiations on that issue. If the Democrats cease obstruction, we can have that vote, and a number of these holds can be lifted. But that ultimately is going to be a decision for Senate Democrats.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

HONORING BRIAN BOURGEOIS

Mr. CASSIDY. Pretty handsome guy, huh? Real handsome guy in his dress blues. Today, the citizens of Lake Charles in the State of Louisiana and our country mourn the loss of this U.S. Navy SEAL and commander of SEAL Team 8. Commander Bourgeois, Brian Bourgeois, died from injuries suffered during a training accident Saturday. We lost a SEAL, a dedicated patriot, a son, husband, father, and hero.

Commander Bourgeois was born 43 years ago in Lake Charles, LA. He dedicated his adult life to family and to service to our country. He began by enrolling in the U.S. Naval Academy, from which he graduated in May 2001. During his two-decade-long career, Commander Bourgeois served honorably, led his men bravely, and made our country proud.

The long list of honors and medals Commander Bourgeois earned for his service to our country includes a Bronze Star marked with a ''V,'' denoting heroic acts performed during combat; two Defense Meritorious Service Medals; a Joint Service Commendation Medal; two Marine Corps Commendation Medals; two Marine Corps Achievement Medals; a Combat Action Ribbon; a National Defense Service Medal; an Iraq Campaign Medal; and a Global War on Terrorism Service Medal. He was as decorated as he was loved.

At the annual Army-Navy game scheduled for this weekend, to honor

Commander Bourgeois—a brother and former member of the Midshipmen football team—the Navy team will run out onto the field with a flag of SEAL Team 8. That banner, representing his spirit, will fly alongside the American flag, the Navy flag, and the Marine Corps flag.

The Navy Football Brotherhood, a nonprofit organization aimed at supporting the families of their fallen teammates, is leading fundraising efforts to help support the Bourgeois family.

Our country has and always will depend on our most noble answering the call to serve. To his wife Megan and five children, your father represents the best of our Nation. He is a hero who dedicated his life to defending our country and protecting the lives of every American. For that, we will be forever grateful and shall never forget his service and sacrifice.

Please join me in taking this moment in silent prayer for Commander Bourgeois, his family, and all who loved and knew him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

CHINA

Mr. BARRASSO. Mr. President, I come to the floor today to talk about the threat that is posed by communist China.

China's economy has grown sevenfold in just the last two decades. China already has a million members in terms of active-duty soldiers. China also has the largest navy in the world. That is right—it is now larger than ours, and the Chinese military is not stopping. China plans to build more than 100 new ships in the next 8 years, and in those same 8 years, China is also building about 300 missile silos and plans to have 1,000 nuclear missiles. Several times this year, China has tested hypersonic weapons capable of use around the world. At the same time, the world has witnessed increasing Chinese aggression. China's goal is unmistakable: It truly wants to become the world's one dominant power.

Since day 1, the Biden administration has been caught flatfooted as President Joe Biden has been soft on China. This is no surprise given the fact that Joe Biden has been soft on China for 50 years. When he was Vice President, he said:

> A rising China is a positive . . . development, not only for China but for America and the world writ large.

During his run for President, Candidate Joe Biden said China was not a threat to the United States. During his announcement speech when he was announcing he was going to be a candidate for President, he said:

> They're not bad folks. They're not competition for us.

Joe Biden should tell that to the working families in factory towns who have been put out of business by communist China. He should tell that to the families who lost loved ones to fentanyl and other opioids made in China. He should tell that to the Uighurs and ethnic minorities persecuted and used as slave labor by the Communist Party.

I have to tell you, leaders on both sides of the aisle here have been shocked by those comments by then-candidate for President Joe Biden. Many Democrats recognize the danger posed by communist China. Regrettably, our President, Joe Biden, is not one of them.

On issue after issue, the Biden administration's policies are only making China stronger, and at the same time, that makes America weaker. I want to just mention a few.

President Biden's first budget proposed to basically supersize the Government of the United States—huge budget increases in every government Agency you can think of except for two. The two were Defense and Homeland Security.

His political appointees at the Pentagon seem more focused on climate change and ''dissident ideologies'' and vaccine mandates than on security threats to our Nation.

While China's military is growing, ours is going broke and ours is going woke. That is the difference fundamentally today.

Joe Biden has stopped America's policy of helping developing countries use fossil fuels to eliminate poverty and grow their economies. Who are these other countries turning to for help now? Well, they are turning to communist China.

Joe Biden seems to be doing everything he can to shut down coal production here in America. Wyoming is proud to be America's leading coal producer, and we have been for 35 years straight. Coal is the most affordable and reliable energy source known to man. Yet Joe Biden is determined to drive down coal production and drive energy jobs overseas.

China is not making this same mistake. China is acting in its own self-interest. China is producing and using more coal than ever before. China is also funding the construction of coal-fired powerplants as part of their Belt and Road Initiative.

The Biden administration and the Democrats have also put a big Christmas present to China in their reckless tax-and-spending spree because the bill includes trillions of dollars in new taxes on American businesses. As a result, some of our tax rates are going to be higher than those in China. It is going to make it cheaper to do business overseas, and that is exactly what many companies will do.

According to the nonpartisan Tax Foundation, the taxes in this bill that the Senate is trying to push on the Democrats' side of the aisle and Republicans are trying to stop—the taxes in the bill will eliminate 125,000 American jobs.

Democratic giveaways for electric vehicles will also send additional money directly to China. Electric vehicles use lithium batteries. A critical mineral necessary for those batteries relies on child labor in cobalt mines in the Democratic Republic of the Congo and slave labor in China. At the same time, Democrats' spending bill would virtually end mining on Federal lands here at home. Instead of getting the minerals we need at home in Wyoming, we are going to get them from China.

More than a million Muslims in the western part of China have been put into slave labor camps. In many cases, those people are forced to make solar panels.

Last week, Senator RUBIO offered an amendment to the Defense bill to ban imports from Chinese companies using slave labor. This is the same legislation that this Senate passed unanimously in July.

Yet now Democrats are kowtowing to an administration weak on China, and are blocking Senator RUBIO's proposal.

Why have the House Democrats failed to move forward on this critical issue?

According to the Washington Post, it is because the Biden administration asked them to.

The Washington Post reports: ''While the administration supports the legislation in public, they are asking Democrats to essentially water it down in private''—that from the Washington Post.

On issue after issue, Democrat policies are only making America weaker and making China stronger. It is no wonder only a quarter of Americans approve of how President Biden is handling China.

On Monday, the President announced the United States will boycott next year's Olympics in Beijing. This is a good first step, but it is not enough. Symbolism is not enough. It is time for Democrats to wake up from this threat from communist China before it is way too late.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

INSTAGRAM

Mrs. BLACKBURN. Mr. President, on Tuesday, at 3 in the morning, the people at Instagram published a blog post describing another laundry list of product updates they claim will make their platform less toxic for children and teens.

And I am sure they thought that the dead of night was the right time to make this announcement, and I don't blame them. If I wanted to pass off something and just give a little lip service and a little deflection and make it look like some type of meaningful reform, I might try a 3 a.m. news dump also.

Because what they did was to put up changes on how to handle things on their site with drug use and self-harm and violence and eating disorders and low self-esteem and human trafficking and bullying.

What they told us is they know there is violence and adverse content on

their site. And, yesterday, at the hearing at our Consumer Protection Subcommittee of the Commerce Committee, Senator BLUMENTHAL and I made it fairly clear to our friends from the Silicon Valley that they cannot escape accountability for what is happening on their site—not from Congress and not from the American people. I am talking about the moms, the dads, the teachers, the pediatricians, who approach me every single day that I am in Tennessee.

They are worried about their kids, and the concern is not the product of generational differences. When they were growing up, drugs and eating disorders and bullying were problems, but—you know what, Mr. President—they weren't inescapable.

Now these horrible things follow our children every minute of every day, all courtesy of Big Tech. So, yes, when a company like Instagram claims that they are going to do more to support parents and to keep kids safe, Tennesseans listen, but they don't take their word for it. They test it out. They look for evidence of accountability.

And with all of these updates that they posted, they didn't give us transparency. They didn't give a timeline for when they are going to be implemented. Basically, they said: We know this is a problem, and we will get around to fixing it at some point in the future.

They are still not making changes.

I do want to thank Chairman BLUMENTHAL and other members of the subcommittee for staying focused on this issue. This time around, we had Instagram CEO Adam Mosseri on the witness stand, and it really was perfect timing.

You know, yesterday's hearing was the fifth time this year that the subcommittee has met to discuss what Congress and Big Tech should do to protect our precious children online. It was the fourth time I have personally spoken to someone from Meta, as they now call themselves, which is Instagram's parent. And by this point, I felt like maybe they would come forward with something concrete for us: This is how we are going to get things done.

But, no, nothing changes.

This week, my staff put themselves through yet another deep dive into the dark corners of Instagram and confirmed that there has been no crackdown on dangerous content, as Instagram has previously claimed.

We searched for posts that glorified eating disorders and drug use, and it took them about 30 seconds to find those posts glorifying drug use and eating disorders. And they are not nearly as good at this as the 14- and 15-year-olds who are on this platform are at finding this content.

If they can find this content given half a minute and a decent internet connection, then why can't Instagram find this? Why do they continue to deny that it is there?

One of the things that shocked me the most with Mr. Mosseri's testimony was his refusal to admit that this content is still pervasive. He was absolutely sure that we were hitting him with anecdotal evidence, and he said as much.

But it wasn't just me finding this terrible content on the platform; it was everyone on our committee, Democrat and Republican. There was agreement. We all came to the table with evidence of what we had found online.

I will still stipulate that we all share the same goal of protecting our children and teens online, but nothing has made me question that more than watching executive after executive from platform after platform deny the existence of these problems.

The time for talking through these problems is over. The people who work for Big Tech at Instagram, Facebook, Snapchat, TikTok, Google are all aware of this problem. They don't need congressional hearings to tell them that there are platforms—their platforms—that are hotbeds for trafficking, drug use, bullying, and the glorification of eating disorders.

They don't need me to come to the dais with evidence that their current protections don't work and that more of the same won't magically turn the tide. They know it, and we know that they know it. And their knowledge, it hasn't changed a single thing about their business model.

Fortunately, we have bipartisan momentum to put some guardrails back on these companies. We are working on children's privacy, data security, and Section 230 reforms. We are also working on a national consumer privacy bill and kids' specific policies to keep minors safe online. No more half measures; no more empty promises.

I have been working in tech policy for quite a while now, and I watched companies like Instagram grow from these tiny, great ideas and startups into multibillion-dollar corporations, the largest in our country. Their platforms are integrated into our lives, our culture, our politics. They are upstream from everything.

Unfortunately, they are also places where teens can go to buy drugs, bully their classmates, find human traffickers, sex traffickers, and where girls waste away. If anyone deserves an explanation from Big Tech, it is the children and teens and their parents who are suffering because of these companies.

I invite my colleagues to join me in holding these companies accountable.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

UNANIMOUS CONSENT AGREEMENT

Mr. SCHATZ. I ask unanimous consent that, at 6:15 p.m., all postcloture time on the House message to accompany S. 610 be expired; that the motion to concur with amendment be withdrawn; that if cloture is invoked on the Koh nomination, the Senate vote immediately—vote immediately—on the motion to invoke cloture on the Sung nomination; further, that if cloture is invoked on either nomination, all postcloture time be expired and the confirmation vote on the Koh nomination occur at 5:30 p.m. on Monday, December 13, and the confirmation vote on the Sung nomination occur at a time to be determined by the majority leader in consultation with the Republican leader; further, that the cloture motions on the Elliott nomination and on the House message to accompany S. 1605 ripen on Tuesday, December 14.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHATZ. For the information of Senators, there will be three rollcall votes beginning at 6:15.

UNANIMOUS CONSENT REQUEST

Mr. SCHATZ. Mr. President, I want to rise today to support the nominations of Victoria Wassmer to be Chief Financial Officer of the Department of Transportation, and Mohsin Syed to be the Department's Assistant Secretary for Governmental Affairs.

Right now, we are facing supply chain issues. The reason for this includes unprecedented demand for goods, market disruptions caused by the pandemic, and greater demand.

But the biggest issue is the lack of investment in our Nation's infrastructure over the past half century. Simply put, we need better infrastructure to move things in, out, and across the country. And that is why it is so important that we pass the bipartisan infrastructure bill.

The bill provides a historic $567 billion to the Department of Transportation, including $37 billion for freight investments. It creates new programs to reduce bottlenecks and ease supply chain congestion.

The $1.5 billion for my home State of Hawaii will give a massive boost to our local economy. But DOT needs staff to make this investment work.

Ms. Wassmer is well qualified to serve as CFO, with private- and public-sector experience, including as CFO of the FAA.

The same goes for Mr. Syed as Assistant Secretary for Governmental Affairs. He spent 6 years on Capitol Hill, including in my office, and worked in the DOT general counsel's office. That is why he passed out of the Commerce Committee with overwhelming bipartisan support, and that is why it is so maddening that Republicans are now refusing to move these nominations forward.

These are not controversial individuals. This is basically a blanket hold to stop the government from functioning, to stop the infrastructure bill from being implemented. And nobody wins here. We don't win passing a huge bill and then kneecapping it. And the American people who sent us here to serve certainly don't win.

So let us do our job and move these nominees forward. And so, therefore, I

ask unanimous consent that notwithstanding rule XXII, the Senate proceed to executive session to consider the following nominations: Executive calendar Nos. 468 and 469; that the nominations be confirmed; 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 the nominations; that any related statements be printed in the Record; and that the President be immediately notified of the Senate's action, and that the Senate resume legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from Florida.

Mr. SCOTT of Florida. Mr. President, reserving the right to object.

I am sure my colleague is aware that, last month, I sent a letter to the Commerce Committee—a committee on which we both serve—informing the chair that I would be holding all Department of Transportation and Department of Commerce nominees until the Senate-confirmed leadership from these Agencies testify about the supply chain crisis.

Right now, there are nearly 100 ships waiting to dock in California ports to unload their goods, but they are unable to do so because of President Biden's supply chain crisis. Christmas is just a couple weeks away, and families and businesses are facing empty shelves, shortages on goods, and higher prices. And, so far, Secretary Raimondo and Secretary Buttigieg have been too busy playing TV commentator to actually go to California and solve the problem.

It is long past time for the Biden administration to tell us what they are actually doing to solve this crisis and help American families.

I appreciate my colleague's partnership with me on the issues under the purview of the Commerce Committee. In fact, I am looking forward to next week, when the bill we are putting together will be considered during a Commerce markup hearing.

Given that we will be in session next week, I would urge my colleagues to join me in urging leadership from the Commerce and Transportation Departments that come before the committee and testify on what those Agencies are doing to combat and mitigate the supply chain crisis that is hurting so many families and businesses in Florida and across the country.

This isn't an unreasonable request. The Senate has oversight authority, and we can't allow Agency leadership to just ignore their responsibility to report to us on these issues impacting our constituents.

But if that is too much to ask, I am inviting Secretary Raimondo and Secretary Buttigieg to even just have an open, public meeting with me and my colleagues. But until we hear from Senate-confirmed officials responsible for this crisis in the Commerce committee, I will be objecting to all Commerce and Transportation nominees going through an expedited process here in the Senate.

This isn't personal. It is about accountability for Florida families. Therefore, Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

The PRESIDING OFFICER. The Senator from Ohio.

TRIBUTE TO JUDGE PATRICK CARROLL

Mr. BROWN. Mr. President, I rise—I want to thank Senator SCHATZ for making that motion and his fight for these nominees to get the government running, when the chairman of the Senate Republican Campaign Committee and others continue to block one nominee after another nominee after another nominee.

I rise to honor an Ohio public servant who is retiring this month after 32 years of service on the bench in Northeast Ohio.

Judge Patrick Carroll, whom I knew 30 years ago before he was on the bench, as a—just a good citizen of Cuyahoga County, has dedicated his life to serving Ohioans, including serving as Lakewood Municipal Court Judge for some three decades.

He grew up in Northeast Ohio. Judge Carroll spent his life in the community, from Cleveland State to the Cleveland-Marshall College of Law, to the county prosecutor's office, to the local bench.

He not only served the public in the courtroom, he has been a lifelong teacher—by many different definitions—mentoring young attorneys and judges at his law school and then on the faculty of the Ohio Judicial College.

Twice in the last 3 years, Judge Carroll received the President's Award for Judicial Excellence from the Association of Municipal and County Court Judges of Ohio.

I had the privilege of joining him earlier this fall, along with Ohio Supreme Court Chief Justice Maureen O'Connor, for a bipartisan event of highlighting the innovative work that they were both doing.

Judge Carroll—the innovative work that they have done preventing evictions during the pandemic helped get the word out to more Ohio judges about what they can do to connect Ohio with the emergency rental assistance that we provided back months ago from the Congress.

In the American Rescue Plan, we provided grants to State and local governments for emergency rental and utility assistance to families across the country. The last thing we wanted was a wave of evictions during the health crisis. We know people move in with family members, the COVID spreads even faster. We know that happened too often.

This eviction prevention effort was a lifeline for so many families that that might have happened to.

We know what it does to families even during normal times. Think about the upheaval that that causes, especially for children. Their health suffers. They may get pulled out of their school to go to a different school. They may have to give up their pet because the pet costs too much money. You can't bring them to a new apartment. They don't feel stable. It is much harder for their parents to get back to work using public transportation, if they are even served, and to earn a living.

As all of us know, when people are evicted, they end up in crowded shelters or moving in with family. It makes them more vulnerable to coronavirus. It makes it more likely to spread, especially among people who are not vaccinated.

We know that 90 percent of the hospitalizations—whether it is Columbus, GA, or Columbus, OH—90 percent of patients in hospitals with COVID are unvaccinated.

Finding another place to rent after an eviction is much, much harder.

After we passed the American Rescue Plan, not enough people knew help was available to them. That is where Judge Carroll came in. That is where Chief Justice O'Connor came in. The work they have done to divert eviction proceedings and connect people with help is literally lifesaving for many.

He taught courses to the State judiciary on eviction law. He worked with tenants and landlords to divert eviction proceedings. Judges can work to connect both renters and landlords with the help available to them.

Ohio leads the way because of Judge Carroll and because of Chief Justice O'Connor in preventing evictions and connecting people with their potential emergency rental assistance. These actions by the judges encourage them to—tenants to explore all rental assistance options before the judge proceeds with an eviction case.

Since the start of the pandemic, more than 1,000 households in Lakewood, OH, a suburb west of Cleveland, have been connected with some form of rental help—more than 1,000 households. That is because of the work that Judge Carroll did and the work that Justice O'Connor has done around the State. It is the kind of success we want to see replicated in Ohio and across the country.

In September, Judge Carroll told us that judges need to ''recognize eviction cases are more than civil cases for disposition. An eviction order impacts a person's life, home and property, and in many cases, the lives of children who are uprooted from school when forced to move.''

He is a judge that—as President Lincoln used to tell his staff, I have got to leave the White House and go out and get my public opinion bath. That is what Judge Carroll as a judge does. It is not necessarily something most judges do, but when he does that, he finds out what he can do as a judge to prevent families from being evicted.

We need more judges in Ohio and around the country to follow his lead in a final push to get rental assistance to Americans in need.

The Biden administration has worked throughout the year with us on eviction—on help for evictions, on emergency rental assistance, cutting red-tape, encouraging State and local governments to move faster to get this help to families and landlords. That work has delivered impressive results. More than 520,000 renters received emergency rental assistance in October alone.

It means those families were able to keep their homes, keep their lights on in October, work to get back on their feet, and recover from the pandemic.

In total, more than 2½ million payments have gone out to tenants and landlords. Now, with the end of the year approaching, we need that final push to get funding to the renters and the landlords who need it.

As Judge Carroll prepares for a well-earned retirement, it is my hope that this will be an important part of his legacy—of the work Chief Justice O'Connor does and the work that they do in Ohio and we can do around the country—as an example to public servants in Ohio and all over the United States, showing how we can keep a roof over families' heads, allow landlords to pay their bills, and emerge stronger from this pandemic.

I urge my colleagues—ask them to join me in honoring Judge Patrick Carroll and a lifetime of service to the people of my great State.

The PRESIDING OFFICER. The Senator from Oregon.

NOMINATION OF JENNIFER SUNG

Mr. WYDEN. Mr. President, the Senate will soon vote on President Biden's nomination of my neighbor and fellow Oregonian, Jennifer Sung, to serve on the U.S. Court of Appeals for the Ninth Circuit.

I guess I ought to save everybody some suspense. I am proud to support her nomination, and I just want to take a few minutes to talk about why she deserves the support of all Senators.

First, with respect to her qualifications, Ms. Sung is a graduate of Oberlin College and Yale Law School. As a student, she volunteered to represent low-income patients at a local hospital. As a legal fellow at the Brennan Center for Justice, she fought on behalf of workers who toiled in poor conditions for little pay. In private practice, she defended the rights of all people in our country to work in safe and fair conditions, to get the healthcare they need, and to freely exercise their constitutional rights.

Currently, Ms. Sung serves as a member of Oregon's Employment Relations Board. That is the board that adjudicates disputes over labor practices and employment law. She has decided more than 200 cases in that role. She has proven her impartiality, which I think we all understand is fundamental to what we need in a justice. And she has certainly shown her diligence and her commitment to justice. Her qualifications, in my view, simply cannot be questioned.

Second, I have had the chance to get to know Ms. Sung personally since her nomination, and what struck me is we both have a family story that is only possible here in our great country. Members of her family fled political persecution and violence in China in the 1940s—the Wydens fled the terror or Nazis just a few years earlier—and they barely spoke any English when they arrived here in their new home.

Our country provided safety and opportunity for my family and for Ms. Sung's family. And I have always found that so many who have that family story take a special interest in protecting the rights and the freedoms Americans enjoy. That has been a hallmark of Ms. Sung's legal career, and it is something, in my view, that all Senators ought to support.

So I am proud to describe my Southeast Portland neighbor, Jennifer Sung, as a talented, committed individual who will be a great asset on the bench. She is going to be a superb judge.

I urge all my colleagues to support Jennifer Sung when we vote soon on President Biden's nomination, Oregonian Jennifer Sung, to serve on the U.S. Court of Appeals for the Ninth Circuit.

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

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

The Senator from Utah.

DEBT CEILING

Mr. LEE. Mr. President, the Senate, today, will pass a bill that, quite literally, gives a blank check to President Biden and the Democrats. They will use it to pass the ''destroy America bill,'' which they call Build Back Better.

There is literally a blank check in the bill. It is literally a blank check. The Senators who gave that blank check don't want you to know that they did it. They used procedural jiujitsu to hide their votes. Republicans are hiding behind Democrats, and Democrats are hiding behind Republicans, but the American people see through it.

They closed the doors, held their noses, and created a new way to pass bad bills and claimed that it was just this one time.

Mark my words: This bill will be one more tool repeatedly used to abuse the American people.

This debt ceiling increase is a blank check for the Democrats' reckless tax-and-spending bill. It should have never happened.

NOMINATION OF LUCY H. KOH

Mrs. FEINSTEIN. Mr. President, I rise today in support of the nomination of Lucy H. Koh to serve as a judge on the U.S. Court of Appeals for the Ninth Circuit.

Judge Koh is a highly respected member of the Federal judiciary and has served California well throughout her career. She would be a welcome addition to the Ninth Circuit bench.

I have long supported Judge Koh and am pleased that the Senate will soon be considering her nomination. I recommended Judge Koh for a seat on the Ninth Circuit back in 2016 and was pleased that President Obama nominated her at that time. And I was disappointed that she did not receive a vote on the Senate floor, even though she received strong bipartisan support in the Judiciary Committee, which favorably reported her nomination.

I am pleased that Judge Koh was among the first circuit court nominees announced by President Biden earlier this year. Her credentials are undeniably impressive. She received her undergraduate degree from Harvard College in 1990, and her law degree from Harvard Law School in 1993.

Judge Koh spent several years early in her career in public service, first as a legal fellow on the Senate Judiciary Committee's Immigration Subcommittee and then with the Department of Justice. Among her achievements while at the Justice Department, Judge Koh received an award from the FBI for ''Demonstrated Excellence in Prosecuting a Major Fraud Case.''

She then brought her skills to the private sector, spending nearly a decade in private practice in Palo Alto, CA, where she became a distinguished intellectual property lawyer working on patent, trade secret, and commercial civil litigation. In 2008, she was appointed by California's then-Governor Arnold Schwarzenegger, a Republican, to serve as a judge on the California Superior Court for Santa Clara County.

In 2010, President Obama nominated her to serve as a Federal district judge on the U.S. District Court for the Northern District of California. The Senate voted unanimously, 90 to 0, to confirm her to that position. She has served with distinction as a Federal district judge for more than a decade.

Judge Koh has excelled throughout her career as a Federal prosecutor, in private practice, and as both a state and Federal judge. I have no doubt that she will continue to excel if she is confirmed to the Ninth Circuit.

Judge Koh has received bipartisan support each time her nomination has come before the Senate, including a bipartisan vote earlier this year in the Judiciary Committee. I urge all of my colleagues to support her nomination.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. RISCH. Mr. President, I ask unanimous consent that all remaining time be yielded back.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.