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Senate

The Senate met at 12 noon and was called to order by the Honorable TAMMY BALDWIN, a Senator from the State of Wisconsin.

PRAYER

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

Let us pray.

God of our destinies, guide our Senators this day by Your higher wisdom. Lord, watch over them and use their work for Your glory. Replace fear with faith, pessimism with hope, and error with truth. May these lawmakers become Your instruments for enabling justice to roll down like waters and righteousness like a mighty stream. Give our legislators the serenity to accept what they can't change, the courage to change what they can, and the wisdom to know the difference. Provide them with strength and courage for the living of these days.

And, Lord, we thank You for the commemoration of the 70th anniversary of the U.S. alliance with South Korea.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 27, 2023.

To the Senate:

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

PATTY MURRAY,
President pro tempore.

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. KING). Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

LEGISLATIVE SESSION

REMOVING THE DEADLINE FOR THE RATIFICATION OF THE EQUAL RIGHTS AMENDMENT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S.J. Res 4, which the clerk will report.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 3, S.J. Res. 4, a joint resolution removing the deadline for the ratification of the Equal Rights Amendment.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. DUCKWORTH. 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. SCHUMER. 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 MAJORITY LEADER

The Democratic leader is recognized.

S.J. RES. 4

Mr. SCHUMER. First, Mr. President, I would like to speak about the upcoming vote on the Equal Rights Amendment.

As we all know, the story of American democracy has been a hard but inexorable march toward greater equality—equality regardless of race, equality regardless of social status, equality regardless of marital status, and equality regardless of sex. That march began at the founding of our country, when Abigail Adams reminded her husband to “remember the ladies” when drafting the Constitution, which fell, unfortunately, on deaf ears.

It was a march that drew great numbers during the convention at Seneca Falls, NY, in 1848, and found expression in the abolitionist movement. That march took a bold step 100 years ago, when Alice Paul and Crystal Eastman drafted the original iteration of the Equal Rights Amendment and came before Congress for the first time.

Let that great march toward equality take the next bold step today when the Senate votes to take up this bipartisan resolution on the ERA.

This resolution is as necessary as it is timely. America can never hope to be a land of freedom and opportunity so long as half its population is treated like second-class citizens.

So 100 years after the ERA first came to Congress, the work is not done. The fight has yet to be won. The march continues. And we have a chance to take this next step forward.

The resolution is simple. It removes the arbitrary deadline for State ratification of the ERA that was imposed in the 1970s.

Today, 38 States have ratified the ERA, as required by the Constitution.

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



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S1403

But because two States acted only recently, after the deadline set by Congress, the ERA remains unratified.

Today's resolution says this deadline shall be in effect no more and, by doing so, recognizes that a sufficient number of States have now acted for the ERA to become the 28th Amendment to the U.S. Constitution.

There is no good reason—none—for this Chamber, this Congress, and this Nation to bind itself to limitations set 50 years ago. The Constitution itself imposes no such barrier. By keeping this barrier in place—this 7-year barrier—all we are doing is needlessly obeying skewed rules set by politicians who are long gone and whose views ought not to rule the day any longer.

In 2023, we should move forward to ratify the ERA with all due haste because, if you look at the terrible things happening to women's rights in this country, it is clear we must act. To the horror of hundreds of millions of American people, women in America have far fewer rights today than they did even a year ago. The protections of *Roe v. Wade* are gone, thanks to the MAGA majority on the Supreme Court. Over a dozen States have near-total abortion bans and millions of people have to travel hundreds of miles just to access reproductive care. That is sickening.

That is why the Senate, today, should vote in favor of advancing this ERA resolution so we can bring our Nation one step closer to greater justice, greater equality, and a more perfect union.

Again, let that great march toward equality take the next bold step today.

I thank Senators CARDIN and MURKOWSKI, as our lead sponsors—it is a bipartisan bill—and all Members who have championed this resolution. I will proudly vote yes on this measure.

LIMIT, SAVE, GROW ACT OF 2023

Mr. President, now on default, yesterday, House Republicans passed, through the narrowest possible margin, a bill that amounts to a little more than a hard-right ransom note to the American people.

Republicans' "Default on America Act," DOA, cannot possibly be called a real "plan" for resolving the default crisis. The DOA reads more like a threat coming directly from the House Freedom Caucus: Either Republicans will force a default on the debt, or they will force steep cuts, highly unpopular with the American people, for law enforcement, veterans, families, teachers, and kids.

Let's be perfectly clear. The Republicans' "Default on America Act" does nothing to actually resolve the looming debt crisis, and it has no hope of ever becoming law. If anything, the House's actions have made the likelihood of default more likely. It locks the House into an unacceptable position and pulls us even further apart.

This shows the real solution is a clean, bipartisan plan to avoid default. It is the same one both parties have adopted many times before. That is the

solution, not this "Default on America Act" that is going nowhere.

If Republicans want to sell this terrible agenda to the American people, they should make their case in talks about the budget and appropriations, where it belongs, not by using the full faith and credit of the United States as a hostage.

Let me say that again. The Republicans' "Default on America Act" does nothing to resolve the default crisis and, in fact, makes it only more likely. The "Default on America Act," which the House just passed, is not a step forward but rather a costly step backward.

Speaker MCCARTHY has claimed for months he wants to negotiate on avoiding default, but, according to reports, he is saying the opposite behind closed doors.

Per at least one GOP House Member, Speaker MCCARTHY called this radical bill "a floor, not a ceiling." That is what he told the hard-right Members whose votes he needed. The Speaker has reportedly promised his right flank that, moving forward, he will oppose any measure that doesn't have every single hard-right priority considered in this bill.

In other words, to say this bill is "a floor, not a ceiling" is a threat to make the GOP bill even more extreme and avoid any alternative.

If these reports are true—and Speaker MCCARTHY has made clear he has no intention of negotiating—the Speaker can't say his bill is "a floor, not a ceiling" and also claim he wants to negotiate. This is rather a hostage-taking tactic, and this "Default on America Act" is the ransom note forced on us by a hard-right, unrepresentative small group in the House of Representatives who have leverage because of the rules there.

The GOP should realize that the American people will object to steep cuts to education, law enforcement, veterans' care, and border security that the DOA bill proposes.

So for all the effort the GOP spent trying to pass their bill, unfortunately, we are not any further along to resolving the debt ceiling crisis, and, if anything, we have taken a costly step backward.

It all brings us back to the place where we have been since the very beginning. The only real solution to avoiding a catastrophic default is the same solution that both parties have adopted in the past: Come together for a clean plan to avoid default, with no ransom notes, no "floors," and no brinksmanship.

Democrats will not allow this "Default on America Act" to become law.

SAFE BANKING ACT

Mr. President, finally on safe banking, yesterday, Senators from both sides of the aisle—I met with them repeatedly—reintroduced the SAFE Banking Act.

SAFE Banking would ensure cannabis businesses that operate in States

with legal cannabis have equal access to critical banking infrastructure. Clearly, this bill has provisions particularly aimed at helping minority business owners who are at a critical disadvantage in the cannabis industry.

Right now, the norm for the cannabis businesses is to operate on all cash, and that is simply not fair. It exposes them to too many risks and stifles their opportunities to grow.

Congress should be in the business of promoting entrepreneurs, promoting job growth, not holding these things back.

I have worked very hard to make progress in SAFE Banking Plus, and the work will continue, but I have also made it clear that one of my top priorities to ensure SAFE Banking passes is that it contain critical criminal justice provisions—most importantly, expunging criminal records for certain low-level marijuana offenses.

We have a moral responsibility in Congress to undo the terrible damage caused by the War on Drugs. It almost always has affected people of color. So I am going to work very hard with my colleagues to make sure criminal justice provisions are a part of SAFE Banking when it reaches the floor.

I thank all of my colleagues on both sides of the aisle. We have met numerous times, and I think everyone is working in good faith, including Senators MERKLEY, DAINES, BROWN, SULLIVAN, and PAUL—a bipartisan group if there ever was one.

I look forward to working with my colleagues—Democrat and Republican—to make progress on SAFE Banking Plus this Congress, and I hope this portends more bipartisan cooperation on future cannabis legislation.

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. 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.

S.J. RES. 4

Mr. CARDIN. Mr. President, we will shortly be voting on the cloture motion for S.J. Res. 4, and we are joined by Senator MURKOWSKI. I first want to start by thanking her for her extraordinary leadership on this issue and so many other issues that involve equality and opportunity for all Americans. It has been a journey that we have shared together, and I really want to thank her for her leadership on S.J. Res. 4.

It is bipartisan, and I know we are going to have a strong vote. I would just urge our colleagues not to filibuster equality. Let's get onto this resolution and complete the work that we have done. The States have already completed the work. Three-fourths, 38 States, have already approved and ratified the constitutional amendment for equal rights.

It is now necessary for us to take the final step and remove any doubt on the validity of the previous actions of Congress and the ratifications by the States. The courts have held what we have done before. It is up to Congress to do this. We have the authority, and we have the opportunity today by the vote that is going to take place.

We just got a statement on the administration's policy. President Biden strongly supports S.J. Res. 4. So we now have the support of the executive branch, and I hope that we can get the votes today in order to move forward on this. It is necessary.

We know that there are still systemic challenges based upon sex in our workplace, in healthcare, and domestic violence. This will be helpful, and most Americans already think it is part of the Constitution. So let's get the job done. We will have an opportunity to do so in a few moments.

Again, I want to thank my colleague, who has been a true leader on this, Senator MURKOWSKI of Alaska.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I thank Senator CARDIN for his leadership on this issue, not only in this Congress but in the previous Congresses when we have attempted to advance this very important measure.

What we have in front of us right now is S.J. Res. 4, an amendment to add the Equal Rights Amendment to our Constitution. It is pretty simple. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. It is as simple as that. That is it. That is the full substance of the Equal Rights Amendment. We refer to it as the ERA.

I think most people in this country believe that it is already a part of the Constitution, that it is already a protection under it.

Justice Scalia stated more than a decade ago now:

Certainly the Constitution does not require discrimination on the basis of sex. The only issue is whether it prohibits it. It doesn't.

A little bit of the history here: The ERA was first proposed back in 1923, 3 years after ratification of the 19th Amendment guaranteeing women the right to vote, fully 100 years removed from where we are today. Now, 50 years later, the ERA finally passed Congress, was signed by President Carter in 1972.

There was a 7-year deadline for ratification. Thirty-five States moved quickly, including the State of Alaska, within that deadline. It was extended once, in 1982, to give the remaining States some more time to consider it. But momentum waned as other things took precedent.

The ERA didn't go away, though. Nevada, Illinois, and Virginia became the 36th, the 37th, and the 38th States to ratify it between 2017 and 2020. And so where we are today is there are 38 States that have ratified the ERA.

That meets the threshold of the three-quarters of the States that are needed to ratify a constitutional amendment, but that can't happen because of a technicality because the preamble of the ERA contains an outdated deadline for ratification.

And that is where our simple resolution comes in. It removes that arbitrary deadline to reflect what has actually happened instead of what Congress thought was going to happen some decades ago. It would affirm the Equal Rights Amendment has been ratified by 38 States, met the threshold to be made part of the Constitution, and allow that to finally occur.

Now, some have suggested that the ERA is no longer needed. We have certainly made great strides as women since 1923, but there is a lot more that needs to be done. Women are a majority of the U.S. population but continue to be underrepresented in elected office, in the courts, in the business world, and in so many other areas.

There remains, of course, a pay gap. We know of this. We hear the statistics all the time—a pay gap between men and women: 18 cents on the dollar according to the GAO—and that gap is wider across industries and within certain groups, to 22 cents on the dollar for women at private, for-profit companies and 23 cents for full-time managers.

As the Senator from Maryland has mentioned, the ERA is also needed to help address violence against women. Statistics from the National Coalition Against Domestic Violence, for example, show that 1 in 7 women compared to 1 in 25 men have been injured by an intimate partner.

Again, what the Equal Rights Amendment provides: It would establish fundamental protections against discrimination based on sex. Every one of us should agree that such discrimination is completely unacceptable and that every citizen, regardless of sex, should enjoy the same rights under our Constitution, and that is all we are doing here today.

Again, equality of rights under the law should not be denied on account of sex. It shouldn't be controversial, but just about everything nowadays somehow is.

There has been debate about whether Congress has the authority to act on this resolution. I believe we do. There is no constitutional provision, there is no law, no Supreme Court decision telling us that we can't. The Constitution contains no time limit for ratification of amendments, and there is clear precedent for States taking years—decades, even centuries—to do so.

The 27th congressional pay act amendment was ratified in 1992. That was a full 203 years after it was enacted in 1789.

Another issue that has been raised is the five States that have attempted to rescind their ratification, but the Constitution does not contemplate rescissions, and there is clear precedent for

Congress determining that rescinding an amendment after ratification is ineffectual. In 1868, Congress adopted a concurrent resolution declaring that the 14th Amendment had been ratified despite the fact that two States—New Jersey and Ohio—had attempted to rescind their prior ratifications.

Again, the purpose of the ERA is to secure full equality for women, and there should be no time limit on that. Men and women should be treated equally under the law, and that is not a controversial position; it is a widely held view. The fact of the matter is, the vast majority of Americans support the ERA: 73 percent, according to one poll from 2020; 78 percent according to another; and 85 percent according to a poll from last year, including 93 percent of Democrats, 93 percent of Independents, and 79 percent of Republicans. At least half of the States have Constitutions like Alaska that guarantee equal rights based on sex in some way.

So I am proud, again, that our State stepped up in 1972 and, a few months later, by an overwhelming vote, amended our constitution to prohibit sex discrimination.

Mr. President, we are at the point where we are going to take a vote here right now. I am not entirely pleased by the timing of our debate on this resolution because we have not yet secured the 60 votes needed for its passage. I don't really like it being used as a filler on the floor, as somewhat of an exercise that runs the clock in a largely empty legislative calendar.

I don't see how the ERA or women in this country will ultimately benefit from that, but I am proud to lead this resolution with Senator CARDIN. I am proud to be working with him and others that, again, would see through the hollow arguments against the Equal Rights Amendment and would join us in passing it.

The American people are waiting for this. It is long overdue for Congress to act.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, once again, I want to thank Senator MURKOWSKI for her leadership. This is a bipartisan effort, this joint resolution that we have, and it has been what the Equal Rights Amendment journey was about.

It started with action in the Congress. There was strong bipartisan support for the resolution for no discrimination based upon sex in our Constitution. It was passed by the House and Senate by bipartisan majorities.

The States' ratification process—I can tell you about the one in Maryland that I was part of when I was in the House of Delegates in our State legislature when we ratified the Equal Rights Amendment. There was strong bipartisan support.

And I am proud today that I am joining with Senator MURKOWSKI for the need for the Equal Rights Amendment

to be ratified. This is a bipartisan effort. I hope our colleagues will not filibuster it. I understand the concern.

This will be our first vote in the Senate on the resolution. The House has already passed it in two previous Congresses. I know that our House colleagues are watching, and I thank them for their leadership in the House. This will be our first opportunity in the Senate. I am glad we are having this opportunity.

With that, Mr. President, I would ask consent that, despite the previous order, we start the vote immediately.

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

CLOTURE MOTION

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 proceed to Calendar No. 3, S.J. Res. 4, a joint resolution removing the deadline for the ratification of the Equal Rights Amendment.

Charles E. Schumer, Benjamin L. Cardin, Margaret Wood Hassan, Richard Blumenthal, Sherrod Brown, Tim Kaine, Christopher A. Coons, Alex Padilla, Tina Smith, Elizabeth Warren, Cory A. Booker, Gary C. Peters, Jack Reed, Angus S. King, Jr., Brian Schatz, Mazie Hirono, Amy Klobuchar.

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 proceed to S.J. Res. 4, a joint resolution removing the deadline for the ratification of the Equal Rights Amendment, 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.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

Mr. MCCONNELL. The following Senator is necessarily absent: the Senator from Utah (Mr. LEE).

The yeas and nays resulted—yeas 51, nays 47, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—51

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

NAYS—47

Barrasso	Graham	Risch
Blackburn	Grassley	Romney
Boozman	Hagerty	Rounds
Braun	Hawley	Rubio
Britt	Hoeven	Schmitt
Budd	Hyde-Smith	Schumer
Capito	Johnson	Scott (FL)
Cassidy	Kennedy	Scott (SC)
Cornyn	Lankford	Sullivan
Cotton	Lummis	Thune
Cramer	Marshall	Tillis
Crapo	McConnell	Tuberville
Cruz	Moran	Vance
Daines	Mullin	Wicker
Ernst	Paul	Young
Fischer	Ricketts	

NOT VOTING—2

Feinstein	Lee
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(Disturbance in the Visitors' Galleries.)

The PRESIDING OFFICER. The Gallery will come to order.

(Disturbance in the Visitors' Galleries.)

The PRESIDING OFFICER. The Gallery will come to order.

The Sergeant at Arms will remove the individual.

(Disturbance in the Visitors' Galleries.)

The PRESIDING OFFICER. The individual will leave the Chamber.

(Disturbance in the Visitors' Galleries.)

The Sergeant at Arms will remove the individual from the Chamber.

(Disturbance in the Visitors' Galleries.)

The Sergeant at Arms will remove the individual from the Chamber.

The Senate will come to order.

(Disturbance in the Visitors' Galleries.)

The PRESIDING OFFICER (Mr. PETERS). On this vote, the yeas are 51, the nays are 47.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The motion was rejected.

The PRESIDING OFFICER. The majority leader.

MOTION TO RECONSIDER

Mr. SCHUMER. Mr. President, I enter a motion to reconsider.

The PRESIDING OFFICER. The motion is entered.

Mr. SCHUMER. Mr. President, let me explain. I switched my vote to no, not because I am not strongly for ERA—I wanted to bring it to the floor—but it will allow us to go back and cast a vote again in the future. This issue is too important, so we are not giving up. So I am moving to reconsider so I can bring it back up at a later time.

I yield the floor.

CLOTURE MOTION

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 22, Anthony Devos Johnstone, of Montana, to be United States Circuit Judge for the Ninth Circuit.

Charles E. Schumer, Richard J. Durbin, Alex Padilla, Tim Kaine, Margaret Wood Hassan, Ben Ray Lujan, Raphael G. Warnock, Tammy Duckworth, Jack Reed, Sheldon Whitehouse, John W. Hickenlooper, Catherine Cortez Masto, Tammy Baldwin, Brian Schatz, Christopher Murphy, Tina Smith, Debbie Stabenow.

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

The question is, Is it the sense of the Senate that debate on the nomination of Anthony Devos Johnstone, of Montana, to be United States Circuit Judge for the Ninth Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Indiana (Mr. BRAUN), the Senator from Utah (Mr. LEE), and the Senator from Kansas (Mr. MORAN).

The yeas and nays resulted—yeas 50, nays 45, as follows:

[Rollcall Vote No. 100 Leg.]

YEAS—50

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

NAYS—45

Barrasso	Graham	Ricketts
Blackburn	Grassley	Risch
Boozman	Hagerty	Romney
Britt	Hawley	Rounds
Budd	Hoeven	Rubio
Capito	Hyde-Smith	Schmitt
Cassidy	Johnson	Scott (FL)
Cornyn	Kennedy	Scott (SC)
Cotton	Lankford	Sullivan
Cramer	Lummis	Thune
Crapo	Marshall	Tillis
Cruz	McConnell	Tuberville
Daines	Mullin	Vance
Ernst	Murkowski	Wicker
Fischer	Paul	Young

NOT VOTING—5

Braun	Lee	Warnock
Feinstein	Moran	

(Mr. WELCH assumed the Chair.)

(Mr. KELLY assumed the Chair.)

The PRESIDING OFFICER (Ms. SMITH). The yeas are 50, the nays are 45, and the motion is agreed to.