

Osmolski, Rebecca, Oursler, Nate, Paone, Stephanie, Patel, Vandan, Patterson, Liza, Patterson, Mark, Petrella, Gerry, Pina, Oriana, Reese, William, Revelle, Justine, Rivera, Tony, Robinson, Alexandra, Rodarte, Sam, Rodman, Scott, Rodriguez, Crisitian.

Roefaro, Angelo, Rosenblum, Zac, Ryder, Tim, Seijas, Nelson, Shah, Raisa, Sharbaugh, Tyson, Sinpatanasakul, Leeann Skapnit, Amanda, Sledge, Alexa, Smith, Hannah, Sonnier-Thompson, Bre, Spellicy, Amanda, Sundaramoorthy, Dili, Sweda, Emily, Talley, Hanna, Taira, Meghan, Tam, Catalina, Taylor, Anna, Taylor, Terri, Tepke, Paige, Timothy, Kimarah.

Tinsley, Dan, Vaughn, Erin, Sager, Velez, Cyre, Virgona, Nicole, Vogel, Kai, Vorperian-Grillo, Karine, Watt, Brad, Watters, Veronica, Weir, Emma, Yoken, Dan, Younkin, Nora, Zeltmann, Chris, Zomorrodian, Reza.

#### SENATOR DURBIN'S OFFICE

Maalik Simmons, Miriam Wheatley, Corey Tellez, Jasmine Hunt, Joe Bushong, Emily Hampsten

#### CLOAKROOM STAFF

Gary Myrick, Tricia Engle, Dan Tinsley, Brad Watt, Stephanie Paone, Nate Oursler, Rachel Jackson, Liza Patterson.

#### CHAMBER ASSISTANTS

Lauren Cavagnano, Drew Erickson, Virginia Brown, Brennan Leach, Layne Donovan, Juliana Surprenant.

Mr. SCHUMER. Many of them have worked for as many as 36 hours straight. My notes here say: "Let's give them a round of applause."

And, of course, one more thank-you to my great and wonderful staff. I will thank all of them by name at a later date because I want them to be awake and alert when I do.

I yield the floor.

The PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. The Senate has never spent \$2 trillion in a more haphazard way or through a less rigorous process.

Voters gave Senate Democrats the slimmest possible majority. Voters picked a President who promised unity and bipartisanship.

Democrats' response is to ram through what they call "the most progressive domestic legislation in a generation" on a razor-thin majority in both Houses.

The right path was obvious. We followed it five times last year—five rescue packages totaling \$4 trillion, and none of them got fewer than 90 votes.

The Senate wrote the CARES Act, Republicans and Democrats, shoulder to shoulder. That was the road to real pandemic relief, but Democrats actually wanted something else. They explained their intent very clearly: to exploit this crisis as "a tremendous opportunity to restructure things to fit our vision."

That is how you get this massive bill with only 1 percent—1 percent for vaccinations, that ignores the science on reopening schools, that is stuffed with non-COVID-related spending that even top liberal economists say is wrong for the recovery.

Democrats inherited a tide that is already turning—2021 was already set to

be our comeback year—because of the American people's resilience and the bipartisan foundation that we laid last year.

We could have worked together to speed up victory, but our Democratic colleagues made a decision. Their top priority wasn't pandemic relief. It was their Washington wish list.

So, Mr. President, colleagues, I strongly recommend a "no" vote.

The PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall the bill pass?

Mr. SCHUMER. Mr. President, I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alaska (Mr. SULLIVAN).

Further, if present and voting, the Senator from Alaska (Mr. SULLIVAN) would have voted "nay."

The PRESIDENT pro tempore. Are there any Senators in the Chamber wishing to change their vote?

The result was announced—yeas 50, nays 49, as follows:

#### [Rollcall Vote No. 110 Leg.]

#### YEAS—50

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

#### NAYS—49

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

#### NOT VOTING—1

Sullivan

The bill (H.R. 1319), as amended, was passed.

(Applause.)

Mr. SCHUMER. I just want to thank everybody. We are a great team. We are a great team.

Ms. DUCKWORTH. Thank you, Georgia.

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

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 12.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Marcia Louise Fudge, of Ohio, to be Secretary of Housing and Urban Development.

#### CLOTURE MOTION

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

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

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 12, Marcia Louise Fudge, of Ohio, to be Secretary of Housing and Urban Development.

Charles E. Schumer, Sherrod Brown, Richard Blumenthal, Christopher A. Coons, Patty Murray, Chris Van Hollen, Sheldon Whitehouse, Jeff Merkley, Brian Schatz, Cory A. Booker, Amy Klobuchar, Benjamin L. Cardin, Angus S. King, Jr., Kirsten E. Gillibrand, Tim Kaine, Tammy Baldwin.

#### LEGISLATIVE SESSION

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

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

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 27.

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

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Merrick Brian Garland, of Maryland, to be Attorney General.

#### CLOTURE MOTION

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

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

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 27, Merrick Brian Garland, of Maryland, to be Attorney General.

Charles E. Schumer, Richard J. Durbin, Richard Blumenthal, Christopher A. Coons, Patty Murray, Chris Van Hollen, Sheldon Whitehouse, Jeff Merkley, Brian Schatz, Cory A. Booker, Debbie Stabenow, Amy Klobuchar, Jon Ossoff, Alex Padilla, Benjamin L. Cardin, Sherrod Brown, Angus S. King, Jr., Tim Kaine.

#### LEGISLATIVE SESSION

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

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

Mr. SCHUMER. Mr. President, I ask unanimous consent that the mandatory quorum calls with respect to these motions be waived.

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

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 15.

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

The motion was agreed to.

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Michael Stanley Regan, of North Carolina, to be Administrator of the Environmental Protection Agency.

#### CLOTURE MOTION

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

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

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 15, Michael Stanley Regan, of North Carolina, to be Administrator of the Environmental Protection Agency.

Charles E. Schumer, Thomas R. Carper, Richard Blumenthal, Christopher A. Coons, Patty Murray, Chris Van Hollen, Sheldon Whitehouse, Jeff Merkley, Brian Schatz, Cory A. Booker, Amy Klobuchar, Benjamin L. Cardin, Sherrod Brown, Angus S. King, Jr.,

Kirsten E. Gillibrand, Tim Kaine, Tammy Baldwin, Martin Heinrich, Maria Cantwell.

#### LEGISLATIVE SESSION

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

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

#### PROVIDING FOR AN EXCEPTION TO A LIMITATION AGAINST APPOINTMENT OF PERSONS AS SECRETARY OF DEFENSE WITHIN SEVEN YEARS OF RELIEF FROM ACTIVE DUTY AS A REGULAR COMMISSIONED OFFICER OF THE ARMED FORCES—MOTION TO PROCEED

Mr. SCHUMER. Mr. President, I move to proceed to Calendar No. 1, S. 11.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 1, S. 11, a bill to provide for an exception to a limitation against appointment of persons as Secretary of Defense within seven years of relief from active duty as a regular commissioned officer of the Armed Forces.

Mr. SCHUMER. I suggest the absence of a quorum.

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.

#### ORDER OF PROCEDURE

Mr. SCHUMER. Mr. President, I ask unanimous consent that on Tuesday, March 9, at 5:30 p.m., cloture ripen on, one, Executive Calendar No. 12, MARCIA FUDGE, to be Secretary of Housing and Urban Development, and Executive Calendar No. 27, Merrick Garland, to be Attorney General; that the Senate proceed to vote on cloture on the Fudge nomination; that if cloture is invoked, postcloture time expire on Wednesday, March 10, at 12 noon; further, that notwithstanding rule XXII, following the cloture vote on the Fudge nomination, the Senate vote on cloture on the Garland nomination; that if cloture is invoked on the Garland nomination, postcloture time expire on Wednesday, March 10, at 2:15; further, that cloture on the Regan nomination ripen following disposition of the Garland nomination.

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

#### MORNING BUSINESS

#### AMERICAN RESCUE PLAN ACT OF 2021

Mr. SCHUMER. Mr. President, today's legislation takes a very impor-

tant step in providing financial assistance to multiemployer pension plans, particularly those plans that have already had to suspend benefits in order to save the plans from going insolvent. That has been a very painful step for some plans in New York because it resulted in retiree benefit cuts of as much as 60 percent.

This legislation will allow those plans to restore painful cuts and ensure others on the brink do not have to take similar steps.

I will be watching how the administration implements this new program very closely to ensure plans receiving financial assistance under the new program are not placed in a worse long-term funding position than they are today or are projected to be into the future. This new program is intended to be a long-term solution for these ailing plans, a solution that protects retiree benefits as well as the health of the plans themselves.

Mr. WYDEN. Madam President, Section 605 of the State and Local section of the American Rescue Plan requires further explanation on its intent. Below is the salient language of Section 605, Local Assistance and Tribal Consistency Fund:

“(b) AUTHORITY TO MAKE PAYMENTS.—

“(1) Payments to eligible revenue sharing counties.—For each of fiscal years 2022 and 2023, the Secretary shall reserve \$750,000,000 of the total amount appropriated under subsection (a) to allocate and pay to each eligible revenue sharing county in amounts that are determined by the Secretary taking into account economic conditions of each eligible revenue sharing county, using measurements of poverty rates, household income, land values, and unemployment rates as well as other economic indicators, over the 20-year period ending with September 30, 2021.

“(1) ELIGIBLE REVENUE SHARING COUNTY.—The term ‘eligible revenue sharing county’ means—

“(A) a county, parish, or borough—

“(i) that is independent of any other unit of local government; and

“(ii) that, as determined by the Secretary, is the principal provider of government services for the area within its jurisdiction; and

“(iii) for which, as determined by the Secretary, there is a negative revenue impact due to implementation of a Federal program or changes to such program; and

“(B) the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the United States Virgin Islands. . . .”

Folks may wonder: “What are the revenue sharing counties?”; “Why Treasury?”; and “How is my new program different from existing county support programs?”

Let me explain my thinking in putting this language together. In every state, but especially the West, there are counties with tracts of federal lands that have unique impacts on the local economy. These counties are referred to in Section 605 as “revenue sharing counties”—counties that have a direct fiscal relationship with public lands and public resources. These counties help pay for roads, schools, and other services that directly benefit and, in many cases, support federal lands. They get payments for the tax-