

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

# EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the clerk will report the Rossman nomination.

The legislative clerk read the nomination of Veronica S. Rossman, of Colorado, to be United States Circuit Judge for the Tenth Circuit.

## VOTE ON ROSSMAN NOMINATION

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

Mr. CARDIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mrs. BLACKBURN), the Senator from Louisiana (Mr. CASSIDY), the Senator from South Carolina (Mr. GRAHAM), the Senator from Oklahoma (Mr. INHOFE), the Senator from South Dakota (Mr. ROUNDS), and the Senator from Alaska (Mr. SULLIVAN).

The result was announced—yeas 50, nays 42, as follows:

[Rollcall Vote No. 366 Ex.]

## 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
Collins	Menendez	Tester
Coons	Merkley	Van Hollen
Cortez Masto	Murkowski	Warner
Duckworth	Murphy	Warnock
Durbin	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	

## NAYS—42

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

## NOT VOTING—8

Blackburn	Graham	Rounds
Cassidy	Inhofe	Sullivan
Feinstein	Markey	

The nomination was confirmed.

The PRESIDING OFFICER (Mr. HEINRICH). The Senator from Oregon.

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

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

The Senator from Oregon.

## TRIBUTE TO JAKE OKEN-BERG

Mr. MERKLEY. Mr. President, I come to the floor today to bid farewell to an individual who has not only served as a longtime staff member but a highly respected member of our close-knit team, Jake Oken-Berg. Serving for the last 10 years as my business liaison, Jake has been my ambassador to Oregon's business community and its leaders. Frankly, when you consider some of my positions, Jake has undoubtedly developed the diplomatic skills necessary to actually be an ambassador.

Jake has always approached his work with enthusiasm and a positive attitude, with steadfast determination to help me build and maintain critical partnerships with the business community throughout the State and to provide their feedback on how we can write better legislation.

His creative pursuit of my partnership with the business community was on full display when he organized our office's "Made in Oregon" manufacturing tour. That tour comprised many trips across the State over several years, with business leaders, owners, and managers. Some of the most interesting gatherings I have ever been at were part of that "Made in Oregon" tour. It highlighted the contributions that Oregon's businesses, manufacturers, and workers are making to our State and to the country, and it shined a light on policies that are needed to ensure American companies and American workers stay competitive in the 21st century.

Over the past decade, Jake has helped develop policies and strategies relevant to many sectors of Oregon's growing economy.

One such strategy has been to make Oregon a global leader in mass timber, including the production of cross-laminated timber and mass plywood and the research on charring and stress loads necessary to rewrite building codes.

Another strategy has been to make Oregon a national leader in the production of hemp for CBD, building on Oregon's legal cannabis industry.

Yet another strategy has been building up Oregon's sustainable energy industry, accelerating the development of wind and solar and wave energy and supporting measures to increase the efficiency of the manufacturing process to use less energy.

It is pretty staggering to think of all the balls Jake had to juggle at the same time over those 10 years, but he did it, and he did it making it look easy.

Our team and our State saw the fruits of Jake's decade of partnership pay off over this last year and a half as businesses throughout Oregon faced extremely difficult, dark days amid the pandemic and the economic recession.

As businesses ground to a halt and workers quarantined at home, owners and managers were grappling with

issues of how to continue to pay employees or whether they had to let them go, paying rents and leases, paying subcontractors and suppliers under the threat of going out of business.

So many owners and managers reached out to my office seeking assistance to access the economic injury disaster loans and the Paycheck Protection Program to keep their businesses and their employees afloat. Jake coordinated our response, communicating not only with the business leaders but with the local elected officials and the leaders of our business chambers. He produced guidance. He organized roundtables. He led discussions. He served as a hotline for every question. He helped owners figure out how to address unique challenges as they arose.

When business owners were getting turned away from their own banks, for instance, Jake took the lead in developing alternative approaches so they could get the help they needed. And when specific sectors, like the live entertainment sector, which is such a staple of life and culture in our State of Oregon, was left out of the list of businesses that could receive emergency aid, Jake made it his business to get that changed. I can't even begin to guess how many Oregon businesses and workers were able to weather those dark and difficult days because of Jake's all-out efforts.

I suspect that if he was here right now and we asked him what, after a decade of service, his greatest accomplishment has been, he would say it was simply to help make Oregon a better place for businesses and for workers, and then he might pause and, being the huge soccer fan that he is, say that a high point was when he made a connection so that I could spend a day with the owner of our Portland Timbers.

So, Jake, thank you for giving so much to the team and to the people of Oregon over these last 10 years. It goes without saying that it is going to be a monumental undertaking trying to fill your shoes, and you are going to be missed by every member of our team. We wish you the best. We look forward to continuing to follow the great things that you will do in your next chapter for our State and for the country. We know that in whatever form it takes, you will never stop working to build a better world.

Well done, Jake Oken-Berg, and thank you.

The PRESIDING OFFICER. The Senator from Iowa.

## UNANIMOUS CONSENT REQUEST—S. 535

Ms. ERNST. Mr. President, we recently marked the 20th anniversary of September 11, a day that forever changed our Nation. This direct assault on our country sparked the Global War on Terrorism, a war that came at great personal cost to our men and women serving in the Armed Forces.

As a combat veteran, as the mother of a future soldier, even simply as an American, the events in Afghanistan have been extremely disheartening to watch. I have heard from so many veterans and servicemembers who served during this war, many of whom are distraught and disappointed at the haphazard way the war in Afghanistan came to a close. I have also heard from too many Gold Star families who lost so much during this conflict—their spouses, their fathers, their mothers, brothers, sisters, sons, and daughters.

Recent events have left them questioning themselves and whether their family member's sacrifice was worth it.

While we can't put the genie back in the bottle when it comes to what happened in Afghanistan last month, we can properly memorialize the service of the brave men and women who fought and died to protect and defend the United States since the beginning of the Global War on Terror.

I stand before you today to ask that the Senate join with me in honoring our Global War on Terrorism veterans and the sacrifices they made by supporting and passing my bipartisan bill, the Global War on Terrorism Memorial Location Act.

In August of 2017, Congress passed and President Trump signed into law our bill authorizing the creation of a memorial commemorating the sacrifices of all those wonderful Americans who fought in the Global War on Terrorism.

This memorial will be 100 percent privately funded and will not use a single dime of taxpayer money. Most importantly, it will pay tribute to our fallen servicemembers across the country, including the 13 who perished in Afghanistan on August 26. Among the 13 was Iowa native, Cpl Daegan William-Tyler Page, who bravely gave the greatest sacrifice of all.

This memorial is going to be built. It has already become law. It is ready to go. So let's get it built on the National Mall in Washington, DC, where it belongs. It is the least we in Congress can do for the men and women who have given so much.

We have the opportunity to unite around a common cause, while providing a central location for our many veterans and their families affected by the Global War on Terror to reunite and reflect on their loved ones' sacrifices.

This isn't a partisan idea. Earlier this month, the six surviving Secretaries of Defense, spanning Democratic and Republican administrations—Robert Gates, Leon Panetta, Chuck Hagel, Ash Carter, Jim Mattis, and Mark Esper—they all wrote an op-ed in the Washington Post in support of placing the Global War on Terror Memorial on our National Mall.

While nothing will ever restore the lives that we have lost, this memorial would serve as a tribute to those brave men and women and their loved ones

who have sacrificed in defense of our freedom.

For more than 20 years, I had the privilege of serving my State and country in uniform. As a veteran of the Global War on Terror, I know firsthand the sacrifices the millions of brave men and women of our Armed Forces made in this fight against radical extremists.

Like many others, I have risen my right hand and taken that oath voluntarily and without reservation. That is why the effort to build this memorial in its rightful place is a personal one, not just to me but to every servicemember, veteran, surviving family member, and civilian who has been impacted by this fight.

This national memorial will provide all Americans a permanent place of reflection in the heart of our Nation's Capital. It will serve as a permanent commitment to the mothers and fathers, husbands and wives, and children who lost their whole world that this country is forever grateful and in their debt. It will serve as a place of healing for the thousands of veterans still carrying the wounds of war, both seen and unseen.

The National Mall is currently home to the memorials honoring World War II, the Korean war, and the Vietnam war. How could we put the memorial for our Nation's longest war anywhere else?

Mr. President, as in legislative session, I ask unanimous consent that the Committee on Energy and Natural Resources be discharged from further consideration of S. 535 and the Senate proceed to its immediate consideration. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. MANCHIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, 4 years ago, I was proud to join Senator ERNST in sponsoring legislation to authorize construction on the National Global War on Terrorism Memorial to commemorate and honor the members of the Armed Forces' Global War on Terror.

That bill passed the House and Senate on a voice vote and was signed into law August 2017.

A memorial honoring the men and women of the Armed Forces who served our Nation in the Global War on Terror—our country's longest military conflict—is the least that we can do to recognize their service and sacrifice and especially those who gave their lives in the service of our Nation.

In 2017, I said that it was incredibly important to honor these men and women, and it remains incredibly important today. I want the memorial to be built as quickly as possible. In fact, I think it should be the National Park

Service's highest priority for approving new memorials, but it should be built following the same process that applies to all other memorials and commemorative works.

Since 2003, the Commemorative Works Act has prohibited new memorials in an area called the Reserve, which is essentially the National Mall. Since that time, there have been several proposals to waive the prohibition for new memorials or museums in that area on the Mall, including the World War I Memorial and the Desert Storm and Desert Shield Memorial.

Ultimately, these were located in other high-profile areas in compliance with the Commemorative Works Act. This legislation would override this provision in law to allow the Global War on Terrorism Memorial to be sited on the Reserve.

As chairman of the Energy and Natural Resources Committee, I believe this precedent would reopen the fight to locate other memorials on the National Mall and create more controversy that will ultimately delay the construction of this memorial which is much needed.

While I am a strong supporter of the Global War on Terrorism Memorial, this would be creating an exception to the law for one memorial where others have been turned away and doing so without full committee process.

Our Subcommittee on National Parks, which is chaired by Senator KING from Maine, held a hearing on Senator ERNST's bill on June 23. At that hearing, the Department of Interior testified in opposition to S. 535 as currently drafted.

I would respectfully ask my friend Senator ERNST to withdraw her unanimous consent request to discharge her bill from committee and would commit to holding a markup of the bill so we can consider the options, the impact, and a path forward for this most important memorial.

The PRESIDING OFFICER. Does the Senator withdraw her request?

Ms. ERNST. Respectfully, I do not.

Mr. MANCHIN. I respectfully object to the Senator's request but maintain my commitment to working with my friend from Iowa and the families who, rightfully, want to memorialize their loved ones to find a path forward for this important memorial.

The PRESIDING OFFICER. The objection is heard.

The Senator from Iowa.

Ms. ERNST. Mr. President, I will continue on this path. We, again, passed this bill. It was signed into law in 2017, creating the foundation to establish the Global War on Terrorism Memorial. So that was the first step in a process that has now culminated after 4 years of discussion and work. And I am very hopeful that the committee will go through regular process.

I would encourage the chair to move forward on a markup of the bill and a vote on the bill. If we can receive that markup and vote, then I will stop my

live UCs. But until that point, I think it is imperative that we continue pushing for that regular order.

I feel committed, obviously, to those whom I have served with, the others who have served in the Global War on Terror, their families, the affected communities, our Gold Star families, and others.

This is our Nation's longest running war. It is a war that has affected more than just those servicemembers who set foot in the Middle East. My commitment to those families, those communities, and our country is that we will continue to proceed to make sure that this memorial is placed in prominence on our National Mall.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. In response to my friend from Iowa, you have my commitment. We will do this markup and get it scheduled as quickly as we possibly can, and we will work through that. We encourage you to be at the markup, if you would like, and speak on it at that time. We will have the park people there and go through this in a very diligent way and hopefully get a result as soon as possible.

Ms. ERNST. Thank you.

I yield the floor.

Mr. MANCHIN. 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.

#### 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. 169.

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

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Lily Lawrence Batchelder, of Massachusetts, to be an Assistant Secretary of the Treasury.

#### 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. 169, Lily Lawrence Batchelder, of Massachusetts, to be an Assistant Secretary of the Treasury.

Charles E. Schumer, Ron Wyden, Martin Heinrich, Alex Padilla, Margaret Wood Hassan, Raphael Warnock, Ben Ray Lujan, Gary C. Peters, Elizabeth Warren, Christopher Murphy, Patrick J. Leahy, Tammy Duckworth, Sheldon Whitehouse, Michael F. Bennet, Tim Kaine, Tammy Baldwin, Cory A. Book-er.

#### 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. 245.

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

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Jayme Ray White, of Washington, to be a Deputy United States Trade Representative (Western Hemisphere, Europe, the Middle East, Labor, and Environment), with the rank of Ambassador.

#### CLOTURE MOTION

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

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

The 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. 245, Jayme Ray White, of Washington, to be a Deputy United States Trade Representative (Western Hemisphere, Europe, the Middle East, Labor, and Environment), with the rank of Ambassador.

Charles E. Schumer, Catherine Cortez Masto, Gary C. Peters, Elizabeth Warren, Kirsten E. Gillibrand, Sheldon Whitehouse, Jeff Merkley, Christopher A. Coons, Patty Murray, Amy Klobuchar, Richard J. Durbin, Richard Blumenthal, Martin Heinrich, Jon Ossoff, Brian Schatz, Debbie Stabenow.

#### 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. 341.

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

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Florence Y. Pan, of the District of Columbia, to be United States District Judge for the District of Columbia.

#### 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. 341, Florence Y. Pan, of the District of Columbia, to be United States District Judge for the District of Columbia.

Charles E. Schumer, Mazie Hirono, Sheldon Whitehouse, Jack Reed, Martin Heinrich, Michael F. Bennet, Jacky Rosen, Richard Blumenthal, Alex Padilla, John Hickenlooper, Kirsten E. Gillibrand, Tina Smith, Tim Kaine, Ben Ray Lujan, Chris Van Hollen, Jeff Merkley.

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

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

#### LEGISLATIVE SESSION

#### MORNING BUSINESS

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

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

#### MISSED VOTE EXPLANATION

Mr. BRAUN. Mr. President, to honor the heroism of fallen Corporal Humberto Sanchez, I went to pay my solemn respects on September 13 and 14, 2021, and was not present for votes. Corporal Sanchez was killed in the attack on Kabul airport helping Americans and allies evacuate the country.