



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 117th CONGRESS, SECOND SESSION

Vol. 168

WASHINGTON, MONDAY, MARCH 21, 2022

No. 50

Senate

The Senate met at 3:03 p.m. and was called to order by the Honorable TAMMY DUCKWORTH, a Senator from the State of Illinois.

PRAYER

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

Let us pray.

Most mighty and glorious God, full of incomprehensible power and majesty, You are all we have. Without Your luminous presence, we will perish.

Lord, protect the Ukrainian people as You would Your very eyes. Hide them in the shadow of Your wings from the attacks of evil. Empower these lovers of freedom to oppose and defeat their enemies.

Lord, continue to guide our lawmakers, and make them instruments of Your peace. Give them the wisdom they need to do Your will on Earth even as it is done in Heaven.

We pray in Your powerful 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 (Mr. LEAHY).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 21, 2022.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable TAMMY DUCKWORTH, a Senator from the State of Illinois, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

LEGISLATIVE SESSION

AMERICA CREATING OPPORTUNITIES FOR MANUFACTURING, PRE-EMINENCE IN TECHNOLOGY, AND ECONOMIC STRENGTH ACT OF 2022—Motion to Proceed—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 4521, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 282, H.R. 4521, a bill to provide for a coordinated Federal research initiative to ensure continued United States leadership in engineering biology.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HONORING CORPORAL JACOB M. MOORE

Mr. MCCONNELL. Madam President, over the weekend, we learned that four U.S. marines were tragically killed Friday night. Their training aircraft crashed during joint NATO exercises in

Norway. One of those marines, Corporal Moore, was born and raised in Catlettsburg, KY. I want to take a moment to mourn this great loss and salute Corporal Moore's service to our country.

Corporal Moore joined the Marines in 2018. At only 24 years old, he had spent 4 years honorably serving our country all around the world. He was serving as an MV-22B Osprey crew chief based out of New River, NC.

Corporal Moore was in Norway along with 30,000 other soldiers from 27 countries for NATO's Cold Response exercises. Every 2 years, NATO service members travel to the edge of the Arctic Circle to train in northern Scandinavia's frozen wilderness. This long-scheduled exercise is not directly related to Russia's invasion of Ukraine, but the events of recent weeks have only reminded us of the incredible importance of the NATO alliance to America's security and to world peace.

Corporal Moore's service was hugely and directly important to our Nation, to our allies, and to the world. So we will never forget Corporal Moore's service and sacrifice in defense of America's safety and freedom. We are thinking of and praying for his family at this terribly, terribly difficult time.

NOMINATION OF KETANJI BROWN JACKSON

Madam President, on an entirely different matter, this week, the Senate will turn to a crucial constitutional duty: deciding whether to provide or withhold consent to a lifetime appointment to the Supreme Court of the United States.

President Biden's nominee for this incredibly consequential position is Judge Ketanji Brown Jackson.

Judge Jackson is currently a DC Circuit judge of less than a year. In 9 months as an appellate judge, she has offered only two opinions, both after the Supreme Court vacancy opened up. So this time, unlike Gorsuch, Kavanaugh, and Barrett, there is no meaningful sample size of appellate

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



Printed on recycled paper.

S1261

opinions for Senators to consult. We know a lot about the time Judge Jackson spent applying precedent as a trial judge on the district court but very little about her independent views of larger constitutional and legal questions.

This makes the Judiciary Committee's work this week all the more important. The country needs a respectful, dignified but vigorous and exhaustive hearing. This is especially true in light of the curious disconnect between the thinness of Judge Jackson's appellate record and the white-hot intensity with which our country's farthest left activists wanted her and nobody else for this vacancy.

Fringe groups that attack the Court's legitimacy and want Court packing spent a great deal of time and money promoting Judge Jackson for this nomination, and, once nominated, prominent, soft-on-crime activists and open-borders pressure groups quickly rallied to her side. The Senate needs to understand why.

I enjoyed meeting with Judge Jackson recently. She is a likeable person. More to the point, she has obviously reached impressive heights in the legal profession. But I voted against confirming Judge Jackson to her current post last year, and our meeting the other week did not resolve my questions and concerns.

So here is what I will be especially watching and listening for as our colleagues question the nominee this week.

First, at the most basic level, I want to hear whether Judge Jackson agrees that the job of a judge is to follow the law as it is written. This is a simple, straightforward proposition. But the same liberals who have spent decades imploring Justices to approach their jobs as activist superlegislators are now eager to see this nominee confirmed.

Judge Jackson suggested to me in our meeting that she does not really view herself as having any judicial philosophy whatsoever, but meanwhile, in the press, boosters of her nomination say she does have a philosophy and assures us that it is mainstream. So which is it? I hope the committee can clear up any confusion.

It is also the case that President Biden has repeatedly declared that any judge he appoints will pass certain litmus tests. He said they would have "an expansive view of the Constitution" that includes the "penumbras" and non-textually-based rights that activist judges favor. The President has even made explicit promises about specific cases. For example, "They will, in fact, support *Roe v. Wade*." We need to know whether Judge Jackson passed President Biden's policy litmus test explicitly or just implicitly.

We also need to understand more about Judge Jackson's so-called empathy for particular parties in cases over others. This is not an accusation that Republicans invented; it is a trait that

Judge Jackson's supporters happily ascribe to her. One law professor has explained that Judge Jackson would "bring a measure of empathy to the criminal defense cases, the Fourth and Fifth Amendment cases."

I guess a judge entering a case with special preexisting empathy would be a great deal for the party with whom she empathizes, but it would certainly be a raw deal for the opposite party. A judge's job is to bring neutrality, not an agenda.

And yet, even as America grapples with a historic crime wave, the President has chosen a nominee whose own supporters say her work as a criminal defense lawyer and on the U.S. Sentencing Commission will tilt her judgment in favor of convicts. Even as illegal border crossings are setting alltime records, political groups that support amnesty and functionally open borders are cheering that, if confirmed, Judge Jackson will "shape the realities of millions" of people who have come into our country. These confident policy assertions are not selling points; they are actually red flags.

The Supreme Court sits atop one of the three pillars of American Government. It is the ultimate backstop for the endurance of our Constitution and the rule of law. And we rightly entrust the Justices who lead it with life tenure. So any nominee to this highest Bench ought to welcome close scrutiny, tough questions, and a rigorous review of their record. The country deserves nothing less, and this is what Senate Republicans will provide this week.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

REMEMBERING DON YOUNG

Mr. SCHUMER. First, Madam President, I want to offer condolences to the family of DON YOUNG, the dean of the House and longest serving Republican in history, who passed away last Friday at the age of 88.

The State of Alaska has lost a titan, the House of Representatives has lost a legend, and my thoughts are with his family in this difficult time.

NOMINATION OF KETANJI BROWN JACKSON

Madam President, now on SCOTUS, earlier today, the Senate Judiciary Committee commenced their hearings on Judge Ketanji Brown Jackson's historic nomination to the U.S. Supreme Court.

The daughter of public educators, the pride of Miami Palmetto Senior High

School, and a Federal judge for nearly a decade, Judge Jackson began her testimony by returning to what matters most: her family, her upbringing, her qualifications, and, most of all, her fidelity to the Constitution.

Over the course of the week, I expect the American people will finally see for themselves why Judge Jackson is one of the most qualified individuals ever to be nominated to the Supreme Court of the United States. They will see, for instance, why the American Bar Association unanimously rated Judge Jackson as "well qualified" for the Supreme Court, their highest rating possible.

They will see why the president of the Fraternal Order of Police said there is "little doubt that [Judge Jackson] has the temperament, intellect, legal experience, and family background to earn this appointment."

They will see why even conservative judges, like retired DC Circuit Judge Thomas Griffith, who introduced Judge Jackson today, wrote that "Judge Jackson is immensely qualified to serve on the Supreme Court and should be confirmed by the Senate."

And I also trust that Americans will see right through the misleading and desperate broadsides that a few Members of the other side have launched against the judge in recent weeks. We need not pretend that wild accusations from self-interested actors deserve to be taken seriously, so color me skeptical that the American people will give them much weight.

Finally, as these hearings begin, I want to thank Chairman DURBIN for organizing a speedy and fair confirmation process. His work has been outstanding. Every member of the Senate Judiciary Committee has met with the judge, which will allow for thoughtful and thorough hearings, just as the chairman had promised.

I, thus, remain confident that as these hearings begin, the Senate is on track to confirm Judge Jackson as the 116th Justice of the Supreme Court by the end of this work period.

BUSINESS BEFORE THE SENATE

Madam President, now on Senate business, as the Judiciary Committee begins a busy week of hearings, the Senate, likewise, begins a busy week here on the floor.

Later this afternoon, the Senate will vote to invoke cloture on the motion to proceed to the House-passed America COMPETES Act, the next important step toward enacting major jobs and competitiveness legislation that both Republicans and Democrats widely support.

Over the past year, the House and Senate have acted independently to pass their own versions of competitiveness legislation. To reconcile the differences between these bills, both Chambers must enter a conference before we send the final product to the President's desk.

In order to go to conference, the Senate needs to amend the House-passed COMPETES bill with the Senate-

passed U.S. Innovation and Competition Act and then send it back to the House. That is what we are working toward starting today.

It is of the highest urgency we move forward on competitiveness legislation. It will lower costs—the words of the day are “lowering costs stop inflation.” This bill will do a lot in that regard. The competitiveness legislation will lower costs by bringing manufacturing jobs back to America, by fixing bottlenecks in our supply chains, and by fueling scientific research.

Importantly, this bill would also help ensure that the United States has a long-term and resilient supply of chips—crucial for our military, our auto industry, our tech industry, and for American families who feel the sting through price hikes and maddening delays in available goods.

As the war in Europe reminds us, our country is vulnerable when we import too many goods from a single country, particularly semiconductors so needed in so many sectors of the economy. We need to make more of these products here in America instead of overseas to shore up our supply chains, preserve our national security. For that reason alone, let's not tarry any longer. Let's pass this important bill—no more delay.

I want to thank my Republican colleagues, especially Senators CORNYN and YOUNG, for continuing to work in good faith in this process. Most of us want to see a conference happen soon, and I believe we can reach that goal in the coming weeks.

Now, as important as Judge Jackson's hearings are, I urge everyone not to sleep on a handful of other hearings happening this week that are crucial for our country's agenda and, frankly, our Democratic agenda.

In the Senate HELP Committee, Chairman MURRAY will hold a hearing tomorrow on something Democrats have pushed for months: cutting the cost of childcare and preschool for American families.

The Senate Committee on Aging, meanwhile, will hold a hearing this Wednesday on increasing home care services to seniors, something I strongly support. And I thank Chairman CASEY for organizing this hearing.

And, finally, the Committee on Environment and Public Works will also meet Wednesday for a hearing on clean energy, combating climate change, and increasing America's energy independence in the 21st century.

All these issues—fighting climate change, lowering the costs of childcare, taking care of our seniors—remain at the top of our caucus's priorities. These hearings will inform us immensely as our caucus continues working on legislation that will lower costs and expand opportunity for the American people.

RUSSIA

Madam President, finally on PNTR, last week, the House acted in near-unanimous fashion to pass legislation

revoking Permanent Normal Trade Relations with Russia.

This legislation is very much needed for fighting Russia and holding Putin accountable for the carnage—the despicable, nasty, devilish carnage—he has waged, he has levied upon the Ukrainian people. This bill is one way to make sure he continues to pay a heavy price for starting this bloody and savage war.

We need this legislation passed without delay. It got overwhelming support from Republicans in the House, including from Leader MCCARTHY. There is no reason to hold it up. Let's move it forward. Let's move it forward.

No nation has so thoroughly soaked the blood of innocent civilians as Russia. No nation like that deserves to have any kind of normal trade relations with the United States.

I call on my Republican colleagues to work with us to pass this legislation quickly. There is no reason—absolutely no reason—to delay its passage.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. HIRONO). Without objection, it is so ordered.

USICA

Ms. CANTWELL. Madam President, I come to the floor to talk about supply chain issues because we all know that supply chain issues are plaguing us on a variety of fronts, and Congress needs to act to help consumers, to help our industries, and to make sure that supply chains work very well.

I want to start by thanking the Biden administration for their fast action, along with Agricultural Secretary Vilsack, for creating popup space at our ports to make sure that U.S. growers and shippers can get their products to market.

We have seen exorbitant rates now charged in shipping; that is, rates that used to be \$1,300 a container have now gone up to either \$5,000 a container or \$11,000 a container, just depending on where you are talking about products being shipped. So agricultural products are being left on the docks because ships are actually returning empty and not taking our products with them.

Tomorrow, we will try to address this issue in the Senate Commerce Committee, but for now, as I said, last Friday, the administration announced a very innovative plan to make sure that there was dock space at U.S. ports to make sure that U.S. shipments—agriculture specifically—can be waiting and ready on the docks and get out the door. This is so important because there were industry officials there from the lentil association, from the dairy association—they said they had lost billions last year from the impact of

not being able to get their products to market.

We know for a fact that there were 24 percent fewer containers that left full last year, and some people say that number has risen to 30 percent this year. So it means that instead of being filled with our U.S. exports to Asia, these containers are being left empty, and they are hurrying back to be filled up with more imports and then running back here to the United States.

We can't allow this cost to impact our growers. Not only does it impact them in not getting the product to market, but what happens is, they actually lose shelf space. No one is going to wait forever for the U.S. product to come; they will just go to another country and give them the shelf space. So the Biden administration is taking quick action to create this space at our ports to make sure that U.S. products are well positioned to get back to these markets as quickly as possible.

Congestion has been part of the problem. We have seen a huge increase in imports coming into the United States. That has caused uncertainty and congestion at these ports, and we need to do—that is why many of us supported the infrastructure bill, to also build more capacity at our ports.

We know that we are going to continue to do everything we can in this area of shipping reform to make sure that U.S. farm agricultural products get to their destination in a timely fashion.

I will have more to say about that tomorrow after we get legislation through our committee, but today, I really wanted to speak to our colleagues and ask them to support moving forward on going to conference on the United States Innovation and Competition Act.

It has been 286 days since the U.S. Senate passed this legislation, and we have an opportunity to help establish on a continued basis American leadership in technology, to employ more people, to help our country compete in the economy of the future. But we can't do that if we don't get legislation passed, and we can't continue to wait for people who don't want to go to conference. Our colleagues on the other side of the aisle have to help us get to conference.

This is so important because by 2030, there could be more than 10 million new jobs in clean energy, advanced manufacturing, communication, and in computing. All of those—guess what—depend on us making sure we do the right amount of R&D and making sure that we help bring U.S. manufacturing back to the United States.

This is so critical as Americans are feeling the pinch from products that they can't get. We all know that we have to help small manufacturers who struggle with the supply chain themselves. That is why this bill invests in the National Institute for Technology to help companies strengthen their supply chain and fend off the threats of

cyber security attacks. We also know that there is money in here to help educate a STEM workforce so that we can train and skill the number of people in STEM jobs that we need. But let's talk specifically about one supply chain crisis that is crippling America's economy right now because we don't have enough semiconductors.

Semiconductors are an integral part of our system in communication, in defense, in healthcare, in transportation. Yet there are zero semiconductor fabrication facilities in the United States that produce the most advanced chips. That is what we are after—the most advanced chips.

The United States must keep its leadership in this area of advanced technology. In fact, over 90 percent of these chips are manufactured in the Pacific, in Taiwan. The rest are made in South Korea. So this is an economic and national security issue. Chip shortages drive up costs, and they also make us less safe.

We know, thanks to a report from the Senate Armed Services Committee 10 years ago, that more than 1 million counterfeit components have been made and made their way into our national security system. So we have been fighting hard to fix that problem.

Just this month, Europol reported that counterfeiters are trying to exploit the semiconductor shortage by introducing fake chips into the market, raising the chances that critical infrastructure like our defense system or other kinds of communication systems could be compromised.

We have also been working hard to “rip and replace”—a term that has been used—to try to get foreign telecommunication electronics that could be compromised and used as a backdoor to try to make sure that we lower this threat.

According to the telecommunications industry, this effort is compromised by what? Our chip shortage, which now we know that waiting times for some network equipment is now at 50 weeks—50 weeks for something that is so important to our national security.

The cost of some networking equipment has risen by as much as 12 percent. You hear about the cost of everything. We certainly hear about the cost of cars. So 12 percent, and people are selling chips for 100 times their regular price. That is no way to help us build out secure broadband access.

When it comes to clean energy, which requires chips, the prices of solar panels are up 18 percent because of the chip shortage. The cost of a used car has gone up 41 percent and 12 percent for new cars.

So a lot is due to this semiconductor shortage. Yet our colleagues don't know if we want to hurry after 286 days, go to conference, and fix this problem. I am asking my colleagues to vote to help us proceed to conference. Let's not take another 3½, 4 weeks to figure it out. If you don't like the

House bill—I know a lot of my colleagues don't—let's get a better bill, but let's go to conference to get that done.

We know right now depending on one country largely for chip fabrication is not the best idea, particularly when there are numerous issues. It has just been over 18 months since security researchers found a hacking campaign that compromised at least seven Taiwanese chip manufacturers to steal semiconductor chip designs.

So do we want to continue to rely on these other countries or do we want to manufacture here in the United States of America something so critical to what is critical to the industries of the future and help us by making sure that we have a plan never to have these kinds of price spikes impact us because of shortages?

So I ask my colleagues this. These R&D bills are going to help us with U.S. manufacturing. They are so important. In addition to the semiconductor manufacturing incentives that are in these bills, it specifically has resources for the Department of Defense to secure microelectronic supply chains and help our national security mission. That is what is at stake here. Why are we delaying? If you don't like these ideas, at least let's get on the bill and offer some ideas in conference that you would like to see. We are more than happy to have that discussion.

Industry is taking action to try to resolve the shortages, but investing in semiconductor manufacturing technology will actually help us increase the productivity that is so essential and needed for our foundries.

Our current shortages—some people might think: Well, in a few years, we will catch up, and it will be a thing of the past.

I will tell you, if we don't act, more shortages are to follow. The world needed 1 trillion chips per year by 2018. In 2021, it was nearly 1.2 trillion chips per year. That is how our economy has changed, and everything relies on these semiconductors. In 2031, if total sales match the revenue projection, we will need 2 trillion chips per year. That is why we need to act quickly on something that is impacting, practically every day, parts of our lives. Current projections show that demand for chips will grow in all sectors—especially the automotive sector, where semiconductor content in vehicles could double.

Now, I don't know—I heard a lot of talk as I went home to hear about these issues. Some people are saying that maybe people are even taking semiconductors out of the current designs of automobiles just so they can get the product ready, so they can get it to ship. Now, why do we want that? We don't want that. We want America to have a full supply of semiconductors, produce the best intelligent product that the market wants, and compete internationally. But to do that, we have to get this bill moving, and we have to get support.

That is why on Wednesday we are having members of the semiconductor industry testify before the Senate Commerce Committee—so we can hear about how the United States can have next-generation technology and lead in this critical area. We do not want to rely on someone else to make sure that we have a secure nation, secure communication, and the next generation that is going to move our industry—particularly manufacturers—to be competitive in a global economy.

So the choice in front of us is whether we want the United States to have a leading role in chip fabrication and in R&D and whether we are going to meet that demand. If you are ready to take that, please help us get to conference.

It can take 3 to 5 years from when a foundry is built to when production begins, and every day that we don't move to pass USICA is just another day that U.S. manufacturers are waiting.

This bill means investment in our future, it means investment in securing the supply chain, and it means investments that will protect us from these kinds of price spikes in the future. It is an investment well worth meeting if Congress will act, and I encourage my colleagues to do so.

I thank the President, and 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. Madam 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

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 282, H.R. 4521, a bill to provide for a coordinated Federal research initiative to ensure continued United States leadership in engineering biology.

Charles E. Schumer, Patty Murray, Benjamin L. Cardin, Tammy Duckworth, Mark R. Warner, Robert P. Casey, Jr., Jack Reed, Tina Smith, Brian Schatz, Christopher Murphy, Mazie Hirono, Mark Kelly, Tammy Baldwin, Jacky Rosen, Ron Wyden, Margaret Wood Hassan, Maria Cantwell.

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 H.R. 4521, a bill to provide for a coordinated Federal research initiative to ensure continued United States leadership in engineering biology, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Hampshire (Mrs. SHAHEEN) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Alaska (Mr. SULLIVAN), and the Senator from Pennsylvania (Mr. TOOMEY).

The yeas and nays resulted—yeas 66, nays 29, as follows:

[Rollcall Vote No. 97 Leg.]

YEAS—66

Baldwin	Grassley	Portman
Bennet	Hassan	Reed
Blumenthal	Heinrich	Risch
Booker	Hickenlooper	Romney
Brown	Hirono	Rosen
Cantwell	Kaine	Rounds
Capito	Kelly	Sasse
Cardin	King	Schatz
Carper	Klobuchar	Schumer
Casey	Leahy	Sinema
Cassidy	Lujan	Smith
Collins	Manchin	Stabenow
Coons	Markey	Tester
Cornyn	McConnell	Tillis
Cortez Masto	Menendez	Van Hollen
Crapo	Merkley	Warner
Daines	Moran	Warnock
Duckworth	Murphy	Warren
Durbin	Murray	Whitehouse
Feinstein	Ossoff	Wicker
Gillibrand	Padilla	Wyden
Graham	Peters	Young

NAYS—29

Barrasso	Hagerty	Marshall
Blackburn	Hawley	Paul
Boozman	Hoeben	Rubio
Braun	Hyde-Smith	Sanders
Burr	Inhofe	Scott (FL)
Cotton	Johnson	Scott (SC)
Cramer	Kennedy	Shelby
Cruz	Lankford	Thune
Ernst	Lee	Tuberville
Fischer	Lummis	

NOT VOTING—5

Blunt	Shaheen	Toomey
Murkowski	Sullivan	

The PRESIDING OFFICER (Mr. PADILLA). On this vote, the yeas are 66, the nays are 29.

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

The Senator from Illinois.

UNANIMOUS CONSENT REQUEST—EXECUTIVE

CALNDAR

Ms. DUCKWORTH. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Nani A. Coloretti, of California, to be Deputy Director of the Office of Management and Budget; that the Senate vote on the nomination without intervening action or debate; that the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that any statements related to the nomination be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there any objection?

Mr. LANKFORD. Mr. President.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Reserving the right to object.

The PRESIDING OFFICER. Proceed.

Mr. LANKFORD. Mr. President, I do object to this nomination moving at this point to be able to do a unanimous consent on this. The reason for that is, at OMB, we have consistently gone back to them and asked for just basic information, and OMB continues to be the spot where things are held up, and they are not turning the information over to us.

We have been exceptionally patient with OMB. Let me give you a couple of examples on this.

We worked with DHS to try to get some additional information on some of the detention beds and to be able to ask about this. We submitted specific questions for the record to DHS in July of last year and then again in November of last year. We still do not have the answers to those.

It is our understanding DHS has turned those over to OMB to be able to evaluate. OMB still is not turning those over to anyone else so they are locked up into the system.

I have had numerous conversations with OMB and with the White House on trying to get the information on how they are handling religious exemptions and religious accommodations for the vaccine mandates. This is an entirely new process that they have created for all of the Agencies and an entirely different process that is running through the U.S. military right now.

There are around 23,000 people who have made a request in the military for religious accommodation, about 23 of them have actually been given an answer. Most of them are just getting no answer. Across the Federal Agencies and all the Federal families, they are asking the questions about what do we do on a religious accommodation. They are just not getting an answer at all or they are getting answers that are different.

We have asked OMB specifically for the information, just how are you handling it? How are decisions being made? What is the timing on it? We are not getting answers on that.

We have gone to the task force. We have gone to OMB. We have gone to the White House. We have gone to Agencies. They all point back to OMB, saying they are the ones that are going to actually release that. We are not getting it, basic clarity of information.

I can go on and on and on. I have got pages of questions that we put in that we are either not getting an answer at all or they have released to us something that is publicly available but not the actual information on it. We are not asking for unreasonable things. We are just asking for an answer.

So, yes, I do object, but I would really like to be able to get this information from OMB.

If this was a nominee on the other side, Democrats would certainly be asking for information and saying: Why did we make a request in July and it is now March and we can't get an answer because OMB won't release the

answer that has been submitted by the Agency? So I do object.

Ms. DUCKWORTH. Mr. President.

The PRESIDING OFFICER. The objection is heard.

The Senator from Illinois.

Ms. DUCKWORTH. Mr. President, it makes no sense to say that we are not getting answers so we are not going to confirm anybody to this position of Deputy Director of OMB. We only just confirmed the Director last week.

It is like saying: I am going to the emergency room because I have an emergency, and there are no doctors working there to solve my problem so we are not going to let any more doctors in to work there. It makes no sense.

I am deeply disappointed the Republicans are objecting to the swift confirmation of the Honorable Nani Coloretti to be Deputy Director of the Office of Management and Budget.

She came through committee; she was reported out of committee; and if there were any questions of her, they should have been asked in committee.

But, again, we are holding up the nomination of someone to lead an Agency that you are complaining isn't answering your questions. Well, there is no leadership there to make sure that those questions get answered. So this is a circular logic that does not make any sense.

In fact, Ms. Coloretti is eminently qualified to hold this position of Deputy Director of OMB. Like many members of our Nation's diverse Asian-American, Native Hawaiian, and Pacific Islander community, Ms. Coloretti and her family lived the American dream of countless immigrants who came to the Nation in search of a better life. Her late parents instilled in her the value of education and hard work and, perhaps more importantly, fostered a sense of empathy and curiosity that helped lead Ms. Coloretti to choose a life of public service. And make no mistake, she is a true public servant who is devoted to serving her country.

Her nomination should not be controversial. After all, a bipartisan supermajority coalition of Senators already confirmed her to serve as Deputy Secretary of Housing and Urban Development. Of course, this overwhelming support was not surprising, given Ms. Coloretti's impressive experience in the public and private sectors, including serving as a program examiner at OMB.

During her time in public service, Ms. Coloretti dedicated herself to making government work better for the people it serves. At the U.S. Department of Treasury, she pushed to enhance decision-making processes through better use of data and evidence.

At the U.S. Department of Housing and Urban Development, where she served as a Chief Operating Officer of a Department with a \$45 billion budget and approximately 8,000 employees, Ms.

Coloretti focused on strengthening management practices to improve program delivery and ultimately achieve better results.

Look, there is no question that Nani Coloretti is eminently qualified to be Deputy Director of the OMB, nor is there any question that the President deserves to have his full leadership slate in place to formulate and finalize his fiscal year 2023 budget proposal.

As the President often notes, a budget truly reveals what one values, and that is why it was so important that the Senate confirmed the Honorable Shalanda Young to be OMB Director last week.

Now, my question is, If you want to fix the problem and get answers, let's get somebody like Nani Coloretti in there who has got a background and a track record of getting Departments and Agencies working correctly, working again efficiently for the American people. That is why it is critical that we move swiftly to confirm Nani Coloretti now.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UKRAINE

Mr. PORTMAN. Mr. President, I come to the Senate floor today to stand in solidarity with the people of Ukraine as they suffer through the brutal and cowardly Russian assault.

I have spoken on the floor each of the last 6 weeks about the horrific events we have all watched unfold and what role the United States should play. Simply put, we need to do more, and we need to do it more quickly, as do our allies.

As we talk this evening, the shelling and killing of innocent civilians continues in the dark of night in places like Kyiv and Kharkiv and Mariupol, a beautiful port city being reduced to rubble by a frustrated Vladimir Putin. He seems intent on destroying what he can't have because of the brave, outgunned Ukrainians, who refuse to surrender and refuse to live under his despotic rule.

Those heroic Ukrainian defenders of their homeland deserve our support. Even if they didn't, this bloody war launched by an authoritarian regime against a peaceful, democratic neighbor matters to world freedom, to our own national security. It must not stand, or else all of us in freedom-loving countries are at risk.

As we talk this evening, the ruthless bombing continues. Something else is happening. President Biden is getting ready to cross the Atlantic to meet with our NATO partners to talk about next steps. Although nothing has done more to solidify the West than the

ruthless Russian attacks, I commend President Biden for the important role he has played in helping keep the alliance together. Now, I call on him to lead that alliance to redouble their efforts to stop the madness, to ensure that Russia is not rewarded for its war crimes. It is one thing to keep the alliance together; it is another to lead the alliance out of its comfort zone to a more aggressive stance to actually win this war.

I believe moving leaders to do more is possible because of all the deadly Russian escalation that we have seen but also because free citizens all around the world are shocked by the death and destruction that they see online and on TV every day, and they are speaking up. I see this at home in Ohio, but I see it all around the globe.

I think leaders can be persuaded to do more. Over the past month, the administration itself has changed its mind and ratcheted up some sanctions and military assistance that we have advocated from both sides of the aisle from this Senate floor. To their credit, the administration reversed themselves and agreed to implement the Nord Stream 2 sanctions, to allow U.S. Stinger missiles to go to Ukraine directly from us, to impose the SWIFT banking sanctions, to ban oil from Russia, and to take away Russia's most favored nation trading status with us.

Now, with Russia ramping up its brutal assault, targeting and killing thousands of innocent civilians, America and the free world must do more—as they bomb maternity hospitals and schools and a shopping center in Kyiv last night and bomb shelters filled with children.

Last week, I led a bipartisan group of Senators to Poland and to the Ukrainian border, where we witnessed firsthand the pain that Russia is inflicting on innocent civilians. We talked to dozens of refugees—almost always Ukrainian women and children, sometimes grandmothers and grandchildren. They came to Poland with only a backpack or a suitcase and nothing else, leaving everything else behind. In tears, they begged us to close the skies so the bombing would stop. They told of apartments or homes being destroyed, of the heartbreak of leaving their husbands or sons or fathers behind to fight the invaders.

So what more can we and our allies do to help Ukraine win this war? Note, I say “win this war.” If we act swiftly, I think we can still defeat the Russians and keep Ukraine as a viable democracy. If we do too little, thousands will die, as will the dream of Ukrainian democracy. The forces of evil will win, and all of us will pay a price.

Let me talk about five areas where I think we could do more to assist Ukraine. First, on the military side, we must redouble our efforts with urgency to provide Ukraine with the equipment and munitions and, where necessary, the immediate training to improve their air defenses and give them better offensive air capabilities.

The decision whether to facilitate providing more MiG-29s from Poland and perhaps other allies in the region who have these Soviet-era airplanes has been hotly debated. In my view, we should have done it a long time ago, when we got the initial green light from the administration a few weeks ago.

The Ukrainians have asked for them, and I do not believe they are any more escalatory than, certainly, the escalation that Russians are engaged in virtually every day. We now have reports of cluster bombs being used. We have reports of vacuum bombs being used against civilians. It is also no different than what we have done and continue to do with other weapon transfers, whether it is Stingers or Javelins or others.

Remember, the Ukrainians are on defense here. They are just trying to protect their country. Give them what they say they need to defend themselves. I would hope that at least we could immediately facilitate spare parts and other assistance to keep the current Ukrainian planes flying.

The Ukrainians have made it desperately clear that they need more air defense. We just learned today from public sources that the United States is providing SA8s, an older Soviet-era defense system, to Ukraine. Apparently, this is equipment that we got years ago—because it was the Soviet system—to be able to study it. We now have that system, and as of today, we have decided to send it to Ukraine. However, the same reporting also said that the more capable S-300 Soviet-era systems that we have are not being sent.

Look, I am very glad these systems are going to protect innocent civilians, but, to me, this shows the lack of urgency that I was talking about earlier. Here we are on day 25 of this all-out war—people dying every single day—and, finally, we have looked into the closet, and we have in the inventory these incredibly important air defense systems, and we are providing them? Where were they on day 5 or day 10 or day 15 or even day 20, with people dying every one of those 25 days?

And why are we not sending the A300s? I don't know the answer to that. There may be an answer. There may be a reason I can't know what that answer is. But again, to me, this is an example of us having to have the urgency to respond and doing more and doing it more quickly.

The United States can and should facilitate the transfer of former Warsaw bloc anti-aircraft systems that Ukrainians know how to operate, like the S-300, like the SA8s, the SA10s, and others. There are regional partners in the area, Eastern European countries, that have these systems, without going into detail.

We should also provide extra munitions to replenish existing anti-air batteries. Our partners in the region say they are willing. Let's facilitate. Let's

make it happen. Let's get the NATO countries that can help to help more.

Over the weekend, there were reports, as an example, that Slovakia and Turkey were willing to take such action. We have got to be sure that we are ensuring these transfers take place immediately. Of course, we must also keep sending Stinger missiles, which are effective in shooting down Russian helicopters and the lower-flying jets.

We must find ways to quickly provide Ukraine with more armed drones, such as the Turkish TB2, which has been very effective, apparently, and even one-use loitering munitions, which the Ukrainians know how to use and have been very effective with on the battlefield.

Last week, it was announced that the United States was sending 100 of these loitering munitions, one-use munitions, called the Switchblade. One hundred will go very quickly. We should increase that number. Let's get the hundred there first, and let's increase that number to give the Ukrainians more to be able to defend themselves.

To our Israeli friends—I know this is controversial—but I would ask them to consider selling us or other countries—and we should agree to buy—their Harop drones, which Ukraine could use right now. The bottom line is we need to flood the zone when it comes to providing Ukraine with military assistance.

We are not being asked to fight this fight for them. They just want the tools to be able to defend themselves and have a chance—a fighting chance—to be able to win. There should be no gaps in our weapon transfers, and we need to lead our NATO allies and others when it comes to providing and coordinating support.

Second, we need more sanctions. We need to implement them faster. The sanctions have to bite now, not 2 weeks from now or 2 months from now. We need to remove all Russian banks' access to the global financial system. Russia must be financially cut off from the rest of the world if we are to have the effect that we want to have. Even without using our full sanctions authority, we have already seen some of the pain that we can inflict.

However, there are loopholes in these sanctions. It is not enough to go after individual banks, such as VTB and Sberbank. We are told that the Kremlin has already transitioned payments from these banks through Rosbank, UniCredit, and Raiffeisen. We need blocking sanctions on all of Russia's finance and defense industry as long as Russian forces are in Ukraine.

We need to exert maximum pressure to ensure no money can be sent to Russia to fund its war effort. We must implement full blocking sanctions on all Russian banks and ensure energy transactions are not exempt from these transactions. Russia should not be allowed to use its oil and gas profits to kill innocent Ukrainians.

We can also target the way Russia, including individuals close to Presi-

dent Putin, currently evade sanctions. In 2020, when I was chair of the Permanent Subcommittee on Investigations, we published a bipartisan report showing how sanctioned oligarchs continued to have access to the U.S. financial system, in this case, through the purchase of high-value art. The two oligarchs we investigated were sanctioned in 2014 following Russia's invasion of Crimea.

You have heard that those sanctions weren't particularly effective. This is one reason. They laundered their money through art. They continued to purchase millions in art through auction houses and dealers in New York after they were sanctioned.

In that report, we recommended Congress should amend the Bank Secrecy Act to require art dealers to confirm the identity of buyers and sellers in transactions to ensure they are not using the art purchases to launder money or evade sanctions. These are the same requirements we place on financial institutions. Those changes are now more urgently needed than ever. The European Union and the United Kingdom recently closed this loophole by requiring businesses handling art transactions valued at 10,000 pounds or more to comply with anti-money laundering laws, including verifying the identity of the seller, buyer, and ultimate beneficial owner of the art so that the purchase isn't being used to evade sanctions.

Since the EU and UK have tightened compliance, the United States, which has the largest art market in the world, becomes now the main target for sanctioned Russians to continue to evade sanctions and launder money through high-value art purchases. If the administration doesn't move on this, we are currently drafting legislation to close this loophole in the U.S. Senate.

Third, on tax treatment, we should suspend our tax treaty with Moscow and explore options to remove other tax benefits from Russian businesses. The United States has income tax treaties with a number of foreign countries to facilitate investment and prevent double taxation of residents and businesses which operate in both countries. Under these tax treaties, residents, not necessarily citizens, of foreign countries are generally taxed at a reduced rate or exempt on certain items of income. It is important to note that these treaties reduce U.S. taxes on Russian residents and businesses, but they generally don't reduce the taxes of U.S. citizens or U.S. treaty residents. Instead, they would reduce Russian taxes for U.S. citizens.

President Biden has the constitutional authority to suspend our tax treaty between the United States and the Russian Federation. We need to pursue all options to isolate Russia and make it clear that there are consequences for their actions. The tax treaty is one more way to do that.

We should also follow the UK and suspend the exchange and sharing of

tax information with Russia and Belarus. With Russia's hostile actions toward Ukraine, we should no longer incentivize U.S. investment in Russia or provide preferential tax treatment for Russian investment in the United States.

Fourth, on trade, there are two additional things we can do to bring pressure on President Putin and his allies. Access to our market is a privilege, not a right, and we should not give Russia the normal access. The House passed a law to suspend what is called "most favored nation," or PNTR, for Russia last week, which some in the Senate oppose because it does not contain a statutory ban on Russian energy imports. Currently, the energy import ban can be undone at the whim of a President, rather than the legislative criteria about the restoration of Ukrainian sovereignty and the cessation of hostilities. So I agree with putting it in statute. I think that would be a good idea. But I also believe the urgency of the moment means that we have to find a way to stop preferred access to our market. Let's do it this week.

The International Trade Commission should also bring the full might of U.S. trade remedy law to bear on Russian companies which trade unfairly, similar to how we treat Chinese companies. Last week, I sent a bipartisan letter with Senator BROWN to the ITC on this topic. The Commission is required by law to consider "all relevant economic factors which have a bearing on the state of the industry in the United States." Given Russia's behavior, including its manipulation of trade flows in pursuit of malign strategic objectives and exceptional involvement of the state in the domestic economy, we ask the Commission to take these into account in cases involving Russia when they violate our trade laws.

The Commerce Department should reclassify Russia as a nonmarket economy, making it easier to bring unfair trade cases against them. It is appropriate to reclassify them because up to 77 percent of their economy is now run by the government. Commerce was asked to reclassify in the fall but retained Russia as a market economy, allegedly after a Russian delegation pressured the Biden administration. In light of the invasion, Commerce should reconsider that decision and ensure that Russia is reclassified as a non-market economy.

Now a handful of countries, like China and Belarus, are in that category. This means these countries don't have a free market. Instead, they have policies that restrict the flow of capital, involve government in the running of the economy, and don't allow wages to be set by free bargaining between labor and management. When a country is a nonmarket economy, it means our trade enforcers have an easier time of being tougher on those countries when they sell products here that are unfairly priced. It is time to do it.

Fifth, and maybe most important and most difficult, we need to lead our European allies on fully sanctioning Russia's energy sector. Russia's war machine is funded primarily through energy sales, including natural gas and oil to Europe. Probably the best way to persuade those persuadable in Russia is to cut off those resources, as we are doing here in the United States. It is going to be a lot more difficult for our allies in Europe to do that because many are dependent on Russian energy. But there are many steps the United States and other allies, like Qatar, can take to expand energy production here at home and help our allies abroad. LNG export contracts need to be finalized now and the export and import terminals quickly expanded. And that can be done.

Further, the Treasury Department's announcement that sanctions against Russia's biggest banks, including VTB Bank, do not apply to energy transactions until June 24—June 24 may be too late. That is unacceptable. We need to change that Treasury Department approach to sanctions against those biggest banks and ensure that we are applying them to energy transactions as soon as possible.

I would advocate for a similar approach in how we designated Iranian entities in 2018 when we left JCPOA. We did not issue sanctions waivers to European companies that continued to do business with Iran's economy, and that forced those companies to leave Iran's market, even though European governments weren't particularly supportive of that. That is what happened.

Some countries in Europe have not done enough to diversify their energy future in light of this invasion, which they are now financing, again, through the purchase of Russian gas. It can't be business as usual. We need to figure out a way to stop that revenue.

By the way, there is a connection between the Iran deal and Ukraine. Under the new Iran deal, secondary sanctions will be lifted on the Central Bank of Iran and all other Iranian financial institutions, enabling transactions between Russia and Iran, to include the Central Bank of Russia, Sberbank, and others. In other words, the Iran nuclear deal guarantees that Russia can use a sanctions-free Iran as a sanctions-avoidance oasis. This should not stand.

The administration needs to reverse course here. Sanctioning Russia because of the barbaric war in Ukraine and then giving them a pass when it comes to the Iran nuclear deal is contradictory to our foreign policy interests. At the very least, this proposed treaty needs to be submitted to Congress as is required by law so that we can analyze that issue and make a decision.

We need to do more, and we need to do it quickly. I have outlined some of the actions we can take, and we should act fast to let the people of Ukraine know we stand with them. The popular Ukrainian rallying cry "Slava

Ukraini," when translated into English, is "Glory to Ukraine." "Slava Ukraini," to which the response is "Glory to the Heroes," "Heroyam Slava."

In the midst of this atrocity, there are so many heroes to glorify in Ukraine: the soldiers, professionals, and civilians, alike, doctors and nurses and firefighters and the volunteers who are providing food and water and blankets. We pray for them all. We pray for their families.

Godspeed to the people of Ukraine in their simple and profound quest, a battle for a free and independent Ukraine. We must show the world that America supports that simple quest, that we stand with Ukraine.

I yield the floor.

MORNING BUSINESS

REMEMBERING GARRY J. AUGUSTINE

Mr. TESTER. Mr. President, today I wish to honor the life and service of a decorated veteran, fierce advocate, and great man, Garry Augustine.

As the executive director of the Disabled American Veterans, DAV, from 2013 to 2018 and a 50-year life member, Garry helped shape the legislative landscape for disabled veterans and their families nationwide by advocating before Congress, the White House, and Department of Veterans Affairs.

While Garry is no longer with us, his legacy lives on. On behalf of myself, Congress and my fellow Americans, I would like to extend our deepest gratitude for his life and service to this Nation.

A native son of Cleveland, OH, Garry enlisted in the U.S. Army in August 1969. As a member of the 198th Infantry Brigade in South Vietnam, he served on the Batangan Peninsula. During a combat patrol operation on April 9, 1970, he was severely wounded by a land mine explosion.

After 18 months and multiple surgeries at Walter Reed Medical Army Hospital, Garry returned home to Cleveland, where he continued physical rehabilitation.

Following his time in uniform, Garry's commitment to serving others never faded. In 1978, Garry went on to earn a bachelor's degree with honors from Ohio University and a master's degree in sociology from Cleveland State University in 1983. That same year, he became a life member of DAV Chapter 42 in Mentor, OH.

In Mentor, he served in various positions, including chapter commander and adjutant, and on statewide committees, as well as director of service for the DAV Department of Ohio. He was also selected as one of the Outstanding Young Men of America in 1989.

Along the way, Garry met and married his loving wife Kelly Lambing and

raised two children, Chelsea and Kyle. He was rightfully proud of them, and spoke of them often.

He began his tenure with DAV in 1988 as a hospital service coordinator for the Department of Ohio at the Cleveland Wade Park VA Hospital. That same year, he joined DAV's professional staff as a national service officer apprentice and went on to serve as assistant supervisor and supervisor at the national service office in Cleveland.

Eventually, Garry left this role to help lead DAV's efforts nationwide. He was appointed to assistant national service director at DAV's Washington headquarters in 2002 and then deputy national service director in 2004 and national service director in 2010.

He was named as Washington headquarters executive director in 2013, where he was tasked with overseeing DAV's service and legislative programs and leading DAV's advocacy efforts on behalf of more than 1 million DAV members.

As executive director of DAV, Garry was in charge of an organization that has always been at the forefront of advocating for veterans and securing the resources, healthcare, and benefits veterans have earned. In the position, he was a tireless and successful advocate for VA healthcare reform, expanding caregiver benefits, securing critical resources for veterans' initiatives, modernizing the disability appeals system, and improving VA care and services for women veterans.

As the top Democrat on the Senate Veterans' Affairs Committee and Committee member since 2007, it was a great honor of mine to work with Garry and DAV on countless important pieces of legislation like the Deborah Sampson Act, the Veterans Appeals Improvement and Modernization Act, and the VA MISSION Act.

These bipartisan efforts, many of which were signed into law, serve as a testament to Garry's dedication and leadership on behalf of all veterans. Future generations of veterans will look at these bipartisan reforms and feel the reach of his mission to serve veterans in their communities.

Garry's enduring legacy lives on at DAV, which—thanks to his leadership—continues to be a cornerstone for communities across the Nation.

After three decades of service to DAV, Garry retired as executive director on December 17, 2018, and moved to Maryland's Eastern Shore. Even in his retirement, he continued to use his experience to serve as a strategic adviser on veterans' healthcare technology.

On March 14, 2022, Garry passed away in Washington, DC at the age of 71 years old. He is survived by his wife Kelly, daughter Chelsea, son Kyle, and grandson Austin, and will be laid to rest at Arlington National Cemetery.

It is my honor to recognize Garry's lifetime of service as a soldier, veteran, and leader of DAV—but also as a loving husband and father. On behalf of myself and a grateful nation, I extend my