

Now, we don't talk about it much, and the media doesn't talk about it much, but there is more income and wealth inequality in America today than we have seen in at least 100 years. And the gap between the very, very rich and the middle class and everybody else is growing wider and wider.

And today, in the midst of this inflationary period, when so many of our workers are struggling to put food on the table, when they are falling behind economically, the billionaire class has literally never had it so good. These guys don't know what to do with their money. You don't know how many mansions they can own, how many islands they can have. Some of them are building spaceships to take them to Mars. They don't know what to do with their many billions of dollars. And yet, as we speak, 85 million Americans can't afford health insurance; 60,000 a year die because they don't get to a doctor on time; 45 million people dealing with student debt; families can't afford childcare for their kids. We have 600,000 people who are homeless in America, including people a few blocks away from the U.S. Capitol.

The rich are getting much richer. The middle class continues to shrink. And if you want to talk about the excesses of corporate greed, then you have got to talk about the rail industry and what is going on here right now.

Now, everybody understands that businesses sometimes have trouble. They lose money. They are in trouble. They go to their workers and say: Hey, things are tough, we all have to cut back. We understand that.

That is not the case today with the rail industry. For the rail industry, business has never been better, record-breaking profits. This year alone, for the first three quarters, their profits are up by over \$21 billion. They have so much money that they are able to give over \$25 billion in stock buybacks and in dividends.

That is what is going on with the rail industry. One of the CEOs in the rail industry makes \$20 million a year. Another guy makes \$14 million a year. They are doing phenomenally well. But what is also going on in the rail industry is that over the last 6 years, they have cut back on their workforce by 30 percent, which means that workers in the rail industry are asked to do more with less support.

So for 3½ years, there have been negotiations between the industry and the 12 rail unions. And the end result of this is that the workers received a 24-percent increase in their wages. It sounds like a lot of money. That is for a 5-year period. They have not received a pay increase in the last 3 years. And if you average it out, that pay increase is less than inflation to date. It is not a great wage increase. It is not terrible, but it is not a great wage increase.

I have heard talk about healthcare. They wanted healthcare. They didn't

win on healthcare. What the industry, unbelievably, wanted to do, despite record-breaking profits, is ask workers to pay more for their health insurance. That was beaten back. So they remain at a status quo. Not a victory, but not a defeat.

But most egregiously, if you talk to the workers as I have—what is the issue? It is not wages. It is not benefits. Their issue is paid sick leave. They are one of the few industries in America today that have zero sick paid leave. Unbelievably, if a worker today on the rail industry gets sick, that worker gets a mark for missing work and can and—in some cases—will be fired.

Can you imagine that? Here in Congress, we all—conservatives, progressives—we have staff—all of us, and people get sick. Of course, they take time off. You don't fire them. You don't give them marks. You don't punish them because they got sick. This is America, 2022. You don't treat people—especially in the rail industry, who are doing dangerous, difficult work.

Now, I have to be honest. I know that the Secretary of Labor and the Secretary of Transportation have worked really hard on this issue. But I need to hear from them the willingness, which I think there will be, to demand that the industry do what has to be done, and that is to provide paid sick leave for their workers.

I will have an amendment. I assume that is coming up in a few moments. This is not a radical idea. It is a very conservative idea.

And it says, if you work in the rail industry, you will get 7 paid sick days. And I would hope that we would have strong support and the 60 votes that we need to pass this very, very important amendment that is wanted by every one of the rail unions and, I think, is overwhelmingly supported by the American people.

With that, I yield all time back.

VOTE ON AMENDMENT NO. 6503

I ask for the yeas and nays.

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

Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior executive clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. MURPHY) and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Mississippi (Mrs. HYDE-SMITH), and the Senator from Idaho (Mr. RISCH).

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

The result was announced—yeas 25, nays 70, as follows:

[Rollcall Vote No. 370 Leg.]

YEAS—25

Blackburn	Hagerty	Scott (FL)
Braun	Hoeben	Scott (SC)
Capito	Inhofe	Shelby
Collins	Johnson	Sullivan
Cotton	Kennedy	Thune
Cruz	Lee	Toomey
Daines	Paul	Tuberville
Ernst	Rounds	
Graham	Rubio	

NAYS—70

Baldwin	Hassan	Peters
Barrasso	Hawley	Portman
Bennet	Heinrich	Reed
Blumenthal	Hickenlooper	Romney
Blunt	Hirono	Rosen
Booker	Kaine	Sanders
Boozman	Kelly	Sasse
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Lankford	Shaheen
Carper	Leahy	Sinema
Casey	Lujan	Smith
Cassidy	Lummis	Stabenow
Coons	Manchin	Tester
Cornyn	Markey	Tillis
Cortez Masto	Marshall	Van Hollen
Cramer	McConnell	Warner
Crapo	Menendez	Warren
Duckworth	Merkley	Whitehouse
Durbin	Moran	Wicker
Feinstein	Murkowski	Wyden
Fischer	Murray	Young
Gillibrand	Ossoff	
Grassley	Padilla	

NOT VOTING—5

Burr	Murphy	Warnock
Hyde-Smith	Risch	

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is not agreed to.

The amendment (No. 6503) was rejected.

PROVIDING FOR A CORRECTION IN THE ENROLLMENT OF H.J. RES. 100

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consideration of H. Con. Res. 119, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 119) providing for a correction in the enrollment of H.J. Res. 100.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, the American people are increasingly disgusted at the level of corporate greed that we see today. We have more income and wealth inequality in America now than we have had in 100 years—billionaires getting richer, working people falling further and further behind.

And there is no clearer example of corporate greed than what we see in the rail industry today.

In the last year, that industry earned \$21 billion in profits—record-breaking—and provided \$25 billion in stock buybacks and dividends to their wealthy shareholders. And yet, today, in that industry, workers who do difficult and dangerous work have zero paid sick days. Zero. You get sick, you get a mark against you; couple of marks, you get fired. This cannot and must not happen in America in 2022.

This amendment simply says 7 paid sick days for workers in the rail industry, and I hope we can win it.

VOTE ON H. CON. RES. 119

I ask for the yeas and nays, and I yield back all remaining time on both sides.

The PRESIDING OFFICER. Without objection, all time is yielded back.

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 New Jersey (Mr. BOOKER), the Senator from Connecticut (Mr. MURPHY), and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR) and the Senator from Mississippi (Mrs. HYDE-SMITH).

The result was announced—yeas 52, nays 43, as follows:

[Rollcall Vote No. 371 Leg.]

YEAS—52

Baldwin	Hawley	Reed
Bennet	Heinrich	Rosen
Blumenthal	Hickenlooper	Rubio
Braun	Hirono	Sanders
Brown	Kaine	Schatz
Cantwell	Kelly	Schumer
Cardin	Kennedy	Shaheen
Carper	King	Sinema
Casey	Klobuchar	Smith
Coons	Leahy	Stabenow
Cortez Masto	Lujan	Tester
Cruz	Markey	Van Hollen
Duckworth	Menendez	Warner
Durbin	Merkley	Warren
Feinstein	Murray	Whitehouse
Gillibrand	Ossoff	Wyden
Graham	Padilla	
Hassan	Peters	

NAYS—43

Barrasso	Hagerty	Romney
Blackburn	Hoeben	Rounds
Blunt	Inhofe	Sasse
Boozman	Johnson	Scott (FL)
Capito	Lankford	Scott (SC)
Cassidy	Lee	Shelby
Collins	Lummis	Sullivan
Cornyn	Manchin	Thune
Cotton	Marshall	Tillis
Cramer	McConnell	Toomey
Crapo	Moran	Tuberville
Daines	Murkowski	Wicker
Ernst	Paul	Young
Fischer	Portman	
Grassley	Risch	

NOT VOTING—5

Booker	Hyde-Smith	Warnock
Burr	Murphy	

The PRESIDING OFFICER (Ms. CORTEZ MASTO). On this vote, the yeas are 52, the nays are 43.

Under the previous order requiring 60 votes for the adoption of this concurrent resolution, the concurrent resolution is not agreed to.

The concurrent resolution (H. Con. Res. 119) was rejected.

PROVIDING FOR A RESOLUTION WITH RESPECT TO THE UNRESOLVED DISPUTES BETWEEN CERTAIN RAILROADS REPRESENTED BY THE NATIONAL CARRIERS' CONFERENCE COMMITTEE OF THE NATIONAL RAILWAY LABOR CONFERENCE AND CERTAIN OF THEIR EMPLOYEES—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.J. Res. 100.

Under the previous order, the joint resolution is considered read a third time.

The joint resolution was ordered to a third reading and was read the third time.

VOTE ON H.J. RES. 100

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mrs. MURRAY. 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 senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. MURPHY) and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR) and the Senator from Mississippi (Mrs. HYDE-SMITH).

The result was announced—yeas 80, nays 15, as follows:

[Rollcall Vote No. 372 Leg.]

YEAS—80

Baldwin	Graham	Padilla
Barrasso	Grassley	Peters
Bennet	Hassan	Portman
Blackburn	Heinrich	Reed
Blumenthal	Hirono	Risch
Blunt	Hoeben	Romney
Booker	Inhofe	Rosen
Boozman	Johnson	Rounds
Braun	Kaine	Sasse
Brown	Kelly	Schatz
Cantwell	Kennedy	Schumer
Capito	King	Shaheen
Cardin	Klobuchar	Shelby
Carper	Lankford	Sinema
Casey	Leahy	Smith
Cassidy	Lee	Stabenow
Coons	Lujan	Tester
Cornyn	Lummis	Thune
Cortez Masto	Manchin	Tillis
Cramer	Markey	Tuberville
Crapo	Marshall	Van Hollen
Daines	McConnell	Warner
Duckworth	Menendez	Whitehouse
Durbin	Moran	Wicker
Ernst	Murkowski	Wyden
Feinstein	Murray	Young
Fischer	Ossoff	

NAYS—15

Collins	Hawley	Scott (FL)
Cotton	Hickenlooper	Scott (SC)
Cruz	Merkley	Sullivan
Gillibrand	Rubio	Toomey
Hagerty	Sanders	Warren

ANSWERED "PRESENT"—1

Paul

NOT VOTING—4

Burr	Murphy
Hyde-Smith	Warnock

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 80, the nays are 15. One Senator responded present.

Under the previous order requiring 60 votes for the passage of this joint resolution, the joint resolution is passed.

The joint resolution (H.J. Res. 100) was passed.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

UNITED STATES V. TEXAS

Mr. CORNYN. Madam President, earlier this week, I did something I haven't done in a number of years, which is to attend a session of the U.S. Supreme Court, their oral arguments.

Of course, as you know, during the COVID pandemic, even the Supreme Court had to change the way it operated, but now the Court is back in the Supreme Court Building, meeting together, and listening to oral arguments and deciding some of the most important cases that are confounding the country and our legal system.

But the case that I listened to oral arguments in hit very close to home because the style of the case was *United States v. Texas*. It centers on a memo issued by the Department of Homeland Security Secretary, Alejandro Mayorkas, which he released last fall. In it, he provided specific confirmation—indeed, actually direction—to our Border Patrol agents that they would no longer have any hard and fast rules when it comes to removing illegal entry into the United States, particularly by those who commit serious crimes. So rather than a mandatory rule, Secretary Mayorkas said: Well, you have to weigh these various factors to see whether somebody who is guilty of a serious crime should be removed from the United States.

Under this memorandum, officers with Immigration and Customs Enforcement were discouraged from arresting or removing illegal immigrants unless they posed a threat to national security, public safety, or border security. That sounds reasonable, but it is a little more amorphous, a little more vague than specifically people who have committed aggravated felonies.

The memorandum, though, goes on to say that the Agency will prioritize anyone who poses a "current threat to public safety," but it is unclear exactly what that means. The guidelines state that this "is not to be determined according to bright lines or categories."

If you are a law enforcement officer, like the Border Patrol, what do you want? You want bright lines. You don't want categories. You don't want some woke statement about, well, on one hand, you have to consider these factors; on the other hand, you have to consider these factors. They need bright lines so they can make, perhaps, even life-and-death decisions.

But what Secretary Mayorkas has said in this memorandum is that there