

Further, if present and voting, the Senator from North Carolina (Mr. BUDD) would have voted "nay."

The PRESIDING OFFICER (Ms. BALDWIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 44, as follows:

[Rollcall Vote No. 119 Ex.]

YEAS—52

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

NAYS—44

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

NOT VOTING—4

Budd	Sanders
Gillibrand	Tuberville

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Colleen Joy Shogan, of Pennsylvania, to be Archivist of the United States.

Ms. SINEMA. We yield back all time.

The PRESIDING OFFICER. All time is yielded back.

VOTE ON SHOGAN NOMINATION

The question is, Will the Senate advise and consent to the Shogan nomination?

Ms. SINEMA. 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 New York (Mrs. GILLI-

BRAND) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alabama (Mr. TUBERVILLE).

The result was announced—yeas 52, nays 45, as follows:

[Rollcall Vote No. 120 Ex.]

YEAS—52

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

NAYS—45

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

NOT VOTING—3

Gillibrand	Sanders	Tuberville
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The nomination was confirmed.

The PRESIDING OFFICER (Mr. MURPHY). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Geeta Rao Gupta, of Virginia, to be Ambassador at Large for Global Women's Issues.

The PRESIDING OFFICER. The Senator from Tennessee.

UNANIMOUS CONSENT REQUEST—S. 1192

Mr. HAGERTY. Mr. President, title 42 will terminate tomorrow with the expiration of the COVID-19 public health emergency. Title 42 is one of the last tools available to Border Patrol agents, and the President is surrendering it during a record-shattering border crisis. It is unconscionable for Congress to stand aside and do nothing to preserve this critical authority.

Title 42 authority was initially based on the pandemic. While I agree that the pandemic is over, the border crisis is worse than ever. Whether to keep effective border security policies in place should not depend on the pandemic.

There is a new epidemic that is plaguing our Nation, one that demands immediate action. Deadly fentanyl—produced with the help of the Chinese Communist Party and smuggled across our southern border by drug cartels—has flooded into our communities. More than 100,000 Americans died of drug overdoses in the last 12 months alone—most from synthetic opioids like fentanyl. It is the No. 1 cause of death for Americans between the ages of 18 and 45.

The rise of fentanyl overdose deaths affects every State and every congressional district. It kills the young, the old, the rich, the poor. It affects cities and small towns alike. It is not a partisan issue, and finding a solution shouldn't be partisan either.

With the end of title 42, even the Biden administration is openly preparing for an already-recordbreaking crisis to get far worse by sending 1,500 Active-Duty troops to the southern border. It is an admission of the impending invasion.

To allow title 42 to end without creating a permanent new authority to replace it only empowers drug cartels. It enables them to illegally send migrants across the border at strategic points, bogging down Border Patrol agents with paperwork and processing that takes five times longer than under title 42. This dramatic increase in processing times will significantly decrease scarce resources available to actually patrol our southern border. Cartels will use the longer and more frequent enforcement gaps to move fentanyl across our border. We cannot allow this to happen.

Title 42 is an effective and important tool for controlling the flow of illegal migration at the southern border, but it is also an effective and important tool for dissuading migrants from making the dangerous journey to the southern border, to ultimately be exploited by drug cartels. But the current administration has no interest in dissuading migrants from coming to the United States. Instead, through Biden's border policies, they entice thousands more migrants per day to illegally cross into the United States, risking their lives as they magnify the humanitarian crisis at our border.

That is why I introduced legislation to add drug smuggling as an additional basis for invoking title 42 authority. It is called the Stop Fentanyl Border Crossings Act. Overdoses have become an epidemic in America, and no one can deny that. My legislation would allow the Secretary of Health and Human Services to use title 42 to combat substantial, dangerous drug trafficking across our southern border. This bill would give Border Patrol a necessary tool to focus on stopping drug traffickers.

It seems like an obvious step to take. Everyone agrees fentanyl trafficking is a dire problem. Yet, in the last Congress, Democrats blocked this legislation three times. Now that title 42 is

actually coming to an end, it is time to get past the political posturing, and I hope my colleagues will join me. We cannot sit idly by. Without this authority, the recordbreaking border crisis and deadly drug overdose crisis that will follow will become unimaginably worse.

Mr. President, as if in legislative session, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 1192 and the Senate proceed to its immediate consideration; further, 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. SANDERS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Senator HAGERTY's bill aims to expand the use of title 42 to restrict the entry of people and goods from countries where "substantial" drug smuggling exists.

I am very concerned about the increased use of fentanyl in this country. Everybody is. As you just heard, we have seen over 100,000 Americans die from drug overdoses in the last year alone. Unfortunately, this isn't the way to address this problem. Title 42 is a public health authority, and the use of it should be dictated by public health experts.

Instead of proposing real solutions to address drug trafficking based on what will keep people safe, some of my Republican colleagues want to use title 42 as a political stunt to keep out people seeking asylum. I welcome the opportunity to work with my Republican colleagues on serious solutions to address drug trafficking. Unfortunately, this is not one of them.

I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Tennessee.

Mr. HAGERTY. Mr. President, my Democratic colleague is objecting to legislation that simply gives the Secretary of Health and Human Services the authority to limit border crossings when necessary to combat substantial, dangerous, illicit drug smuggling. It doesn't provide authority to stop all asylum claims. It only applies where substantial illicit drug smuggling is endangering health. More than 100,000 Americans are dying annually of drug overdoses, many of which result from drug smuggling at the southern border.

This legislation isn't a mandate; it is a tool to help save American lives whenever that is possible. Everyone acknowledges that an already record-breaking crisis will get worse without title 42. American lives and American communities hang in the balance. Yet my colleagues across the aisle are categorically opposed to any common-sense policy that will help us address this problem.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

COMPREHENSIVE AND PROGRESSIVE AGREEMENT FOR TRANS-PACIFIC PARTNERSHIP

Mr. MORAN. Mr. President, I am pleased to have the opportunity to give some thoughts today on what is going on in the United States and around the globe.

Here in these early months of this new Congress, there clearly is broad bipartisan agreement on the importance of the Indo-Pacific region for our country's future. We are strengthening our military posture in that region, and last Congress, we passed legislation to strengthen our strategic industries.

What is being ignored, however, is a third component essential to our success in the region: expanding trade. At a State and Foreign Ops hearing in March, I noted the importance of our economic relationships around the world and asked Secretary of State Blinken about our approach to trade agreements, particularly America's absence from the Comprehensive and Progressive Trans-Pacific Partnership—the CPTPP.

He told me the original pact in 2015 had real benefits, economically and strategically, but since then the world has moved on. I agree with him, our allies and our partners have moved on. They have moved on without us.

A year ago this month, President Biden made his first trip to Asia and unveiled the Indo-Pacific Economic Framework, the administration's initiative to reengage the region on standards involving digital trade, supply chains, climate change, and corruption.

This is a small start, but it falls far short of what is needed today to advance American prosperity and security—also, the well-being of our Asian partners. In particular, the President's proposal fails to include greater U.S. market access.

The United States is belatedly offering a tepid leadership to a region that remains committed to open trade.

We can and must correct this or fall further behind in the most economically dynamic region in the world. I call on President Biden to enter into—and Congress to ratify—the CPTPP. It would be difficult to overstate how important the Indo-Pacific is to American prosperity. The region comprises 40 percent of the global economic output, and that is expected to grow to 50 percent by the end of the decade.

The largest economy in the region belongs to China, which is the largest trading partner for the region's countries. This provides Beijing with leverage to bully our allies and partners into making concessions in exchange for access to the Chinese market. It allows Beijing, not the United States, the same opportunity to have that relationship, so necessary.

China, for example, used coercion to retaliate against Australia after our allies in Canberra called for an investiga-

tion into the origins of COVID-19. Beijing regularly forces American businesses to refrain from criticism of China or conform to communist policies.

China's leaders can coerce and intimidate because they have economic strength. It is clear China will exert that tremendous leverage over other nations to achieve its global ambitions. Its attempts to bully countries into its sphere of influence are on full display through the Belt and Road Initiative, which has left trails of debt traps and human rights abuses. Unfortunately, the United States is ceding our economic leadership that we established and maintained for the last 80 years.

Having quit the Trans-Pacific Partnership under bipartisan, Republican and Democrat, criticism for that departure, the countries we worked with—treaty allies and partners—moved ahead. They moved ahead without us and in 2018 brought into force a successor agreement, the CPTPP. These countries represent more than 13 percent of global GDP, and in the last few weeks, Great Britain has gained membership.

So important is the CPTPP to the Pacific economies that China has applied for membership. They did so last September. It would be a grave mistake for us to assume that in America's absence China would be denied membership indefinitely.

China wants in, despite already being the largest member of the Regional Comprehensive Economic Agreement, which also includes our treaty allies, Japan and South Korea, Australia and New Zealand. This trade bloc accounts for nearly one-third of global GDP.

These two agreements, comprised of nations with diverse ideologies, underscore the importance of the economics of the Indo-Pacific region. In Asia especially, economics and security are one and the same, and for Washington to ignore that is a miscalculation.

Our allies and partners in this region are noticing. They notice our absence. Australia's Foreign Minister said at the end of last year:

America's decision not to proceed with the CPTPP is still being felt in the region. . . . We have reached a stage in the evolution of our alliances where they will increasingly require a fully developed economic dimension, as well.

In other words, we can't have the same relationship with countries that we don't deal with in trade in economic relationships.

At the end of 2022, Singapore's Defense Minister had this to say:

The U.S. increasing their military presence in Asia as a stabilizing force is virtuous, it is good and we will support that.

But then he made this key point:

We think that the U.S. should do more to engage as it did previously, to build an economic framework, which as a tide can lift all boats.

Despite our own National Security Strategy which declares that "we need to win the competition for the 21st century" and that we will "shape the rules

of the road for . . . trade and economics," the document makes clear President Biden believes "we have to move beyond traditional Free Trade Agreements."

But given the words of our Pacific friends, it is equally clear they have not moved beyond such agreements. In fact, they are doubling down on them without us. The President and his administration are either oblivious to this fact or indifferent.

Given the stakes, whichever one it is, it is a serious mistake. Dating back to the 1980s, the National Security Strategy is a congressionally mandated report issued by the President to convey the administration's national security goals and how to achieve them. In recent decades, one document is published each Presidential term rather than yearly.

The 2022 document, President Biden stresses upholding the "rules-based international order" but then refuses to engage in shaping one of the significant pillars of that order: trade.

The National Security Strategy invokes four principles, two of which are openness and inclusiveness. And as one scholar observed, the President's approach to trade is neither open nor inclusive.

This hurts our goals in this region, and it hurts Americans at home, our very national security. Our engagement really is about our own well-being. Our own well-being is often dependent upon the well-being of our friends and allies or those we want to be our friends or allies.

Economic partnerships can promote U.S. national security interests by protecting critical access to technology, minerals, and food supplies. We know what happens when we are so dependent upon one particular country for meeting our country's needs in strategic items. It is a mistake for us to have all eggs in a basket. Robust trade agreements safeguard the intellectual property and manufacturing capabilities that underpin our American military dominance.

Southeast Asia presents a situation in which our agricultural producers can score significant market access wins, while U.S. soft power can bolster our influence with these critical partners with these countries that are or can be our friends.

America's economy is the foundation of our power. Without the creation of wealth, we cannot afford to sustain the world's greatest military, which in turn defends the peace that enables the flow of goods. As a column in the Wall Street Journal just within the last week argued, "The U.S. must embrace the politics of growth. Our world must be, and must be seen to be, the surest, fastest path to raising living standards all over the world. That's what we did after World War II. We must find a way to do it again today."

What that is saying is we can't allow China to be seen as the path to economic well-being for people and na-

tions around the world and specifically in the South Pacific.

Southeast Asia presents a situation in which our agriculture producers can score significant market access wins while we are making a difference in our own capabilities to influence the world.

America's economy is the foundation of our power, and we must utilize it. In competing with China in the coming decades, it is essential that the United States provide a positive vision for the region that attracts countries to what America offers beyond security support. Leadership is more than making clear what we are against. We must offer a compelling case of what we are for and how it will benefit those we wish to lead, those we wish to be partners with.

Little in geopolitics is a win-win, but trade is a rare area that advances our interests and those of our partners. According to the Chicago Council on Global Affairs, the American people understand this. Three in four Americans think that trade is good for the U.S. economy, but Congress and the President are making a mistake ignoring the old idea of open trade.

To best compete with China in Asia and to help Americans at home, joining the CPTPP and providing greater market access is an obvious place to begin. Jobs, economic opportunity for us, and most importantly, the well-being of our Nation, our national security, depend upon trade and that relationship it creates.

(Ms. CORTEZ MASTO assumed the Chair.)

REMEMBERING GARY R. DOANE

Madam President, I rise today to honor the life and mourn the loss, the passing of a Kansan whom I was privileged to know well, Gary Doane. Gary touched the lives of all who knew him, and he left the world and our State a better place.

I know I speak for many, many others when I say we will all miss his wisdom and his kindness. In Kansas, we know the value of community, and we rely upon our neighbors in times of need. And Gary took these traits to heart, and his friends and neighbors always knew he would be there to lend a helping hand.

He was raised on a farm not far from my hometown, northwest of Downs. Gary knew the value of faith, of hard work, and service, and he practiced every day what he believed. He and his wife Glennys enjoyed 45 years of marriage, and they raised their three children on the farm just miles from his own childhood home. Gary was an active member in his community and a dedicated advocate for causes he believed in. He served at the county and State levels of the Kansas Farm Bureau, including 8 years on the State board of directors. He also served as chair of the board of directors of the Kansas Agriculture and Rural Leadership Program—what we know in Kansas as KARL.

Gary instilled a passion for service to his life in every circumstance. In 2001,

we had the pleasure of having his daughter Amy work on our staff when I was a Congressman representing "The Big First" in the House of Representatives.

Gary, what we all hoped to do, he did. He lived a life with purpose, and he loved to invest in the next generation of Kansans. He often spoke of how he wanted to help raise new leaders to preserve the same opportunities he enjoyed living and raising his family in North Central Kansas.

We all look for examples, and Gary's life is an example of the difference one person can make. And I know his legacy will live on in the community and in the State he loved. Rob's and my prayers are with his wife Glennys and his three children, Amy, Vic, and Edie, and the entire Downs community.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

DEMANDING THAT THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA AND THE COMMUNIST PARTY OF CHINA IMMEDIATELY RELEASE MARK SWIDAN

Mr. CRUZ. Madam President, a few months ago, I spoke on this floor about Mark Swidan, who has been unjustly imprisoned by the Chinese Communist Party for over a decade. Mark is from Luling, a small city in my home State of Texas. His mother, Miss Katherine Swidan, still lives in Luling. And for the last 11 years, Mark has endured a living hell, trapped in a Chinese prison. He is exposed to extreme heat and extreme cold. He is deprived of sleep. He is subjected to physical abuse. Mark has also been denied access to his family and to American diplomats.

And in 2019, a Chinese court sentenced Mark to death. Mark is being unjustly held by the Chinese Communist Party as a hostage. The CCP tells us that China is a great power, but this is how Third World thugs and dictators act.

I called for Mark's immediate release and called on the Biden administration to use any and every available means to secure Mark's freedom.

I am deeply distressed that since my speech on the floor a few months ago, Mark's plight has deepened. Recently, a Chinese court reaffirmed the death sentence imposed on him with a suspension for 2 years.

That is wrong, and it is outrageous. We need Mark to come home.

It is worth revealing how breathtakingly, infuriatingly unjust all of this is. How did it happen? On November 13, 2012, Mark was abducted by China's Public Security Bureau while he was in China on a business trip. A witness to the abduction said that Mark was detained because Chinese officials wanted to view the contents of his cell phone.

The Chinese officials accused Mark of being part of a criminal conspiracy to