

The senior assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

#### ENERGY

Mr. THUNE. Mr. President, it was good to hear President Biden acknowledge in his State of the Union speech last week that we still need oil. He is right.

And while I am a big supporter of clean energy, and I am proud to come from a State that gets the majority of our electricity generation from renewables, the fact of the matter is that even in States like mine, conventional energy sources like oil and natural gas are essential to maintaining an affordable, stable, and reliable energy supply.

Renewable technologies have come a long way, but they still have a ways to go. And we, literally, wouldn't be able to keep the lights on in this country without conventional energy sources like natural gas and coal.

So it was good to hear the President acknowledge that we still depend on affordable and reliable legacy sources of energy like oil. But it would be even better if he pursued an agenda that acknowledged it, instead of an agenda that is actively hostile to conventional energy production.

From canceling the Keystone XL Pipeline on day 1 to hiking taxes on oil and gas companies and making it more challenging for companies to make more oil and gas, the President's agenda seems designed to do everything it can to discourage production of the oil the President says that we need.

And then there is ESG. The Biden administration has been attempting to use the long arm of regulation to implement ESG policies—environmental, social, and governance policies—to advance its anti-conventional energy climate agenda. The President's ESG regulations are designed to choke off investment into the oil and gas industries and even to other essential industries like farming and ranching due to their natural methane emissions.

Take, for example, the Securities and Exchange Commission's proposed climate disclosure rule. This would require publicly traded companies to disclose information, not only about their own greenhouse gas emissions but, in many cases, about those of their suppliers and even their customers. It would also require companies to determine the effects of climate-related risks on each line item of their consolidated financial statements.

There are multiple problems with this rule, one notable problem being the fact that it is a totally unworkable regulation. Companies have zero control over the emissions of their suppliers and customers and little to no ability to accurately gauge those emissions.

But leaving aside the unworkability factor, the major problem with this

proposed rule is that it is clearly designed to coerce companies to sever or reconsider their ties with certain industries, notably, of course, the conventional energy industry but also with other industries like agriculture.

Private companies, of course, have the right to consider whatever factors they want when determining what companies they would do business with and what they will invest in. But the Federal Government should not be putting its thumb on the scale. And the SEC rule is just one of the regulations the Biden administration has put forward designed to encourage investment in industries that aren't part of Democrat's Green New Deal vision.

There is the Biden administration's proposed Federal contractor rule, which, like the SEC rule, would require companies applying for certain Federal contracts to disclose not only their own direct and indirect emissions but also, in some cases, related emissions over which the contractor has no control.

The Federal Reserve—they are getting in on the act, too—has stepped outside its statutory role and established a pilot program to analyze climate-related financial risks for the Nation's largest banks. The Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Fed have all put forward principles for large banks on "climate-related financial risk management." And the list goes on.

Then there is the Department of Labor. In November, the Department of Labor issued a new rule that would allow pension plan fiduciaries—these are individuals who manage Americans' retirement accounts—to consider ESG; in other words, environmental, social, governance factors and not just the rate of return when investing their customers' money.

In other words, the individuals—think about this—the individuals who manage \$11.7 trillion of Americans' retirement will no longer be required to make investment decisions based solely on maximizing return. Instead, they will now be allowed to opt for a less valuable investment if they prefer its environmental profile.

I want you to just let that sink in for a minute. The Biden administration has essentially announced that its top goal is not giving Americans a secure retirement; it is giving them a retirement that supports the Biden administration's environmental agenda. The Biden administration is apparently happy to let your retirement money suffer as long as the investments are advancing its Green New Deal goals.

The very idea that the government is encouraging fiduciaries to consider anything but maximizing a return on Americans' retirement investments is outrageous.

I am very pleased to join all of my Republican colleagues on Senator BRAUN's resolution to overturn this rule.

I also reintroduced legislation earlier this week that would require Federal financial regulators, like the Securities and Exchange Commission, to estimate the impact their rules would have on gas, food, and energy prices, and prevent them from imposing any rule that would drive up these prices when the economy is struggling with high inflation, which gets to the heart of the matter here, and that is the impact the President's ESG rules are going to have on hard-working Americans.

Leaving aside the question of whether or not the government has any business using financial regulation to advance its environmental agenda, the fact of the matter is that choking off investment to the oil and gas industries could seriously impair our oil and gas supply. And that would mean two things: higher prices for Americans and a less reliable supply of energy. And that is a big problem.

Americans have had a tough 2 years in the Biden economy. The last thing they need is higher energy bills for the long term, and the last thing our country needs is a less reliable energy supply that forces us to rely on foreign energy sources or forces Americans to deal with regular blackouts and other supply problems.

President Biden talks about building an economy that works for working families. Unfortunately, so far, his policies have pretty much succeeded in doing just the opposite. And if the President continues to pursue his radical ESG agenda, working families, once again, will be the ones who pay the price.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LUJÁN). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Kansas.

#### CONGRATULATING THE KANSAS CITY CHIEFS ON THEIR VICTORY IN SUPER BOWL LVII

Mr. MORAN. Mr. President, for the second time in four seasons, the Kansas City Chiefs are the Super Bowl champions. Head Coach Andy Reid, Patrick Mahomes, and Travis Kelce cemented their Hall of Fame careers with another incredible season and Super Bowl LVII victory.

I want to acknowledge Chiefs owner Clark Hunt and Chiefs president Mark Donovan for running an exceptional organization and building the foundation for this remarkable team.

Chiefs Kingdom, ranging from Kansas to Missouri—and sometimes it is one of the few things that Kansans and Missourians agree on, or at least we pretend to agree on or disagree on other things. Chiefs Kingdom, ranging from

Kansas to Missouri and all across the Midwest, has the best fans in the NFL, and I look forward to the fan base growing even bigger as the Chiefs continue their dynasty for many years to come.

I congratulate Kathy Nelson with the Kansas City Sports Commission and Kansas City Mayor Quinton Lucas on a successful Super Bowl Parade that had an estimated 1 million people from Kansas and Missouri in attendance.

Congratulations also to the training and medical staff from the University of Kansas Health System for getting the Chiefs players healthy and ready to win Super Bowl LVII.

Kansas City will, again, be in the spotlight soon as we host the NFL draft this April.

I look forward to showcasing what Kansas and Kansas City has to offer as we continue to grow our region.

Congratulations to the entire Kansas City Chiefs organization.

I yield to my colleague and friend, the senior Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. HAWLEY. Mr. President, I thank Senator MORAN for the opportunity to say a few words and congratulations to the Kansas City Chiefs and all of Chiefs Kingdom. I just want to add my words of congratulations to the Hunt family. To Clark and Tavia and all of their kids, thank you for your friendship, thank you for your tremendous leadership.

I want to say congratulations to the president of the Chiefs, Mark Donovan, to Andy Reid, and I particularly want to add a word of congratulations to my friend Harrison Butker, who delivered the game-winning kick, both in the AFC Championship and also in the Super Bowl. He had a tremendous, tremendous season. Of course, the entire team had a tremendous season. But, just on a personal note to Harrison, well done, man—as you would say, to the heights.

So congratulations to all of the team, and I look forward to seeing this resolution and the memorialization of this victory entered into the CONGRESSIONAL RECORD.

With that, I yield back to the Senator from Kansas.

Mr. MORAN. I thank my colleague from Missouri.

Mr. President, as if in legislative session, I ask unanimous consent that the Senate proceed to consideration of S. Res. 71, which is at the desk.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 71) congratulating the Kansas City Chiefs on their victory in Super Bowl LVII.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MORAN. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to,

and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 71) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Mr. President, I ask unanimous consent that we start the scheduled vote right now.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Daniel J. Calabretta, of California, to be United States District Judge for the Eastern District of California.

#### VOTE ON CALABRETTA NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Calabretta nomination?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN), the Senator from Pennsylvania (Mr. CASEY), and the Senator from Pennsylvania (Mr. FETTERMAN) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Ohio (Mr. VANCE).

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

The result was announced—yeas 51, nays 45, as follows:

#### [Rollcall Vote No. 22 Ex.]

##### YEAS—51

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

##### NAYS—45

Barrasso	Braun	Capito
Blackburn	Britt	Cassidy
Boozman	Budd	Cornyn

Cotton	Johnson	Romney
Cramer	Kennedy	Rounds
Crapo	Lankford	Rubio
Cruz	Lee	Schmitt
Daines	Lummis	Scott (FL)
Ernst	Marshall	Scott (SC)
Fischer	McConnell	Sullivan
Grassley	Moran	Thune
Hagerty	Mullin	Tillis
Hawley	Paul	Tuberville
Hoeven	Ricketts	Wicker
Hyde-Smith	Risch	Young

#### NOT VOTING—4

Brown	Fetterman
Casey	Vance

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.

#### VOTE ON MARTINEZ-LOPEZ NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Martinez-Lopez nomination?

Mr. CARDIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN), the Senator from Pennsylvania (Mr. CASEY), and the Senator from Pennsylvania (Mr. FETTERMAN) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Dakota (Mr. CRAMER) and the Senator from Ohio (Mr. VANCE).

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

The result was announced—yeas 61, nays 34, as follows:

#### [Rollcall Vote No. 23 Ex.]

##### YEAS—61

Baldwin	Kaine	Sanders
Bennet	Kelly	Schatz
Blumenthal	King	Schumer
Booker	Klobuchar	Shaheen
Cantwell	Lujan	Sinema
Capito	Manchin	Smith
Cardin	Markey	Stabenow
Carper	McConnell	Tester
Collins	Menendez	Thune
Coons	Merkley	Tillis
Cortez Masto	Moran	Van Hollen
Duckworth	Murkowski	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Welch
Graham	Padilla	Whitehouse
Grassley	Peters	Wicker
Hassan	Reed	Wyden
Heinrich	Romney	Young
Hickenlooper	Rosen	
Hirono	Rounds	

##### NAYS—34

Barrasso	Ernst	Mullin
Blackburn	Fischer	Paul
Boozman	Hagerty	Ricketts
Braun	Hawley	Risch
Britt	Hoeven	Rubio
Budd	Hyde-Smith	Schmitt
Cassidy	Johnson	Scott (FL)
Cornyn	Kennedy	Scott (SC)
Cotton	Lankford	Sullivan
Crapo	Lee	Tuberville
Cruz	Lummis	
Daines	Marshall	