

the nomination of a well-respected and well-qualified individual chosen by the minority.

If Ms. Feldblum's nomination is blocked by this Congress, it will be an unprecedented power grab by the majority that would permanently shift the balance of power in the Senate. I hope all of my colleagues take seriously what it would mean if yet another power of the minority in the Senate was taken away. Most importantly, if one Republican Senator insists on blocking Ms. Feldblum's nomination, the work of the Equal Employment Opportunity Commission—an agency workers rely on to protect their rights and safety on the job—is going to come to a grinding halt.

Over the past 2 years, we have seen a shift in this country toward acknowledging and taking action against sexual assault and harassment, especially in the workplace. For far too long, this epidemic of powerful men taking advantage of their subordinates, employees, or those without a voice was swept under the rug. Women and men were told to brush it off or have a sense of humor or just endure the harassment or abuse they were facing in the workplace. Many did because they knew they would be punished, retaliated against, or even fired.

After the Presidential election and the Women's March, when so many women and men around the country made their voices heard and fought back against misogyny, sexism, racism, and tilted the playing field that has favored those at the top for too long, we started to see women and men bravely come forward at a level we have never seen before to say "no more" and to speak out against their experiences of sexual assault and harassment in the workplace.

Because of that courage, a lot of powerful men in Hollywood, in the media, and in Congress have finally been held accountable for their actions, especially when it came to using their power to take advantage of younger or less powerful women and men.

For women and men in industries outside the spotlight—in hospitality, in technology, in farm fields, and in so many offices and workplaces around the country—there has not been the same kind of reckoning. For many of those workers, the EEOC is one of the very few places they can turn to. The EEOC is a resource for workers who need to file complaints of harassment or discrimination. It holds employers and businesses accountable for widespread discrimination and harassment.

Again, because of the objection of a single Republican Senator, it is possible now that the EEOC will be unable to conduct some of its most critical work. Here is what that means for workers in our country. The EEOC would no longer be able to bring some large cases when discrimination is part of employers' general operating standards. That often includes hiring practices, equal pay, or sexual harassment.

It means workers will not be able to file complaints to stop what happened to them from happening to anyone else.

The EEOC would not be able to rule in cases where the Commission has not previously taken a position and a new policy must be created, and regional EEOC offices would not be able to hire expert witnesses in some cases, meaning that many cases would be stalled or even punted.

This is not hypothetical. Without a quorum—without a quorum—the EEOC would not have been able to participate in the 2016 case against a tire company that refused to hire women for field positions. After the EEOC intervened, that company settled with 46 women and implemented safeguards to prevent further discrimination. The EEOC also would not have been able to participate in a case against the outdoor store that discriminated against African Americans and Hispanic workers in hiring practices and retaliated against workers who stood up against unlawful practices.

Workers around the country rely on the EEOC every day to intervene when they are being harassed, discriminated against, or unfairly treated at work. Whether they are being told they must work on their day of religious observance or being told they cannot do a certain job because of their sex, the EEOC is there for them.

In this moment when sexual assault and harassment in the workplace are at the forefront of our national conversation, this is the wrong message to send to the American workers and their employees. We need to prove to the millions of women and men that we are taking the epidemic of harassment in the workplace seriously.

I have spoken to many of my colleagues on both sides of the aisle to make the case for confirming Ms. Feldblum before the end of this Congress. There is strong support on both sides of the aisle to get this done, with the exception of one lone Republican Senator.

I urge my colleagues across the aisle to push aside this unprecedented obstructionism, and I call on the Senate to move forward with confirming the full slate of nominees to the EEOC before this Congress ends so the Commission can continue to fulfill its duty to workers by enforcing protections and ensuring people are able to go to work and make a living without the fear of discrimination, harassment, or abuse.

I hope that as we are confirming the EEOC nominees, the Senate will also confirm Mark Pearce to another term on the National Labor Relations Board. Like the EEOC, the Senate has a long history of confirming majority and minority members to the Board in pairs. However, this year, Senate Republicans jammed through the majority members without reconfirming Mr. Pearce, allowing a minority seat to sit empty.

Mr. Pearce is extremely qualified and has a long track record of serving his

country for 8 years now as a member of the Board. He has a distinguished background representing unions and workers. Right now, when the Republican Board members are rushing decisions through that chip away workers' rights, even violating ethics pledges to do so, it is clear that the Board could benefit from his knowledge and expertise and voice for workers.

As I have told my colleagues across the aisle, I will not allow the Senate to jam through any HELP Committee nominees until Mr. Pearce and Ms. Feldblum are reconfirmed to their positions on the Board and the EEOC.

#### UNANIMOUS CONSENT REQUEST— EXECUTIVE CALENDAR

Mrs. MURRAY. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of PN 1318 and the Senate proceed to the en bloc consideration of the following nominations: PN 1318, Executive Calendar Nos. 379 and 381; and that the Senate vote on the nominations en bloc with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Utah.

Mr. LEE. Mr. President, reserving the right to object, I first want to note that it has been suggested that there is only one objection to Chai Feldblum's nomination to the EEOC. That is not true. I am among those objectors; I am not the lone objector.

My objection to this nominee relates to my belief and religious freedom. You see, religious freedom is very important to me. I am the descendant of people who were ordered exterminated by the Governor of Missouri on October 27, 1837. Religious intolerance cannot be tolerated in this country, and I see a growing wave of religious intolerance. I see a growing wave of sentiment of people suggesting that on the basis of people's religious beliefs, they can be subject to adverse government decision-making.

Ms. Feldblum has written that she sees a conflict between religious belief and LGBT liberty as "a zero-sum game" where "a gain for one side necessarily entails a corresponding loss for the other side." I see no reason why that should be the case, and I think that is fundamentally incompatible with our Nation's long tradition of pluralism and religious freedom.

Make no mistake—there is no mystery about which side Ms. Feldblum thinks should win. In a separate speech, she said: "There can be a conflict between religious liberty and sexual liberty, but in almost all cases, the sexual liberty should win. . . . I'm having a hard time coming up with any case in which religious liberty should win."

I find these remarks stunning, especially because an entire amendment to the U.S. Constitution—the very first one, by the way—is devoted to religious liberty. These are not the words

of an open-minded jurist. These are not the words of an open-minded lawyer. These are the words of an activist intent on stamping out all opposition to her cause. In fact, she has even said as much. She said: “[G]ranting liberty to gay people . . . cannot be adequately advanced if ‘pockets of resistance’ are permitted to flourish.” Who is she to decide whether someone should be permitted to persist in their own religious belief simply because those beliefs happen to conflict with a particular political world view?

As an EEO Commissioner, Ms. Feldblum would be in a prime position to stamp out those pockets of resistance. She herself has noted:

The EEOC has jurisdiction only over employment. But other Federal agencies that enforce sex discrimination provisions often look to our interpretation for guidance in interpreting the laws they enforce.

The Federal Government should never be used as a tool to stamp out religious liberty—that principle which is so central to our Nation’s founding and to human happiness itself. It is so important that we have to stand behind it. Ms. Feldblum, however, wants to deny exactly that. On that basis, I object to her confirmation.

The PRESIDING OFFICER. Objection is heard.

#### UNANIMOUS CONSENT REQUEST— EXECUTIVE CALENDAR

Mr. LEE. Mr. President, I offer up a counteroffer. I am fine with the other two EEOC Commissioners. If that is what we are worried about—the ability of the EEOC to do its business—fine. I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 379 and 381; and that the Senate vote on the nominations en bloc with no intervening action or debate

Mr. President. Is there objection?

Mrs. MURRAY. I object.

The PRESIDING OFFICER. Objection is heard.

The PRESIDING OFFICER. The Senator from New Hampshire

Ms. HASSAN. Mr. President, I rise today to join my colleagues in urging approval of Chai Feldblum. The EEOC is a vital bipartisan agency that enforces workers’ civil rights and helps protect them from harassment and discrimination while on the job. The EEOC has long operated with bipartisan support and requires a quorum of its five members to decide the cases before the Agency—cases which include racial discrimination, gender discrimination, age discrimination, and the abuse of people who experience disabilities. As my colleague from Washington noted, it decides cases of sexual harassment as well.

In short, the EEOC operates to protect hard-working people who want a fair shot in the workplace. Blocking this nominee prevents the EEOC from carrying out the work it is tasked to

do. It is bringing an unnecessary level of partisanship to a previously bipartisan process.

Ms. Feldblum is a highly qualified nominee. She has already been confirmed to the EEOC twice by the U.S. Senate, receiving support from Democrats and Republicans alike. She is also the first and only openly LGBTQ person to serve on the Commission.

After being nominated by President Trump for another term last year, it is time that we finally move forward with Ms. Feldblum’s nomination. We need to stop these games, and we need to allow the EEOC to fully carry out its duties.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

#### WOMEN’S ENTREPRENEURSHIP AND ECONOMIC EMPOWERMENT ACT OF 2018

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 683, S. 3247.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 3247) to improve programs and activities relating to women’s entrepreneurship and economic empowerment that are carried out by the United States Agency for International Development, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

##### SECTION 1. SHORT TITLE.

*This Act may be cited as the “Women’s Entrepreneurship and Economic Empowerment Act of 2018”.*

##### SEC. 2. FINDINGS.

*Congress finds the following:*

(1) Because women make up the majority of the world’s poor and gender inequalities prevail in incomes, wages, access to finance, ownership of assets, and control over the allocation of resources, women’s entrepreneurship and economic empowerment is important to achieve inclusive economic growth at all levels of society.

(2) Research shows that when women exert greater influence over household finances, economic outcomes for families improve, and childhood survival rates, food security, and educational attainment increase. Women also tend to place a greater emphasis on household savings which improves family financial resiliency.

(3) A 2016 report by the McKinsey Global Institute estimated that achieving global gender parity in economic activity could add as much as \$28,000,000,000,000 to annual global gross domestic product by 2025.

(4) Lack of access to financial services that address gender-specific constraints impedes women’s economic inclusion. Roughly 1,000,000,000 women around the world are currently left out of the formal financial system, which causes many women to rely on informal means of saving and borrowing that are riskier and less reliable.

(5) Among other consequences, this lack of access hampers the success of women entrepreneurs, including women who are seeking to run or grow small and medium-sized enterprises.

The International Finance Corporation has estimated that 70 percent of women-owned small and medium-sized enterprises in the formal sector are unserved or underserved in terms of access to financial services, resulting in a financing gap of \$300,000,000,000 for women-owned small businesses.

(6) Women’s economic empowerment is inextricably linked to a myriad of other women’s human rights that are essential to their ability to thrive as economic actors across the lifecycle, including—

(A) living lives free of violence and exploitation;

(B) achieving the highest possible standard of health and well-being;

(C) enjoying full legal and human rights, such as access to registration, identification, and citizenship documents;

(D) benefitting from formal and informal education;

(E) equal protection of and access to land and property rights;

(F) access to fundamental labor rights;

(G) policies to address disproportionate care burdens; and

(H) business and management skills and leadership opportunities.

(7) Discriminatory legal and regulatory systems and banking practices are obstacles to women’s access to capital and assets, including land, machinery, production facilities, technology, and human resources. These barriers are often connected to a woman’s marital status, which can determine whether she is able to inherit land or own property in her name. These constraints contribute to women frequently running smaller businesses, with fewer employees and lower asset values.

(8) Savings groups primarily comprised of women are recognized as a vital entry point, especially for poor and very poor women, to formal financial services. There is a high demand for such groups to protect and grow the savings of women with formal financial institutions.

(9) Evidence shows that, once a saving group is linked to a bank, the average savings per member increases between 40 to 100 percent and the average profit per member doubles. Investing in financial literacy, business leadership training, and mentorship are key elements to these outcomes.

(10) United States support for microenterprise and microfinance development programs, which seek to reduce poverty in low-income countries by giving small loans to small-scale entrepreneurs without collateral, have been a useful mechanism to help families weather economic shocks, but many microcredit borrowers largely remain in poverty.

(11) The vast majority of microcredit borrowers are women who would like to move up the economic ladder, but are held back by binding constraints that create a missing middle—large numbers of microenterprises, a handful of large firms or conglomerates, and very few small and medium-sized enterprises in between, which are critical to driving economic growth in developing countries.

(12) According to the World Bank, small and medium-sized enterprises create 4 out of 5 new positions in emerging markets, but approximately 50 percent of formal small and medium-sized enterprises lack access to formal credit. The financing gap is even larger when micro and informal enterprises are taken into account. Overall, approximately 70 percent of all micro, small, and medium-sized enterprises in emerging markets lack access to credit.

##### SEC. 3. ACTIONS TO IMPROVE THE INTERNATIONAL GENDER POLICY OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) GENDER ANALYSIS DEFINED.—In this section, the term “gender analysis”—

(1) means a socioeconomic analysis of available or gathered quantitative and qualitative information to identify, understand, and explain