

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak for 6 minutes on the Dhillon nomination.

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

Mrs. MURRAY. Mr. President, I come to the floor to oppose the nomination of Janet Dhillon to the Equal Employment Opportunity Commission.

I have a number of concerns about her record, which I plan to lay out here today, but before I do, I want to talk about the process by which this nomination has come to the Senate floor.

It has long been common practice in the Senate to confirm nominees to independent agencies as pairs—one Republican and one Democrat.

We do this so agencies like the EEOC are balanced and are able to fully function no matter which party is in the White House. In the case of the EEOC, it ensures workers are being protected from discrimination in the workplace.

Yet, at every opportunity, Republicans have broken norms and abandoned longstanding practices to jam through their nominees. First it was the National Labor Relations Board, when my colleagues across the aisle jammed through two Republican nominees without any Democrats and then refused to give a highly qualified nominee another term on the Board—all because that highly qualified nominee was fighting on the side of workers, not corporations. Then one lone Republican was allowed to object to the reconfirmation of a well-respected Commissioner to another term on the EEOC, even if that meant the EEOC would no longer have a quorum and be able to perform some of its most critical duties.

I came down to the floor to urge our colleagues to end the partisan obstruction and pass a slate of nominees to the EEOC, but Republican leaders allowed one Republican Member's opposition to a noncontroversial nominee to hold more weight than the entire Senate minority.

Now, here we are today, and Republicans want to jam through another nominee without their Democratic pair, and by doing this, my colleagues across the aisle have now abandoned longstanding norms of the Senate and are once again sending a message to the most vulnerable workers they believe the corporations that discriminate against them deserve more of a say.

This is unacceptable and goes against the core of the EEOC. It is illegal to discriminate against someone in the workplace because of their race, religion, sex, disability, or because they are LGBTQ. It is the EEOC's responsibility to enforce those laws and to give every person the opportunity to earn a living without fear of discrimination or harassment.

The EEOC protects LGBTQ rights in the workplace and is the primary agency addressing the gender pay gap. The EEOC is responsible for addressing harassment in the workplace, an issue our

country has been grappling with but still has a long way to go. Over the past 2 years, as so many brave women and men have spoken out and shared their stories, we have seen a shift in this country toward acknowledging, finally, the epidemic of harassment and assault in workplaces, and finally we are beginning to address it on a large scale. In Hollywood, the media, even in the Halls of Congress—those who have used their position of power to prey on the less powerful are finally being held accountable.

Workers in industries outside the spotlight, in hospitality or farm fields, and in offices around the country are waiting for the same kind of reckoning. For many of these workers, the EEOC is one of the few places they can turn. It is a resource for workers who want to file complaints and hold employers and businesses accountable for discrimination and harassment. This issue should matter to everyone—Democrats and Republicans—and this critical civil rights agency should be able to stay out of the political fray too. We have to ensure that the EEOC is balanced and remains committed to its core mission.

Unfortunately, Janet Dhillon's record proves she is not going to stand up for workers. Ms. Dhillon has spent her career working on the side of corporations, making it easier for them to violate workers' rights without consequence. She has fought against positions the EEOC has taken that help ensure workers have the protections they need.

In her confirmation hearing, she refused to commit to maintaining the EEOC's current and critical position that LGBTQ workers are protected under the Civil Rights Act, which is something, by the way, that should not be up for debate.

So what we are seeing today is another power grab by Republican leaders, another Republican step toward partisanship and away from balance, and if Ms. Dhillon is confirmed, another step backward under Republican leadership for workers who simply want to be treated fairly on the job, especially those workers who historically have not had the rights or resources to come forward.

I urge the Senate leadership to postpone this vote and work with the White House to get our Democratic nominee ready for confirmation—she is waiting—so there is no other break in yet another Senate tradition. It is bad for workers. It is bad for our country.

I yield the floor.

VOTE ON DHILLON NOMINATION

The PRESIDING OFFICER. The question is, will the Senate advise and consent to the Dhillon nomination?

Mrs. MURRAY. 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 senior legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Alaska (Ms. MURKOWSKI), the Senator from Florida (Mr. RUBIO), and the Senator from Florida (Mr. SCOTT).

Further, if present and voting, the Senator from Florida (Mr. RUBIO) would have voted "yea" and the Senator from Florida (Mr. SCOTT) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from New Jersey (Mr. BOOKER), the Senator from Minnesota (Ms. KLOBUCHAR), and the Senator from Arizona (Ms. SINEMA), are necessarily absent.

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

The result was announced—yeas 50, nays 43, as follows:

[Rollcall Vote No. 104 Ex.]

YEAS—50

Alexander	Ernst	Paul
Barrasso	Fischer	Perdue
Blackburn	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Braun	Hawley	Romney
Burr	Hoeben	Rounds
Capito	Hyde-Smith	Sasse
Cassidy	Inhofe	Scott (SC)
Collins	Isakson	Shelby
Cornyn	Johnson	Sullivan
Cotton	Kennedy	Thune
Cramer	Lankford	Tillis
Crapo	Lee	Toomey
Cruz	McConnell	Wicker
Daines	McSally	Young
Enzi	Moran	

NAYS—43

Baldwin	Heinrich	Sanders
Blumenthal	Hirono	Schatz
Brown	Jones	Schumer
Cantwell	Kaine	Shaheen
Cardin	King	Smith
Carper	Leahy	Stabenow
Casey	Manchin	Tester
Coons	Markey	Udall
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warren
Feinstein	Murray	Whitehouse
Gillibrand	Peters	Wyden
Harris	Reed	
Hassan	Rosen	

NOT VOTING—7

Bennet	Murkowski	Sinema
Booker	Rubio	
Klobuchar	Scott (FL)	

The nomination was confirmed.

CLOTURE MOTION

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

The senior assistant 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 nomination of Michael H. Park, of New York, to be United States Circuit Judge for the Second Circuit.

Mitch McConnell, Tom Cotton, John Boozman, Mitt Romney, Roy Blunt, Joni Ernst, Mike Braun, Thom Tillis,

John Hoeven, Pat Roberts, Johnny Isakson, Mike Rounds, James E. Risch, John Cornyn, Mike Crapo, Roger F. Wicker, John Barrasso.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that the nomination of Michael H. Park, of New York, to be United States Circuit Judge for the Second Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Florida (Mr. RUBIO) and the Senator from Florida (Mr. SCOTT).

Further, if present and voting, the Senator from Florida (Mr. RUBIO) would have voted “yea” and the Senator from Florida (Mr. SCOTT) would have voted “yea.”

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from New Jersey (Mr. BOOKER), the Senator from Minnesota (Ms. KLOBUCHAR), and the Senator from Arizona (Ms. SINEMA) are necessarily absent.

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

The yeas and nays resulted—yeas 51, nays 43, as follows:

[Rollcall Vote No. 105 Ex.]

YEAS—51

Alexander	Ernst	Murkowski
Barrasso	Fischer	Paul
Blackburn	Gardner	Perdue
Blunt	Graham	Portman
Boozman	Grassley	Risch
Braun	Hawley	Roberts
Burr	Hoeven	Romney
Capito	Hyde-Smith	Rounds
Cassidy	Inhofe	Sasse
Collins	Isakson	Scott (SC)
Cornyn	Johnson	Shelby
Cotton	Kennedy	Sullivan
Cramer	Lankford	Thune
Crapo	Lee	Tillis
Cruz	McConnell	Toomey
Daines	McSally	Wicker
Enzi	Moran	Young

NAYS—43

Baldwin	Heinrich	Sanders
Blumenthal	Hirono	Schatz
Brown	Jones	Schumer
Cantwell	Kaine	Shaheen
Cardin	King	Smith
Carper	Leahy	Stabenow
Casey	Manchin	Tester
Coons	Markey	Udall
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warren
Feinstein	Murray	Whitehouse
Gillibrand	Peters	Wyden
Harris	Reed	
Hassan	Rosen	

NOT VOTING—6

Bennet	Klobuchar	Scott (FL)
Booker	Rubio	Sinema

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 43.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Michael H. Park, of New York, to be United States Circuit Judge for the Second Circuit.

Mr. CASEY. Mr. President, this week, we know that the Senate is considering the nomination of Michael Park, who has been nominated by the President to serve on the Court of Appeals for the Second Circuit. I have a number of concerns with Mr. Park’s nomination and his record. I will highlight just one that I think is a major concern for many Americans.

In 2011, Mr. Park submitted an amicus brief to the U.S. Supreme Court, arguing that the Affordable Care Act’s Medicaid expansion was unconstitutional. That is the argument he made. He claimed that the Medicaid expansion provision coerced States into accepting a “greatly enlarged Medicaid program.” I will come back to that later because those words are important. The rationale for this, he asserted, was that these States could not realistically opt out. Obviously, I disagree with his argument, and I disagree with his rationale. Yet I want to talk about the program and, more importantly, the people who will be affected by his point of view on this policy if he is to be successful in his arguments.

If he is to be confirmed, I have a real concern about how he will make decisions as a judge as they relate to healthcare, Medicaid expansion, and related topics.

So I am not going to go through the legal arguments, but I do want to talk about Medicaid expansion, the importance of it, and the people it helps. Everyone here knows that Medicaid itself has been a program that we have enjoyed the benefits of for more than 50 years. Right now, about 75 million people are covered by Medicaid. Approximately 17 million of those individuals are eligible because of Medicaid expansion. So millions of people got healthcare because of the Medicaid expansion part of the Affordable Care Act.

Medicaid itself covers 38 percent of the 1.9 million people younger than age 65 who are battling an opioid addiction. So 38 percent of the 1.9 million people are helped who are in the grip of that addiction. That affects every State, every community, and, increasingly, virtually every family, or at least we all seem to know someone who has been adversely impacted by an opioid addiction or a substance use disorder issue.

So 38 percent is almost 4 in 10. So 4 in 10 people who need that help are benefiting from Medicaid itself because of Medicaid expansion.

A lot of politicians in Washington tried to convince people, both here and around the country, that Medicaid was about some other person over there, some person that you didn’t know, some person that you may not have to be too concerned about, or so the argument went—that Medicaid was not about you or your family. It was about

some other person. The implicit message was this: Don’t worry about them. They probably don’t need it, and you can vote for repeal and everything will be OK for the country.

Well, we know now better than ever, probably, in the last 2 years since that debate and the ongoing debate we had starting in 2017 and a debate, frankly, that has been playing out over many years, that Medicaid is not a program for someone else. It is an “us” program. Medicaid is about us, about who we are as a country. It tells us a lot about our values—whom we value, for whom we will fight, and whom we stand up for.

Medicaid provides coverage—basically, if you wanted to simplify it—for three groups of Americans: seniors, kids, and people with disabilities.

In my home State of Pennsylvania, Medicaid could be simplified this way. It is an oversimplification, but it is a good way to describe it in numerical terms. Medicaid is a 40, 50, 60 program—40, 50, 60, pretty easy to remember.

Forty percent of all the births in Pennsylvania—the national number is actually higher—and roughly 40 percent of all the kids in our State have Medicaid. The 50 is when you look at this through the lens of individuals with disabilities—certainly, for children with disabilities. It is actually 54 percent of children with disabilities in Pennsylvania who get Medicaid. It is a big number, and those families don’t want to hear talk of repeal or talk of eliminating Medicaid expansion or talk of in any way undermining Medicaid itself.

How about 60? Where does the 60 come in the 40, 50, 60 equation? The 60 are people in nursing homes. So there are a lot of families out there who may not have realized before but certainly after 2017 and 2018 that their loved one—their mom or their dad or their grandparent or relative, or their grandmother or grandfather—was getting into a nursing home in many cases solely—solely—because of the Medicaid Program. They couldn’t get there any other way. They couldn’t afford it unless you could shell out tens and tens of thousands of dollars a year for long-term care.

So Medicaid affects that many people just in Pennsylvania—literally millions in our State. That is just one State. The numbers are very similar across the country.

The exact numbers for Medicaid expansion in Pennsylvania exceed 700,000. So after the Affordable Care Act was passed and then implemented after 2010, over the course of several years we gained coverage in Pennsylvania of over 1.1 million people—a big number.

Unfortunately, because of the administration’s sabotage over the last 2 years, that number has gone down. It is still above 1.1 million, but it is going down.

The Medicaid expansion part of that, of course, was over 700,000 people.