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House of Representatives

The House was not in session today. Its next meeting will be held on Friday, October 8, 2021, at 10 a.m.

Senate

WEDNESDAY, OCTOBER 6, 2021

The Senate met at 10 a.m. and was called to order by the Honorable BEN RAY LUJÁN, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, we trust in You and look to You for protection. Lead our lawmakers in Your life-giving light. May they find in Your precepts a lamp for their feet and a light for their paths, saving them from life's pitfalls.

Lord, we praise You that Your unfailing love is higher than the heavens. Send Your help from Heaven to keep our Nation strong.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 6, 2021.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BEN RAY LUJÁN, a Senator from the State of New Mexico, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. LUJÁN thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

MEASURE PLACED ON THE CALENDAR—S. 4

Mr. BOOKER. Mr. President, I understand that there is a bill at the desk that is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The senior assistant legislative clerk read as follows:

A bill (S. 4) to amend the Voting Rights Act of 1965 to revise the criteria for determining which States and political subdivisions are subject to section 4 of the Act, and for other purposes.

Mr. BOOKER. In order to place the bill on the calendar under the provisions of rule XIV, I would object to further proceeding.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Sarah A.L. Merriam, of Connecticut, to be United States District Judge for the District of Connecticut.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. BOOKER. Mr. President, I would ask unanimous consent that the Senate proceed to the following nomination: Calendar No. 265, Shalanda H. Baker, of Texas, to be Director of the Office of Minority Economic Impact, Department of Energy; that the nomination be confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate, that no further motions be in order to the nomination, and that the President be immediately notified of the Senate's action.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Utah.

Mr. LEE. Mr. President, reserving the right to object. One hundred years ago, not many people could have imagined, certainly not predicted within a degree of accuracy, the kinds of technological advances that we have seen over the last century that have allowed us all to have lights in our own homes; to have televisions, cell phones, all manner of conveniences; and that these things would be widely available to rich and poor alike, urban and rural alike.

These are conveniences that are now so common that they are easy to take for granted. But they don't come about automatically. They didn't just happen. They have been brought to us as a result of labor and innovation and dedication of individuals who took chances and created something new.

Today, I stand opposed to the nomination of Shalanda Baker because she openly opposes the economic system that has brought so much fortune to our country. Regarding capitalism, free markets, Ms. Baker stated the following:

As we move into this new future, we must also remember that a just transformation of our energy system requires a careful interrogation of the racist, capitalist politics that currently drive it. We must expose, and then eradicate, these underpinnings.

Ms. Baker, in addition to having made statements like that one, advocates for a cap-and-floor model for electric utility pricing, one in which high-income individuals would pay a minimum—not a maximum, but a minimum of 6 percent of their entire household income on electricity; and then other households who are less wealthy—the least wealthy would pay no more than 3 or 4 percent of household income.

Look, I, too, want to make sure that our poorest citizens and our poorest communities have access to resources and are able to be lifted out of poverty, but placing obstacles in the way of competitive markets and denigrating the very concept of the competitive markets that have made electricity and so many other developments so available to so many people, rich and poor alike, would I fear; would I firmly believe; would I, am certain, end up preventing technological advances that benefit everyone in our society.

For these reasons, I oppose Ms. Baker's nomination, and I object.

The ACTING PRESIDENT pro tempore. The objection is heard.

The Senator from New Jersey.

Mr. BOOKER. Mr. President, I appreciate being recognized, and I am grateful that this conversation is being held between myself and the Senator from Utah, who is one of the more principled friends I have made in the U.S. Senate.

He has been a friend and a colleague, and we have worked and partnered on numerous things together. He is someone that, even though I think I am an

inch or two taller than him, I look up to, in all sincerity.

I worry about our Nation right now, that we are taking statements that people have made and whipping around them a lot of presumptions. There is a difference between saying I am against capitalism and I am against racist, capitalistic policies. That is a big difference.

We are a nation that exploded forth to be the dominating economy on the planet through the capitalist system. But the capitalist system was not fair and equal all the time. In fact, it did not reflect what Adam Smith himself, in his essay on moral sentiments, talked about.

Capitalism is an ideal that the best way to distribute goods and opportunity is through this idea of a free market, where everyone has access. Clearly, that has not been the case in this Nation when African Americans were originally, in a capitalist system, slaves. Even after the period of our greatest national sin, Blacks were still held out of equal opportunity to be competitive.

If you look at, perhaps, some of the greatest ideas of capitalism—this idea of working the land with your sweat and labor to produce products to sell into the market—well, look at something like the Homestead Act, where in many ways that land belonged to Native Americans who did not have that same free and equal opportunity. Think about the Homestead Act and how waves of incredible, hard-working European immigrants got that land, but Blacks were excluded.

No one in this body would deny that that is patently racist.

And this continues. In a lot of our biggest businesses, up until the sixties and seventies, women weren't allowed equal opportunity. That is a capitalist, sexist system that denied equal opportunity.

We know this from African Americans. I know this from my own family story about my father, here in this area, coming after college and being the first Black person hired by a small tech company the President may have heard of called IBM—the first Black salesman in the entire Virginia area, as walls were broken.

My father told me the story of why he left the company that he was working with. Because one of his managers said: You should get out of here because no nigger is ever going to be allowed to be a manager at this company.

That is racism.

So here is a nominee who—in the context literally that my colleague read, racist, capitalist policies—no one can deny that these policies existed in our country and that the free-market system hasn't been free.

People on both sides of the aisle, I have heard, speaking to the corporate concentration that is going on, the monopolistic practices we are seeing everywhere from the pharmaceutical in-

dustry to pharmacies, from farms to tech, that is working against the free-market, capitalist ideas of great philosophers, like Adam Smith. So to object to someone for that reason, to me, is patently unfair.

And my colleague also objected because of a policy. He described one policy. Well, Shalanda Baker is not going to be in a position where she is making policy. She is going to be charged with ensuring that there is equal access and opportunity in a wide range of the Department of Energy's programs, opportunities, and resources; that we are a more inclusive and more equitable Nation. That is her charge.

And this work is vital because nearly, in America, one in three households are energy insecure, meaning that they have difficulty paying their energy bills; and research has, unfortunately, shown that low-income households, disproportionately Black and Brown households, are more likely to be energy insecure.

I love this Nation more than any other country on the planet Earth. Yet we still have injustices that show that African Americans are disproportionately subject to inequalities.

The crazy thing about this is a spiritual law that Martin Luther King embodied so well. He said:

Injustice anywhere is a threat to justice everywhere.

It is a truth.

In America, poverty is not just a problem of the poor; it costs this country more than a trillion dollars every year. So dealing with the fact that Blacks are disproportionately poor brings resources to us all. Every dollar raising one child above a poverty level returns \$8 to our economy. So addressing inequality, addressing disparities, helps everyone.

Energy justice isn't something we talk nearly enough about, and that is why Ms. Baker's role is so important. So I am disappointed today.

I voted against a lot of Trump nominees, but I voted for a lot whom I disagreed with on policy. There is an urgency right now on this issue in America. There is an urgency right now to be a more just and inclusive society. There is an urgency right now to create deeper community in this country and to ensure that everyone has the fruits of liberty and opportunity. It is what we swear an oath to. It is what Ms. Baker's job is all about—making real the words of our united pledge that we will be a nation with liberty and justice for all.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

DEBT CEILING

Mr. MCCONNELL. Mr. President, for 2½ months, the Republicans have provided a clear and consistent roadmap for Democratic government to raise the debt ceiling. Democrats have had