

freedom to be heard, “to share in the decisions of government which shape men’s lives.” He stated that government “must be limited in its power to act against its people so there may be no . . . arbitrary imposition of pains or penalties on an ordinary citizen by officials high or low.”

Senator Kennedy went on to say:

Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current which can sweep down the mightiest walls of oppression and resistance.

Sergei Magnitsky stood up for an ideal. He acted to improve the lot of others. He struck at injustice. He was and remains a ripple of hope.

On this sad anniversary of Sergei Magnitsky’s murder, let us all recommit ourselves to helping those in Russia and around the world who seek their rightful share in the governance of their own countries and who deserve the confidence of doing so without fear of harm. If we do this, Sergei will not have died in vain.

I am confident that one day there will be a monument in stone and bronze to Sergei in his native Russia. Until that day, the law that bears his name will serve as his memorial.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WARNOCK). Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 437, Julianne Smith, of Michigan, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, and that the Senate vote on the nomination without intervening action or debate.

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

The clerk will report the nomination. The bill clerk read the nomination of Julianne Smith, of Michigan, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

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

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Smith nomination?

The nomination was confirmed.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table, all without intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate’s action; and that the Senate resume legislative session.

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

LEGISLATIVE SESSION

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2022—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senate will now resume legislative session. The Senator from New Hampshire.

CONFIRMATION OF JULIANNE SMITH

Mrs. SHAHEEN. Mr. President, I would also like to speak to Julie Smith and her qualifications to be Ambassador to NATO.

Julie is, really, very well qualified to represent the United States within our biggest and most significant security alliance. Her 25-year career has focused on transatlantic relations and security. She has served the country as Deputy National Security Advisor and Acting National Security Advisor to then-Vice President Biden.

In 2012, she was awarded the Office of the Secretary of Defense’s Medal for Exceptional Public Service. She has worked at some of the country’s most esteemed think tanks that address European issues.

As the U.S. confronts challenges around the world, we need to convey our firm commitment to our allies and our alliances. For this reason, it is absolutely critical that we put Julie Smith in place as Ambassador to NATO as soon as possible.

I am really very pleased that those who had a hold on her nomination have finally lifted those holds. It is unfortunate that it has taken so long because, as we look at what is happening in Eastern Europe in particular, and as we look at the migrants who are being used by Belarus—and I assume that Vladimir Putin is behind this, as well, to send those migrants to the Polish border as a way to distract from what is happening in Eastern Europe—clearly, the more equipped NATO is to help deal with those challenges, the better.

If we are going to participate with NATO, we need to have an Ambassador on the ground. It should have happened several months ago, when she was nominated. So I am very pleased that she is going to be able to assume her ambassadorship very soon. As co-chair of the Senate NATO Observer Group, I look forward to working with her in her new role.

But this should serve as a wake-up call to those people in this Chamber

who continue to have holds on critical nominees who are important to this country’s national security. As I talk to U.S. allies, it is clear that the delay in sending Ambassadors to posts around the world is having a real impact on our relations with our partners; and in the absence of U.S. representation, they are questioning our commitment to our bilateral relationships.

Now, I would like to think that my colleagues who have put these holds on our nominees aren’t doing it in an effort to undermine America’s security and to undermine this administration in protecting the United States, but, clearly, that is the impact of what they are doing.

I have heard from a lot of my colleagues over the last months about U.S. standing in the world after our withdrawal from Afghanistan. Yet, as they are blocking administration nominees who would work with our allies, who would engage in our shared priorities and values, who would listen to concerns, and who could work together, they are just exacerbating any issues that may exist.

I don’t know why they are doing this, but, right now, there are 58 other State Department nominees who are awaiting confirmation on the floor. Every day that passes that we have no Ambassadors in place in countries around the world, our national security is compromised, and I have got a very close-to-home example.

Earlier today, I met with Diane Foley, the mother of James Foley, who was the first American killed by ISIS, and she has done yeoman’s work with her foundation to try to help the families of hostages who are being held in countries around the world. She was talking about what we could do to help those families and to do everything to try and help them get their loved ones back—to free the hostages who are being wrongly held around the world.

Well, one of the things we talked about is the fact that, in many of those countries, we don’t have Ambassadors because we have holds on those folks who are so important to help those families and to help address American interests in those countries. So what our colleagues are doing by holding up these nominees is undermining the national security of the United States. By grinding to a halt our State Department nominees, a small group of my Republican colleagues has allowed partisan brinkmanship to pervade a critical aspect of our national security.

You know, there was a very important principle established after World War II about partisan politics ending at the water’s edge. It is unfortunate that my colleagues on the other side of the aisle are not continuing to support that principle.

We are stronger and safer when our diplomatic corps—those individuals who support Americans and U.S. foreign policy around the world—are supported by capable, Senate-vetted, and Senate-confirmed Ambassadors.

So I hope we will see in the coming weeks a willingness of those few people—it is only two or three people on the other side of the aisle who have held people up—to release those holds in the best interests of America and of our security.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

NATIONAL DEFENSE AUTHORIZATION ACT

Ms. WARREN. Mr. President, I rise to speak in opposition to the National Defense Authorization Act.

As written, this legislation authorizes \$778 billion in defense spending just for next year alone. That is more money than we spent on defense during the Korean or Vietnam wars. It is even more money than we spent at the height of the extraordinary Reagan defense buildup in the 1980s.

Now Congress is set to pass this bill with virtually no debate and with virtually no discussion about how much money we are spending. Congress keeps the spigot of cash wide open so long as it is for defense. And please note that not one single dollar of this huge defense budget will be offset either with new taxes or with new spending cuts someplace else.

Meanwhile, do you know how much money the President's Build Back Better plan will cost, on average, each year if Congress passes it? \$175 billion. That is about one-fifth the size of this Defense bill. And unlike this Defense bill, every single dollar of the President's plan will be offset with new revenue or savings.

But here is the thing: When we want to invest \$175 billion a year on childcare and paid family leave and expanding access to healthcare and fighting the climate crisis, and when we are going to offset every single dollar for those new expenses, everybody suddenly becomes so very concerned about spending. When we want to make investments that directly benefit people across this country, we are told "that costs too much" or "that is socialism." But when we spend nearly five times that amount of money in the Defense bill, it is just a shrug of the shoulders. Look around this Chamber. It is empty.

And let's be clear where most of this defense money is going. It is largely going to the defense industry. The Pentagon will take this money and give approximately \$400 billion to contractors. And nearly 40 percent of that will go to a handful of giant contractors.

This is a huge amount of money in an ordinary year, but 2 years into a global pandemic that has killed 765,000 Americans, it is irresponsible to spend this much money on stuff that isn't saving

Americans from what is actually killing them. America's spending priorities are completely misaligned, and the threats Americans actually are facing, the things that are quite literally endangering their lives—like COVID-19 and the climate crisis—don't get this kind of attention.

Let me be clear. We can spend far less money on defense and still protect Americans and American interests. And you don't have to take my word for it. The Congressional Budget Office recently published a report outlining three different avenues for cutting \$1 trillion in defense spending over the next decade. None of the three proposals were even close to radical. And, by the way, none of them achieved any savings from nuclear modernization, contract spending, and closing bases.

And before somebody cranks up the outrage machine, let me say I do not believe that we should spend nothing on defense. There are real threats to our Nation and real interests that we must defend. There are some situations that may require military solutions. But this Defense bill goes far beyond that threshold. This bill continues to feed into the wrongheaded idea that America's strength can only be measured by our military domination.

This bill is another example of Congress granting the Pentagon virtually unlimited resources while, at the exact same moment, pinching pennies on things that will make the American economy work for our children and for our seniors, for workers and students and retirees, for everyone who isn't part of a tiny little slice at the top.

These misplaced priorities chip away at the strength of our Nation, and, ironically, they undermine the foundation upon which our military is built. If we don't come to recognize this soon, then all this money will have been wasted, and the world's most powerful military will rest on a foundation of sand.

There are important and valuable provisions in this Defense bill. There are even places where we should spend more money, like on cyber defense, but it is long past time for us to rationalize the Pentagon's budget and align it with the threats we actually face. And this Defense bill, like so many before it, fails miserably to do that. For that reason, I will vote against it.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

DEPARTMENT OF DEFENSE AUDIT

Mr. GRASSLEY. Mr. President, on November 15, the Pentagon announced that it completed its fourth consecutive annual audit and received a fourth consecutive failing opinion.

This is what the Pentagon believes: If it somehow merely just conducts an audit, then somehow conducting that audit is a success despite the fact that it has been a requirement under the law for the last 30 years for Agencies—and that means all government Agencies—to conduct and pass an annual audit. The Department of Defense is about the only one that doesn't meet the requirements of the law.

The Department points to other signs of progress, such as that they were able to downgrade one material weakness from a previous audit and the closure of some 450 adverse findings. That, somehow, is progress. It is not progress—at least, it doesn't meet the demands of the law. However, the fact remains that the Department of Defense is unable to accurately account for billions of taxpayer dollars it spends each year.

Funding for the Department of Defense is crucial to our national security. Men and women who volunteer to wear the uniform and, hence, defend our country—these people deserve to be well paid and well equipped.

In light of the rising threats around the globe, it is more crucial than ever that not one dollar is lost to fraud, waste, and abuse. A clean audit, which the Defense Department has never had, is the key to whether Department of Defense money is spent responsibly.

A key underlying problem to the continued failed audits is the financial management systems used by the various military Departments. The Department of Defense uses hundreds of different financial systems that are outdated and are unable to communicate with each other. They cannot generate reliable transaction data and are not auditable.

There are inadequate internal controls in financial management systems, presenting an environment that is ripe for waste and fraud. Without internal controls at the transaction level, military leaders can never know how much things cost.

I have tried to work with leaders in the Department on this subject for years, but time and again, I have been disappointed.

The Defense Department's inability or its unwillingness to make necessary and overdue changes should be unacceptable to any Senator.

I filed an amendment to the bill before the Senate this year to address the root cause of the Pentagon's failed audits. The underlying bill provides for an independent Commission tasked with examining the budgeting and planning processes at the Pentagon. My amendment will require that very same Commission to also make recommendations on bringing financial management systems up to snuff.

The Department of Defense will never be able to get a clean audit opinion while these systems remain unfixed, and the Department of Defense has demonstrated an inability or unwillingness to deploy an accounting

system capable of capturing payment transactions and generating reliable data. If you can't follow the money, you will never be able to get a clean audit.

I am glad that my amendment has been included in the substitute amendment of the Defense bill before the U.S. Senate now, and I urge my colleagues to support this effort through to final passage to finally make real progress towards getting to a clean audit opinion. Fiscal accountability and military readiness are not mutually exclusive. It is not an either-or scenario. Earning a clean bill of fiscal health will strengthen military readiness and boost support for necessary increases to defense spending in Congress, and it would get the backing of the American people to a greater extent than it does today.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Whereupon, Mr. KAINÉ assumed the chair.)

(Whereupon, Mr. KELLY assumed the chair.)

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

The PRESIDING OFFICER (Ms. BALDWIN). Without objection, it is so ordered.

UNANIMOUS CONSENT REQUESTS

Mr. REED. Madam President, I ask unanimous consent to yield back all remaining time on the motion to proceed to Calendar No. 144, H.R. 4350, the National Defense Authorization Act; that if the motion to proceed is agreed to, the Reed-Inhofe substitute amendment No. 3867, as modified with the changes at the desk, be called up and reported by number; further, that it be in order to call up the following amendments to the Reed-Inhofe substitute amendment No. 3867, as modified, in the order listed: 1, Reed No. 4775; 2, Hoeven No. 4482; 3, Sanders No. 4654; 4, Lee No. 4793; 5, Paul No. 4395; 6, Hawley No. 4140; 7, Peters-Portman No. 4799; 8, Scott of Florida, No. 4813 side-by-side to 4799; 9, Durbin-Lee No. 3939; 10, Cardin No. 3980; 11, Luján-Crapo No. 4260; 12, King-Sasse No. 4784; 13, Cruz No. 4656; 14, Kaine No. 4133; 15, Hassan No. 4255; 16, Menendez No. 4786; 17, Marshall No. 4093; 18, Kennedy No. 4660; 19, Sanders No. 4722; 20, Portman No. 4540; that with the exception of the Reed amendment No. 4775, the Senate vote at 9:30 p.m. today in relation to any first-degree amendment offered in the order listed above, with 60 affirmative votes required for adoption of amendments in this agreement, and 2 minutes of debate, equally divided in the usual form, prior to each vote.

The PRESIDING OFFICER. Is there objection?

Mr. RUBIO. Madam President.

The PRESIDING OFFICER. The senior Senator from Florida.

Mr. RUBIO. Reserving the right to object, I—what is missing from this list is the Uighur Forced Labor Prevention Act. In a moment, you are going to hear that it has this procedural problem—blue slips. For anyone who is not familiar with the lingo around here, that means that it is going to generate revenue, and therefore it has to originate in the House. That is what you are going to hear in a moment.

Here is what is so interesting about it. About, I don't know, 4, 5, 6 weeks ago, that very bill passed by unanimous consent in this very Senate.

This bill doesn't have a blue slip problem. It has a bunch of corporations who are making stuff in Xinjiang Province problem. That is what the problem is here. So everyone is aware—everyone here is aware, I hope. In the Xinjiang Province of China, Uighur Muslims are put into forced labor camps where they work as slaves—something that this administration and the previous one termed as “genocide.”

They work as slaves making products, and there are American companies that are sourcing goods that end up on the shelves in this country. It is, in fact, almost certain that in this very Chamber there is some product that was manufactured by slave labor in China. We passed that bill in the Senate by unanimous consent. Not a single person objected to it. There was no blue slip problem then. Now all of a sudden there is.

This is because there is a bunch—that is why they are killing it in the House. A bunch of these corporations, lobbying against it, doing everything possible, and they know if it gets in this bill it is going to become law.

So I object, and I ask that the request be modified to include my amendment No. 4330.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. REED. I object to the modification, Madam President.

The PRESIDING OFFICER. Objection is heard to the modification.

Is there objection to the original request?

Mr. RUBIO. I object.

Mr. REED. Madam President.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I renew my request.

The PRESIDING OFFICER. Is there objection?

Mr. DAINES. Madam President.

The PRESIDING OFFICER. The junior Senator from Montana.

Mr. DAINES. Madam President, reserving the right to object, border security is national security. That is why I rise today to speak on my amendment No. 4236, to block President Biden's outrageous taxpayer-funded handouts to illegal immigrants who broke the law and entered our country illegally.

At a time when American families are struggling because of Bidenflation, when families are paying more for ev-

erything from gas to groceries, to heating their homes, the President wants to give up to hundreds of millions of your taxpayer dollars to illegal immigrants as a reward for breaking the law.

Don't forget, we still have a crisis on our southern border, and we should be doing all that we can to secure our southern border, not incentivize illegal immigration.

These taxpayer-funded handouts to illegal immigrants are outrageous, and I would urge my colleagues to allow a vote on my commonsense amendment.

Therefore, I ask unanimous consent to modify the request to include my amendment No. 4236.

Mr. REED. Madam President.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. REED. I object to the modification.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the original request?

Mr. DAINES. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REED. Madam President, I renew my request.

The PRESIDING OFFICER. Is there objection?

Mr. TOOMEY. Madam President.

The PRESIDING OFFICER. The junior Senator from Pennsylvania.

Mr. TOOMEY. Madam President, reserving the right to object, I would just like to bring to my colleagues' attention to the front page of the Wall Street Journal, the lead story, the headline above the fold today, “Annual Drug Overdose Deaths Top 100,000, Setting Record.” For the 12 months ending in April, alltime record number of fatalities—a big majority of them opioids, mostly synthetic opioids, driven primarily by fentanyl. Unbelievable. Think of 100,000 new families in the last 12 months that will have an empty seat at the Thanksgiving Day dinner next Thursday.

Pennsylvania has been hit as hard as any State, but every one of our States has been hit hard by this.

So why am I objecting to this?

Because I have an amendment that at least on the margins would help. It is simple, and it is common sense. It adds fentanyl to the majors list. The majors list is the list that includes the countries that the President has to identify as the largest producers of illicit fentanyl. That is China. Let's be clear. But once these countries—any country—is identified as a big producer of fentanyl, my bill would require those countries to prosecute drug traffickers and schedule fentanyl as a class, and if they do not, then they are not doing all they could and should be doing to keep fentanyl off our streets; in which case, under my amendment, the President would be authorized to withhold certain categories of foreign aid.

This bill is so noncontroversial and common sense, it has actually already passed this body just last year.

It is bipartisan. Senator MAGGIE HASSAN from New Hampshire, a Democrat, is my partner on the underlying bill.

And I would point out to my colleagues, I don't have any objection to anyone getting an amendment vote. I am not holding up anybody's votes, as long as we get this chance to reduce the flow of fentanyl coming into America.

So I ask to modify the request to include my amendment No. 3925.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. REED. Madam President, I object to the modification.

The PRESIDING OFFICER. There is objection. Objection is heard.

Is there objection to the original request?

Mr. TOOMEY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REED. Madam President, I renew my request.

The PRESIDING OFFICER. Is there objection?

Mr. RISCH. Madam President.

The PRESIDING OFFICER. The junior Senator from Idaho.

Mr. RISCH. Madam President, I am reserving the right to object.

I want to speak today on behalf of my amendment, Risch No. 4794, which is not included on that list, which I have introduced with cosponsors Senators PORTMAN, CRUZ, BARRASSO, JOHNSON, COTTON, DAINES, and WICKER.

This amendment is the Senate companion to bipartisan language that already is included in the House-passed NDAA which would sanction Nord Stream 2, Putin's premier energy weapon against Ukraine and Europe.

The timing could not be more important. Ukraine stands on the brink of an invasion, and Europe is in the throes of an energy crisis created by Russia.

There is a reason Ukraine's President Zelensky tweeted an urgent request last week regarding this amendment, which said:

[A]ll friends of Ukraine and Europe in the US Senate [should] back this amendment.

We are now seeing the consequences of the administration's decision to waive mandatory PEESA sanctions and refusal to impose CAATSA sanctions.

Russia has deliberately cut gas transmission to Europe through Ukraine and is using high energy prices to pressure the EU into approving Nord Stream 2 as quickly as possible. Putin has publicly stated as such.

Meanwhile, Russian forces have built up along the border of Ukraine in preparation for what could be a full-scale invasion, just as they did to the Crimea.

Remember, Nord Stream 2 is designed to replace Ukraine's gas transit system, meaning Russia no longer has to worry about destroying its own infrastructure in the event of full-scale war.

We cannot allow Putin's blackmail to succeed. Nord Stream 2 has always been a bipartisan issue here in the Sen-

ate, and it should continue to be. Not a single Member of Congress supports the completion of this pipeline. I would like to think a similar number of us don't think we should ignore our friends in Europe, particularly Central and Eastern Europe, who stand to lose the most from Nord Stream 2.

Our amendment would impose mandatory sanctions against Nord Stream 2 AG, the company responsible for the project, as well as the companies involved in testing and certifying the pipeline before it can become operational.

We do provide the administration with a pathway to lifting these targeted sanctions, pending, of course, congressional review. This pathway is the exact same process for congressional input that 98 Senators voted for in CAATSA just a few years ago.

Nord Stream 2 is not set to become operational for months so there is still time to stop it, but we need to act quickly.

I urge my colleagues to join our distinguished colleagues in the House of Representatives on this important endeavor and to vote yes on this amendment.

Therefore, I ask unanimous consent to modify the request of the distinguished Senator REED and include my amendment No. 4794.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. REED. Madam President, I object to the modification.

The PRESIDING OFFICER. Objection to the modification is heard.

Is there objection to the original request?

Mr. RISCH. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REED. Madam President, I renew my original request.

The PRESIDING OFFICER. Is there objection?

Mr. CRUZ. Madam President.

The PRESIDING OFFICER. The junior Senator from Texas.

Mr. CRUZ. Reserving the right to object, 2 years ago, I authored bipartisan legislation sanctioning any company that participated in building Nord Stream 2. That legislation passed Congress overwhelmingly, and Democrats and Republicans overwhelmingly supported it. That was passed on the NDAA, the National Defense Authorization Act.

A year ago, I authored a second set of bipartisan sanctions on Nord Stream 2. That second set of bipartisan sanctions again passed overwhelmingly with the support of Democrats and Republicans in this Chamber. That second set of bipartisan sanctions likewise passed on the National Defense Authorization Act.

Today, the Democrats are objecting to passing sanctions on Nord Stream 2.

What has changed?

Two things have changed. No. 1, today Joe Biden is President and not Donald Trump. And the Democrats

were more than willing to stand up to Russia when Donald Trump was President, but when Joe Biden is President, suddenly it is untenable for Democrats to stand up to Russia.

But, secondly, it is even worse because what has also changed is that Joe Biden has utterly and completely capitulated to Vladimir Putin. He has waived the mandatory sanctions that this body passed. He has given a multi-billion-dollar generational gift to Putin. This strengthens Russia. Decades from now, successor dictators in Russia will reap billions of dollars that they will use for military aggression against Europe, against America, and it will be because Joe Biden utterly and completely capitulated.

So why are Senate Democrats objecting to a vote on Nord Stream 2?

Because they cannot defend Joe Biden's surrender to Putin on the merits. They don't want to vote on it because it would be politically inconvenient for this White House that has undermined the national security of the United States and has weakened our allies. Right now, energy prices are skyrocketing in Europe because Joe Biden surrendered to Vladimir Putin.

We have twice passed Nord Stream 2 sanctions on the NDAA. After Biden's surrender to Putin, we should do so again. My Democratic friends who have given speech after speech after speech against Nord Stream 2, against Russia, should demonstrate they mean what they say and that they are not simply interested in being political protectors for a Democratic President.

Accordingly—and I would note, by the way, in response to every amendment that has been called up, the Democrats have not seen fit to provide even a word of substantive argument in response. So I am going to predict you are not going to hear the President, Joe Biden, surrender to Russia. You are not going to hear any defense of Nord Stream 2. You haven't heard any substantive defense. You are going to hear two words—"I object"—because the Democrats are afraid of taking this vote.

I believe we are elected here to represent our constituents and the interests of the United States, and we should have the courage to do so. Therefore, I ask to modify the request to include amendment No. 4794.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. REED. Madam President, I object.

The PRESIDING OFFICER. Objection to the modification is heard.

Is there objection to the original request?

Mr. CRUZ. My prediction was accurate, and I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REED. Madam President, I renew my original request.

The PRESIDING OFFICER. Is there objection?

The junior Senator from Alaska.

Mr. SULLIVAN. Madam President, in reserving the right to object, I am requesting a vote on my amendment No. 4329.

I am very disappointed that my Democratic colleagues will refuse to vote on this very simple, very important, very constitutionally correct amendment that also dramatically could impact military readiness, which is why it is so important to discuss it here as we are debating the NDAA.

My amendment is simple. It prohibits the Department of Defense from enforcing President Biden's vaccine mandate on contractors and subcontractors. That is it.

Why is this important?

Well, look, we all want to put the vaccine behind us. There is no doubt about that. We have all been vaccinated here. I think most of us have encouraged our constituents, in consultation with their physicians, to do the same.

First and foremost, as to this vaccine mandate, it is becoming increasingly clear it is not constitutionally based, and it is not based in statute, and I think the American people are seeing that on a daily basis. So it is an issue of not just the constitutional authority of the President, but it is an issue of the principle that got us all through the pandemic last year.

If you will remember, one of the most important principles that we had as we were working on COVID relief—whether in the CARES Act or other aspects of legislation that we had with regard to COVID relief for our citizens—was this: If you got relief, whether you were a small business, from the PPP, or were an airline or a defense contractor, the law said you had to keep your employees—that you had to keep them together—employers and employees together. That was the principle that all of us—Democrats and Republicans and the Trump administration—agreed on during the pandemic, and it worked. Many of these workers were on the front lines, helping us get through the pandemic.

This President, with his mandate, has taken a sledgehammer to that principle. Not only are we now saying employers and employees stick together; he is saying to employers: If you don't listen to the President, employers in America, you have to fire your employees.

Think about that. That is exactly the opposite of what we all agreed on last year as we were trying to get this Nation through the pandemic. So it is fairness. It is the principle that matters.

And here is the final thing—and I think we are going to see this. It is a readiness issue for our military.

I have been talking to the White House. I am trying to get them to rescind this mandate. They have consistently said: Well, it is only going to impact about 1 percent of the workforce. We can't afford anybody getting fired from their job, but they think it is about 1 percent.

I was home in Alaska last weekend. This could impact contractors, and 10, 15, 20 percent of their workforce might not be working—defense contractors—hurting readiness.

Again, during the pandemic, we were asking these Americans to show up at work and make sure our defense industries were strong, and now the President is telling these same contractors: Go fire your employees—oh, by the way, over the holidays.

So I think this is a very simple, reasonable amendment that will help readiness. Therefore, I ask to modify the request to include my amendment No. 4329.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. REED. Madam President, I object to the modification.

The PRESIDING OFFICER. Objection to the modification is heard.

Is there objection to the original request?

Mr. SULLIVAN. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REED. Madam President, I renew my original request.

The PRESIDING OFFICER. Is there objection?

Mr. LANKFORD. Madam President, I object.

The PRESIDING OFFICER. The junior Senator from Oklahoma.

Mr. LANKFORD. Madam President, in reserving the right to object, this is an astounding thing. This is a conversation that has happened today about amendments to the National Defense Authorization Act.

Now, I haven't been here very long, but, typically, an NDAA takes about 2 weeks on the floor to be able to process, and there is a lot of conversation about different amendments. There are managers' packages; there are big groupings of packages that come together that are noncontroversial; and there will be a series of votes that are side by side with other votes. It has already been set up for 20 votes. That is terrific. That is a great start.

Then there is a request for some other things that are pretty typical, actually. There have been requests just in the last couple of minutes on military contractors and the vaccine mandate that will certainly affect our military readiness. That is certainly defense related.

There is human trafficking in China and whether products are coming through. That is pretty straightforward. In fact, that passed unanimously through this body. That doesn't seem that controversial to be able to be in here.

There are conversations about fentanyl and the origin of fentanyl, where that is coming from. That shouldn't be controversial to try to protect the country, but, suddenly, that amendment has been blocked.

Nord Stream 2—Ukraine and Russia—has not been a controversial issue

for us. This body has laid down sanctions multiple times on the NDAA on this exact issue, and now it is being blocked. You can't even debate it.

Myself and Senator DAINES both brought up things tonight dealing with border security, which is certainly national security: 1.7 million people we know of have illegally crossed our southwest border this year. It is the highest number of illegal crossings in the history of our country—1.7 million. But, on January 20 of this year, President Biden stopped construction on the border wall—in many places, literally where they only had to hang the gates and install the electronic infrastructure there. That was all that was left, but it stopped.

Why is this connected to national security?

Well, certainly, border security is national security. Also, part of this funding did come out of defense funding. It is being done by the U.S. Army Corps of Engineers in many places.

On top of that, this year, so far—just so far this year—we have paid contractors \$2 billion not to build the wall. These were contracts that had already been let out to do the construction. We are continuing to pay about \$3 million a day to contractors not to complete the wall in sections, by the way, that career individuals had selected—that section and that design—and then had to prove that that was the right place and the right design to both Republican and Democrats in this body, which they did. Now we are wasting \$2 billion to not do national security.

My amendment is very straightforward. We take the contracts that are already out there, and we complete those sections of the wall that have been approved by career individuals. Let's complete those sections and not just throw the money away and waste two billion of American taxpayer dollars, but actually use it for national security.

So, in saying that, I ask that the request be modified to include my amendment No. 4100.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. REED. Madam President, I object to the modification.

The PRESIDING OFFICER. Objection to the modification is heard.

Is there objection to the original request?

Mr. LANKFORD. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REED. Madam President, I renew my original request.

The PRESIDING OFFICER. Is there objection?

Mr. RISCH. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REED. Madam President, I believe I have the floor.

The PRESIDING OFFICER. The Senator has the floor.

Mr. REED. Madam President, we began this process for the National Defense Authorization Act months ago. In

July, in working closely with the ranking member and all of my colleagues on the committee, we passed a bipartisan National Defense Act which was focused on the fundamental rationale for our National Defense Act: the men and women of the Armed Forces; the equipment that they need; the new technology, which is absolutely necessary as we go forward; the family lives of these men and women and their development; along with the weapons that they will use.

This has been the focal point. As a result, we produced a committee report with a bipartisan majority of 23 to 3.

We continued this bipartisan approach as we came into the floor debate. We have already included in the substitute amendment, which will be offered, approximately 60 amendments, on a bipartisan basis, that cover a range of topics which have been agreed to by both sides. Again, everything we have done to this point has been on a bipartisan basis.

Indeed, this unanimous consent that I have proposed is bipartisan. It incorporates amendments from both my Republican colleagues and my Democrat colleagues. It does so, as we must, in a way that accommodates as many as we can, but we cannot and have never been able to guarantee that every amendment offered could be incorporated into the bill.

So what we have here is, in a way, a crossroads. We have tried since the very inception to produce a bipartisan bill and a bipartisan floor action and a bipartisan final vote on the National Defense Act in the U.S. Senate.

We have to get there because—again, I can hear my colleagues talk about Nord Stream, and that is very interesting and a very important issue; I can hear them talk about border security; I can hear them talk about forced labor in China; I can hear them talk about illegal immigrants.

Ultimately, this is about the men and women who wear the uniform of the United States, and we can't leave them behind. The proposals might be meritorious, but we have to move forward and give those men and women the tools they need to defend the Nation.

Again, I can't emphasize enough how, in working together with my colleagues and ranking member, we have tried at every juncture to be inclusive, to be bipartisan, to have recognized as many of the issues as we could. And we have to do that in the context, frankly, of the fact, in the Senate, as has been demonstrated tonight, one person can stand up and say: No, I didn't get what I want, and no one is going to get anything.

I think we have done a very good job, frankly—and I might not be objective—in producing a national defense act that, at this juncture and with these additional amendments, would be more than worthy for final consideration by the Senate.

But what is, again, somewhat disconcerting to me is that, by analogy,

you can say everything is national defense. But the people who ultimately suffer, if we cannot get to passage and then deliberation with the House and then a final bill sent to the White House—it is not only that these problems that we have tried to address be unaddressed, but we will send a very powerful message to the men and women in the Armed Forces: We don't have your back. We are too busy squabbling amongst ourselves about issues of the border, Nord Stream, and other issues.

So I would hope that we could move forward. The regret is that at this juncture, we are abandoning approximately 20 amendments on a bipartisan basis that would have addressed many of the concerns of my colleagues in the Senate. Some are directly related to national defense and some are not, but they were agreed to by both sides, and they would be added to this legislation.

But at this juncture, our responsibility is—and it cannot be avoided—moving forward, of passing our defense bill, and then working with the House to send up to the President of the United States a bill worthy of the sacrifice and service of those who wear the uniform of the United States.

Mr. INHOFE. Would the Senator yield?

Mr. REED. With that, I would yield to the ranking member.

Mr. INHOFE. Let me thank my partner there for all the hard work that we have done together.

Not many people understand the process that we go through every year. It is an exhaustive process to get just to where we are today.

First of all, I would say that, out of all the amendments that were discussed, I support all of them. We didn't get a chance to really see who did and who didn't support them, but I support them all.

When we start one of these processes each year—we do this every year—the first thing we do is that we send a notice out. We send a notice out to each Member and ask each Member: What types of things are you interested in?

And we send this out to all—to each Member of the House and the Senate, and they send their notices in as to what they want, when they want it, and how they want it. Then we put them and marry them in with other Democrats and Republicans who want the same thing and try to get these lists shaved down a little bit. And we have been successful in doing it. Right now, there are 60 cleared amendments. That is 60. That is about the same number we had last year and the same number we had before.

I was disappointed that we had to waste a lot of time. My fellow Senator from Oklahoma, JAMES LANKFORD, made the comment that we should have been on this bill for 2 weeks or longer. I agree; we should have. We couldn't do it. We didn't have it.

I have to say that the leader—the Democratic leader—didn't allow this to

come up so that we could do this. We didn't have a choice. As Republicans, we didn't have a choice, and we were united in wanting to get started earlier. As a result of that, a lot of Democrats and Republicans have lost their opportunity to get heard and to have amendments considered.

The system is good. It is one that has worked for a long time. This is going to work. When we stop to think about the number of hours that are spent wading through all of these amendments, this does take place.

I would compliment our chairman of the committee. We have worked very well together. We have gotten to this point. We will have to get this thing finished, and we will. But, nonetheless, we have an exhaustive policy that we have considered year after year after year. That is where we are today.

With that, I yield the floor.

Mr. REED. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SCHUMER. Madam President, Democrats have been working in good faith for several days—actually, for several months, really—to pass this defense legislation.

The bill before us was produced through a bipartisan committee process and included the input of at least three-fifths of Senators from both sides of the aisle. It is unfortunate that we cannot move forward tonight.

Yesterday, we agreed to delay the initial cloture vote after the Armed Services Committee's ranking member requested more time to work on a managers' package to include more input from Members. The managers' package now include 57—57—amendments; 27 from Republicans, 27 from Democrats, and 3 bipartisan amendments.

Further, we just proposed votes on 18 amendments, 3 of which are bipartisan and 8 of which are Republican-led amendments. We could start voting on them tonight, but unfortunately, the other side won't agree—or some on the other side won't agree.

Democrats have demonstrated all year that we are more than willing to work in good faith on amendments here on the floor. This year, more amendments have received rollcall votes than during any of the past 4 years. Members on both sides want to get this done. So these delays are unfortunate. There is no good reason to keep delaying. We should move the process forward.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. WYDEN. Madam President, in a few moments, I will put forward a request to the Senate to take up and approve the nomination of an Oregonian, my friend Chuck Sams, President Biden's choice to lead the National Park Service.

I am just going to take a few minutes to talk about Chuck Sams and why he is the right person for this critical job.

Colleagues, we all know that the Park Service is often called America's best idea, and together those parks form a network of treasures that no other country can match.

The fact is, the National Park Service is not only about the views and the photo-ops. It is all about our country. It is what makes our country so special for so many.

The Director of the National Park Service is in charge of an organization of over 22,000 employees and almost a quarter million volunteers. The National Park System generates tens of millions of dollars of economic activity. The people of my State know particularly how important those critical outdoor treasures are for rural economies and rural jobs.

The fact also is that there are park units in every State in the country—urban parts, rural parts, historic American buildings, ancient archeological sites—and personnel at the Park Service do it all, from education to preservation, to maintenance, and even resilience against wildfire.

Chuck Sams has been a longtime Umatilla Tribal leader, and there he has served in a variety of roles. He is a member of the Northwest Power and Conservation Council, working with officials from across the Pacific Northwest. He is a veteran of the U.S. Navy. He is a role model—a role model—in so many respects, and particularly in the stewardship of America's lands, waters, wildlife, and history. And the Congress and the parkgoers are going to rely on him in the months and years ahead because we all know the Park Service faces big challenges.

I am going to wrap up and make my unanimous consent request, but, first, I want to commend my colleague from Alaska. My colleague and I have been working pretty much through the day.

I will be brief. I just want to thank the Senator from Alaska. We have been working throughout the day to resolve the whole issue of the Sams nomination.

This is a wonderful person who is going to give public service a really good name when he is confirmed.

My colleague from Alaska has raised a number of issues that he considers

very important to his State. He and I have worked together on a variety of these issues, both from the standpoint of the Energy Committee and most recently as chairman of the Finance Committee, when we have worked on some tax issues. So I want to thank him for his cooperation that is going to make it possible for us to advance this nomination tonight.

Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 508, Charles F. Sams III, of Oregon, to be Director of the National Park Service, and that the Senate vote on the nomination without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SULLIVAN. Madam President.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Madam President, I just want to thank Senator WYDEN for his cooperation working on this nominee. Mr. Sams, I do agree, is qualified.

We had a long discussion this afternoon about some of the big issues that are impacting my State as it relates to the National Park Service.

You know, a lot of people love the National Park Service. Two-thirds of all National Park Service land in America is in Alaska—tens of millions of acres. It is bigger than almost every other State represented here on the Senate floor. That is just the National Park Service.

For decades, that Federal authority—the National Park Service authority in Alaska—has been abused. How do we know that it has been abused? Well, we recently had two—two—U.S. Supreme Court decisions that were 9-to-0 decisions, by the way, that essentially said the Park Service was not following the law in Alaska—two.

So my discussions with Mr. Sams and the commitments he made to me, I think, are going to help Alaska. I think they are going to help the National Park Service, and it is related to the National Park Service authorities.

After these two decisions—they were called the Sturgeon decisions—two in a row, at the U.S. Supreme Court, 9 to 0, by the way, and the U.S. Supreme Court telling the National Park Service: You are not following the Alaska National Interest Lands Conservation Act. We call it ANILCA in Alaska. You are not following the Federal Government. You need to follow it.

So the commitment I got from Mr. Sams was there was a recent regulation from the Federal Government in November of 2020 providing specifics of how the National Park Service was going to implement these two U.S. Supreme Court cases—the Sturgeon case. And he committed to me to be true to these regulations and to faithfully execute these regulations in the National Park Service on implementing Sturgeon. That is a very big deal in Alaska.

He also committed to have all of his senior Alaska staff and senior staff

here in Washington, DC, take ANILCA training. This is a giant statute. The Federal Government often screws it up, and it has a negative impact on my State. So he committed to me that he will have his top leadership at the National Park Service take training to understand this complicated law. That will also help my constituents and the country very much.

So I want to, again, thank Senator WYDEN for working with me on these issues. These are important commitments that Mr. Sams has made, and I have no further objection to this nominee's confirmation.

The PRESIDING OFFICER. If there is no objection, the clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Charles F. Sams III, of Oregon, to be Director of the National Park Service.

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

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Sams nomination?

The nomination was confirmed.

The PRESIDING OFFICER. The senior Senator from Oregon.

Mr. WYDEN. Madam President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table, all without intervening action or debate; that no further motions be made in order to the nomination; that any statements related to the nomination be printed in the Record; that the President be immediately notified of the Senate's action, and the Senate resume legislative session.

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

LEGISLATIVE SESSION

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2022—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senate will now resume legislative session.

MORNING BUSINESS

NOTICE OF A TIE VOTE UNDER S. RES. 27

Mr. MANCHIN. Madam President, I ask unanimous consent to print the following letter in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE, COMMITTEE
ON ENERGY AND NATURAL RESOURCES,

November 18, 2021.

TO THE SECRETARY OF THE SENATE: The nomination of Laura Daniel-Davis, of Virginia, to be an Assistant Secretary of the Interior, vice Joseph Balash, resigned, PN 761,