

ground, and a sense of unity. We represent all Americans, not just a few.

Looking back on the history, you will see it has been utilized as a standard Senate practice by Republicans, Democrats, and Independents alike.

It is so important that in 2005, Senator SCHUMER, whom you just heard speak, said: “The ideologues in the Senate want to turn what the Founding Fathers called ‘the cooling saucer of Democracy’ into the rubber stamp of dictatorship.”

Yes, he said that doing away with the filibuster would effectively create a dictatorship.

More recently, in 2017, Senator SCHUMER doubled down on the need to keep the filibuster in a letter to Leader MCCONNELL. In his letter, Senator SCHUMER argued for the protection of “existing rules, practices and traditions as they pertain to the right of members to engage in extended debate on legislation before the United States Senate.”

To sum that up, he said no way should we cancel the filibuster.

That letter was signed by 33 Democrats, many of whom are still serving in this Senate as we speak. One of the signers who served at that time who signed this document is now the Vice President of the United States.

And it is not just the Vice President who has warned against ending the filibuster. In 2005, on this very floor, Senator Joe Biden warned that if the ability to filibuster were abolished, done away with, the Senate would become the House of Representatives.

I recognize that both sides of the aisle have, at some point, diminished the filibuster on nomination votes. In 2013, then-Senator Harry Reid lowered the vote threshold for Presidential appointments, other than Supreme Court nominees, to 51. In 2017, the Republicans turned around and lowered the standard to 51 for Supreme Court nominees.

Based on that, the left may call our opposition now hypocritical. But there is a big difference between legislation and nominations, including policy and our budget and nominees.

Debating legislation should include input from all Senators and be subject to compromise through the amendment process in order to be made better.

A nominee's qualifications are not subject to input or change. Voting on a nominee is a take-it-or-leave-it vote. You can't change their background or qualifications with more debate or more amendments. That is why they moved the vote to 50.

But the filibuster on legislation forces the majority to take into account the minority's position and to make the changes necessary to earn their support.

So now that the Democrats seem to be changing their tune on the legislative filibuster, it might be worth asking what has caused the Democrats to flip-flop and why now?

Well, there is one notable reason. Between 2017 and 2022, who is in control of the White House and Congress now?

Back in 2017, when the Democrats were in the minority, they understood the value of the minority's vote. But now they are in the majority, and all bets are off. They want to race through their party's Big Government socialist agenda with as little or no debate or opposition as possible. And Senate Democrats have embraced a radical, win-at-all-cost game plan for passing their progressive agenda, and they intend to and will break the Senate if they do it.

Democrats say their war on the filibuster has to do with strengthening voting rights, and they want to make it easier to vote and harder to cheat. If that were true, Democrats wouldn't have any problem passing this on a bipartisan level.

We all want to safeguard our elections so that all Americans have confidence in the integrity of our country's election process. But if access to the ballot box were an issue, it might come as a surprise that the 2020 election saw the largest voter turnout in over a century.

The Democrats are simply operating under a false idea. The States should run our election system, not the Federal Government.

What is more is, they will tell you they are embarking on this crusade to “save our democracy.” But the problem is, they want to do it by blowing up our democracy, blowing up this room.

Ending the filibuster means we would govern only by majority rule, stifling the voice of all minority and millions and millions of people who voted for the people who are in here in the minority.

Instead of saving it, this one-party rule would be the end of our democracy as we know it.

Instead of including the minority's voice in legislation that should serve all Americans, we would have radical swings back and forth every time the majority changed hands in this room.

Right now, there are few Democratic Senators who have stood up for the filibuster. They understand the important role of the minority's voice. This is not the House of Representatives. They understand the importance of making sure we listen to the voices of the millions of Americans who voted for the minority party, whoever it is. They know what even a small “exemption,” or what they call a “carve-out,” could lead to—devastation to this room.

So I ask the rest of my colleagues on the other side of the aisle: Why not join us and save the filibuster? That is what makes us the voice of all Americans. Why not focus on what you can do to lead in the face of many crises actually facing the American people?

In a recent poll, nearly 50 percent of Americans disapproved of President Biden's handling of COVID. The disapproval ratings were even higher when it came to the economy, taxes, crime, government spending, and immigration. It is clear that, right now,

Americans need more adults in this room and more leadership, and I can guarantee that the American people do not want leadership that resorts to changing the rules to get their way, to notch a win. The American people want leaders who actually address the problems they face, like COVID and inflation.

We cannot allow the failed leadership of Big Government socialists to be a scapegoat for eliminating the filibuster and fundamentally changing our country for the worse.

I yield the floor.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:46 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. SINEMA).

EXECUTIVE CALENDAR—Continued  
The PRESIDING OFFICER. The Senator from Washington.

## NOMINATION OF ALAN DAVIDSON

Ms. CANTWELL. Madam President, I rise to speak in support of our next vote, the nominee to head the National Telecommunications and Information Administration at the Department of Commerce, Alan Davidson.

My colleagues know now, in an information age, how important access to broadband is. They know because of COVID-19 how important it is for healthcare, how important it is for education, and how important it is for people to have the flexibility in all parts of the United States to have access to the ability to connect and to connect with people around the world.

We have long talked about the need for an NTIA Administrator who understands the public sector and understands the private sector. Mr. Davidson does that. He comes to us with a wealth of experience in both sectors, and he is coming at a time when my colleagues have been asking for more leadership from the administration on broadband issues. That is to say, many of my colleagues, like Senator WICKER, Senator KLOBUCHAR, and many others, have asked for coordination between various programs that exist within the Department of Commerce, the Department of Agriculture, and the issues in coordination with the FCC and oversight of their programs to better maximize the delivery of broadband.

The Presiding Officer knows how much money is now on the table for broadband. We all know that this implementation is going to take a very skilled hand at trying to address both the issues of affordability and access. But more importantly, we will be getting with Mr. Davidson somebody who understands these issues well and will help us strive to get America better connected as quickly as possible.

We can't say enough about how important that is as COVID-19 continues across the United States of America with different variants. I am not saying it is going to be the new normal and continue for the next several years, but we know this: We need Mr. Davidson's help. We need his help effectively and speedily to get broadband deployed to both sectors of our economy—those who are unserved and those who are underserved.

We look forward to advancing this nominee and putting him to work as quickly as possible, and I personally look forward to working with him on these very important issues. There is much to do to leverage the dollars we have made available, but we have to work cooperatively with all parts of the United States to make that a reality.

Nothing could be more important now to upgrading U.S. infrastructure than getting fiber deployed, getting broadband to American homes, and making our grid more secure. With all of these things, I look forward to working with Mr. Davidson, and I appreciate his comments to me about his commitment to those issues as well.

I yield the floor.

#### VOTE ON DAVIDSON NOMINATION

Ms. CANTWELL. Madam President, I ask unanimous consent that the scheduled vote occur immediately.

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

The question is, Will the Senate advise and consent to the Davidson nomination?

Ms. CANTWELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The PRESIDING OFFICER. There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Oregon (Mr. MERKLEY), the Senator from Georgia (Mr. OSSOFF), the Senator from California (Mr. PADILLA), the Senator from Vermont (Mr. SANDERS), and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Louisiana (Mr. CASSIDY) and the Senator from Mississippi (Mrs. HYDE-SMITH).

The result was announced—yeas 60, nays 31, as follows:

[Rollcall Vote No. 4 Ex.]

#### YEAS—60

Baldwin	Carper	Hassan
Bennet	Casey	Heinrich
Blumenthal	Collins	Hickenlooper
Blunt	Coons	Hirono
Booker	Cortez Masto	Inhofe
Brown	Duckworth	Kaine
Burr	Durbin	Kelly
Cantwell	Fischer	King
Capito	Gillibrand	Leahy
Cardin	Graham	Lee

Lujan	Reed	Sullivan
Manchin	Romney	Tester
Markey	Rosen	Tillis
Menendez	Rounds	Van Hollen
Moran	Schatz	Warner
Murkowski	Schumer	Warren
Murphy	Shaheen	Whitehouse
Murray	Sinema	Wicker
Peters	Smith	Wyden
Portman	Stabenow	Young

#### NAYS—31

Barrasso	Grassley	Risch
Blackburn	Hagerty	Rubio
Boozman	Hawley	Sasse
Braun	Hoeven	Scott (FL)
Cornyn	Johnson	Scott (SC)
Cotton	Kennedy	Shelby
Cramer	Lankford	Thune
Crapo	Lummis	Toomey
Cruz	Marshall	Tuberville
Daines	McConnell	
Ernst	Paul	

#### NOT VOTING—9

Cassidy	Klobuchar	Padilla
Feinstein	Merkley	Sanders
Hyde-Smith	Osoff	Warnock

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

#### 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 bill 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 Executive Calendar No. 465, Amitabha Bose, of New Jersey, to be Administrator of the Federal Railroad Administration.

Charles E. Schumer, Maria Cantwell, Patrick J. Leahy, Martin Heinrich, Tim Kaine, Gary C. Peters, Chris Van Hollen, Jeanne Shaheen, Jack Reed, Tina Smith, Thomas R. Carper, Mazie Hirono, John W. Hickenlooper, Edward J. Markey, Sheldon Whitehouse, Jacky Rosen, Tammy Baldwin.

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

The question is, Is it the sense of the Senate that debate on the nomination of Amitabha Bose, of New Jersey, to be Administrator of the Federal Railroad Administration, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Oregon (Mr. MERKLEY), the Senator from Georgia (Mr. OSSOFF), the Senator from California (Mr. PADILLA), the Senator from Vermont (Mr. SANDERS), and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator

from Louisiana (Mr. CASSIDY), the Senator from Mississippi (Mrs. HYDE-SMITH), and the Senator from Pennsylvania (Mr. TOOMEY).

The yeas and nays resulted—yeas 61, nays 29, as follows:

[Rollcall Vote No. 5 Ex.]

#### YEAS—61

Baldwin	Grassley	Rosen
Barrasso	Hassan	Rounds
Bennet	Heinrich	Schatz
Blumenthal	Hickenlooper	Schumer
Blunt	Hirono	Shaheen
Booker	Kaine	Sinema
Brown	Kelly	Smith
Burr	King	Stabenow
Cantwell	Leahy	Sullivan
Capito	Lujan	Tester
Cardin	Manchin	Thune
Carper	Markey	Tillis
Casey	Menendez	Van Hollen
Collins	Moran	Warner
Coons	Murkowski	Warren
Cortez Masto	Murphy	Whitehouse
Duckworth	Murray	Wicker
Durbin	Peters	Wyden
Fischer	Portman	Young
Gillibrand	Reed	
Graham	Romney	

#### NAYS—29

Blackburn	Hagerty	McConnell
Boozman	Hawley	Paul
Braun	Hoeven	Risch
Cornyn	Inhofe	Rubio
Cotton	Johnson	Sasse
Cramer	Kennedy	Scott (FL)
Crapo	Lankford	Scott (SC)
Cruz	Lee	Shelby
Daines	Lummis	Tuberville
Ernst	Marshall	

#### NOT VOTING—10

Cassidy	Merkley	Toomey
Feinstein	Osoff	Warnock
Hyde-Smith	Padilla	
Klobuchar	Sanders	

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 29.

The motion is agreed to.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Amitabha Bose, of New Jersey, to be Administrator of the Federal Railroad Administration.

The PRESIDING OFFICER. The Senator from Illinois, the majority whip.

#### GUANTANAMO BAY

Mr. DURBIN. Madam President, 20 years ago today, a C-141 Starlifter made its final descent toward a naval base in the Caribbean. As the plane landed, two white schoolbuses waited on the apron, together with a swarm of military humvees and a large contingent of armed soldiers.

The plane door opened, and the passengers were offloaded. Heads shaven, legs shackled, the passengers were removed from the plane one by one, each wearing the same identical outfit: a fluorescent orange jumpsuit, a matching ski cap, and earmuff-style noise protectors. Some were also wearing blackout goggles over their eyes to completely deprive them of any sentient experience.

This was the scene as the first 20 detainees were hauled off to Guantanamo