

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 117 Ex.]

YEAS—69

Baldwin	Hassan	Reed
Bennet	Heinrich	Risch
Blumenthal	Hickenlooper	Romney
Blunt	Hirono	Rosen
Booker	Hoeven	Rounds
Boozman	Kaine	Schatz
Brown	Kelly	Schumer
Cantwell	King	Scott (FL)
Capito	Klobuchar	Scott (SC)
Cardin	Leahy	Shaheen
Carper	Lujan	Sinema
Casey	Manchin	Smith
Collins	Markey	Stabenow
Coons	Menendez	Tester
Cortez Masto	Merkley	Thune
Cotton	Moran	Tillis
Cramer	Murkowski	Van Hollen
Crapo	Murphy	Warner
Duckworth	Murray	Warnock
Durbin	Ossoff	Warren
Feinstein	Padilla	Whitehouse
Gillibrand	Peters	Wicker
Graham	Portman	Wyden

NAYS—30

Barrasso	Grassley	Marshall
Blackburn	Hagerty	McConnell
Braun	Hawley	Paul
Burr	Hyde-Smith	Rubio
Cassidy	Inhofe	Sasse
Cornyn	Johnson	Shelby
Cruz	Kennedy	Sullivan
Daines	Lankford	Toomey
Ernst	Lee	Tuberville
Fischer	Lummis	Young

NOT VOTING—1

Sanders

The nomination was confirmed.

The PRESIDING OFFICER (Ms. SMITH). 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

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 Executive Calendar No. 764, January Contreras, of Arizona, to be Assistant Secretary for Family Support, Department of Health and Human Services.

Charles E. Schumer, Tammy Duckworth, Mazie Hirono, Brian Schatz, Richard Blumenthal, Jacky Rosen, John W. Hickenlooper, Richard J. Durbin, Sheldon Whitehouse, Cory A. Booker, Alex Padilla, Tim Kaine, Christopher A. Coons, Margaret Wood Hassan, Gary C. Peters, Christopher Murphy.

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 January Contreras, of Arizona, to be Assistant Secretary for Family Sup-

port, Department of Health and Human Services, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. LUJÁN) is necessarily absent.

The yeas and nays resulted—yeas 54, nays 45, as follows:

[Rollcall Vote No. 118 Ex.]

YEAS—54

Baldwin	Graham	Padilla
Bennet	Hassan	Peters
Blumenthal	Heinrich	Reed
Blunt	Hickenlooper	Rosen
Booker	Hirono	Sanders
Brown	Kaine	Schatz
Burr	Kelly	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Sinema
Carper	Leahy	Smith
Casey	Manchin	Stabenow
Collins	Markey	Tester
Coons	Menendez	Van Hollen
Cortez Masto	Merkley	Warner
Duckworth	Murkowski	Warnock
Durbin	Murphy	Warren
Feinstein	Murray	Whitehouse
Gillibrand	Ossoff	Wyden

NAYS—45

Barrasso	Hagerty	Risch
Blackburn	Hawley	Romney
Boozman	Hoeven	Rounds
Braun	Hyde-Smith	Rubio
Capito	Inhofe	Sasse
Cassidy	Johnson	Scott (FL)
Cornyn	Kennedy	Scott (SC)
Cotton	Lankford	Shelby
Cramer	Lee	Sullivan
Crapo	Lummis	Thune
Cruz	Marshall	Tillis
Daines	McConnell	Toomey
Ernst	Moran	Tuberville
Fischer	Paul	Wicker
Grassley	Portman	Young

NOT VOTING—1

Luján

The PRESIDING OFFICER (Mr. OSSOFF). On this vote, the yeas are 54, the nays are 45.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of January Contreras, of Arizona, to be Assistant Secretary for Family Support, Department of Health and Human Services.

The PRESIDING OFFICER. The Senator from Tennessee.

NOMINATION OF KETANJI BROWN JACKSON

Mrs. BLACKBURN. Mr. President, earlier this week, I gave some examples of how the media is covering for Judge Jackson's lackluster performance in her Supreme Court confirmation hearing. I am not sure who they think they will persuade with these unhinged attacks, but what I do know is that the subtext has come through loud and clear for Tennesseans. It is: Sit down, shut up, stop questioning authority; and if you don't, we are going to come and get you.

That is what these headlines are basically saying.

Last night, I hosted a telephone townhall with more than 30,000 people

across middle and east Tennessee, and they have rejected the message that they are seeing in these headlines. It is really pretty simple for them. The harder the media pushes and tries to shut them up, the more they are pushing for accountability, especially when it comes to protecting the future for their children and their grandchildren.

As I am sure many people will recall, during a line of questioning in Judge Jackson's confirmation hearing, I asked her a very simple question. All I wanted her to do was define the word "woman." She told me she couldn't answer the question because she wasn't a biologist. If we had not been in the middle of a committee hearing, I would have thought that this was a joke. But we were in the middle of this committee hearing, and it wasn't. It was a very deliberate signal to a very specific group of individuals.

Of course, our friends in the media sensed this was going to backfire, as it did, so they flew into damage control mode. But I think it is safe to say they overplayed their hand on this one. According to this particular outlet, science says there is no simple answer to what a woman is. Don't question the science. That sounds familiar, doesn't it? We have heard that a lot lately. They went to great lengths to refute a simple fact that every single American learned in their grade school science class. Judge Jackson's answer and the media's panicked defense of it were both completely divorced from reality.

I have spoken at length about how Judge Jackson's total lack of a judicial philosophy causes these kinds of problems. But my Democratic colleagues and their activist friends still seem to be under the impression it is unreasonable to ask a Supreme Court nominee about her approach to interpreting the law. This makes no sense. Without that philosophy—without that basic standard—you cannot achieve stability or predictability, which are two things Judge Jackson repeatedly told us are important for a functioning judicial system.

I have serious questions about the nominee's refusal to engage us on this question. But what worries me more is her refusal to acknowledge that when it comes to law, not everything can or should be up for debate because political activists demand it. Our legal system is built on a foundation of definitions and rules, which are two equally important components.

In this case, if we concede that the definition of "woman" is too controversial to nail down, how can we demand equal justice under the law for victims of sex discrimination? Furthermore, how could the Supreme Court determine standing for any case regarding a gender-based rule? To take it even further, if words no longer matter, are the definitions of other protected classes up for debate? If so, which ones? And if not, then why not? Whose standard are we using here? Think about that.

I hear from Tennesseans every single day who feel like they are fighting a losing battle against the erosion of our basic values. Their government is drowning in debt. The crime rate has gone from bad to absolutely terrifying. And classrooms have become battlegrounds in the culture war between woke bureaucrats and parents who just want to rear their children as they see fit.

Slowly but surely, activists are forcing themselves between parents and their children, stripping words and institutions of their meaning and using their power to eliminate dissent. It is no way to run a classroom, and it is no way to run a country either. But right now, these parents I am talking to are looking at Washington and seeing the left use these same tactics to convince whoever gives credence to these unhinged headlines that reality is somehow up for debate.

They are not going to tolerate it anymore, not from Congress, not from the White House, and certainly not from the Supreme Court.

I think it bears repeating that the purpose of the Supreme Court is to interpret the law, not to take up arms in a culture war. I cannot in good conscience give my endorsement to a Supreme Court nominee whose first instinct was to chip away at the very foundation of the law rather than challenge the expectations of radical political activists.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

CORONAVIRUS

Mr. CARDIN. Mr. President, we are at a critical point in our battle against COVID-19. While we are still losing Americans to the virus, we have reached a stage where most of us are able to resume many of the daily activities we used to regard as normal. But our sustained effort to improve health outcomes and keep our economy on track is running out of funding. Now is the time to act.

Over the last 2 years, our communities have taken necessary mitigation measures. Healthcare and frontline workers have given everything they have to care for our loved ones. The Biden administration, with funding provided through the American Rescue Plan, has worked hard to ensure we had the resources necessary to continue to adapt our response to COVID-19.

After the peak of the Omicron variant, the reduced COVID-19 transmissions has made it safer to reconnect with friends and family and resume some of the activities we have all missed during the past 2 years. Due to the tireless work of the Biden administration, testing capacity and therapeutics are more available than they have been at any time during the pandemic. Over 81 percent of Americans who are 5 years or older have had at least one COVID-19 vaccination, and nearly 50 percent of Americans who are eligible are fully vaccinated and have

had a booster. In Maryland, 91 percent of Marylanders 5 and older have had at least one COVID-19 vaccination shot.

Overall, we have made significant strides in fighting the COVID-19 pandemic, but the threat is not over. Many Americans have children who are too young to be vaccinated and are immunocompromised or otherwise at high risk, so they may not be able to resume normal activities. While positivity rates and hospitalizations are decreasing, almost 700 Americans still are dying, on average, each day.

Additionally, new variants continue to emerge. Countries across Europe and Asia have seen new spikes in cases due to a more contagious version of Omicron known as BA.2. We could soon see a renewed surge as we are oftentimes only weeks behind rising cases in Europe. This latest subvariant already makes up 35 percent of the cases here in the United States.

Fortunately, at this stage, BA.2 appears no more severe than the original Omicron variant. In the United Kingdom, however, as BA.2 increased, children 2 to 11 years old had the highest rate of infections of any group in the country, the younger children.

To respond rapidly to emerging variants, we must keep financing pandemic prevention and response needs. The White House and the Department of Health and Human Services have made it clear that at least \$22.5 billion of additional funding is necessary to replenish pandemic prevention programs that are nearing completion or have already been depleted. Without these funds, we will have to cut back on critical aspects of the pandemic response.

Here are some examples. Our national testing capacity will decline, leaving us vulnerable and less able to detect emerging variants. It will become harder to diagnose infections early enough to take effective treatments. Also, uninsured individuals may no longer be able to access vaccines, tests, and treatments for free. This will cut off a critical support for uninsured individuals and health providers who care for them if they become ill with COVID-19.

In addition to testing and acute care, vital COVID-19 research will suffer if we do not provide sufficient funding. Continued development of new medications and vaccines is critical, but without additional funding, research will stop, leaving us potentially vulnerable to a variant resistant to our current arsenal. Specifically, the National Institutes of Health may shut down some of its COVID-19 research.

Further, the Food and Drug Administration recently granted an emergency use authorization for a new monoclonal antibody treatment that is effective against the Omicron variant. Without additional funding, however, the Federal Government won't be able to continue ordering the monoclonal antibody treatments, vital therapies for immunocompromised patients, and

antiviral pills, all of which are already in short supply.

Additional funding is critically important if we want to see the United States continue its leadership role in distributing vaccinations across the world to prevent more and worse variants from taking off and arriving on our shores.

I will continue to fight to ensure that we get additional COVID-19 funding. The American Rescue Plan Act demonstrated our ability to pass legislation that quickly ramped up pandemic response efforts and effectively mitigated the negative economic impact of the pandemic. This legislation has been critical in helping individuals and communities respond to the challenges brought on by the pandemic. Local governments have had to provide essential services at an unprecedented level, and they have risen to the occasion without falling into financial ruin. Now is not the time to take the foot off the gas.

Restaurants, for example, still need help. The American Rescue Plan created the Restaurant Revitalization Fund, but the \$28.6 billion provided to the program was not enough to meet demand. I remain gravely disappointed that the fiscal year 2022 omnibus spending package Congress passed earlier this month did not include additional assistance for restaurants and other hard-hit small businesses. For the last 2 years of the pandemic, nearly all restaurants have been under great strain as they have struggled to keep staff and adapt to the new variants, while facing increased pricing due to supply chain disruptions and inflation. And those have been the restaurants fortunate enough to survive the pandemic. Thousands have closed their doors for good.

More than 100,000 restaurants received grants from the Restaurant Revitalization Fund that have helped them keep their doors open, but more than 180,000 restaurants that submitted their applications on time to receive funds—their applications were there—have received no funds at all. That is not fair, and they desperately need our help.

If Congress had not acted quickly to replenish the Paycheck Protection Program when it ran out of money weeks after it opened in April 2020—and we did that, by the way, with strong, almost unanimous support, and it was hundreds of billions of dollars that we were short—the program would have been a half-measure, necessary but not sufficient. Instead, we extended the emergency aid needed to meet the crisis we faced, and that is exactly what we need to do again with the Restaurant Revitalization Fund.

For the past 2 years plus, I have worked hard to secure vital resources to fight the COVID-19 pandemic and ensure that those who are struggling from the economic effects or emotional toll have the necessary support going forward. I will continue that fight.