

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Maryland (Mr. VAN HOLLEN) is necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Pennsylvania (Mr. TOOMEY).

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 119 Ex.]

YEAS—54

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

NAYS—44

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	Tuberville
Ernst	Moran	Wicker
Fischer	Paul	Young
Grassley	Portman	

NOT VOTING—2

Toomey
Van Hollen

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. 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 actions.

NOMINATION OF DAVID WEIL

Mrs. MURRAY. Mr. President, right now, we are in the midst of a strong economic recovery and record job growth.

But despite the progress we have made, the fact remains that during this pandemic, corporations and rich CEOs made huge profits, while workers still struggle to make ends meet and put food on the table.

If we want to build back an economy that works for everyone, not just those at the very top, then we need to take action to lower costs, like Democrats have been pushing for, and we need leaders at the Department of Labor who are committed to ensuring workers get every cent of the paychecks they earn and holding corporations accountable when they try to take advantage of workers and commit wage theft.

Dr. David Weil has a long history as a champion for workers, and I come to the floor today to make clear: He is the exact right person to lead the Wage and Hour Division of the DOL.

Dr. Weil is an exceptional choice for this role with just the right experience for the job; in fact, he has already served in this position under the Obama administration. During his past tenure, he proved himself a capable leader, with a steadfast commitment to a simple goal: ensuring workers across the country are paid the wages they earn.

It was under his leadership that the Wage and Hour Division boosted its efforts to enforce the critical set of laws that protect workers against employers undercutting the minimum wage, failing to pay overtime, forcing workers to work “off the clock,” and so much more.

These are protections that workers depend on, especially workers who earn low wages, women, and people of color who most often face wage theft.

So we have got to make sure corporations are following them—and that is exactly what David Weil did. He cracked down on corporations who violated the law and denied workers the pay they were owed, and at one point, the division even uncovered an investigation into garment factories that secured \$1.3 million in back pay for cheated workers.

While leading the Agency, he also worked to expand overtime pay for 12 million more workers, close loopholes to help stop employers from misclassifying workers in order to pay them less, and crack down on Federal contractors who weren't following the law and paying fair wages. It has been frustrating to see the previous administration undermine these efforts and reverse this progress, but confirming David Weil to return to the Wage and Hour Division is an important step to put workers first and get us back on the right track. A vote for Dr. Weil is a vote to put wages back in workers' pockets and a vote to hold corporations accountable for wage theft.

So I urge all my colleagues to join me today in sending Dr. Weil back to the DOL.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. 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. 667, David Weil, of Massachusetts, to be Administrator of the Wage and Hour Division, Department of Labor.

Charles E. Schumer, Brian Schatz, Jack Reed, Angus S. King, Jr., Elizabeth Warren, Chris Van Hollen, Raphael G. Warnock, Jacky Rosen, Tim Kaine, Patty Murray, Margaret Wood Hassan, Tammy Duckworth, Alex Padilla, Tammy Baldwin, Mazie K. Hirono, Christopher A. Coons.

The ACTING PRESIDENT pro tempore. 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 David Weil, of Massachusetts, to be Administrator of the Wage and Hour Division, Department of Labor, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 47, nays 53, as follows:

[Rollcall Vote No. 120 Ex.]

YEAS—47

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

NAYS—53

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

The PRESIDING OFFICER (Mr. OSSOFF). On this vote, the yeas are 47, the nays are 53.

The motion is rejected.

The majority leader.

ORDER OF PROCEDURE

Mr. SCHUMER. Mr. President, I ask unanimous consent the Senate now vote on the motions to invoke cloture on Executive Calendar Nos. 718, 717, and 716; that the remaining votes tonight be 10-minute votes; that if cloture is invoked on any of these nominations, all post-cloture time be considered expired and the Senate vote on confirmation of the nominations at a time to be determined by the majority leader or his designee following consultation with the Republican leader.

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

Mr. SCHUMER. Members, we have three more votes coming up. If we stay in our seats and stay close, we can get them done quickly. So, please, hang around.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the

Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 718, Susan Tsui Grundmann, of Virginia, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 1, 2025.

Charles E. Schumer, Tammy Duckworth, Mazie K. 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 Susan Tsui Grundmann, of Virginia, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 1, 2025, 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. THUNE. The following Senators are necessarily absent: the Senator from Missouri (Mr. HAWLEY) and the Senator from Alabama (Mr. SHELBY).

The yeas and nays resulted—yeas 51, nays 47, as follows:

[Rollcall Vote No. 121 Ex.]

YEAS—51

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

NAYS—47

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

NOT VOTING—2

Hawley Shelby

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 47.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Susan Tsui Grundmann, of Virginia, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 1, 2025.

CLOTURE MOTION

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

The 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. 717, Cathy Ann Harris, of Maryland, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2028.

Charles E. Schumer, Tammy Duckworth, Mazie K. 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 Cathy Ann Harris, of Maryland, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2028, 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. THUNE. The following Senators are necessarily absent: the Senator from Missouri (Mr. HAWLEY) and the Senator from Alabama (Mr. SHELBY).

The yeas and nays resulted—yeas 50, nays 48, as follows:

[Rollcall Vote No. 122 Ex.]

YEAS—50

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

NAYS—48

Barrasso	Cassidy	Daines
Blackburn	Collins	Ernst
Blunt	Cornyn	Fischer
Boozman	Cotton	Graham
Braun	Cramer	Grassley
Burr	Crapo	Hagerty
Capito	Cruz	Hoeven

Hyde-Smith
Inhofe
Johnson
Kennedy
Lankford
Lee
Lummis
Marshall
McConnell

Moran
Murkowski
Paul
Portman
Risch
Romney
Rounds
Rubio
Sasse

Scott (FL)
Scott (SC)
Sullivan
Thune
Tillis
Toomey
Tuberville
Wicker
Young

NOT VOTING—2

Hawley Shelby

The PRESIDING OFFICER. On this vote, the yeas are 50, nays are 48.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Cathy Ann Harris, of Maryland, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2028.

CLOTURE MOTION

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 716, Cathy Ann Harris, of Maryland, to be Chairman of the Merit Systems Protection Board.

Charles E. Schumer, Brian Schatz, Jack Reed, Angus S. King, Jr., Elizabeth Warren, Chris Van Hollen, Raphael G. Warnock, Jacky Rosen, Tim Kaine, Margaret Wood Hassan, Tammy Duckworth, Alex Padilla, Tammy Baldwin, Mazie K. Hirono, Gary C. Peters, Robert P. Casey, Jr.

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 Cathy Ann Harris, of Maryland, to be Chairman of the Merit Systems Protection Board, 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 California (Mrs. FEINSTEIN) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Missouri (Mr. HAWLEY) and the Senator from Alabama (Mr. SHELBY).

The PRESIDING OFFICER (Ms. BALDWIN). Are there any other Senators in the Chamber desiring to vote or change their vote?

The yeas and nays resulted—yeas 49, nays 48, as follows:

[Rollcall Vote No. 123 Ex.]

YEAS—49

Baldwin	Blumenthal	Brown
Bennet	Booker	Cantwell