

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

Mr. THUNE. The following Senator is necessarily absent: the Senator from Wyoming (Ms. LUMMIS).

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 163 Ex.]

#### YEAS—53

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

#### NAYS—45

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

#### NOT VOTING—2

Lummis Sanders

The PRESIDING OFFICER (Ms. SINEMA). On this vote, the yeas are 53, the nays are 45.

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 Asmeret Asefaw Berhe, of California, to be Director of the Office of Science, Department of Energy.

#### RECESS

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

Thereupon, the Senate, at 1:11 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 Massachusetts.

#### WOMEN'S HEALTH PROTECTION ACT

Mr. MARKEY. Mr. President, in the aftermath of last week's leak of the draft Supreme Court opinion of Dobbs v. Jackson Women's Health Organization, we are facing one of the lowest moments in history for our Nation's highest Court.

An illegitimate, far-right majority on the Court is poised to overturn Roe v. Wade and Planned Parenthood v. Casey and take away a fundamental constitutional right that has been the law of the land for almost 50 years—the right to a legal, safe abortion. Every American deserves the right to make their own decisions about their own bodies.

While the leaked opinion may only be a draft, we cannot ignore the profound threat it poses. That is because the opinion is the outrageous culmination of a rightwing campaign to take over the Court and take America back to the days when far too many faced not only a loss of liberty but a loss of life when seeking abortion care.

It validates the theft of two Supreme Court seats by President Trump, then-Leader MCCONNELL, and Senate Republicans.

It confirms that conservative Justices lied to the Congress and the American people about their commitment to the Court's precedent and the rule of law.

Overturing Roe v. Wade will undermine the health, safety, and freedom of millions of Americans, and it will create horrific pain and hardship for people all across the Nation, especially those without the means or resources to travel to States where abortion will remain safe and legal.

Already, for pregnant Americans in red States across the country, access to abortion is functionally denied because of a lack of funds, geography, immigration status, and other barriers. This war on people of color and the poor is already being waged, and we cannot let the Supreme Court provide deadlier weapons.

If the extremist rightwing of the Court is willing to abandon something as fundamental as the right to privacy and the right for Americans to make decisions about their own bodies, then we are on a slippery slope to the undoing of other fundamental rights the Court has recognized as being grounded in the right to privacy, including the right to use contraception or the right to marry whomever you love.

But this was the goal of the Republicans and the rightwing all along: steal the Supreme Court seats, steal an election, and steal the rights of Americans.

This is the direct consequence of an anti-majoritarian and anti-democratic national electoral system that allowed two Presidents, who both lost the popular vote, to nominate more than half of the current Justices to the U.S. Supreme Court and allowed them to be confirmed by Senators representing a minority of the Nation's population.

This is the racist, misogynistic, xenophobic manifestation of a radical rightwing, extremist vision of America that is out of step with the vast majority of Americans. In fact, by a 2-to-1 margin, Americans say Roe v. Wade should be upheld.

This egregious and overtly political act cannot be allowed to go unanswered. Faith in our judicial system is in jeopardy, so we are left with no other choice. We have to immediately pass Federal legislation that protects millions of Americans' right to choose, that lifts dangerous and discriminatory bans on abortion, and that removes unnecessary limits on reproductive freedom.

The Women's Health Protection Act will do all of that by codifying Roe so as to affirm it as the law of the land. The Women's Health Protection Act enshrines in Federal law a healthcare provider's right to provide abortion services and a patient's right to receive them.

Among its provisions, the bill would prohibit previability bans designed to undercut the right to an abortion, like the 15-week ban imposed by the Mississippi law at issue in Dobbs or specious "heartbeat" bans like the one imposed by Texas's SB 8.

The Women's Health Protection Act would prohibit bans that do not make exceptions for the patient's health or life. I am appalled that any Member of Congress could consider themselves in support of women but then support a ban that explicitly devalues life.

This bill would also ban so-called TRAP laws—the targeted regulation of abortion providers—that impose onerous and unwarranted requirements on facilities and providers who do nothing to promote health but, rather, make it nearly impossible for healthcare providers to keep their doors open.

The bill would also prohibit requirements that providers share medically inaccurate information and impose medically unnecessary and manipulative tests and procedures like mandatory ultrasounds.

It would prohibit limitations that prevent providers from caring for patients by telemedicine—a service that we have all learned to have been invaluable over the course of the pandemic and one that is all the more necessary for abortion care given the already draconian laws in some red States across the country.

It would bar other unjustified, onerous, and discriminatory practices intended to place obstacles in the path of those seeking abortion services.

In short, the Women's Health Protection Act will safeguard the rights established by 50 years of Supreme Court precedent and would protect abortion access even if Roe is overturned.

This bill is all that is standing between the America we have known for decades and one that plunges millions of people back in time—into despair, pain, poverty, and forced parenthood.

If we fail to act, we know Republicans will. If the Supreme Court overturns Roe v. Wade, 28 States are poised to ban abortion outright. Of those, 13 States already have trigger bans in place—activating laws that would ban abortion automatically when Roe is overturned.

These bans and attacks fall hardest on those most marginalized, including people of color, LGBTQ people, people with low incomes, and those in rural communities. Many of these States would criminalize abortion. Those seeking abortions and those performing them would face the prospect of prison.

It is not just at the State level. The Republican leader in the Senate has said the quiet part out loud: If Republicans gain control of the Senate, they could consider Federal legislation that bans abortion as passing on the floor of this Senate.

We can't sit idly by and wait for the worst to happen. It is already at our doorstep. We must make the right to safe and secure reproductive health and freedom the law of the land. We must do it now.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

#### NOMINATION OF ASMERET ASEFAW BERHE

Mr. MANCHIN. Madam President, I am pleased to support the nomination of Dr. Asmeret Asefaw Berhe to be the Director of the Office of Science at the Department of Energy.

President Reagan famously complained that the Department of Energy never "produced a quart of oil or a lump of coal," but that was never the Department's job.

The Department of Energy is as much a Department of Science and Technology as a Department of Energy. For nearly 50 years, it has been at the forefront of scientific discovery and technology innovation. As a seedbed for science, the Department has given us the technologies to increase our energy production and use our resources in a cleaner and more efficient way, and the Office of Science lies at the heart of the Department's science mission.

It is the Nation's largest Federal supporter of basic research in the physical sciences. Its mission is to deliver the "scientific discoveries, capabilities, and major scientific tools to transform the understanding of nature and to advance the energy, economic, and national security of the United States."

Leading this important scientific enterprise calls for a scientist of great ability and vision. I believe Dr. Berhe is very qualified for this important job. In judging from the long list of academic honors and awards that she has received and the long list of scientific papers that she has written, Dr. Berhe has the scientific credentials this job requires. She is a professor of soil biochemistry at the University of California, where she is also an associate dean of graduate education and holds an endowed chair in Earth Sciences and Geology.

The Office of Science itself has long engaged in basic research relating to soil science and broader ecological questions, whether they be tracing radioactive elements through the atmosphere or the flow of energy, water, and carbon through the Earth's natural

systems. So her background is an asset and makes her very well suited to lead the Office of Science.

Dr. Berhe is also an adjunct professor at the Salk Institute for Biological Studies, and she has been a visiting professor at ETH Zurich, where Albert Einstein studied physics. She didn't teach him, but he studied there. She has authored over 100 scientific papers and has received over two dozen honors and awards for her scientific achievements.

She is incredibly well qualified for this important post of leading the Office of Science. I strongly support her nomination, and I urge a favorable vote on her nomination.

I yield back all time.

#### VOTE ON BERHE NOMINATION

The PRESIDING OFFICER. Is there further debate?

Hearing none, the question is, Will the Senate advise and consent to the Berhe nomination?

Mr. MANCHIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant executive clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Wyoming (Ms. LUMMIS).

The result was announced—yeas 54, nays 45, as follows:

#### [Rollcall Vote No. 164 Ex.]

##### YEAS—54

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

##### NAYS—45

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

#### NOT VOTING—1

Lummis

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.

The majority leader.

#### MOTION TO PROCEED ON MOTION TO RECONSIDER CLOTURE VOTE

Mr. SCHUMER. Madam President, I move to proceed to the motion to reconsider the vote by which cloture was not agreed to on Executive Calendar No. 844, the nomination of Lisa DeNell Cook.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed to the motion to reconsider.

The motion was agreed to.

#### MOTION TO RECONSIDER

Mr. SCHUMER. Madam President, I move to reconsider the vote by which cloture was not invoked on Calendar No. 844.

The PRESIDING OFFICER. The question is on agreeing to the motion to reconsider.

The motion was agreed to.

#### CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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. 844, Lisa DeNell Cook, of Michigan, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2010.

Charles E. Schumer, Mazie Hirono, Martin Heinrich, Tim Kaine, Jack Reed, Jacky Rosen, Ben Ray Lujan, Christopher A. Coons, Alex Padilla, Sheldon Whitehouse, Sherrod Brown, Debbie Stabenow, Christopher Murphy, Patrick J. Leahy, John W. Hickenlooper, Tammy Baldwin, Angus S. King, 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 the debate on the nomination of Lisa DeNell Cook, of Michigan, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2010, shall be brought to a close, upon reconsideration?

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 Senator is necessarily absent: the Senator from Wyoming (Ms. LUMMIS).

The yeas and nays resulted—yeas 50, nays 49, as follows:

#### [Rollcall Vote No. 165 Ex.]

##### YEAS—50

Baldwin	Carper	Gillibrand
Bennet	Casey	Hassan
Blumenthal	Coons	Heinrich
Booker	Cortez Masto	Hickenlooper
Brown	Duckworth	Hirono
Cantwell	Durbin	Kaine
Cardin	Feinstein	Kelly