

our babies to not be torn apart by weapons meant for war is not worthy of that?

We are talking about universal background checks. We are talking about the kind of reforms that widespread majorities of Americans support. And in the face of yet another moment of unimaginable, unbearable, unfathomable grief, let's show the Nation that we value children's lives more than an arcane Senate procedure rule. Let's do what adults are supposed to do. Let's protect our kids, the most vulnerable, the most innocent. Let's do our jobs. Let's do what we were sent here to do, what our children are depending on us to do.

We owe it to each victim of this tragedy and every tragedy before it and their loved ones to finally act. Enough was enough a very, very long time ago. May those babies rest in peace, those little angels now in Heaven.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Ms. COLLINS. Madam President, shortly, the Senator from Rhode Island, Mr. WHITEHOUSE, will come to the Senate floor and attempt to have a live unanimous consent request for a nominee to be the Assistant Secretary of Commerce for Oceans and Atmosphere. When he does so, Madam President, I intend to object to that request, and I want to explain why to my colleagues. Senator WHITEHOUSE has been delayed in getting to the Senate floor, so I am going to outline my objections prior to his making the request.

Madam President, in all of the time that I have served in the U.S. Senate, I don't ever recall coming to the Senate floor to object to a unanimous consent request. I say that because it demonstrates how unusual it is for me to be standing here objecting to one of my colleague's unanimous consent requests. Indeed, as I said, I don't believe I have ever done this in all of the time I have served in the Senate.

So let me give the Presiding Officer and my colleagues some background. On May 1, despite the objections of the entire Maine congressional delegation and its Democratic Governor, the National Oceanic and Atmospheric Administration, better known as NOAA, imposed onerous new regulations on Maine's lobster industry.

Now, Madam President, if I asked you what is the first thing you think of when I say the State of Maine, you probably would say lobster, our iconic industry. We have more than 4,500 lobstermen and -women, each of whom is self-employed. They have been good stewards, always, of the lobster resource. They have taken care over the decades to make sure that the lobsters are large enough, for example, to keep. They throw back egg-bearing lobsters. There are all sorts of rules and regulations that the lobster industry has worked with the State of Maine over

decades to preserve the precious resource.

But, now, in comes NOAA. NOAA is imposing onerous, possibly impossible new regulations that do not reflect the reality in the Gulf of Maine with regard to the right whale. The final rule imposed on May 1 does not even come close to reflecting the reality of the Maine fishing and lobstering industry and the endangered right whale.

NOAA's focus on the State of Maine's lobster industry is flawed and unfair. In fact, Madam President, the Agency's own data show that there has never, never been a right whale entanglement death attributed to the Maine lobster fishery.

NOAA denied an entirely reasonable request to at least delay the implementation of these onerous new regulations for just 2 months until July 1. The entire delegation, plus our Governor, asked for this delay, this 2-month delay, because our lobstermen cannot even find enough of the gear, the new gear that is being mandated by NOAA. Just a 2-month delay would have helped to prevent huge losses to these small business owners.

Now, this isn't the first request that NOAA has refused. We have worked over more than a year with NOAA to try to prevent these regulations from going into effect in the first place because they are not relevant to preserving the right whale. Nobody wants to see the population of right whales decimated, but if you look at the data, here is what is happening, Madam President. It is ship strikes that have been responsible for the death of right whales. They have occurred in the St. Lawrence Seaway in Canada, not even in the State of Maine.

In addition, there is evidence that there is some gear that is used for the Canadian snow crab that has been found to entangle the right whale. That is different from our lobster gear. And as I said, there has never been a right whale entanglement death attributed to the Maine lobster fishery.

So these regulations make no sense in the first place, but at least—in response to a plea from the lobster industry, from the Maine Department of Marine Resources, from the Democratic Governor of Maine, from the entire Maine delegation—at least NOAA could have answered our plea to delay these onerous regulations for 2 months—2 months—during which time maybe this brandnew, very expensive gear would have become more available. But, no. Once again, NOAA refused.

This really is outrageous, and the industry is expected to lose out on \$7 million due to lost fishing time during these 2 months.

Now, perhaps the Senator from Rhode Island and others do not believe what the Maine delegation, the Democratic Governor of Maine, the Maine Department of Marine Resources, and many experts are saying about the impact of these regulations and the lack

of availability of this new gear and the fact that the data show that we are not the problem in the State of Maine. As I said, it is fish strikes and due to warming waters, which I know is of great concern to the Senator from Rhode Island, as it is to me.

The right whale are actually moving and following their food supply into Canadian waters. In fact, I have talked to many lobstermen and -women who have never seen a right whale—never—in all the time that they have been lobstering. But as I said, maybe NOAA just thinks that we are just automatic advocates for an iconic industry, despite the extraordinary record of stewardship by the lobster industry.

So let me give you another source. Denying this 2-month extension conflicted with the recommendations of the U.S. Small Business Administration's Office of Advocacy, an independent voice for small business within the Federal Government. The office of advocacy asserted that NOAA was putting lobstermen and -women in "an impossible scenario," and went on to say:

If they are not granted a short delay of the compliance deadline, they may stand to lose significant amounts of revenue, or in some instances, their entire business.

This isn't just the Maine delegation. It isn't just our Governor. It isn't just the Maine Department of Marine Resources. This is another government agency. It is the Small Business Administration's Office of Advocacy which is saying this.

Maine harvesters are justifiably worried about what they are going to do and I don't know what more the Maine delegation can do. We have had countless meetings with the Department of Commerce, with NOAA. I met with the Fisheries Administrator in NOAA. I asked for his help. He promised to work with us. Instead, things have gotten only worse. And now our lobster industry worries that NOAA will continue to steadily whittle away at their livelihoods while ignoring not only their on-the-water expertise, the expertise of the State of Maine, but the impartial advice of the Federal Government's Small Business Advocate as well.

The entire agency, all of NOAA, needs to recognize that the practice of implementing management decisions based on incomplete, imprecise, inaccurate data—especially when those decisions have a harmful effect on a fishery that is known for its conservation methods and on the communities that this fishery has supported forever in the State of Maine—cannot continue.

So that is the situation in which we find ourselves, and that is why I believe, for the first time in all the years that I have served in the Senate, I have come to the floor to object when the unanimous consent request is made.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. I do not want to keep the distinguished Senator from Maine on the floor any longer than we have to, so I am going to move rapidly to the unanimous consent motion.

But I do want to tell the Senator that I am actually rather sympathetic to her concerns. In Rhode Island, we have had issues regarding the black sea bass, which NOAA scientists have known for more than a decade were moving up into our waters, yet the fisheries regulation and the allotments have not moved accordingly. We have problems with evanescent species like butterfly and loligo squid that replicate more rapidly than the regulatory regime can keep up, so the information is really nonsense. And we have an urgent need to enhance electronic monitoring on our boats so that human monitors don't have to be taken out on the boat.

Yes, we have frustrations with NOAA about its pace in a lot of these areas, but I simply think that an understaffed NOAA is not a solution to those problems.

If I may, I ask unanimous consent that notwithstanding rule XXII, the Senate consider the following nomination: Calendar No. 768, Jainey Kumar Bavishi, to be Assistant Secretary of Commerce for Oceans and Atmosphere; that the Senate vote on the nomination without intervening action or debate; that the motion to reconsider be considered made and laid upon the table; that any statements related to the nomination be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

Ms. COLLINS. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, let me just say I hope we can find a way to move forward. Ms. Bavishi is needed to fill a very important position. Those of us in coastal States know the problem with Oceans and Atmosphere is profound. Perhaps my favorite new figure is called the zettajoule, the joule being the unit of heat energy by which we measure energy. The zettajoule is a joule with 21 zeros. It is a very, very big number. It is twice the complete full energy production and use by human species on the planet. All of our energy, our cars, our trucks, our homes, our factories—everything is half a zettajoule. For the price of that, we add 14 zettajoules of heat into the ocean every single year—every single year. It is the equivalent of three or four Hiroshima-sized atomic bombs being set off in the ocean every second and the ocean having to absorb that heat energy.

As the Senator from Maine knows, the Gulf of Maine is one of the fastest heating bodies of water on the planet, and she sees it as her fisheries and her lobster fisheries, in particular, move northward.

I am eager to find a way to make sure that Bavishi can get in place. She is a leading climate expert who worked in the New York Mayor's Office of Climate Resiliency and, before that, in the CEQ at the White House.

I respect the concerns that the Senator from Maine has indicated. As I said, I have my own. I just have a different view as to whether stopping the Assistant Secretary for Oceans and Administration position from being filled is conducive to getting those concerns met.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

UNANIMOUS CONSENT REQUEST—S. 1787

Mr. LEE. Madam President, I rise again today in support of the bipartisan State Antitrust Enforcement Venue Act. This is an overwhelmingly bipartisan bill. In fact, 99 Senators support passing this bill. Only one—oddly, the lead cosponsor of this bill—has objected.

Now, the nature of the objection was that passing this bill would somehow reduce the chances of passing that Senator's own wholly unrelated bill, a different bill, a bill not touching the subject matter of this bill. But the idea that it must be all or nothing is silly, and it highlights one of the more vexing problems facing Congress. The idea that unless Congress will pass all of what a particular Senator wants, that no one else can pass anything is something that is a cause of great dismay and frustration.

Making it easier for State attorneys general to enforce the antitrust laws is good policy, but it is, of course, not a silver bullet. I agree we still need meaningful reform at the Federal level. Passing this bill would, in no way, shape, or form, set back that project. It would just allow State attorneys general to bring antitrust suits now rather than worrying that Big Tech companies will be able to slow them down by requesting that courts combine them with private litigation.

This UC is precisely what happened in the Texas v. Google case. In fact, unanimously passing this bill will only strengthen momentum in Congress for meaningful, much-needed antitrust reform. It will be a proof of concept of sorts, one that indicates that we can set aside our egos and partisan differences in order to achieve a shared goal—in this case, a goal that I believe is shared by all 100 Members of this body.

Standing in the way of that achievement accomplishes nothing. In fact, it only plays into the hands of Big Tech. Big Tech would love nothing more than to see antitrust reform suffocate and die on the Senate floor, yet another victim of this "all or nothing" mindset, of this mindset that would suggest unless we pass all of what I want now, you can't pass anything, even something that I support.

It is important that we pass this bill. All 100 Senators support it. There is only one who has been objecting, and the basis of that objection has nothing to do with the merits of the legislation; it has only to do with the misguided and, ultimately, incorrect assumption that this would somehow interfere with that Senator's wholly unrelated bill.

To that end, Madam President, as if in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 261, S. 1787; I further ask that the Lee amendment at the desk be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motions to reconsider be considered made and laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Illinois.

Mr. DURBIN. As chairman of the appropriate jurisdictional committee and on behalf of Senator KLOBUCHAR of Minnesota, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Utah.

Mr. LEE. Madam President, I appreciate the longstanding friendship I have with my friend and distinguished colleague, the Senator from Illinois. I know he has no objection to passing this bill in this fashion. In fact, it was after a long negotiation process culminating with an agreement between me and the Senator from Illinois that we made modifications to this legislation—modifications I didn't want to make but I made in order to get this passed.

It was represented to me in good faith by the Senator from Illinois that it would pass the hotline; it could pass by unanimous consent, if it happened. Had it all gone according to how we had every reason to believe and how the Senator from Illinois had every reason to believe at the time, this would have been passed by now.

What we didn't anticipate was that the lead cosponsor of this legislation who had herself been a part of these negotiations, been a part of the conversation about how we were going to get it passed, and been a part of the conversations about the very modification that might be necessary in order to get it passed by unanimous consent, would then suddenly decide to object.

Again, this is based not on a substantive objection to the bill, of which she is the lead cosponsor; it is based solely on her assessment that this might somehow jeopardize her chances of passing another antitrust bill, an antitrust bill that does not contain any provision like this one, an antitrust bill that does not preclude consideration of this one nor would this preclude consideration of that one. It is, in short, folly, to say the least, to object to this under these circumstances.

It is also bad faith, I believe, to object at the very last minute after many, many months of negotiation on this issue as the lead cosponsor of the legislation. It is unfortunate that she is unwilling to agree to that.

It is unfortunate, also, she is not willing to be here to raise the objection on her own but insisting on doing so through a third party—through no fault of his own—who is here at her request, being a good colleague, as he is, doing as she had requested.