across the country in places like Wichita, KS, and Seattle, WA. The story would repeat itself after the Soviet Union challenged U.S. leadership in the 1950s. Almost immediately, Congress recognized that leadership could not wait, and that is when we did NASA. Bringing together government, academia, and industry to create new generations of American expertise and technical advancements is what eventually put a man on the Moon and what will put someone—a woman this time—on the Moon, but America had to choose to lead.

That is what we are going to be asked about with USICA in getting it done. We have to choose to lead, to invest in technology. That technology brought us places like Huntsville, AL, and Houston, TX. In 2020, the aerospace industry supported 2 million good-paying jobs, with an average salary of over $100,000 per year, and generated $900 billion in revenue. That is what the innovation economy did for us.

That is why we want to now upgrade the innovation, particularly as it relates to semiconductors. The availability of these tiny chips is one of the most pressing issues facing our country now. People can't get access to them. It is so bad that, of the people who now have electric cars or hybrids, if you have a used car, you know that your price goes down; that it just continues to go down. Now used car prices are actually going up. So few cars are available that the consumers want in this area that, actually, used cars are getting more money. Prices are going up and not down.

This shortage cost the transportation sector $210 billion last year alone. We can't wait. We can't wait on these issues. We can't wait. The essence of acting now—getting together, communicating with our colleagues, working together in a collaborative spirit—is what is going to get this legislation over the goal line and help us.

The first transistor, as part of this chip industry, was invented in 1947 in New Jersey, representing a collaboration from scientists across physics, electrical engineering, and chemistry, but in the 1980s, the U.S. semiconductor industry faced a serious challenge from an ally of ours—Japan. Leadership did not wait. We did not wait. The government set up a government-industry partnership, Semitech, with specific goals of creating new collaborations and investing in American manufacturing. The United States maintained that leadership role, and in the 1990s, we produced 37 percent of the global chip supply. The semiconductor industry now supports more than a million jobs because people didn't stand around and wait.

But today we see overseas competitors who are investing heavily in the technologies of the future—everything from AI, to composites, to clean energy solutions—and they are trying to do everything from driving their own energy independence to combating climate change. They are investing in the resilience of their supply chains by promoting domestic production. They are training their workforce.

So the aspects of the legislation that we passed that help to skill and keep Americans working and trained for the workforce are very important policies. In fact, the administration just released yesterday another round of investment as part of what was the aerospace and manufacturing jobs program that helped keep the aviation worker in place or actually try to recapture some of them who were laid off during the pandemic.

It is a very important piece of legislation that we have worked on that my colleagues over here, for the most part, didn't support in the final package. Some of them supported it as a concept and as an idea but did not support the final package.

Right now, it is 30 to 50 percent cheaper to build a semiconductor foundry in Asia than in the United States, mostly because of foreign government investment. Moreover, as I said, we are being hard hit by a semiconductor supply chain crisis. Car manufacturers, including Tesla, GM, and others, are removing some of their most advanced and desirable features from their cars just to reduce the number of chips that are needed. Literally, we are cutting our innovation skill set just because we don't have the chips. Ford announced last week that it will either halt or cut production at eight plants.

Are we really going to sit around and wait to get this legislation done? Are we really going to sit around and wait?

We have eight plants that are going to shut down because they don't have chips, and we are going to sit around and wait for another 3 or 4 weeks before we go to conference to resolve these issues. It has been projected that this chip shortage cost the global auto industry, in 2021, $210 billion in revenue and a loss of production of 7.7 million cars. So leadership can't wait. It can't wait.

Fortunately, the United States is showing that we can respond, and we in the Senate did pass legislation. Now we have an opportunity to go to conference and work with our colleagues, but some people want to wait another 3 weeks or 4 weeks to do that. I don't want to wait. I don't want to wait another second. The competitiveness of U.S. manufacturers that are competing on an international basis and that receive the investments that we make in technology just can't wait.

Recent investments from the commercial sector from Intel show that over 10,000 new jobs will bring a domestic semiconductor industry to the Midwest, specifically to Ohio, and our experience has shown us that, if we make the investments that we are talking about in USICA, in the competitiveness act, that we will grow an even larger U.S. semiconductor manufacturing business.

Yet foreign competitors are not sitting still. When it comes to technology leadership, they are, obviously, going to try to do their part. So our solution is simple. All we have to do is work together. All we have to do is be collaborative. As someone once said, collaboration is the next phase of innovation. You can have all the science; you can have all the creativity, but if you can't get it implemented because people don't sit around the table and talk and innovate and work together, then you can't get it implemented.

That is where we are. We know we need to do this investment in R&D. We know that we need to invest in chips, and we are not doing it because some people don't want to move ahead and get this done.

The Senate Commerce Committee passed the legislation, and we, obviously, got and understood the urgency of it. We got and understood the urgency of it. Trust me. There are many other things we thought we were going to put on our agenda. The Acting President pro tempore knows—because she sat through the hundreds of amendments that were marked up—the process that we went through, the regular order, the regular order that we went through here on the Senate floor, and the regular order we are willing to go through. So no one is asking for anything else but for regular order.

Of the people who want to hold up and don't want to move forward, I would ask them to think about our competition that is working very hard at beating us on semiconductors and the issues that it represents as it relates to the investments we should be making.

I want us to make the investments in semiconductors. I want us to make the investments in manufacturing extension programs, in STEM education, in tech hubs, and in making sure that the United States of America maintains its leadership role.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Ms. ERNST. Madam President, I ask unanimous consent that Senators GRAHAM, GILLIBRAND, SCHUMER, and I be able to complete our remarks prior to the vote on H.R. 4445.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. ERNST. Madam President, I also ask unanimous consent to engage in a colloquy with my colleague Senator GRAHAM.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

H.R. 4445

Ms. ERNST. Madam President, protecting survivors of sexual assault and

harassment has been one of my top priorities here in the Senate. In fact, yesterday, I introduced the bipartisan Violence Against Women Act Reauthorization Act of 2022, which now has the support of 10 of my Republican colleagues.

Today, we are here to talk about another issue that is impacting too many in our Nation's workforce. The Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2022 provides survivors of sexual assault and sexual harassment with a choice between litigation and arbitration so their voices will not be silenced.

Earlier this Congress, I was glad to see progress in the Senate Judiciary Committee as they moved forward on this bill. The committee took action that I supported. They removed the provision on collective bargaining agreements. Just this week, I was even more encouraged when the House made further changes to the bill that improved the definition of sexual harassment.

While these changes are important and significant, it is still not a perfect solution. That is why, when I sat down earlier this week with the majority leader and the lead Republican sponsor of this bill, my friend from South Carolina, we agreed to come to the floor and ensure the congressional intent of the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2022 was crystal clear.

During our meeting, my colleagues agreed with me that this bill should not be the catalyst for destroying predispute arbitration agreements in all employment matters. Specifically, we agreed that harassment or assault claims should not be joined to an employment claim without a key nexus. Harassment and assault allegations are very serious and should stand on their own. The language of this bill should be narrowly interpreted. It should not be used as a mechanism to move employment claims that are unrelated to these important issues out of the current system. These clarifications are needed.

I care very much and support survivors of sexual harassment or assault having access to the appropriate process to ensure swift justice, but it is also very important to me that those claims stand separate from any other kind of claim. I am grateful that Senators SCHUMER and GRAHAM stand with me today in knowing that those claims are meaningfully different.

There is one other important piece here that I would like to mention and that, I hope, my colleagues can agree with me on. If an employment agreement contains a predispute arbitration clause and a sexual assault or harassment claim is brought forward in conjunction with another employment claim and the assault or harassment claim is later dismissed, a court should remand the other claim back to the arbitration system under this bill.

I think we can all agree that we want to ensure survivors of sexual assault have their voices heard. We just have to do this in a thorough and thoughtful way.

My hope is that the legislative intent of this bill reflects the conversation with my colleagues discussed here today; namely, that the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2022 should not effectively destroy arbitration in employment litigation.

This bill is narrow and scoped to address sexual assault and sexual harassment cases. These clarifications we are making here reflect the specific challenges that victims of these particular allegations face. And if any subsequent litigation manipulates the text to game the system, Senators SCHUMER and GRAHAM have pledged to work with me on a bipartisan bill to further codify the intent and language of this bill.

I would yield to Senator GRAHAM for further discussion.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I say to the Senator, I agree with everything you said. You said it well. So what is the goal here?

Senator GILLIBRAND and I and many others have been working to stop the practice of someone signing an employment contract, having a sexual harassment or assault problem in the workplace, and being forced into arbitration that is skewed for the employer against the employee for these things to be hidden.

We do not intend to take unrelated claims out of the contract. What we are preventing here is sexual assault and sexual harassment claims being forced into arbitration, which perpetuates the problem. The light of day in a courtroom is what we are hoping for. The plaintiff still has to prove their case. The defendant has robust due process.

But Senator ERNST's concerns, I share. If lawyers try to game the system, they are acting in bad faith. They could be subject to disciplinary proceedings by courts. What we are not going to do is take unrelated claims out of the arbitration contract. So if you have got an hour-and-wage dispute with the employer, you make a sexual harassment, sexual assault claim, the hour-and-wage dispute stays under arbitration unless it is related. That is the goal.

I hope people won't game the system. I hope it will bring about the reform we are all hoping for: to make it harder to hide these problems in the workplace and easier to get justice without gaming the system.

Mr. DURBIN. Mr. President, this body is at its best when we come together to support our most vulnerable neighbors. Today, and in the coming days, we have a chance to do just that.

The Senate will be considering two pieces of legislation that will provide vital support to survivors of domestic violence and sexual assault: the VAWA Reauthorization Act of 2022 and the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act.

Both of these bills are the product of months of bipartisan negotiations. And they will ensure that survivors of domestic violence and sexual assault can reach for a lifeline in a moment of crisis and seek justice against their abusers.

At a time when nearly one in three women living today say they have experienced some form of physical or sexual violence, this Senate must be united in standing with survivors. With these two pieces of legislation, we can prove to them and every survivor in America that they are not alone.

Every day, domestic violence hotlines throughout the country receive roughly 20,000 calls from victims or people who are at risk of intimate partner violence. That number is a sobering reminder that the crisis of sexual and domestic violence touches every community in America.

We need to ensure that every victim, whether they live in a Native community in rural Alaska or in a city like Chicago or Las Vegas, can reach for help the moment they need it.

Mr. President, yesterday, I joined Senator FEINSTEIN, Senator ERNST, Senator MURKOWSKI—and 16 of our Democratic and Republican colleagues—in introducing a reauthorization of the Violence Against Women Act—also known as VAWA.

Since VAWA was first enacted nearly 30 years ago, it has transformed the way we address domestic and sexual violence in America. And it has helped save the lives of countless survivors.

Let me tell you about one of them. Her name is Meaghan. Years ago, Meaghan was brutally assaulted by her ex-husband. The beating was so violent that she is still suffering from hearing loss to this day. While Meaghan was being attacked, her 2-and-half-year-old son, who is on the autism spectrum, ran over to help her. As he was running, the ex-husband picked up the child and threw him into a closet. Meaghan says the experience was so traumatizing that her son didn't speak for a full year after the attack.

When Meaghan finally broke free from her ex-husband, she packed her bags, buckled her two children into the car, and fled for her life. And today, her ex-husband is on the run with six open warrants for his arrest. Meaghan says she and her kids are constantly looking over their shoulders. As Meaghan and her family have begun to heal from this horrifying ordeal, she says they have found much-needed compassion and support in the detectives and social workers who came to their aid.

She wrote that service providers ''were patient with me and didn't push me, [they] only showed me they cared, and most of all didn't give up . . . with their support and guidance I found the light at the end of the tunnel and I fought my way out of the darkness

that my ex-husband had cast . . . on my life.''

Meaghan's story is just one example of the world of difference VAWA has made for victims of sexual and domestic violence. In her case, VAWA provided critical resources to law enforcement and social service agencies that helped her and her family escape a perilous situation.

And with the bill we introduced yesterday to update and modernize VAWA, we can build on that lifesaving legacy. To be sure, this legislation is a compromise. It does not include every provision I would like—nor every provision that Senators FEINSTEIN, ERNST, or MURKOWSKI would like.

But it will deliver critical assistance to survivors across the country—including funding for legal services, trauma-informed law enforcement responses, and access to services for survivors who require culturally specific services, like LGBTQ survivors, survivors living with disabilities, survivors in rural areas, and members of other underserved communities.

We have crafted a proposal that will save lives—and has a pathway to passage in the Senate.

In fact, the broad, bipartisan coalition in support of this effort was on full display yesterday, when we announced this legislation alongside survivors and advocates, district attorneys, the Baltimore police commissioner, and actor and advocate Angelina Jolie.

Let me just say: If Thena, the goddess of war, can't convince 60 Senators to support this bill, well, I certainly have my work cut out as whip.

It has been 9 years since we last reauthorized VAWA and 4 years since that reauthorization expired. Survivors can't wait any longer. Let's send this law to President Biden's desk as soon as possible.

Mr. President, there is more we can do to support survivors of sexual misconduct. These acts of abuse and harassment leave behind scars, both visible and invisible, that can last a lifetime. Every survivor deserves the right to seek justice on their own terms.

That is why, this morning, the Senate will vote to enact the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act. It was introduced in the House by my friend and Illinois colleague Representative CHERI BUSTOS and was passed in that Chamber on Monday with a resounding, bipartisan vote of 335–97.

The members of this Senate will join the House in passing this legislation on a bipartisan basis. This bill was introduced last year by Senators GILLIBRAND, GRAHAM, and myself.

The premise of this legislation is simple: Survivors of sexual assault or harassment deserve their day in court. They should be able to choose whether to bring a case forward, instead of being forced into a secret arbitration proceeding where the deck is stacked against them.

It has become increasingly clear that forced arbitration clauses have enabled sexual abusers to escape scrutiny while their victims are compelled to stay silent. That is wrong.

Survivors deserve accountability. And that is exactly what this law will deliver.

Far too many survivors have been locked out of the court system because of a forced arbitration clause buried in the fine print of a contract they signed.

Consider the case of Lilly Silbert. She had a monthly membership to a therapeutic massage company, ''Massage Envy.'' And one day, she was sexually assaulted by a massage therapist.

Afterwards, Lilly tried to cancel her membership. To do so, she had to download the company's app and agree to its terms and conditions. But there was a detail buried deep within those terms and conditions: a forced arbitration clause. Lilly didn't even know it was there.

So when she tried to file a lawsuit against the company, they responded by trying to force her into a secret arbitration proceeding rather than let her get her day in court.

Even national figures have been trapped by forced arbitration clauses, people like Gretchen Carlson, a journalist and FOX News anchor who has been a champion in bringing this issue to light.

You may remember that Ms. Carlson brought a sexual harassment case against her former boss, Roger Ailes. He responded by invoking a forced arbitration clause in her employment agreement.

Forced arbitration clauses not only deny survivors their right to a day in court, they also conceal their allegations from public view. That is a green light for abusers to continue harming and harassing victims.

Hidden in fine print, these agreements silence survivors and enable abusers. We must end this injustice.

The bill we will pass today will ensure that every survivor has the choice to go to court. It will not change the law around what constitutes sexual harassment or assault.

But it will give survivors a choice of whether or not to bring a claim in court after the sexual assault or harassment claim has arisen, notwithstanding the presence of a forced arbitration clause.

There are a few other points about the bill that I want to emphasize.

The Senator from Iowa discussed her concerns about the bill being used to move claims that are ''unrelated'' to allegations of sexual harassment or sexual assault.

The bill is clear on this point. Under the bill, if the survivor so chooses, no predispute arbitration agreement shall be valid or enforceable ''with respect to a case which is filed under federal, tribal or state law and relates to the sexual assault dispute or the sexual harassment dispute.'' That resolves the Senator's concern.

I do want to clarify, though, that the bill text does not require any court to adopt new dismissal mechanisms for survivors' claims. Current State or Federal law governs how and when a case moves forward, and the bill does not create any new mechanism to allow for dismissal, nor does it require that victims have to prove a sexual assault or harassment claim before the rest of their related case can proceed in court.

Furthermore, the bill should not be interpreted to require that if a sexual assault or harassment claim is brought forward in conjunction with another related claim and the assault or harassment claim is later dismissed, the court must remand the other claim back to forced arbitration. That is not what the bill requires.

There is nothing in the bill directing courts to dismiss related claims and compel them to forced arbitration if a victim ultimately does not prevail on her sexual assault or harassment claim.

If there were such a requirement, it would have the undesirable effect of hiding corporate behavior such as retaliation and discrimination against women who report assaults and harassment.

Take the real-world example of Ms. Taylor Gilbert. In 2015, at age 22, she had just started working for a company called Indeed, Inc. While at a company training at a hotel, she was assaulted and raped by a company manager. Fearing she would lose her job, she did not initially report the assault to the company, but after repeated further sexual harassment from colleagues, she filed complaints with the company and told her supervisor what happened.

The company took no action, and Ms. Gilbert claimed she faced retaliation for having reported her complaints, including being bypassed for promotions and raises. Ms. Gilbert tried to bring a case in court against the manager who raped her and against the company—not just for the rape and harassment, but also for the retaliation that adversely affected her career path. But there was a forced arbitration clause in her employment contract, and her case was sent to forced arbitration.

Under this bill, that would change. Her case and all of its claims were related to the assault and harassment. Under this bill, the survivor would get the choice to bring that case in court, and the bill does not require dismissal of some claims in the case if other claims are not ultimately proven.

In Ms. Gilbert's case, it was essential that the company's conduct in enabling the abuse and harassment and also retaliating against her be brought to light, not covered up by being separated and forced into arbitration.

So to clarify, for cases which involve conduct that is related to a sexual harassment dispute or sexual assault dispute, survivors should be allowed to proceed with their full case in court regardless of which claims are ultimately

proven. I am glad that is what this bill provides.

With this bill becoming law, survivors like Lilly Silbert, Gretchen Carlson, and Taylor Gilbert will finally have the right to make their case in court. And it will prevent abusers—along with those who enable them—from hiding behind a veil of secrecy.

I want to thank my colleague, Congresswoman CHERI BUSTOS, once again for her leadership on this proposal in the House. And I want to thank Senator GILLIBRAND for her leadership as well—and for all the work she does to support survivors.

Senator GRAHAM has also been a vital partner in this effort; he held a hearing on this legislation when he served as chair of the Judiciary Committee. And he has been a great partner in getting it across the finish line.

Finally, I want to thank the members of our staffs who have worked day and night on this legislation—in particular: Alexandra Lowe-Server on Senator GILLIBRAND's staff, Katherine Nikas on Senator GRAHAM's staff, and most of all Shanna Winters on my Judiciary Committee staff, who has worked tirelessly on this effort.

Today will be an historic day in the U.S. Senate. With the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act, the rights of every survivor will be protected.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I just want to thank my colleagues Senator GRAHAM and Senator ERNST for their outstanding work in this regard.

We have worked over many years to get a bill that can be agreed upon. Senator ERNST made sure that her concerns were met in several ways. But I agree with both of their statements. I do not believe that survivors of sexual assault and harassment will abuse the ability to file cases in court.

The bill plainly reads, which is very relevant to Senator ERNST's concerns, that only disputes that relate to sexual assault or harassment conduct can escape the forced arbitration clauses. ''That relate to'' is in the text. The language of the bill specifically states that ''the term 'sexual harassment dispute' means a dispute relating to conduct that is alleged to constitute sexual harassment under applicable Federal, Tribal, or State law,'' and ''the term 'sexual assault dispute' means a dispute involving a nonconsensual sexual act or sexual conduct.''

To be clear, there are no new legal burdens to sexual harassment established in the bill. This was another concern that Senator ERNST had. It is all tied to existing Federal, State, and Tribal law.

This bill will basically give survivors the ability to go to court where they are ''alleging conduct constituting a sexual harassment dispute or a sexual assault dispute.'' When a sexual assault or sexual harassment survivor files a court case in order to seek accountability, her single case may include multiple claims. But as Senator ERNST said, if those claims on harassment or assault are dismissed, then she would go back to the arbitration process.

But it is—and this is important to Senator GRAHAM and I—it is essential that all the claims related to the sexual assault or harassment can be adjudicated at one time for the specific purpose that Senator ERNST is well aware of. We don't want to have to make a sexual assault or harassment victim relive that experience in multiple jurisdictions. So we want to be able to deal with all the harassment- and assault-related claims in one goal. But, again, if those aren't part of it, then this bill does not apply to it.

So you are quite right in your clarification, and that is exactly what we intended the bill to do.

Every State and Federal court in the country requires a person to allege certain things in a certain way in order to properly plead a case such that it won't be immediately dismissed. Victims here must follow the rules and plead a case correctly, and then they must also affirm to the Court that they have a good-faith basis for doing so. Attorneys must do the same thing.

If victims and attorneys break those rules, they can be sanctioned in court, as Senator GRAHAM mentioned. To ensure that a victim is able to realize the rights and protections intended to be restored to her by this legislation, all of the related claims will proceed together.

I yield back to my colleagues.

Can I just read my full statement now?

Mr. SCHUMER. Sure, please.

Mrs. GILLIBRAND. Do you have more to say, Senator ERNST?

Ms. ERNST. I am good.

I will yield the floor but want to thank my colleagues.

Mrs. GILLIBRAND. Mr. President, I just want to, for the record, talk about this legislation and how important it is.

I am extremely grateful for the work of Senator GRAHAM over the last 5 years in writing this bill. And I am very grateful to the majority leader for meeting with Senator ERNST and Senator GRAHAM yesterday to make the final decisions on this bill and to close the deal.

Senator SCHUMER is one of the greatest listeners and has the ability to bring legislation to fruition, and that is exactly what he did yesterday. And I am very grateful.

This bill represents one of the most significant workplace reforms in American history. It will help us fix a broken system that protects perpetrators and corporations and end the days of silencing survivors.

Too often, when survivors of sexual assault or harassment in the workplace come forward, they are told they are legally forbidden to sue their employer because somewhere buried in their employment contract was a forced arbitration clause, often accompanied by a nondisclosure agreement.

Instead of being allowed their day in court, these survivors are pushed into a system designed by the same corporation that they are challenging. They are blocked from seeking information that could prove their case, and they are left in the hands of an extrajudicial arbitrator who is typically selected by their employer and is not always a trained lawyer.

The arbitration process not only allows the corporations to hide sexual harassment and assault cases in this secretive and often biased process, but it shields those who have committed serious misconduct from the public eye. Across the board, employees are less likely to win an arbitration than they are in court. Even when they do win, they typically receive much lower monetary awards. And because the results of arbitration are secret and binding, there is no chance for an appeal, and repeat offenders are often not held to account.

Estimates suggest that more than 60 million Americans are subject to arbitration clauses. Many don't even know it because the clauses are hidden in the fine print. Forced arbitration clauses are especially common in female-dominated industries.

The ACLU has reported that 57.6 percent of female workers are subject to this practice. It is also especially prevalent in low-wage fields and industries with disproportionately high numbers of women of color. These clauses leave those women who often cannot afford to challenge their employers without recourse. But this affects women in every industry.

A 2018 analysis of sexual harassment claims made on Wall Street found that in 30 years, just 17 women—30 years, just 17 women—won their claims before Wall Street's oversight body, and most cases were dismissed or denied.

I want to share the stories of two survivors to illustrate how broken the system is.

First is Lora Henry, who worked at a Kia dealership in Ohio where her boss sexually harassed her, touching her inappropriately, making inappropriate comments, bringing her inappropriate gifts. When she reported him, the company did a sham investigation and forced her into arbitration. She was only able to share her story because Congress issued her a subpoena. She should not have needed the protection of a congressional subpoena to speak out. She testified, ''The cycle of harassment will continue if you force women to be quiet and allow sexual harassers and the companies that allow them to hide behind arbitration agreements.''

The second story is about Andowah Newton, who was working for the vice president of legal affairs at the luxury goods company LVMH Moet Hennessy Louis Vuitton, Inc., in New York, when she reported being sexually harassed and assaulted by a colleague. Even

though she filed her sexual harassment case in a New York State court, the company moved to compel forced arbitration on the grounds that Federal law supersedes New York State law that attempts to protect victims of harassment from being forced into arbitration. She said:

Because of forced arbitration and [confidentiality agreements], I may never know the extent to which [this perpetrator] sexually assaulted or harassed others, [and] if LVMH retaliated against others as they did me. . . . His sexual harassment, attempted assault, and assault made me feel scared, demeaned, and ashamed. I found myself constantly agitated, distressed, and hypervigilant, preoccupied with avoiding the trauma of encountering him.

Even with her legal expertise and experience as vice president of legal affairs, she was powerless in this system. She said the company convinced her ''that . . . harassment was just a by-product of being an attractive woman who works at a company with a French culture.'' That is the same company running the arbitration process. That is why this bill fixes the problem.

Survivors deserve a real chance at justice, and that is what this bill does.

This bipartisan, bicameral bill would amend the Federal Arbitration Act to void all forced arbitration provisions for sexual assault and harassment survivors. Removing those provisions would give survivors their day in court, allow them to discuss their case publicly, and end the days of institutional protection of harassers.

This legislation passed with bipartisan, broad support in the House, and I hope my colleagues will join us in supporting this critical workplace reform in the Senate.

Again, I thank Senator SCHUMER and Senator GRAHAM.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Mr. President, first, let me compliment my colleague from New York. Her persistence, her intelligence, her determination and passion to change the law so these injustices, which occur so many times that we don't know about, will no longer be there is so vital.

So thank you for a job well done.

Thanks to my colleague Senator GRAHAM, the lead Republican sponsor, who, when he gets behind something, it gets done. So I want him behind more things with us in the future.

And to Senator ERNST, who is not here, she has been a great leader on this as well. And when we met in my office with Senator GRAHAM, Senator ERNST was very amenable to getting this done.

It is an outrage, just an outrage, that women and men who are abused cannot seek justice, are forced to be quiet, are forced to keep the agony inside themselves. It is outrageous.

For decades, this forced arbitration has just deprived millions of people, almost all women, from basic rights to justice. We need justice in so many areas, but when you can't seek justice when you are harassed, it is just one of the greatest marks of injustice, one of the greatest times of injustice.

The good news about this legislation is all the clauses that people already signed in their employment contracts, even when they didn't know about it, will no longer be valid. So it not only affects the future but affects those who signed in the past.

If you could ever say that any legislation is long overdue, this is it. It is time for a change. And moments from now, the Senate will finally act to make forced arbitration for sexual harassment and assault a thing of the past.

We are now going to voice vote this wonderful, needed legislation.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. I will be real quick.

Senator SCHUMER, thank you for making this happen. You made sure it would come up today, we would get a voice vote.

Senator ERNST has been great.

Kirsten, it has been a hell of a ride. We talked to Microsoft about 3 or 4 years ago about this. They jumped onboard and started changing it internally.

I have heard from the Chamber. I am open-minded about making sure we don't hurt business. It does not hurt business to make sure that people who are harassed in the workplace get treated fairly. It is better for business.

I just want to say, this shows that we can function up here, that we are listening to the world as it is. So the days of taking sexual harassment and sexual assault claims and burying them in the basement of arbitration are over.

Arbitration has its place between business. It can be a good thing. But when you sign a document—multiple pages—just to get a job, you really don't know what you are signing. We are saying, you are not going to sign away your life in terms of having your day in court if somebody treats you poorly. You still have got to prove your case. The defendant has robust due process rights, which they should, but the abuse of arbitration that perpetuates sexual harassment and sexual assault in the workplace is soon to be done away with.

Thank you, Senator SCHUMER.

Thank you, Senator GILLIBRAND.

And to all of my colleagues on the Republican side, thank you.

This is not bad for business. This is good for America.

VOTE ON H.R. 4445

Mr. SCHUMER. Call the question.

The PRESIDING OFFICER. Under the previous order, the clerk will read the title of the bill for the third time.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 4445) was passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Max Vekich, of Washington, to be a Federal Maritime Commissioner for a term expiring June 30, 2026.

The PRESIDING OFFICER. The Senator from New Hampshire.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mrs. SHAHEEN. Mr. President, I come to the floor today to support three extraordinarily qualified Department of Defense nominees: Melissa Dalton, to be Assistant Secretary of Defense for Homeland Defense and Hemispheric Affairs; Dr. David Honey, to be Deputy Under Secretary of Defense for Research and Engineering; and Dr. Celeste Wallander, to be Assistant Secretary of Defense for International Security Affairs.

These three individuals have been nominated to serve in critical national security positions, and they are tasked with confronting those challenges of national security and securing U.S. interests at home and abroad.

As a senior member of the Armed Services Committee, I attended the committee nomination hearings for all three nominees, and I came away convinced that all three were qualified for their positions and deserving of swift confirmation.

Melissa Dalton previously served as a career civil servant in various positions at the Department of Defense—for a decade—under both President Bush and President Obama. So she had bipartisan support, clearly, in that position. She also was a senior fellow and director at the Center for Strategic and International Studies.

If confirmed, one of Ms. Dalton's core responsibilities as Assistant Secretary for Homeland Defense would be overseeing the Department's ability to operate through impacts to critical infrastructure, an area in which we have increasingly seen our adversaries are trying to exploit, particularly through cyber attacks. As Ms. Dalton has said, the resilience of our capabilities and infrastructure at home strengthens deterrence of aggression abroad, and DOD must be able to demonstrate its resilience.

The recent news of increased threats from Russia's cyber attacks, associated with their unprecedented troop buildup near Ukraine, underscores the need for this position to be filled as quickly as possible.

I also want to express my support for Dr. David Honey, who has dedicated a lifetime of service to the defense of this country. Dr. Honey has served in various research and development positions at the Department of Defense, including roles at the Defense Advanced