

REED, a Democrat, and Senator INHOFE, a Republican, completed their work on the National Defense Authorization bill last summer.

This year's National Defense Authorization bill was filed on July 18, 4½ months ago. I was hopeful that the Senate would advance this bill in September and work with our colleagues across the Capitol to send it to the President before the end of the year. But that obviously didn't happen—again, not an accident but by design.

Now we are at the end of November and the National Defense Authorization bill hasn't even hit the Senate floor. So not only are we talking about not appropriating the money so that our national security leaders can plan and implement the sort of needed investments that are critical in a great power competition; we don't even have the authorization bill on the floor.

I hope that will change in the next couple of days, but we have already wasted most of the year, and we can't get any of that time back.

So my point is that in order to plan for and prepare for the future—a dangerous future—our military commanders need predictability. They need to be able to plan. That is why Congress has passed a Defense authorization bill for each of the last 61 years. We can't skip this important responsibility or delay it any longer. Congress needs to pass the annual Defense authorization bill without further delay.

Now, Members of both parties, on both sides of the aisle, myself included, have been incredibly frustrated by this process—again, not by accident but by design—and we are eager to take up and pass a strong Defense authorization bill and then to pass the appropriations required for our Department of Defense and our national security leadership to do the job we expect them to do.

But it is not our frustration that is important. It is the jeopardy to our national security that has resulted from this chaotic environment and the slight—I don't know how you can interpret it any other way—to our men and women in uniform that what they do is not our highest priority; it is just not that important. That is not the message we should be sending to them.

There is no question that we have to get this done before the end of the year. We can't wait until next year or any longer. We need to pass a Defense authorization bill now, without further delay.

The bottom line is, we can't match the high stakes global threat landscape with continuing resolutions and past-due authorization bills.

The Defense Department needs to plan every single day to equip and train and, hopefully, deter military conflicts anywhere around the world. Our adversaries are watching us, and when they see us inflicting self-inflicted damage to our credibility and our commitment to national security, they don't fail to notice.

By failing to pass the National Defense Authorization bill and the appropriations bill, we will be stealing time that the Defense Department does not have.

General Douglas MacArthur said the history of failure in war can be summed up in two words: "Too late." "Too late."

For the sake of our country, I hope our Democratic colleagues will quit dragging their feet and allow this Chamber to advance bills to both strengthen our national defense and to fully fund it.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KELLY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KELLY. Mr. President, I ask unanimous consent that the vote scheduled begin immediately.

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

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 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. 1133, Camille L. Velez-Rive, of Puerto Rico, to be United States District Judge for the District of Puerto Rico.

Charles E. Schumer, Richard J. Durbin, Christopher Murphy, Ben Ray Lujan, Tim Kaine, Sheldon Whitehouse, Jeff Merkley, Jack Reed, Jeanne Shaheen, Elizabeth Warren, Tammy Baldwin, Christopher A. Coons, Tina Smith, Michael F. Bennet, Jacky Rosen, Edward J. Markey, Angus S. King, Jr.

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 Camille L. Velez-Rive, of Puerto Rico, to be United States District Judge for the District of Puerto Rico, 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 Nevada (Ms. ROSEN) and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Nebraska (Mr. SASSE).

The yeas and nays resulted—yeas 54, nays 43, as follows:

[Rollcall Vote No. 363 Ex.]

YEAS—54

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

NAYS—43

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

NOT VOTING—3

Rosen	Sasse	Warnock
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The PRESIDING OFFICER (Mr. HICKENLOOPER). On this vote, the yeas are 54, the nays are 43.

The motion is agreed to.

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. 1147, Anne M. Nardacchi, of New York, to be United States District Judge for the Northern District of New York.

Charles E. Schumer, Richard J. Durbin, Jeff Merkley, Tina Smith, Sheldon Whitehouse, Benjamin L. Cardin, Maria Cantwell, Amy Klobuchar, Jon Ossoff, Mark Kelly, Jacky Rosen, Brian Schatz, Mazie Hirono, Angus S. King, Jr., Thomas R. Carper, Sherrod Brown, Tim Kaine.

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 Anne M. Nardacchi, of New York, to be United States District Judge for the Northern District of New York, 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.

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. HEINRICH) and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senator was necessarily absent: the Senator from Nebraska (Mr. SASSE).

The yeas and nays resulted—yeas 52, nays 45, as follows:

[Rollcall Vote No. 364 Ex.]

YEAS—52

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

NAYS—45

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

NOT VOTING—3

Heinrich	Sasse	Warnock
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The PRESIDING OFFICER. On this vote, the yeas are 52; the nays are 45.

The motion was agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Anne M. Nardacci, of New York, to be United States District Judge for the Northern District of New York.

The PRESIDING OFFICER. The Senator from Vermont.

RAILWAY LABOR MANAGEMENT DISPUTE

Mr. SANDERS. Mr. President, I want to take this opportunity to say a few words not only about the negotiations between railroad workers and the railroad management, but also to put that crisis into a broader economic context.

It seems clear to me—and I think the polls indicate it—that the American people are becoming increasingly disgusted by the corporate greed they are seeing and experiencing every single day.

They look out around them, and they see three people on top owning more wealth than the bottom half of American society. They see corporate profits soaring, while the prices they pay for the products they need continue to go up. They see CEOs of major corporations now making 400 times more than the average worker at that corporation.

They have seen during this terrible pandemic, when tens of thousands of

workers died because they had to go to work, the billionaire class make \$2 trillion more in their wealth.

Further, they look around them, and while the very wealthiest people in America become much richer, they walk down the street and they see people sleeping out on the sidewalks. We have almost 600,000 Americans who are homeless. People can't afford their healthcare costs. We have 85 million Americans who are uninsured or underinsured.

In other words, the economy is doing really, really, really well for CEOs and billionaires, but for the average American worker, he or she is falling further and further behind.

Now, within that broad context of what is happening in the overall economy, let's take a look at what is going on in the rail industry today and why Congress is being asked to implement a union contract with rail workers to avoid a strike that could take place as early as December 9.

And it turns out that when we talk about the extraordinary level of corporate greed in America, there is no better example of that than what is taking place in the rail industry today. They are the purest example of why the American people are so angry at what is taking place in our economy.

So if you look at the rail industry today, what you will understand is that this industry has seen huge record-breaking profits in recent years—huge profits. In fact, in the first three quarters—not a whole year, three-quarters of this year—the rail industry made a record-breaking \$21 billion in profit.

Further, they have so much money, profits are so high, that the industry spent over \$25 billion this year not to improve rail safety, not to address the supply chain crisis, but to buy back its own stock and hand out huge dividends to its wealthy stockholders.

In fact, since 2010—and I hope every Member of Congress hears this—the rail industry has spent over \$183 billion on stock buybacks and dividends.

And on top of all of that, the CEOs of many of these railroad companies are enjoying huge compensation packages.

So while workers struggle, last year the CEO of CSX made over \$20 million in total compensation. The CEOs of Union Pacific and Norfolk Southern made over \$14 million each in total compensation.

In other words, within the rail industry, corporate profits are soaring, and CEOs are making incredibly large compensation packages.

But in the midst of all of that, it is fair to ask what is going on for workers. Profits, recordbreaking; CEOs, tens of millions of dollars a year in compensation. What is going on for the workers in the rail industry?

And the reality is that the key issue in the rail dispute that we are dealing with right now—votes taking place as we speak in the House—is not about salaries. It is not about how much money workers there are earning. The

key issue is the working conditions in the rail industry, which are absolutely unacceptable and literally beyond belief.

Right now, if you work in the freight rail industry—and this is a job in the rail industry that is really hard work, dangerous work. It is work that takes place when it is 20 below zero. If you are a worker in the rail freight industry, you are entitled to a grand total of zero sick days. Let me repeat that. You are entitled to a grand total of zero sick days.

Now, as a nation, industry after industry, government after government, here in Congress, our people get sick, and they have the right to take time off. It is humane. No one—nobody, not the most conservative Member of this institution—would say to a worker: Oh, you have got COVID? You are fired.

It would be unthinkable. And yet what this means, what the policy in the rail industry means, is if you get sick, if your child gets sick, if your spouse gets sick and you need to take time off from work, not only will you not get paid, but you actually will get reprimanded and could get fired. And that absurd, inhumane situation is precisely what is taking place today in the rail industry.

Mr. President, let me remind you and all of our colleagues that hundreds of Americans are still dying every day from COVID, and tens of thousands are being hospitalized as a result of this terrible virus.

But what the freight rail industry is saying to its workers is this: It doesn't matter if you have COVID. It doesn't matter if you are lying in a hospital bed because of a medical emergency. It doesn't matter if your wife has just given birth. It just doesn't matter. If you do not come to work, no matter what the reason, we have the right to punish you; we have the right to fire you.

Frankly, it is hard to believe that these conditions still exist in the United States of America in the year 2022.

Let me give you just a few examples that I am familiar with, hearing from workers.

One rail worker was penalized by the railroads for spending the day in the hospital with his son who was having breathing issues.

Another worker couldn't take his pregnant wife to the doctor because it could have resulted in disciplinary action for him.

Tragically, we witnessed the death of a locomotive engineer, who was forced to skip his doctor's appointment after experiencing unusual symptoms, only to suffer a heart attack and die in an engine room weeks later.

And here is what one rail worker recently said:

I'm tired of being tired all day every day and having . . . every one of my coworkers being physically sick from sleep deprivation, most of my coworkers can't stay awake any more during a 12 hour trip!