

[Rollcall Vote No. 379 Ex.]

## YEAS—52

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

## NAYS—42

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

## NOT VOTING—6

Cruz	Johnson	Warner
Hickenlooper	Kaine	Warnock

The PRESIDING OFFICER (Ms. ROSEN). On this vote, the yeas are 52, the nays are 42.

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 Kai N. Scott, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

The PRESIDING OFFICER (Mr. OSSOFF). The Senator from Alabama.

## NATIONAL DEFENSE AUTHORIZATION ACT

Mr. TUBERVILLE. Mr. President, for more than 60 years, Congress has passed the NDAA to ensure our Armed Forces are able to keep Americans safe.

The Armed Services Committee agreed on a robust, bipartisan bill in June—June. What I don't understand is why it took 6 months to schedule a vote on this critical bill. Waiting until the last minute to pass the NDAA is playing a game of chicken with our national security and with the American servicemember. I know most of my Democratic colleagues in both the House and Senate did not control the timing of this bill.

But Senator SCHUMER did. And he decided to wait so long that our chairman and ranking member were forced to conference the bill prior to it coming to the Senate floor. So let's not wait until December 2023 to get the NDAA to the floor. Let's get the fiscal year 2024 NDAA to the floor in regular order—because the consequences of playing these games with the NDAA are severe.

If Congress keeps the DOD guessing about when we might pass the NDAA,

it hinders our ability to keep up with China, assert our dominance in space, keep command of the seas, and restock our missile defenses. If we fail to pass the NDAA or kick this to next year, we should keep in mind the consequences. There will be no raise for servicemembers and no spending increases to keep up with inflation. In short, we would be in a very dangerous situation. Providing for our common defense is one of the few responsibilities mandated by the Constitution for this body.

As the House moves forward with the NDAA this week and the Senate considers the bill next week, I hope my colleagues will come together to put our common defense over partisan politics. Producing the military equipment and facilities outlined in the NDAA requires a huge supply chain. And the pandemic revealed America's concerning dependence on foreign adversaries for items we used to produce in the U.S.

Our military is dependent on imported tungsten, cobalt, and rare earth elements. In addition to the military, our Nation's food supply depends on imported materials for fertilizer. Our energy supply chains are dependent on imported aluminum, copper, graphite and uranium. All of these have been listed by the U.S. Geological Survey as "critical minerals" in 2018 and most recently in 2022. Many of these maxed out at 100 percent imports to the U.S.

In fact, we import 100 percent of our supply of 14 of the 35 critical minerals as defined by the Department of the Interior. That means our domestic production of those minerals is zero. And our dependence on foreign countries is growing.

Where are we getting our imports? Mainly from Russia, China, and their surrogates. We are importing these materials from a country waging brutal and unprovoked war on one our allies and another country with a human rights abuse record that is too long to fit into my time today. All the while, America boasts these minerals in abundance right here in the U.S. This is a disgrace.

America's enormous mineral wealth is sitting right under its citizens' feet in vast tracts of Federal and State lands. This is a tragic irony similar to the perceived oil "shortages" in the 1970s and skyrocketing energy prices we face today—even though America is endowed with near limitless oil and gas wealth. It is a self-inflicted crisis, and we are in the same boat with "critical minerals."

Instead of using what we have at home, we are importing them by doing business with nations that run counter to everything we value. Two of our largest suppliers are China and Russia.

As you can see on the chart, we depend on these adversaries for huge amounts of our supply of materials we need to produce everything from batteries to pharmaceuticals. That means, when it comes to critical minerals, we are buying from countries that don't

have humane labor standards. Child labor, forced labor, slave labor—it all exists as I speak—and the American consumer is subsidizing it.

We are buying from countries that don't value our high environmental standards. China consumes six times the amount of coal as the United States. And that figure is growing, not shrinking.

We are buying from countries that don't value freedom and democracy. Both Russia and China use our courts, our laws, our press, and our freedoms to erode trust in our most sacred institutions.

We are buying critical minerals from countries that are outright adversarial to the America, that seek to topple our place in the world. America earned her place in world affairs through blood and treasure. And we have maintained that world order to the betterment of human kind. The spread of American democracy and capitalism has lifted more humanity out of misery and poverty than any other system of government or finance the world has ever seen. In 6,000 years of recorded human civilization, no system has ever brought comfort, security, and dignity to so many.

Yet our Nation's economic and national security apparatus is at serious risk today, just as in the 1970s, except the stakes are higher given today's unstable geopolitics. According to experts at the U.S. Geological Survey, other Western industrial economies—some of whom provide critical minerals to the U.S.—are also vulnerable to global mineral supply chain manipulation. Most of those countries are also reliant on imports, making their economies somewhat "fragile"—but none more so than the United States.

The U.S. shuns its mineral wealth rather than wisely and responsibly producing critical minerals from America's vast geologic bounty. It is possible to mine critical minerals in an environmentally responsible way, like they do in Canada and Australia. These two allies are wise environmental stewards because they know how to both extract needed minerals and protect their environments. We can protect our environment and the national interest at the same time.

Just look at uranium. Clean nuclear energy powers 20 percent of America's power needs. In my home State of Alabama, it powers a full third of our homes and businesses. Uranium powers our aircraft carriers and submarine fleets, keeping America and our allies safe. America has uranium in abundance, but our nation's uranium mining industry is on life-support at 0.1 percent of global production.

So where do we buy it from? America's uranium is almost totally imported from Russia, Kazakhstan, Namibia, and even from China. Over half of the world's uranium production is in the hands of our adversaries. The International Energy Agency reports that of the 31 reactors built in the past five

years, 27 are of Russian or Chinese design. This is a completely avoidable national security emergency.

Our minerals are wealth, real wealth—worthy of innovation and use for power generation, for medical practices, in university and national laboratory reactors, and for commercial fields of research. We need critical minerals to support and defend the world's largest, technology-based, environmentally friendly economy.

We need 21st century critical mineral independence. To get there, we must disrupt the status quo of the permitting and over-regulation. We need to open modern, technology-driven, environmentally friendly mines.

There is a fast-approaching day when we will no longer be able to count on foreign imports. The necessary sanctions we have placed on Russia highlight the dangers of foreign dependence. Natural resource issues matter to the American people.

The mineral wealth located on vast tracts of federal lands belong to us all. This wealth gives us the ability to use our natural resource endowment to help secure America's critical mineral supply chains. It is essential to our economy, independence, and safety that this nation secure its critical mineral supply chains.

I yield the floor.

#### NOMINATION OF KAI N. SCOTT

Mr. DURBIN. Mr. President, today, the Senate will vote to confirm Judge Kai Scott to the U.S. District Court for the Eastern District of Pennsylvania.

A native of Philadelphia, Judge Scott earned her J.D. from West Virginia University College of Law after receiving her B.A. from Hampton University. After graduating from law school, she clerked for 2 years for the Honorable Donald Poorman of the Pennsylvania Department of Labor and Industry, Bureau of Workers' Compensation. Judge Scott began her legal career as a public defender, serving at both the State and Federal levels for 18 years, including 5 years leading the trial unit at the Federal Community Defender Office for the Eastern District of Pennsylvania. During her time in practice, she tried more than 160 cases to verdict or judgment. Since 2016, Judge Scott has served as a judge in the Criminal Trial Division of the Philadelphia Court of Common Pleas. In that time, she has authored 60 opinions and presided over 600 trials, including 120 jury trials.

With nearly two decades of litigation experience and 6 years of judicial experience, Judge Scott has been rated as "well qualified" for the Eastern District of Pennsylvania by the American Bar Association. She also enjoys the strong bipartisan support of Senators CASEY and TOOMEY, and I hope my colleagues will follow their lead in supporting this highly qualified nominee.

Mr. TUBERVILLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### VOTE ON SCOTT NOMINATION

The question is, Will the Senate advise and consent to the Scott nomination?

Mr. KING. 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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Ms. DUCKWORTH), the Senator from Colorado (Mr. HICKENLOOPER), the Senator from Virginia (Mr. KAINE), the Senator from Hawaii (Mr. SCHATZ), the Senator from Virginia (Mr. WARNER), and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) and the Senator from Wisconsin (Mr. JOHNSON).

The result was announced—yeas 50, nays 42, as follows:

[Rollcall Vote No. 380 Ex.]

#### YEAS—50

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

#### NAYS—42

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

#### NOT VOTING—8

Cruz	Johnson	Warner
Duckworth	Kaine	Warnock
Hickenlooper	Schatz	

The nomination was confirmed. (Ms. SMITH assumed the Chair.)

The PRESIDING OFFICER (Ms. ROSEN). The Senator from Delaware.

Mr. COONS. Madam President, I ask unanimous consent that the Senate recess following the vote on the Murphy nomination until 4:30 p.m.

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

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.

#### NOMINATION OF JOHN FRANK MURPHY

Mr. DURBIN. Madam President, today, the Senate will vote to confirm John Frank Murphy to the U.S. District Court for the Eastern District of Pennsylvania.

Mr. Murphy's distinguished legal career will make him an asset on the Federal bench. He received a B.S. from Cornell University, a Ph.D. from the California Institute of Technology, and a J.D. from Harvard Law School before clerking for Judge Kimberly A. Moore on the U.S. Court of Appeals for the Federal Circuit.

In private practice, Mr. Murphy has focused on intellectual property and patent litigation. He has worked on litigation in Federal courts, International Trade Commission investigations, and contested proceedings at the U.S. Patent and Trademark Office. In addition to his IP and patent practice, Mr. Murphy has dedicated a significant amount of time to conducting pro bono work for the Eastern District of Pennsylvania's Prisoner Civil Rights Program. Mr. Murphy has been rated unanimously "well qualified" by the American Bar Association, and he has bipartisan support from his home State senators, Mr. CASEY and Mr. TOOMEY.

Mr. Murphy's technical expertise and strong background in IP and patent law will be an asset to the district court. I support his nomination and urge my colleagues to do the same.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the Murphy nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of John Frank Murphy, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

#### VOTE ON MURPHY NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Murphy nomination?

Mr. COONS. 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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Ms. DUCKWORTH), the Senator from Colorado (Mr. HICKENLOOPER), the Senator from Virginia (Mr. KAINE), the Senator from Vermont (Mr. SANDERS), the Senator from Hawaii (Mr. SCHATZ), the Senator from Virginia (Mr. WARNER), and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator