

Shaheen	Tillis	Welch
Sinema	Van Hollen	Whitehouse
Smith	Warner	Wyden
Stabenow	Warnock	Young
Tester	Warren	

NAYS—34

Barrasso	Fischer	Risch
Blackburn	Hagerty	Rubio
Braun	Hawley	Schmitt
Britt	Hoeven	Scott (FL)
Capito	Hyde-Smith	Scott (SC)
Cassidy	Johnson	Sullivan
Cornyn	Lankford	Thune
Cramer	Lee	Tuberville
Crapo	Lummis	Vance
Cruz	Marshall	Wicker
Daines	Paul	
Ernst	Ricketts	

NOT VOTING—1

Feinstein

The PRESIDING OFFICER (Mr. HICKENLOOPER). The yeas are 65, the nays are 34.

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. 122, Robert Kirsch, of New Jersey, to be United States District Judge for the District of New Jersey.

Charles E. Schumer, Richard J. Durbin, Brian Schatz, John W. Hickenlooper, Margaret Wood Hassan, Gary C. Peters, Mark Kelly, Jack Reed, Tammy Duckworth, Christopher Murphy, Sheldon Whitehouse, Catherine Cortez Masto, Mazie Hirono, Benjamin L. Cardin, Jeanne Shaheen, Tammy Baldwin, Angus S. King, Jr., Alex Padilla, Robert Menendez, Michael F. Bennet.

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 Robert Kirsch, of New Jersey, to be United States District Judge for the District of New Jersey, 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 California (Mrs. FEINSTEIN) is necessarily absent.

The yeas and nays resulted—yeas 57, nays 42, as follows:

[Rollcall Vote No. 103 Ex.]

YEAS—57

Baldwin	Coons	Hirono
Bennet	Cortez Masto	Kaine
Blumenthal	Duckworth	Kelly
Booker	Durbin	King
Brown	Fetterman	Klobuchar
Cantwell	Gillibrand	Luján
Cardin	Graham	Manchin
Carper	Hassan	Markey
Casey	Heinrich	McConnell
Collins	Hickenlooper	Menendez

Merkley	Round	Tester
Murkowski	Rubio	Tillis
Murphy	Sanders	Van Hollen
Murray	Schatz	Warner
Ossoff	Schumer	Warnock
Padilla	Shaheen	Warren
Peters	Sinema	Welch
Reed	Smith	Whitehouse
Rosen	Stabenow	Wyden

NAYS—42

Barrasso	Ernst	Mullin
Blackburn	Fischer	Paul
Boozman	Grassley	Ricketts
Braun	Hagerty	Risch
Britt	Hawley	Romney
Budd	Hoeven	Schmitt
Capito	Hyde-Smith	Scott (FL)
Cassidy	Johnson	Scott (SC)
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Cramer	Lee	Tuberville
Crapo	Lummis	Vance
Cruz	Marshall	Wicker
Daines	Moran	Young

NOT VOTING—1

Feinstein

The PRESIDING OFFICER (Mr. LUJÁN). On this vote, the yeas are 57, the nays are 42.

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 Robert Kirsch, of New Jersey, to be United States District Judge for the District of New Jersey.

NOMINATION OF MICHAEL ETAN FARBIARZ

Mr. DURBIN. Mr. President, today, the Senate will vote to confirm Michael Etan Farbiarz to the U.S. District Court for the District of New Jersey.

Born in New York, NY, Mr. Farbiarz received his A.B. from Harvard University in 1995. After graduation, he studied as a Fiske Scholar at Trinity College, Cambridge University, from 1995 to 1996 before earning his J.D. from Yale Law School in 1999. He then clerked for Judge Michael B. Mukasey on the U.S. District Court for the Southern District of New York from 1999 to 2000 and Judge Jose Cabranes on the U.S. Court of Appeals for the Second Circuit from 2000 to 2001.

Mr. Farbiarz began his legal career in 2001 as an associate at a law firm in New York City, where he worked for 3 years and tried two cases. In 2004, he joined the U.S. Attorney's Office for the Southern District of New York—SDNY—as an assistant U.S. Attorney. Over the course of a decade, Mr. Farbiarz led more than 100 investigations, tried 7 cases, and argued 13 appeals before the Second Circuit. Within 5 years, he rose to serve as the deputy chief of the Terrorism and National Security Unit for 1 year and was further elevated to serve as the cochief of the Terrorism and International Narcotics Unit for 4 years.

After leaving the SDNY, Mr. Farbiarz became a senior fellow at New York University Law School from 2014 to 2016 and worked as an adjunct instructor at Columbia Law School in 2014.

Most recently, Mr. Farbiarz has served as the general counsel of the Port Authority of New York and New Jersey since 2016.

The American Bar Association has unanimously rated Mr. Farbiarz “well qualified” to serve on the District of New Jersey. Senators MENENDEZ and BOOKER strongly support his nomination as well.

I will be supporting this outstanding nominee, and I urge all of my colleagues to do the same.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess subject to the call of the Chair.

There being no objection, the Senate, at 1:25 p.m., recessed subject to the call of the Chair and reassembled at 2:38 p.m. when called to order by the Presiding Officer (Mr. LUJÁN).

EXECUTIVE CALENDAR—Continued

VOTE ON FARBIARZ NOMINATION

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

Mr. BROWN. 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 California (Mrs. FEINSTEIN) is necessarily absent.

The result was announced—yeas 65, nays 34, as follows:

[Rollcall Vote No. 104 Ex.]

YEAS—65

Baldwin	Heinrich	Reed
Bennet	Hickenlooper	Romney
Blumenthal	Hirono	Rosen
Booker	Kaine	Rounds
Boozman	Kelly	Sanders
Brown	Kennedy	Schatz
Budd	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Lee	Sinema
Carper	Luján	Smith
Casey	Manchin	Stabenow
Collins	Markey	Tester
Coons	McConnell	Tillis
Cortez Masto	Menendez	Van Hollen
Cotton	Merkley	Warner
Duckworth	Moran	Warnock
Durbin	Murkowski	Warren
Fetterman	Murphy	Welch
Gillibrand	Murray	Whitehouse
Graham	Ossoff	Wyden
Grassley	Padilla	Young
Hassan	Peters	

NAYS—34

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Ernst	Ricketts	

NOT VOTING—1

Feinstein

The nomination was confirmed.

The PRESIDING OFFICER (Mr. WELCH). 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 PRESIDING OFFICER. The Senator from Louisiana.

NUCLEAR REVITALIZATION

Mr. KENNEDY. Mr. President, today I would like to talk about nuclear revitalization for a few minutes.

I want to make two overarching points. First, no sane person wants a nuclear war. No sane person wants a nuclear war. But, No. 2, peace through weakness never works—never. When the United States built much of its nuclear stockpile, the Cold War was raging, and the Soviet Union was our only major adversary with a sophisticated nuclear stockpile. We remember those days. Our nuclear power deterred Soviet aggression and made sure the Cold War never escalated.

But today, fast forward, we no longer face just one threat. Russia still maintains the world's largest nuclear arsenal, but China's nuclear stockpile is growing rapidly. North Korea, as we know, continues to threaten our allies with its collection of nuclear weapons. And thanks to the disastrous nuclear deal with Iran, Iran is marching ever closer to developing a nuclear weapon of its own.

So here is where the United States finds itself today. The United States must now counter nuclear superpowers in both China and Russia while also deterring the itchy trigger fingers of unstable dictators like Kim Jong Un and the Ayatollah in Iran.

We should be innovating and preparing our nuclear arsenal for this new global dynamic. But, instead, our nuclear stockpile remains stuck in the Cold War, and that is just a fact. Put simply: America's nuclear stockpile is old, and it is shrinking. And while modernizing our nuclear arsenal should be a top priority, our effort to restart nuclear weapon production has been riddled with delays and poor planning and we do not have time to waste.

The United States has not built a single nuclear warhead since the close of the Cold War. Let me say that again. The United States has not built a single nuclear warhead since the close of the Cold War. Instead, we have focused on what we call Life Extension Programs to keep our old weapons operational by refurbishing them. Those that aren't refurbished are destroyed.

From 1994 until 2020, the United States dismantled 11,683 total nuclear warheads. And this total does not include the 2,000 other warheads that have been retired while awaiting their own demolition as well. Most of our nuclear warheads are decades old. The facilities where we built and store these are even older. As recently as 2019, the

computer system controlling our nuclear weapons ran on floppy disks. I kid you not.

Today, we are so far behind in our nuclear revitalization that we cannot even produce plutonium pits. Plutonium pits are an essential component of every nuclear weapon. Plutonium pits sit at the center of a warhead. They are not all that different from pits in a peach. The pit is essential because it triggers the nuclear explosion. Plutonium pits do not last forever. They can only sit inside a weapon for roughly 100 years before we must replace them. The clock is ticking on our Cold War-era weapons.

During the Cold War, the United States produced more than 1,000 plutonium pits per year. And without plutonium pits, you can't have a nuclear weapon. But the United States has not regularly manufactured plutonium pits since 1989. In fact, the United States has not produced a single warhead-ready plutonium pit since 2012. As you would imagine, our nuclear engineers cannot just stop by the hardware store to pick these up. It doesn't work that way. Pit production is a very complex, a very expensive, and a very time-consuming process.

But our adversaries haven't stopped. Our adversaries certainly haven't stopped. China, Russia, North Korea, Pakistan all continue to produce plutonium pits to ready their arsenals. Yet the U.S.A. fell asleep at the wheel and let our plutonium pit production die off almost entirely.

Keeping our nuclear arsenal in shape is sort of like keeping your body in shape. If you stop exercising all together, it will be very painful when you start it again. The United States is learning this the hard way.

In 2014, the Department of Energy and the Department of Defense determined that it would need at least 4,000 new plutonium pits—4,000, not 40, not 400, 4,000 new plutonium pits—to replace the aging pits in our current weapons as part of our larger refurbishment strategy. New pits are also needed for any new weapons that we choose to build.

Department officials determined that the United States would need to produce a minimum of 80 plutonium pits per year by 2030 to be able to reach our national security goals by 2080. To meet this goal, Congress passed a bill, and in that bill, we instructed the National Nuclear Security Administration—we call it the NNSA—to resume plutonium pit production in two separate facilities in 2015. Congress tasked the Los Alamos National Laboratory in New Mexico with a goal of 30 pits per year, and we tasked the Savannah River Site in North Carolina with the remaining 50 to achieve the 80-plutonium-pits-per-year capacity.

But that hasn't happened. I meant it when I said we fell asleep. That hasn't happened. Pit production has been postponed and postponed and postponed.

Most recently, NNSA Administrator Jill Hruby estimated the United States will hit its production goal sometime in 2036, 6 years later than projected. The delays are so significant—so significant—that in 2021, the commander of the U.S. Strategic Command testified before Congress that no amount of funding—no amount of money—would have been enough to get the NNSA to its production capacity goal by 2030. That is what happens when you fall asleep. That is what happens when you stop exercising.

These new pits are not just nice to have; they are essential for developing new weapons to deter aggression from hostile nations. Consider what our military calls the W87-1 Modification Program. Under this program, the United States is developing—or trying to develop—a new warhead that would ride atop the next generation of ICBMs. And an ICBM, of course, is an intercontinental ballistic missile.

But these new weapons cannot run on old plutonium pits; they require a new design. The delayed pit production means that these warheads and our ability to deter China's growing arsenal is delayed as well.

Now, I understand that plutonium pit production is not simple. And like many other workplaces in our wonderful country, supply chain issues and a shortage of qualified workers created unexpected problems for our capacity goals. I get that. But there is a difference—there is a stark difference—between encountering unexpected challenges and simply failing to prepare, and investigations show the NNSA has not taken its preparation seriously enough.

The Government Accountability Office, one of our watchdogs, determined that the NNSA lacked both a comprehensive schedule and a cost estimate for its plutonium projects. Importantly, the NNSA also lacked an integrative master schedule that can be used to coordinate everything from production to staff. Administration officials recently announced better, more concrete schedules and cost estimates, but that cannot make up for the valuable time we have already wasted. It can't. And concerning, the NNSA remains on the Government Accountability Office's list of organizations that are at high risk for "fraud, waste, abuse and mismanagement" because of its practices.

It gives me no joy to point these things out.

Modernizing our nuclear stockpile is essential for maintaining our national security and affirming our position as a global leader. Our weapons don't only protect Americans—we know that. They protect our allies. As part of our extended deterrent strategy, we have agreed to help defend our allies who don't have nuclear weapons of their own, in large part to deter them from getting nuclear weapons.

But our allies aren't stupid. They see our antiquated stockpile, and they