

rule prevented the relevant Federal Agencies from designating critical habitat in areas that are not currently suitable habitat but could be in the future.

For example, when a species' habitat range shifts as a result of climate change, our Federal wildlife protection agencies may need to account for this shift when they decide what potential habitat we should protect to support their long-term recovery.

The number of imperiled species is growing, not diminishing, and more and more species are harmed by climate change, which, as we know, is getting more and more serious as the days go by. That is why our Federal Agencies need more, not less, flexibility to designate and protect habitat. That is our first resolution, S.J. Res. 23.

The second resolution we are considering today would overturn another science-based rule, reclassifying the northern long-eared bat from threatened to endangered species status.

Most people have never heard of the northern long-eared bat. They don't even think they exist, but they do in 37 States. And they are really good at one thing—eating pests, eating insects. There is actually a dollar value that has been put on what they can do and the contributions they make to agriculture in my State and 30-some other States, and the amount of money is over \$3 to \$4 billion a year.

These bats are found in 37 states from as far east as Maine, down the eastern seaboard, from Delaware all the way down to Louisiana.

Unfortunately, there is a disease called white-nose syndrome. Some people may have never heard of this bat, but they have heard of white-nose syndrome. But it is responsible for nearly 80 percent of the bat's habitat range in recent years. Data shows that white-nose syndrome has killed between 97 to 100 percent of northern long-eared bats in infected colonies. That, in addition to other factors, like habitat loss and climate change, has contributed to this important species' decline.

Bats, including the northern long-eared bat, contribute to an estimated \$3 to \$4 billion annually—I have actually heard it is as high as tens of billions of dollars to our Nation's agricultural economy. In any event, it is a lot. And the value impacts us and farmers all over the country. These bats basically provide service primarily through pest control and through pollination. The Biden rule not only helps the northern long-eared bats but also supports other bat species that are in decline due to white-nose syndrome. By protecting this species, we are protecting our farmers, our agricultural communities, and the revenues that they depend on.

To that end, CRA resolutions that undermine the endangered species and more generally, science, are in my view a dangerous diversion from the real work of protecting our environment and, for that matter, our economy.

As a recovering Governor with a little State with a big agricultural economy and as the current chairman of the Environment and Public Works Committee, I believe we can protect our environment, including the species with which we share our planet while supporting economic development and job creation.

It is my hope that we can work together in ways to support these goals in a truly bipartisan fashion. With that in mind, I oppose the two resolutions I talked about, S.J. Res. 23 and S.J. Res. 24. I invite all my colleagues, Democratic and Republican, to join me in voting no.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Madam President, I ask unanimous consent to complete my remarks prior to the scheduled vote.

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

#### NOMINATION OF COLLEEN JOY SHOGAN

Mr. PETERS. Madam President, I rise in support of Colleen Shogan's nomination to be the Archivist of the United States.

The Archivist of the United States leads the National Archives and Records Administration, an important role that is responsible for maintaining and for preserving Presidential and Federal records.

In addition to preserving documents that tell the story of our Nation's history, the National Archives also provides access to critical records for the public to use, including providing veterans and servicemembers with military personnel records needed to access the benefits they have earned through their service.

As an accomplished political scientist who has held nonpartisan leadership roles throughout her career, Dr. Shogan is well qualified to lead the National Archives. She would also be the first woman to hold this job.

She is currently the Senior Vice President and Director of the David M. Rubenstein Center for White House History and the White House Historical Association and previously served as Deputy Director of the Congressional Research Service at the Library of Congress and Vice Chair of the Women's Suffrage Centennial Commission.

Throughout multiple Congresses and Presidential administrations of both parties, Dr. Shogan has demonstrated a strong commitment to serving the American people with nonpartisan integrity.

During the nomination process, Dr. Shogan showed a deep understanding of the Archives' critical role and that she is prepared to lead the Agency as it tackles challenges such as the veterans' records backlog and the digitization of records all across the Federal Government.

Her nomination is supported by numerous individuals and groups representing the National Archives stakeholders, including the American Polit-

ical Science Association; the Council of State Archivists; the American Historical Association; and other national, nonpartisan, and nonpolitical organizations who have enthusiastically endorsed Dr. Shogan's nomination.

Madam President, I urge my colleagues to join me in confirming Dr. Shogan to this important role today.

#### NOMINATION OF GLENNA LAUREN WRIGHT-GALLO

Mr. SANDERS. Madam President, I support the nomination of Glenna Wright-Gallo to be Assistant Secretary for Special Education and Rehabilitative Services at the Department of Education. Ms. Wright-Gallo has more than 25 years of public education experience supporting students with disabilities and 16 years of experience as a policy leader in State special education programs. She is currently a guest instructor at the Clark County School District in Las Vegas, NV. Before that, she served as the Assistant Superintendent of Special Education Services for the Office of the Superintendent of Public Instruction—OSPI—in Washington State. During her tenure, she successfully secured an additional \$155 million for state special education programs, \$37 million for improvement of statewide inclusionary practices, \$12 million for paraeducator training, and \$60,000 to reduce the use of restraint and seclusion.

Prior to her position at OSPI, Ms. Gallo spent 7 years as the State director of special education for the Utah State Board of Education. She has also twice served as the president of the National Association of State Directors of Education.

Earlier this year, the Committee on Senate Health, Education, Labor, and Pensions, which I chair, reported her out of committee by a bipartisan vote. Ms. Wright-Gallo is a strong, dedicated advocate for special education services and supports and understands the unique challenges that children and youth with disabilities face. She will make an excellent Assistant Secretary, and I urge my colleagues to support her nomination.

#### VOTE ON WRIGHT-GALLO NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Wright-Gallo nomination?

Mr. CARPER. Madam President, 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 New York (Mrs. GILLIBRAND) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BUDD) and the Senator from Alabama (Mr. TUBERVILLE).

Further, if present and voting, the Senator from North Carolina (Mr. BUDD) would have voted "nay."

The PRESIDING OFFICER (Ms. BALDWIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 44, as follows:

## [Rollcall Vote No. 119 Ex.]

## YEAS—52

|              |              |            |
|--------------|--------------|------------|
| Baldwin      | Hickenlooper | Romney     |
| Bennet       | Hirono       | Rosen      |
| Blumenthal   | Kaine        | Schatz     |
| Booker       | Kelly        | Schumer    |
| Brown        | King         | Shaheen    |
| Cantwell     | Klobuchar    | Sinema     |
| Cardin       | Lujan        | Smith      |
| Carper       | Manchin      | Stabenow   |
| Casey        | Markey       | Tester     |
| Collins      | Menendez     | Van Hollen |
| Coons        | Merkley      | Warner     |
| Cortez Masto | Murkowski    | Warnock    |
| Duckworth    | Murphy       | Warren     |
| Durbin       | Murray       | Welch      |
| Feinstein    | Ossoff       | Whitehouse |
| Fetterman    | Padilla      | Wyden      |
| Hassan       | Peters       |            |
| Heinrich     | Reed         |            |

## NAYS—44

|           |            |            |
|-----------|------------|------------|
| Barrasso  | Graham     | Paul       |
| Blackburn | Grassley   | Ricketts   |
| Boozman   | Hagerty    | Risch      |
| Braun     | Hawley     | Rounds     |
| Britt     | Hoeben     | Rubio      |
| Capito    | Hyde-Smith | Schmitt    |
| Cassidy   | Johnson    | Scott (FL) |
| Cornyn    | Kennedy    | Scott (SC) |
| Cotton    | Lankford   | Sullivan   |
| Cramer    | Lee        | Thune      |
| Crapo     | Lummis     | Tillis     |
| Cruz      | Marshall   | Vance      |
| Daines    | McConnell  | Wicker     |
| Ernst     | Moran      | Young      |
| Fischer   | Mullin     |            |

## NOT VOTING—4

|            |            |
|------------|------------|
| Budd       | Sanders    |
| Gillibrand | Tuberville |

The nomination was confirmed.

The PRESIDING OFFICER. 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.

## EXECUTIVE CALENDAR

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

The legislative clerk read the nomination of Colleen Joy Shogan, of Pennsylvania, to be Archivist of the United States.

Ms. SINEMA. We yield back all time.

The PRESIDING OFFICER. All time is yielded back.

## VOTE ON SHOGAN NOMINATION

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

Ms. SINEMA. 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 New York (Mrs. GILLI-

BRAND) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alabama (Mr. TUBERVILLE).

The result was announced—yeas 52, nays 45, as follows:

## [Rollcall Vote No. 120 Ex.]

## YEAS—52

|              |              |            |
|--------------|--------------|------------|
| Baldwin      | Heinrich     | Reed       |
| Bennet       | Hickenlooper | Rosen      |
| Blumenthal   | Hirono       | Schatz     |
| Booker       | Kaine        | Schumer    |
| Brown        | Kelly        | Shaheen    |
| Cantwell     | King         | Sinema     |
| Capito       | Klobuchar    | Smith      |
| Cardin       | Lujan        | Stabenow   |
| Carper       | Manchin      | Tester     |
| Casey        | Markey       | Van Hollen |
| Collins      | Menendez     | Warner     |
| Coons        | Merkley      | Warnock    |
| Cortez Masto | Murkowski    | Warren     |
| Duckworth    | Murphy       | Welch      |
| Durbin       | Murray       | Whitehouse |
| Feinstein    | Ossoff       | Wyden      |
| Fetterman    | Padilla      |            |
| Hassan       | Peters       |            |

## NAYS—45

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

## NOT VOTING—3

|            |         |            |
|------------|---------|------------|
| Gillibrand | Sanders | Tuberville |
|------------|---------|------------|

The nomination was confirmed.

The PRESIDING OFFICER (Mr. MURPHY). 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.

## EXECUTIVE CALENDAR

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

The legislative clerk read the nomination of Geeta Rao Gupta, of Virginia, to be Ambassador at Large for Global Women's Issues.

The PRESIDING OFFICER. The Senator from Tennessee.

## UNANIMOUS CONSENT REQUEST—S. 1192

Mr. HAGERTY. Mr. President, title 42 will terminate tomorrow with the expiration of the COVID-19 public health emergency. Title 42 is one of the last tools available to Border Patrol agents, and the President is surrendering it during a record-shattering border crisis. It is unconscionable for Congress to stand aside and do nothing to preserve this critical authority.

Title 42 authority was initially based on the pandemic. While I agree that the pandemic is over, the border crisis is worse than ever. Whether to keep effective border security policies in place should not depend on the pandemic.

There is a new epidemic that is plaguing our Nation, one that demands immediate action. Deadly fentanyl—produced with the help of the Chinese Communist Party and smuggled across our southern border by drug cartels—has flooded into our communities. More than 100,000 Americans died of drug overdoses in the last 12 months alone—most from synthetic opioids like fentanyl. It is the No. 1 cause of death for Americans between the ages of 18 and 45.

The rise of fentanyl overdose deaths affects every State and every congressional district. It kills the young, the old, the rich, the poor. It affects cities and small towns alike. It is not a partisan issue, and finding a solution shouldn't be partisan either.

With the end of title 42, even the Biden administration is openly preparing for an already-recordbreaking crisis to get far worse by sending 1,500 Active-Duty troops to the southern border. It is an admission of the impending invasion.

To allow title 42 to end without creating a permanent new authority to replace it only empowers drug cartels. It enables them to illegally send migrants across the border at strategic points, bogging down Border Patrol agents with paperwork and processing that takes five times longer than under title 42. This dramatic increase in processing times will significantly decrease scarce resources available to actually patrol our southern border. Cartels will use the longer and more frequent enforcement gaps to move fentanyl across our border. We cannot allow this to happen.

Title 42 is an effective and important tool for controlling the flow of illegal migration at the southern border, but it is also an effective and important tool for dissuading migrants from making the dangerous journey to the southern border, to ultimately be exploited by drug cartels. But the current administration has no interest in dissuading migrants from coming to the United States. Instead, through Biden's border policies, they entice thousands more migrants per day to illegally cross into the United States, risking their lives as they magnify the humanitarian crisis at our border.

That is why I introduced legislation to add drug smuggling as an additional basis for invoking title 42 authority. It is called the Stop Fentanyl Border Crossings Act. Overdoses have become an epidemic in America, and no one can deny that. My legislation would allow the Secretary of Health and Human Services to use title 42 to combat substantial, dangerous drug trafficking across our southern border. This bill would give Border Patrol a necessary tool to focus on stopping drug traffickers.

It seems like an obvious step to take. Everyone agrees fentanyl trafficking is a dire problem. Yet, in the last Congress, Democrats blocked this legislation three times. Now that title 42 is