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Senate

The Senate met at 10 a.m. and was called to order by the Honorable PETER WELCH, a Senator from the State of Vermont.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, we acknowledge that You have been our help in ages past. You are our hope for the years to come. You are our shelter in the time of storms. Thank You for the seasons of sowing and reaping, for color and fragrance. Thank You for the time of harvest when our labors and dreams are rewarded.

Today, bless our lawmakers. Illumine their lives to keep them on the right path. May the creative power of Your word produce in them a stronger faith and brighter hope. Keep them from stumbling. Fill them with courage as You show them Your unfailing love.

We pray in Your precious Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mrs. MURRAY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 7, 2023.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable PETER WELCH, a Senator from the State of Vermont, to perform the duties of the Chair.

PATTY MURRAY,
President pro tempore.

Mr. WELCH thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of David Crane, of New Jersey, to be Under Secretary of Energy.

Thereupon, the Senate proceeded to consider the nomination.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

CLIMATE CHANGE

Mr. SCHUMER. Mr. President, this morning, our Nation's Capital and much of the Northeast, including almost the whole of my State of New York, woke up once again under a veil of smog. As we speak, wildfires of unnatural strength continue blazing in Canada, sending toxic air and smoke over the border and over American cities. Today, I am sad to say, New York

City, which usually has good air quality, has some of the lowest air quality in the world thanks to these wildfires, and the problem is even worse in Upstate New York.

I urge every single American and Canadian impacted by the smog to take precautions to stay safe and to follow public safety guidelines in their communities.

These Canadian wildfires are truly unprecedented, and we cannot ignore that climate change continues to make these disasters worse. Warmer temperatures and severe droughts mean forests burn faster, burn hotter, and burn bigger. And the warming is happening at a faster pace in countries with higher latitudes. None of this—none of this—is a coincidence.

This smoke and fog over New York and the rest of the Northeast is a warning from nature that we have a lot of work to do to reverse the destruction of climate change. Every time we see a wildfire in Canada or in the West or a monstrous hurricane in the Southeast or a blizzard in Texas, it is a reminder that time is short to reverse the impacts of a warming planet.

Democrats are proud of the progress we have made to accelerate America's transition to clean energy through the Inflation Reduction Act, but both parties—both parties—have an obligation to do more. The work to protect our climate is far from over, and we are dangerously behind.

Again, I am proud of the historic work Democrats did last year to move us in the right direction, but I implore my colleagues on both sides of the aisle to look up at the smog today and recognize we must—we must—do more.

At the top of the list is a good transmission bill, which will greatly enhance our Nation's ability to bring clean energy, like wind and solar, to large population centers and reduce the carbon that is thrown into the atmosphere.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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RAIL SAFETY

Now, Mr. President, on trains and safety on the tracks, after the tragic derailment in East Palestine in February and several other derailments in recent months, I called on the FRA to launch an investigation into the safety practices of all class I freight railroads.

I have good news. The FRA has just announced that they will heed my call and do a thorough investigation of safety practices within all class I freight railroads. They will investigate the culture of misconduct within the class I rail companies and issue a report on their findings just as they did for Norfolk Southern.

I thank them for their attention on this very critical issue. These assessments by the FRA will be a good first step to identifying the problems in individual rail companies as well as the endemic problems permeating across the industry. In the last 5 years alone, there have been over 26,500 accidents and incidents, almost 13,000 injuries, and over 2,750 fatalities attributed to rail incidents—2,750 fatalities. That is close to 10 a day. But instead of prioritizing—no, it is not close to 10 a day, because it is over the last 5 years, but it is a lot. OK.

But, instead of prioritizing safety, the rail industry has cut over 30,000 employees from the workforce—roughly 20 percent. Instead of prioritizing safety, the rail industry has prioritized stock buybacks to wealthy stock shareholders and lobbied for loosened regulations—billions of dollars in stock buybacks instead of money going to safety, instead of money going to hire the necessary employees to keep the rails safe.

So it is clear that there is an alarming trend of the rail industry's putting profits over people, which reinforces the need for a full audit of industry practice. I hope that the rail companies will take heed of the FRA's assessment and make the changes needed to protect our communities.

In the meantime, I want to thank my colleagues Senators BROWN and VANCE, as well as Senators CASEY and FETTERMAN, for their work on the bipartisan Railway Safety Act. This legislation was reported out of committee last month, and I look forward to working with colleagues on both sides to move it forward.

NOMINATION OF DAVID CRANE

Now, Mr. President, on nominations, later this morning, the Senate will vote to confirm David Crane to be the Under Secretary for Infrastructure at the Department of Energy—a crucial post for implementing the historic clean energy investments secured through the infrastructure bill and the Inflation Reduction Act.

The Undersecretary for Infrastructure is a new role at the Department of Energy, created by the Biden administration with a very important mission: ensure our infrastructure, make sure the dollars translate to lower energy costs, new clean energy manufacturing jobs, and a more resilient energy grid.

Once confirmed, Mr. Crane will be especially important for overseeing programs that help Americans lower their energy bills. To take just one example, he will lead the implementation of a \$9 billion consumer rebate program to help Americans better afford energy-efficient appliances for their homes. Mr. Crane will also manage the investments we have made to update America's electric grid, which after recent blackouts like the ones in Texas, is absolutely crucial.

Mr. Crane is more than up to the job. He has a wealth of knowledge from the private sector as a former CEO of a leading energy company and is one of America's leading voices in the fight for clean energy. He received strong bipartisan support in committee, and I expect that to continue here on the floor.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. 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.

RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

JUDICIAL NOMINATIONS

Mr. MCCONNELL. Mr. President, for someone who campaigned as a moderate and promised to unify our country, President Biden has chosen to staff his administration with a roster—a roster—of alarmingly radical or unqualified personnel.

In recent weeks, the President's nominees who have made the biggest headlines have been the ones so far outside the mainstream that even a Democratic Senate majority would not confirm them, like the appeals court nominee who defended a school against a teenage victim of sexual assault or the traffic safety nominee whose real passion turned out to be extreme environmental regulations. This week, the Senate is considering yet another slate of radical nominations that are entirely unworthy of confirmation.

First, is the nomination of David Crane, a self-described "climate activist." President Biden would like him to serve as Undersecretary for Infrastructure at the Department of Energy.

Mr. Crane's nomination is bad news for Kentucky, for coal country, and for any American who enjoys making their own choices about which cars to drive, which products to consume, and how to earn a living.

This nominee has been outspoken about his so-called "green dream" to force a massive chunk of the world's economy to go carbon free in 8 years—8 years—and then use their influence to "compel society" to follow suit.

He even observed that Democratic Presidential nominees hadn't made extreme climate policy enough of a pri-

ority in their campaigns. In other words, Hillary Clinton, who once bragged that "we're going to put a lot of coal miners and coal companies out of business," was not radical enough—not radical enough—for David Crane. So we are talking about an unabashed, top-down social planner. As we have learned over the past 2 years, that is exactly what the Biden administration ordered when it handed the keys to the American energy policy to the radical left.

Unfortunately, Mr. Crane is not the only nominee on this week's agenda with a reputation for wearing his radical liberal sympathies on his sleeve. The Senate will also vote on the nomination of David Ho to serve on the Federal bench in the Southern District of New York.

Mr. Ho has described himself—listen to this—as a "wild-eyed leftist." Let me say that again. President Biden would like a self-identified "wild-eyed leftist" to rule on cases in the largest Federal court in the country.

Mr. Ho's legal record indicates that this radical sympathy runs very deep. This is a nominee who has publicly lamented "originalism is not a method of constitutional interpretation that can reliably lend itself to progressive outcomes." Imagine that. It turns out that actually following and applying our laws and our Constitution as they were written is not a one-way ticket to left-wing utopia.

And, by the way, that should be an argument for the radical left sidelining their bad ideas, not an argument for sidelining the Constitution. Somebody who wants a lifetime appointment as an impartial judge must be committed to putting the rule of law ahead of personal views, not the other way around.

Ah, but Mr. Ho hasn't limited his public criticism to the basic legal principles that underpin the Federal judiciary. During the Obama administration, he railed against the Fraternal Order of Police for expressing their concerns about a particularly anti-cop Justice Department nominee. He called the FOP's opposition a "disgrace."

He has also taken to attacking members of the Judiciary Committee on Twitter. And throughout his career, Mr. Ho has been outspoken—outspoken—in denigrating basic mainstream efforts to ensure the integrity of American elections. He has likened overwhelmingly popular practices like voter ID requirements to be "a very thinly veiled call for racial profiling."

Let me be absolutely clear: Senate Republicans will not participate in rubberstamping radical nominees. I would urge our colleagues to join me in rejecting each of these unfit nominations this week.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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