

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.

The PRESIDING OFFICER (Mr. HICKENLOOPER). Without objection, it is so ordered.

BIDEN ADMINISTRATION

Mr. THUNE. Mr. President, last week, Congress successfully passed legislation, the Fiscal Responsibility Act, to raise the debt ceiling and avert a default. I am pleased that the final legislation paired an increase in the debt ceiling with real spending reforms, but I don't need to tell anyone that things came down to the wire.

President Biden wasted months refusing to negotiate on a debt ceiling deal before finally yielding to the political realities of divided government and coming to the negotiating table. And while we got about as good of an agreement as we could have hoped for in this situation—again, including meaningful spending reforms the Democrats initially rejected—things didn't need to come to this crisis point. Had President Biden come to the negotiating table sooner, we might not have been passing the Fiscal Responsibility Act just days before our Nation would have defaulted.

This isn't the first crisis of inaction in this Presidency. President Biden has made a habit of ignoring or failing to meet crisis situations, with predictably problematic results. The border crisis is one notable example. It took 2 years of recordbreaking numbers of illegal crossings at our southern border before the President made any real move to even begin to address the crisis—2 years—2 years in which he mostly pretended the border crisis didn't even exist.

The President didn't want there to be a border crisis, presumably because he knew it would serve as an indictment of his open border policies. So he simply ignored the reality.

Unfortunately, Border Patrol agents and our Nation's overwhelmed border communities didn't have that option. They had to spend 2-plus years now dealing with all the ramifications of unchecked illegal immigration at our southern border.

While it is a good thing that the President has finally made some moves to address the crisis, his inaction has taken a terrible toll on Border Patrol agents and our border communities and on migrants themselves.

We have seen a similar situation with inflation. Even as it became clear the Democrats' so-called American Rescue Plan had helped set off a serious inflation crisis, the President and his administration dismissed the problem. And they didn't just dismiss the problem; they doubled down on the strategy that got our country into this mess in the first place.

While the President was eventually forced to, at least halfheartedly, acknowledge our inflation crisis, he still can't bring himself to acknowledge what caused it, and that is the Democrats' big spending priorities. And he has continued to pursue new government spending, from his nearly tril-

lion-dollar student loan giveaway to a budget that, in a few short years, would have us spending \$10 trillion annually.

Perhaps the most devastating example of the President's failure to recognize and act on the realities of the situation came with his disastrous withdrawal from Afghanistan. Even as it was becoming appallingly clear that Afghanistan was headed for takeover by the Taliban, the President delayed or simply failed to take the necessary steps to withdraw American citizens and the Afghan allies who aided us. The result was a chaotic evacuation that saw the deaths of 13 U.S. servicemembers and scores—literally scores—of Afghan civilians and left both U.S. citizens and thousands of our Afghan allies behind as the Taliban took over the country.

It is fortunate that the months President Biden spent refusing to acknowledge the need to negotiate on a debt ceiling agreement did not result in serious consequences for our country. Things were not looking good for a while, but the President ultimately recognized that divided government requires negotiation and compromise.

But a lot of his other leadership failures have had serious and permanent consequences. The President's failure to acknowledge and address the reality of the border crisis has allowed hundreds of thousands of individuals to evade law enforcement and enter our country illegally, left border communities and American cities struggling to provide for the mass influx of migrants, and, undoubtedly, facilitated the flow of cross-border criminal activity like fentanyl trafficking.

As I said, the President's failure to recognize and acknowledge the reality of the situation in Afghanistan, including by ignoring the State Department dissent cable, resulted in the deaths of American servicemembers and Afghan civilians.

Meanwhile, the President's persistent failure to fully recognize the realities of inflation and its roots and Democrats' reckless spending continues to leave our economy and American families vulnerable to more of Democrats' big spending policies.

There are around 18 months left in the President's current term and a lot of challenges for our Nation to address. I hope that the debt ceiling negotiations mark the start of a new era, one in which the President spends more time dealing with things as they are and less time pursuing an agenda divorced from the reality of the economic and security challenges that our Nation faces, because our country and the American people cannot afford a repeat of the first 2 years of this President's administration.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

SENSIBLE CLASSIFICATION ACT

Mr. CORNYN. Mr. President, when it comes to safeguarding the American

people, the United States has multiple layers of defenses.

We have, of course, the world's most powerful military, whose ranks are filled with courageous and dedicated servicemembers. Our military is equipped with cutting-edge technology, whether it has to do with weapons systems, aircraft, ships, submarines—all the tools necessary to defend our country and our country's freedoms.

But an important part of our defenses is our intelligence community, the 17 Agencies that make up what is known colloquially as the intelligence community. It is the intelligence community that collects and analyzes information from around the world to make sure that we can always remain at least one step ahead of our adversaries.

This information gathering is an invaluable part of our national defense, and that critical national security information is, of course, carefully safeguarded under what is known as the classification system—secrets. Classification gives us an invaluable edge when it comes to the ability to plan and prepare for threats over the horizon. It strengthens our relationship with our allies around the world, with whom we share much of this information, and it prevents consequential information from falling into the wrong hands.

It also protects—and these are the keys to the kingdom, when it comes to classified information—the sources and methods. In other words, the way that our intelligence community collects information and the people from whom that information is acquired are among the most important secrets maintained by the government, because, many times, if that were revealed, either our adversaries would be able to cut off that access to information or, frankly, maybe even go so far as to kill the sources of that information in the case of human intelligence. So protecting sources and methods is absolutely critical.

Closely guarded intelligence information is vital to our national security, but there is a very fine line between strategic classification and excessive secrecy. If too much information is withheld from the public, it can sow distrust. People let their minds run away with them. They wonder what is going on—conspiracy theories and the like. But, more fundamentally, the American people will question what their government is actually doing and how it is using the vast powers that they have delegated to the government.

Consent of the governed has always been the foundation of our democratic system of government and the legitimacy of government action, and, of course, the people cannot consent to something that is withheld from them. So there is a very fragile balance here from what is necessarily kept classified and secret and the information that should be made public, because without