

hold on Department of Defense nominees. This is the ninth time I am coming forward to keep my word. Since the last time we did this, nothing has changed, and so my hold will remain in place.

I want to be clear about this because my Democratic colleagues have been spreading a little bit of disinformation. I am not blocking anyone from getting confirmed. I am not blocking a single vote. I am only blocking unanimous consent. If Democrats want to vote on these nominees one at a time, I am all for it and will probably vote for them.

I understand that Senator CARDIN is a strong supporter of this nominee. I am a strong supporter of the Naval Academy. I have several relatives who have gone to the Naval Academy. It is possible that when these come up, I will vote on all of them. But, so far—let me just respond to some of the false claims that have been made against me in the press and even on this floor in the last week or so.

Yesterday, the White House Press Secretary was asked why they haven't reached out to me at all from the White House. She said:

I do not know when the last time is that [the White House] has talked to the Senator.

I will tell you when the last time was—never. The White House has not reached out to me once in 4 months. No one has contacted me. There has not been one conversation about a path forward.

I have spoken to Secretary Austin, outside of Armed Services hearings, exactly once in the last 2 years. That was a 10-minute phone call 3 months ago. He made absolutely no effort to find a compromise in our situation.

I have never once heard from Chairman REED on this issue, of the Armed Services Committee—absolutely no discussion regarding my concerns. Instead, Senator REED has attacked me on this floor.

I have never once heard from Senator SCHUMER. Instead, Senator SCHUMER has attacked me six or seven times on this floor in his seat.

Many of the claims made about me have been completely false.

This is no way to negotiate with a colleague. I don't understand it—especially not in this body, the United States Senate. Frankly, this kind of behavior just steels my resolve. The more false claims my colleagues on the left make about me, the more it makes me inclined to just keep my hold in place.

I have already laid out the reasons why these claims do not add up. I don't need to repeat them all as we speak. We don't need to waste time. But I would note that yesterday a news story reported correctly that these military positions are being fulfilled by acting officials. These jobs are being done as we speak. They are not empty. Four months into this situation, it is obvious that people are doing the job. It is not affecting our readiness. Anyone who says otherwise is wrong.

So let me just say this one more time because I keep getting asked the same question over and over again. I will keep my hold until the Pentagon follows the law or Congress changes the law. That is the way we do it here in the Senate.

A show vote in committee is not good enough. We can do that all we want, but it is not going to make any difference. An amendment that gets stripped out on the floor by Senator SCHUMER is not good enough. What I have said from the beginning is either follow the law or change it. Follow the law we have made in this body or change the law.

The burden is not on me. It is not on me to pass this legislation. This is an illegal policy that they changed to. So let's in this body discuss it and go one way or the other. The burden is on the administration to stop breaking the law, and that is exactly what is going on here.

There are two conditions that would get me to stop this and drop this hold, and I think everybody knows those conditions.

So because of that, Mr. President, I object.

Mr. CARDIN. Mr. President.

The PRESIDING OFFICER. Objection is heard.

The Senator from Maryland.

Mr. CARDIN. Mr. President, obviously I am deeply disappointed by the objection being heard here. I really feel compelled to explain one factor of my colleague's comments.

We don't want the military involved in politics. We do everything we can to keep them insulated from the internal politics of the Congress, the Senate and the House, and that is exactly what my colleague is doing by this hold.

We are responsible to make sure that we support our men and women in harm's way. Having the military academies properly managed is part of our responsibility so that they have the tools they need to defend our Nation.

One last point that was mentioned by my colleague about having up-or-down votes on these nominations, that he would not hold that up. Well, he is. He is requiring the break of a filibuster. What he is suggesting is that he is not letting us have an up-or-down vote. That is what my unanimous consent request would have allowed. My unanimous consent request would have allowed us to have an up-or-down vote on the nomination so we don't have to go through a cloture motion, which is exactly what my colleague is suggesting we need to go through, in order to vote on hundreds of these promotions within the military; that if we followed the course he is suggesting, those plebes who are entering this month at the Naval Academy will be in their second year before we get around to voting on that nomination.

So for all those reasons, I regret that we are playing politics with our military and affecting our ability to defend our Nation.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

LEGISLATIVE SESSION

Mr. SCHUMER. I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. I move to proceed to executive session to consider Calendar No. 30.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Natasha C. Merle, of New York, to be United States District Judge for the Eastern District of New York.

CLOTURE MOTION

Mr. SCHUMER. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The 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. 30, Natasha C. Merle, of New York, to be United States District Judge for the Eastern District of New York.

Charles E. Schumer, Richard J. Durbin, Alex Padilla, Tim Kaine, Margaret Wood Hassan, Ben Ray Lujan, Raphael G. Warnock, Tammy Duckworth, Jack Reed, John W. Hickenlooper, Catherine Cortez Masto, Tammy Baldwin, Brian Schatz, Christopher Murphy, Tina Smith, Debbie Stabenow, Sheldon Whitehouse.

LEGISLATIVE SESSION

Mr. SCHUMER. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

TAX CONVENTION WITH CHILE

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Executive Calendar No. 1, Treaty Document 112-8.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The treaty will be stated.

The legislative clerk read as follows:
Treaty Document No. 112-8, Tax Convention with Chile

Mr. SCHUMER. I ask that the treaty be considered as having advanced through the various parliamentary stages up to and including the presentation of the resolution of advice and consent to ratification.

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

CLOTURE MOTION

Mr. SCHUMER. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The 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 Calendar No. 1, Treaty Document No. 112-8, Tax Convention with Chile, and a resolution of advice and consent to ratification with 2 reservations and 2 declarations.

Charles E. Schumer, Robert Menendez, Margaret Wood Hassan, Robert P. Casey, Jr., Benjamin L. Cardin, Catherine Cortez Masto, Patty Murray, Thomas R. Carper, Christopher Murphy, Chris Van Hollen, Tammy Baldwin, Jack Reed, Richard J. Durbin, Tim Kaine, Jeanne Shaheen, Richard Blumenthal, Christopher A. Coons, Cory A. Booker.

Mr. SCHUMER. I ask unanimous consent that the mandatory quorum calls for the cloture motions filed today, June 15, be waived.

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

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senator from Illinois be given 10 minutes to speak immediately and, following her, 5 minutes to the Senator from Massachusetts.

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

Mr. SCHUMER. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

FAA REAUTHORIZATION ACT OF 2023

Ms. DUCKWORTH. Mr. President, I rise today as both chair of the Subcommittee on Aviation Safety but, more importantly, as a pilot who is only alive because of the swift actions of an experienced flight crew.

I have lived the experience of piloting a Blackhawk that was struck by a rocket-propelled grenade in flight and entered into flight conditions immediately that flight simulators taught me would be catastrophic. But having the experience of flying in the toughest conditions had shown me that that was not the case.

I have probably spent more hours in the most sophisticated flight simulators than any other Senator of this body, short of, of course, Senator KELLY, our astronaut. In my over a decade of training as a military pilot, every time—every single time—that we simulated a total loss of all aircraft

avionics that would follow with a total loss of hydraulic power, we died in that simulator. We did this every year, and we simulated it over and over. It was not survivable.

We never simulated an RPG explosion in the lap of one of the pilots wherein any of the crew could survive. Why did we never simulate that condition? Nobody ever imagined that it would ever happen and have the crew survive or that the aircraft would not break apart in flight.

Yet, on that day in Iraq—on that day when that rocket-propelled grenade landed in my lap and exploded—we did. The aircraft held together, and we survived it. We were 10 feet above the trees, and we looked, and we had no avionics, and we could tell that the hydraulics were next. If we had relied on that simulator training, we would have done what dark pilot humor had always said, which was: You are going to die anyway. Let's change spots and leave a mystery for the acting investigators to figure out what the heck happened.

But we didn't. We fought to fly that aircraft because our training in the cockpit, in real-world flight conditions, taught us that we could do it. Led by the expertise of my pilot in command, we landed that aircraft and saved our entire flight crew.

I would not be alive today but for the in-cockpit experience gained through many hard-earned flight hours over a decade of training. It was actual, real-world experience, not a flight simulation, that made us prepared and ready to respond to a life-threatening emergency, with level heads and swift action—with instinct.

Of course, my experience is not unique. When the hero of the Hudson, Captain "Sully" Sullenberger, implores Congress to understand that the combined 40,000-plus flight hours between him and his first officer were critical in saving 155 lives on that January 15, 2009, day, we should listen.

Do you think that, prior to that day, there were any flight simulations of a dual-engine failure from a bird strike, followed by ditching in the Hudson River, by any airline? by any flight school? No. In fact, when that very simulation was done after the miracle on the Hudson, even with the flight crews experiencing and expecting the scenario, they still crashed time after time in that simulated emergency. It was pilot in-cockpit flying experience that saved the miracle on the Hudson.

My experience as both a pilot, who was responsible for the lives of my crew and passengers in the most hazardous conditions, along with my commitment to my leadership role on the Aviation Safety Subcommittee, means that I cannot be complicit in efforts to compromise on safety for the flying public. There has never been a worse time to consider weakening pilot certification requirements to produce less experienced pilots.

The year 2023 has already been chilling for our civil aviation system.

We have witnessed a disturbing rise of near deadly close calls that has led the FAA to convene an unprecedented safety summit, where the Acting Administrator has warned that the entire aviation industry needs to not grow complacent because complacency kills.

The NTSB has treated a recent uptick in near misses as a national crisis and has investigated these incidents to determine whether systemic problems are a root cause. Some observers believe the surge in hiring that was necessary to address the perfect storm of pre-pandemic buyouts and the post-COVID travel boom has simply resulted in a less experienced workforce that is more prone to mistakes.

We must treat these unnerving near misses as red flags and be proactive in strengthening safety requirements to make sure that these close calls do not become precursor events to a catastrophic incident.

The last thing we should be doing is weakening part 121 certification standards. We have had seven close calls most recently, and the answer is not "let's reduce pilot training." It is the pilot who prevented those close calls from becoming accidents in the first place.

As a pilot, I learned the value of real-world experience. Trust me. Hours in that cockpit, in the sky, matter. Simulators are a valuable training tool. I applaud them, and I have made use of them, but they are no substitute for the real thing. Lifesaving instincts are earned through hours of hard work and dedication through the craft of piloting a real aircraft with real stakes.

Look, I know the experience of the perfect storm of major carriers buying out thousands of their most experienced pilots, followed by a post-pandemic surge in air travel demand, has created a temporary shortage of pilots and first officers, especially for regional airlines. The consequences for communities, especially with rural airports, have been real and painful. I see them myself in my own home State. I understand the temptation to cut corners or to chase the false promise of a quick fix to a systemic challenge. But weakening a pillar of our post-Colgan reforms won't magically solve the need for more pilots.

Believe me. I have asked for the specifics. If we reduce the minimum flight hours from 1,500 to 1,000, how many more pilots would be available in the following calendar year? What about 800 hours? What if we drop it to 500 or to 250? How many more pilots would you have then? Yet, today, I have received no precise estimate, let alone any credible projections.

At this point, I question whether the special interests pushing to weaken the 1,500-hour rule even have a methodology or model to measure the relationship between certain certification standards and the availability of pilots.

I am not the only one who has stress-tested industry assertions and come away with more questions than answers. Last year, the FAA rejected a

petition for an exemption to the flight hours requirement and explicitly stated:

The FAA has previously concluded the argument that an exemption would serve to address a pilot shortage is overly simplistic and does not present a persuasive argument.

Foreign carriers that are not subject to the 1,500-hour rule are also experiencing workforce challenges post-pandemic. Yet they are not reducing their requirements. This bolsters the FAA's conclusion.

Simply put, reducing hours, even just for restricted ATPs, represent a serious risk with no reward. It represents an unacceptable backsliding, a dangerous complacency, in an industry where complacency kills. As chair of the Aviation Safety Subcommittee, as a professional aviator, and as a private pilot, I am holding the line on safety.

I want to encourage my colleagues to focus on the long list of other, more urgent aviation issues facing our country. Now is not the time to go backward on a post-Colgan safety system, and there has not been a single aviation fatality due to pilot error since the 1,500-hour rule was put into effect.

Now is not the time to put corporate profits ahead of the lives of our constituents who may want to board a commercial flight in the future. A vote to reduce the 1,500-hour rule for pilot training will be blood on your hands when the inevitable accident occurs as a result of an inadequately trained flight crew.

I urge my colleagues to uphold the 1,500-hour rule.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

NOMINATION OF JULIE RIKELMAN

Mr. MARKEY. Mr. President, I come to the floor today to speak in support of the confirmation of Julie Rikelman to the U.S. Court of Appeals for the First Circuit.

In just a few minutes, the Senate will vote to invoke cloture on Julie Rikelman's nomination, and, soon after, we will vote on her confirmation.

Julie Rikelman has a distinctively American story. In 1979, her family emigrated to the United States from the Soviet Union—Ukraine, to be specific—settling in Massachusetts. Like so many Soviet immigrants in the 1970s, her family sought freedom, and especially, as Soviet Jews, they sought religious freedom.

As a child, Ms. Rikelman and her family left behind the only home they knew. They endured the challenges of beginning anew in an unfamiliar country, as refugees, mastering a new language and a new culture. They embraced their new home and became naturalized U.S. citizens. Ms. Rikelman's experience as a Soviet political refugee shaped her lifelong commitment to the American legal system as well as her commitment to true "justice for all" and to the fundamental principles of the rule of law.

With 25 years of experience, her legal career has been nothing short of stel-

lar. Julie attended Harvard College and Harvard Law School. She clerked for Justice Dana Fabe on the Alaska Supreme Court and for Judge Morton Greenberg on the U.S. Court of Appeals for the Third Circuit.

She has worked in private practice and in public interest law, litigating a range of issues, from reproductive rights cases across the country to civil and criminal cases at both the trial and appellate levels. She has experience in securities law, antitrust law, election law, and constitutional law. Ms. Rikelman's Federal and State court cases have involved defamation, intellectual property, and employment discrimination claims. She is a brilliant legal mind and brings deep experience to issues commonly before the First Circuit.

Julie Rikelman has dedicated her career to the protection of Americans' fundamental rights, including the rights to liberty and privacy, distinguishing herself as one of our Nation's leading reproductive rights attorneys. In 2021, she argued the Supreme Court case *Dobbs v. Jackson Women's Health Organization*, a seminal case in the history of our highest Court's considering that issue.

I have complete confidence that Ms. Rikelman will bring a broadened perspective, steadfast integrity, and deep knowledge to the bench. And I am not alone in my enthusiasm. My office has received letters in support of Ms. Rikelman's nomination from dozens of individuals and organizations, including members of the Alaska State Bar, current and former prosecutors, law enforcement officials, the National Council of Jewish Women, and many of her former colleagues.

Colleagues describe Julie Rikelman as "brilliant, committed to the rule of law, and deeply devoted to honoring the Constitution and protecting our civil rights and civil liberties."

These are precisely the qualities we are looking for in a nominee to a Federal appeals court. We have them in Julie Rikelman.

It is essential that our Nation's courts reflect the diversity of our country, and Ms. Rikelman, when confirmed, would be the first immigrant woman and the first Jewish woman to serve on the U.S. Court of Appeals for the First Circuit. That is what this Nation is all about.

Senator WARREN and I are proud and enthusiastically recommend Julie Rikelman's nomination to President Biden and are proud to speak in favor of her nomination before the full Senate today. She will make an exceptional addition to the First Circuit.

I urge all of my colleagues to vote yes on cloture and then on her confirmation.

I yield the floor.

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 assistant bill 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. 23, Julie Rikelman, of Massachusetts, to be United States Circuit Judge for the First Circuit.

Charles E. Schumer, Richard J. Durbin, Richard Blumenthal, Christopher A. Coons, Benjamin L. Cardin, Tina Smith, Christopher Murphy, Mazie Hirono, Tammy Baldwin, Margaret Wood Hassan, John W. Hickenlooper, Sheldon Whitehouse, Catherine Cortez Masto, Brian Schatz, Gary C. Peters, Alex Padilla, 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 Julie Rikelman, of Massachusetts, to be United States Circuit Judge for the First Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mrs. BLACKBURN) and the Senator from South Carolina (Mr. SCOTT).

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 165 Ex.]

YEAS—53

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

NAYS—45

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

NOT VOTING—2

Blackburn Scott (SC)

The PRESIDING OFFICER (Mr. SCHATZ). On this vote the yeas are 53, the nays are 45.

The motion is agreed to.