NOT VOTING—8

| | | |
|---|---|---|
| Cotton | King | Sullivan |
| Durbin | Ricketts | Tillis |
| Hickenlooper | Shaheen | |

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.

## 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 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. 8, Tiffany M. Cartwright, of Washington, to be United States District Judge for the Western District of Washington.

Charles E. Schumer, Richard J. Durbin, Margaret Wood Hassan, Brian Schatz, Tina Smith, Elizabeth Warren, Tim Kaine, Ron Wyden, Patty Murray, Richard Blumenthal, Chris Van Hollen, Martin Heinrich, Jack Reed, Christopher A. Coons, Alex Padilla, Christopher Murphy, Sheldon Whitehouse, Benjamin L. Cardin.

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 Tiffany M. Cartwright, of Washington, to be United States District Judge for the Western District of Washington, 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. SCHUMER. I announce that the Senator from Illinois (Mr. DURBIN), the Senator from Maine (Mr. KING), the Senator from Vermont (Mr. SANDERS), and the Senator from New Hampshire (Mrs. SHAHEEN) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Arkansas (Mr. COTTON), the Senator from North Dakota (Mr. CRAMER), the Senator from Nebraska (Mr. RICKETTS), the Senator from Alaska (Mr. SULLIVAN), and the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting: the Senator from North Carolina (Mr. TILLIS) would have voted ''nay.''

The yeas and nays resulted—yeas 49, nays 42, as follows:

[Rollcall Vote No. 179 Ex.]

YEAS—49

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

NAYS—42

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

NOT VOTING—9

| | | |
|---|---|---|
| Cotton | King | Shaheen |
| Cramer | Ricketts | Sullivan |
| Durbin | Sanders | Tillis |

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 49, the nays are 42.

The motion is agreed to.

## EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Tiffany M. Cartwright, of Washington, to be United States District Judge for the Western District of Washington.

Thereupon, the Senate proceeded to consider the nomination.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

GRAPHITE AND GRAPHITE ONE

Ms. MURKOWSKI. Mr. President, more is happening with minerals around the world than ever before. We are seeing global demand driven by growth and technology, legislation and regulation. Everything is just skyrocketing. Yet the global supply is often tenuous. Really, it is very thoroughly dominated by China, and there are clear warning signs that we here in the United States urgently need to reduce our foreign dependence by rebuilding our domestic supply chains.

As we stand here today, our Nation's lack of mineral security is a glaring vulnerability. It is a threat to our security. It is a threat to our competitiveness. It is a threat to our geopolitical power and our ability to lead on industries of the future. The obvious solution is to do a lot more in this space, which makes sense, but it starts with mining, and until we have achieved stable, affordable supplies of as many minerals as possible here at home, that vulnerability will continue.

We have begun to put a framework in place to do that. We did this through the legislation that I had introduced, the American Mineral and Security Act. We also did some with the bipartisan infrastructure law and with the provisions that Chairman MANCHIN added to the Inflation Reduction Act. These are a good start, but there is no shortage of minerals where meaningful action is still needed.

So we could talk about copper—the ''metal of electrification'' as my friend Dr. Daniel Yergin puts it—where forecasts of shortages in the twenties and thirties are becoming commonplace. Now, I would be the first one to acknowledge that we cannot produce copper everywhere it is found—I think there are just a few places that are too, too sensitive—but we need to make up for this by approving projects in locations where it does make sense, and that is simply not happening right now.

We could also talk about gallium and germanium. Just before the Fourth of July, our Independence Day, China announced export controls for both of these critical minerals as part of their escalating war over semiconductors. So what is our domestic reaction to that? Well, it is not independence. It has really become more of a scramble. We have seen with the Department of the Interior that they have repeatedly delayed a good project in Alaska—this is the Ambler Access Project—that would provide access to long-term supplies of both germanium and gallium.

What we are doing here is giving China leverage. They have certainly seized on it in what could well become a pattern across dozens of minerals and materials. In a very real sense, in many ways, we are giving them bullets for the gun that they will hold us hostage to. And it is not just here in the United States. We saw it just few years back when China cut off supplies of rare earths to Japan in an effort to utilize that leverage.

Today, I have come to the floor to discuss a different type of critical mineral, and that is graphite.

Graphite is described by the U.S. Geological Survey as a ''soft, crystalline form of carbon'' that ''occurs naturally in metamorphic rocks such as marble, schist, and gneiss.'' Graphite ''exhibits the properties of a metal and a nonmetal,'' which include ''thermal and electrical conductivity'' as well as ''inertness, high thermal resistance, and lubricity.'' Graphite is valued because it is relatively lightweight. Yet it is very dense. It is a good semiconductor, a good conductor, and more stable than many of the alternatives.

Now, most of us are most familiar with the graphite that we know in pencils. Pencils don't contain lead; they contain graphite. It is also used in things like brake linings, steelmaking, headphones, and today, perhaps most crucially, advanced rechargeable batteries and fuel cells. So if you care about smartphones, if you care about EVs, if you care about climate change and the energy transition, there is really no way around it—you will need to care a lot more about graphite than you probably currently do.

Lithium-ion batteries typically require far more graphite than lithium—up to 15 times more. Graphite can account for more than a quarter of those

batteries' weight and up to 95 percent of their anode materials. That makes graphite both fundamental to our mineral security and really very irreplaceable for many technologies.

I am not a materials scientist, and I think most aren't, but for those who aren't, Bloomberg's Liam Denning recently summarized graphite's use in EVs as follows. He said:

> Graphite is the main material for the battery's anode, which takes in and holds lithium ions during charging and releases them when energy is needed. . . . [G]raphite's combination of high thermal and electrical conductivity with chemical inertness makes it very useful when you want to cycle through lots of energy flows without stuff degrading or blowing up. A typical 60 kilowatt-hour EV battery might hold 160 pounds of graphite compared with perhaps 20 pounds of lithium. And while the exact mix of other metals such as cobalt and nickel in the other electrode—the cathode—may change, graphite's place in the anode is more or less fixed.

So more technical than most of us would want, but just to put it in very simple terms, if we want more smartphones and we want more EVs on the roads, we are going to need a lot more graphite for them. That is one of the main reasons that Chairman MANCHIN and I, along with Senators RISCH and CASSIDY, urged President Biden back in March of last year to declare graphite and other key battery minerals as ''essential to the national defense'' under the Defense Production Act of 1950. I appreciate and I thank the President for doing just that and then working with us to secure hundreds of millions of dollars in Federal appropriations for projects to produce them.

My view is, we don't have any more time to waste here. One rough estimate is that every additional 1 million EVs will require 80,000 tons of graphite. That is why Benchmark Minerals projects the world will need 97 new graphite mines by 2035 compared to just over 70 that are operating today. It is why the International Energy Agency, the IEA, projects that demand for graphite for clean energy technologies could increase 25-fold—that is 2,500 percent—by the year 2040.

So you have to ask the question, are we on track to produce any of that? The answer is no—not even remotely. A consultancy by the name of Project Blue has projected an annual deficit of about 856,000 tons of graphite by the year 2030.

Some of the anticipated demand can be filled by synthetic graphite, which is made from fossil fuels such as petroleum coke, but a large portion will need to come from newly mined natural graphite. Here is the problem with that: The United States has not produced natural graphite for about three decades now—since at least 1990 and perhaps as far back as 1950, depending on your source. Instead, the United States is entirely import-dependent, bringing in 100 percent of our supply each year. Last year, that amounted to 82,000 metric tons of natural graphite. And where did we get it from? China was the No. 1 source of our imports—at least 100 percent foreign dependence.

You might think it can't get any worse than that, but trust me, it can, and it is. We can always import more volume, and that is exactly what is happening. According to USGS, after a few down years in 2019 and 2020, our natural graphite imports rose by 48 percent in 2021 and by 55 percent in 2022. So we are just—we need the stuff. Where are we getting it? We are getting it imported. Where are we importing it from? China.

Another part of the problem is that even if the United States begins to produce graphite again, we won't know exactly what to do with it. That is because we also lack the processing capabilities to turn natural graphite into useful advanced material for batteries and other products. This is, again, another area where China leads, and we are paying very little attention here.

It will take a sustained effort to catch up on graphite processing, so the question is, How long is this going to take? What will it cost us? Who will our partners in these efforts be?

There has been some speculation that China's warning shot on gallium might be a precursor for something that really hurts us, like restrictions on graphite. According to Benchmark Minerals, China is responsible for 61 percent of global graphite production and 98 percent of processed graphite materials. EVs previously failed because the technology just wasn't there. Yet it isn't hard to imagine them failing again because the minerals and the materials aren't there.

If you are thinking ''OK, this is bad,'' you are right. It is bad. But there is hope. There is hope on the horizon in the form of Graphite One. This is a project in northwest Alaska. This is about 37 miles outside of the community of Nome, AK.

This is not a picture of Nome, AK, although in the wintertime, it could be just about that white. But what I want to demonstrate here is what could be considered a crude writing utensil. I will just write my name there. This is a hunk of graphite. This is solid graphite. It gets your fingers a little bit dirty. This is a piece of graphite that I picked up at the mine site in Nome. If I were to give you this piece of graphite and you were to hold it in one hand and you were to hold your cell phone in the other hand, you would be holding two pieces of graphite. This is graphite. This is graphite. But this graphite from Alaska would probably be the first piece of American graphite, of domestic graphite that you have ever held in your life, because there is nothing domestic about the graphite that goes into our cell phones today.

This is just a small part, a small sample of what we can glean from the Graphite One project, which USGS reports is North America's largest natural graphite deposit. It is a world-class deposit. It is absolutely massive compared to others around the world.

I mentioned that I was out there in Nome 3 days ago. On Saturday, I was on the Graphite One property. It consists of well over 100 mining claims on non-Federal land. This mine project is not new. They actually mined this back in the early 1900s and then stopped production some time ago. But I was able to visit the base camp there in Nome, the Graphite Creek field camp, as well as a drill pad where the core samples are being taken as part of the summer season. Of course, summer in Alaska out in that region just means that is when the mosquitoes are the most intense.

It was eye-opening to see how Graphite One is moving forward as they are doing further exploration with this absolutely critical resource. I have always supported Graphite One and what they are doing in Alaska, but really, after my site visit there on Saturday, I am convinced that this is a project that every one of us—those of us here in Congress, the Biden administration, all of us—needs to support.

Graphite One's vision is to build a complete domestic supply chain for natural graphite. Their project would be anchored by responsible mining of the Graphite Creek deposit, producing tens of thousands of metric tons a year. But it would also extend to a battery anode manufacturing facility in Washington State, which would be co-located with a battery recycling plant—which is why their CEO, Anthony Huston, often describes Graphite One as ''a technology company that mines graphite.''

This is a major opportunity for us. Previously, I have expressed some disappointment to Secretary Granholm that the Biden administration is heavily subsidizing a graphite processing plant in Louisiana that imports graphite. They import graphite from Mozambique, an unstable regime with a poor human rights record, a region where there has been significant labor unrest and where ISIS is reportedly active.

It is not too late to realize the immense value that Graphite One holds for our economy and our security. This project will give us a significant domestic supply, breaking our wholesale dependence on imports. This will be a secure supply of natural graphite from day one. This stuff is pretty pure. Let me tell you, this was not just a random piece of graphite; this graphite is literally under your very feet, that you pick up with your hands. It is solid, solid material. It will be a secure supply of natural graphite from day one without the political and the security risks associated with so many projects that are located abroad.

The health and environmental standards for Graphite One will both be exceedingly high and fully transparent. The company's leadership is working hard to ensure the project creates opportunities for the people who live in the region in Nome, as well as the Inupiaq communities of Brevig Mission, Mary's Igloo, and Teller.

This is where I want to end my comments because, during my tour of Graphite One, I saw firsthand how even in these very developmental stages, this project is already benefiting these Alaska Native communities.

Graphite One is committed to Alaska hire. They are working with a program that they call Arctic Access to help place disadvantaged individuals into meaningful jobs. We were able to talk a little bit about that program.

One of the individuals who really struck me was a gentleman by the name of John. He was from Brevig Mission. He had been the water treatment operator there in Brevig for some years. He was hired to run Graphite One's very sophisticated water and wastewater system. John told me he knew next to nothing about this state-of-the-art system there, which could have been disqualifying in some places, but at Graphite One, it didn't matter. Rather than hiring somebody from the lower 48, they hired people to train him, and he is now succeeding. The guy was just beaming from ear to ear about the opportunities and the excitement that he has not only for the job but what this mine meant for the region.

For people like John and other Alaskans, Graphite One is doing it right. I am proud to have them operating in Alaska.

This is an opportunity for us as a country. Again, when we think about our dependence, when we think about our vulnerability on others for critical minerals and particularly our growing vulnerability on one country—China—everything we can do to responsibly address this is a step forward, and Alaska has a significant opportunity in front of us.

I would hope that every Member of the Senate and every member of the administration will look at these as opportunities and join in doing everything we can to support this important work.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KELLY). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

ORDER OF BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that all postcloture time on the Cartwright nomination be considered expired and the confirmation vote occur at a time to be determined by the majority leader following consultation with the Republican leader.

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

## LEGISLATIVE SESSION

### MORNING BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

### NOMINATION OF ROSEMARIE HIDALGO

● Mr. DURBIN. Mr. President, today, the Senate will vote to confirm Rosie Hidalgo as Director of the Office on Violence Against Women, OVW. Ms. Hidalgo is a proven champion for victims of domestic violence and sexual assault, and her extensive experience, as well as her longstanding commitment to justice, will make her an outstanding Director of OVW.

Ms. Hidalgo received her B.A. from Georgetown University and her J.D. from New York University School of Law. She began her legal career providing direct representation to survivors of domestic violence, as well as assisting them in securing custody of their children. She then joined the nonprofit Esperanza United, where she advocated on behalf of victims of gender-based crimes and promoted policies designed to improve public safety. Ms. Hidalgo is particularly equipped to lead OVW, having worked there as deputy director for policy. In this capacity, she implemented Violence Against Women Act—VAWA—related grants and engaged with relevant agencies and stakeholders to devise new ways to improve the law.

Today, Ms. Hidalgo serves as a Special Assistant to the President and Senior Advisor on Gender-Based Violence at the White House, where she played a key role in securing the bipartisan reauthorization of VAWA.

After more than a decade without a Senate-confirmed Director, OVW will benefit from Hidalgo's expertise, leadership, and unwavering commitment to aiding survivors of gender-based violence.

I strongly support her nomination and urge my colleagues to do the same.●

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

### NOMINATION OF KYMBERLY KATHRYN EVANSON

● Mr. DURBIN. Mr. President, today the Senate will vote to confirm Kymberly Evanson to the U.S. District Court for the Western District of Washington. A native of Longview, WA, Ms. Evanson received her bachelor's degree from Seattle University and her law degree from Georgetown University Law Center. Ms. Evanson began her legal career as an associate with K&L Gates, where she practiced for 2 years before joining her current firm, the Seattle-based Pacifica Law Group.

At Pacifica, Ms. Evanson has a varied practice with an overarching focus on public interest legal work, including on behalf of legal municipalities and municipal agencies. She has handled cases that touch on a broad range of issues, from the State constitutional amendment process and federalism to immigration, trade secrets, and clemency. Her work also includes two briefs before the U.S. Supreme Court. The American Bar Association rated Ms. Evanson ''well qualified,'' and she has the strong support of Senators Murray and Cantwell.

Given her breadth and depth of litigation experience, as well as her commitment to equal justice and the rule of law, Ms. Evanson will make an outstanding addition to the Western District of Washington.

I strongly support her nomination and urge my colleagues to join me in voting for her confirmation.●

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

### VOTE EXPLANATION

● Mr. DURBIN. Mr. President, I was necessarily absent for rollcall vote No. 174, confirmation of the nomination of Xochitl Torres Small to be Deputy Secretary of Agriculture. Had I been present for the vote, I would have voted yea.

I was necessarily absent for rollcall vote No. 175, motion to invoke cloture on the nomination of Rosemarie Hidalgo to be Director of the Violence Against Women Office, Department of Justice. Had I been present for the vote, I would have voted yea.

I was necessarily absent for rollcall vote No. 176, motion to invoke cloture on the nomination of Kymberly Kathryn Evanson to be U.S District Judge for the Western District of Washington. Had I been present for the vote, I would have voted yea.

I was necessarily absent for rollcall vote No. 177, confirmation of the nomination of Rosemarie Hidalgo to be Director of the Violence Against Women Office, Department of Justice. Had I been present for the vote, I would have voted yea.

I was necessarily absent for rollcall vote No. 178, confirmation of the nomination of Kymberly Kathryn Evanson to be U.S District Judge for the Western District of Washington. Had I been present for the vote, I would have voted yea.

I was necessarily absent for rollcall vote No. 179, motion to invoke cloture on the nomination of Tiffany M. Cartwright to be U.S District Judge for the Western District of Washington. Had I been present for the vote, I would have voted yea.●