

The security guards at the facility hadn't received the right paperwork when the tractor trailer pulled up. So they turned the truck away.

Now, at that time, we were in such short supply of PPE, and our healthcare practitioners were risking their lives because of that shortage. So this was incredibly important that we get these supplies delivered.

Doctors and nurses and other first responders on the frontlines of the pandemic were counting on that delivery of supplies that was now headed in the wrong direction. So Elvia jumped into action. She started calling folks at HHS and other Federal and State agencies. She woke people up. She tracked down cell phone numbers, including the numbers of the guards who were on duty. Eventually, she got that truck turned around and those supplies were delivered.

She was able to do this because she had worked for months and months to build connections and relationships with folks working, at every level, on responding to the pandemic. Thus, when an incident like this occurred, she knew how to make sure the bureaucratic redtape didn't stop people from getting the help and resources they needed.

And so it was when our previous legislative director left to go to the State Department in January of 2021, it was clear that Elvia's tenacity, resourcefulness, humor, warmth, professionalism would make her the perfect choice to ably step up and fill that role.

Almost overnight, she went from focusing exclusively on healthcare and education to overseeing the entire pantheon of our team's legislative activities, with all of the added responsibilities—like staffing vote-aramas—that came along with the role.

As legislative director, she has personally taken point on our efforts to protect American democracy and ensure every American's right to vote. She quickly and deeply immersed herself in the intricacies of the issues of voter suppression, of dark money, and gerrymandering that we sought to address in the For the People Act and its derivative, the Freedom to Vote Act.

On top of that, Elvia got familiar with the history and arcane procedures of this body that are so much in need of reform today, helping to craft workable options to restore the Senate to being a better legislative body that our Founders intended it to be.

And even now, she has continued to take the lead on my "Mysteries of the Senate" project, where every week we prepare a memo for the caucus explaining another aspect of the Senate's arcane history and procedures. This is valuable, I hope, because I believe we cannot begin to improve the way we function unless Members understand better the Senate's history and the web of rules and precedents that guide how we operate.

It would be an understatement to say that Elvia has excelled at every task

and every issue she has taken on over these last 5 years. It has been a pleasure for me to work with her. It has been a pleasure for the entire team to work with her. And she has contributed greatly to the future of our team nurturing and bringing along new staffers, making sure they not only are up to speed on the issues but fully integrated participants in our collective effort to improve policies to benefit Oregonians and to benefit Americans.

Elvia, all of us on the team—all of us on team Merkley—thank you deeply for your dedication. We wish you all the best in your next chapter as you take your talents back home to Oregon. I think all of us are a bit jealous of that opportunity to be fully back home. And we know that wherever you are, you will never stop fighting to build a better world.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The majority whip.

MASS SHOOTINGS

Mr. DURBIN. Mr. President, today is Valentine's Day and a day we set aside to celebrate love, but far too many American families this day have haunting memories and unfathomable pain. They are the families of Americans killed by gun violence.

Last night, the families of three Michigan State University students joined the heartbroken ranks. Five additional victims were wounded. It was the 67th mass shooting in the United States of America in this calendar year. February 14, the 67th mass shooting—more than 1 mass shooting every day this year. What is a mass shooting? When four people or more are injured or killed.

No other nation on Earth accepts this wholesale slaughter that we have now become so inured to in the United States. We shouldn't be. Americans have seen too much carnage from guns. I am sick of it. This Nation is sick of it.

Five years ago today, a 19-year-old gunman murdered 17 people and wounded 17 more at Marjory Stoneman Douglas High School in Parkland, FL—the fifth anniversary of it, and we are observing the madness and slaughter that took place in Michigan. The gunman fired indiscriminately at Parkland, at students and teachers, and used a Smith & Wesson AR-15 assault rifle. The dead included 14 students and 3 staff members who died trying to protect them.

The Parkland shooting horrified our Nation. It cut especially deep at Northern Illinois University in DeKalb, IL, 65 miles outside of Chicago. You see, exactly 10 years ago on Valentine's Day 2008, a gunman armed with a shotgun

and three semiautomatic pistols kicked open the door of an auditorium-style classroom at Northern Illinois and walked up and down the aisle, shooting people indiscriminately. The shooting lasted just under 6 minutes. When it ended, 5 students had died at Northern and more than 20 were injured.

Six weeks into the year 2023, and already this year, at least 5,127 Americans have died from gun violence according to the Gun Violence Archive. They died in homicides, suicides, and accidental shootings.

Last year, Congress passed and President Biden signed the most sweeping gun safety law in 30 years—the Bipartisan Safer Communities Act. Among other things, it toughened background checks for gun purchasers under the age of 21 and cracked down on the trafficking and straw purchasing of firearms. It also included funding to help States implement red flag laws to keep guns out of the hands of people who pose a danger to themselves or others. Just today, my home State of Illinois was awarded \$9½ million in funding under the new law to help carry out Illinois' red flag law. That is progress. But the majority of Americans support even stronger gun safety laws, including closing the gaps in the background check system for gun purchases.

I believe that Congress should also restore the ban on assault weapons, including AR-15-style rifles—increasingly the weapon of choice for mass shooters. These military-style weapons have no place in schools, neighborhoods, or college campuses.

One month after the Parkland school massacre, student survivors of that slaughter organized a rally called March for Our Lives. Hundreds of thousands of people attended the march in Washington. One of those powerful speakers that day was a young woman named Emma Gonzalez, a survivor of Parkland. She warned Americans that day, "Fight for your lives before it's someone else's job."

In America today, gun violence can strike any family, anywhere, anytime. Today on this grim anniversary, we must recommit ourselves to a better America, to do more to protect our kids, our schools, our communities, and our country from the scourge of gun violence.

CORPORATE BANKRUPTCY

Mr. President, last month, the Third Circuit Court of Appeals rejected an attempt by the venerable corporation Johnson & Johnson, which sought to make a mockery of our system of justice and bankruptcy laws. In this case, Johnson & Johnson tried to use a legal scheme known as the Texas two-step. It is an accurate name because it would have allowed Johnson & Johnson to dance around its obligations to the consumers it had harmed. This is not a few people we are talking about; this case concerns 40,000 Americans who used Johnson & Johnson products and have been diagnosed with ovarian cancer or mesothelioma.

Let's start from the beginning. For years, Johnson & Johnson denied that the talcum powder in its product known as baby powder contained asbestos. They denied it, but the company's internal documents tell a different story. They indicated that Johnson & Johnson was aware for decades that its products contained asbestos, but J&J kept those products on the market anyway, and consumers, who trusted the brand, kept using them.

In the years that followed, tens of thousands of these loyal customers were diagnosed with debilitating and in some cases terminal illnesses. Eventually, many of the same customers filed lawsuits against Johnson & Johnson, but before most of the claims against the company could be heard, Johnson & Johnson closed the doors to the courtroom. It used the so-called Texas two-step to transfer its legal liabilities to a shell company and then, step two, had the shell company declare bankruptcy.

Here is the important part: When the shell company declared bankruptcy, Johnson & Johnson asked the court to freeze all ongoing litigation. That maneuver effectively prevented the company's victims from proceeding with their cases. Instead, these victims have to get in line in bankruptcy court, along with many creditors, and wait for some small payment years ahead.

That was Johnson & Johnson's devious scheme, and it was all going according to plan until last month when the Third Circuit stepped in and stopped the music on Johnson & Johnson's Texas two-step. The Third Circuit ruled that Johnson & Johnson's shell company had not acted in good faith when it declared bankruptcy. They were right.

The Third Circuit's ruling is an important victory, but the tragic reality is, for some of Johnson & Johnson's baby powder victims who sought justice, it was too little too late.

One of those victims was Kimberly Naranjo. Throughout her life, Ms. Naranjo was a model of resilience. She grew up surrounded by addiction and abuse and spent her teenage years moving from one foster home to another. Ms. Naranjo also struggled with addiction herself, but at the age of 19, she had her first child, and she changed course in her life. She set herself on the path to recovery and resolved to provide her seven children the stability and love she never knew.

Eventually, Ms. Naranjo found her calling. She earned a degree in alcohol and drug counseling and landed her dream job supporting other people on their path to recovery. But then, 3 days into her new job, Ms. Naranjo felt a pain in her side. She went to the doctor, who diagnosed her with mesothelioma. Soon after her diagnosis, Ms. Naranjo determined the only way—the only way—she could have been exposed to asbestos was through that so-called safe baby powder she used on all of her children, Johnson & Johnson baby powder.

Last year, the Judiciary Committee, which I chair, held a hearing on corporate use of bankruptcy. We included Johnson & Johnson's use of the Texas two-step. We were joined by Ms. Naranjo, who shared her story. She told the committee:

When I learned that I could file a lawsuit against Johnson & Johnson and have it decided by a jury, I finally saw a path forward for my family.

She continued:

That hope was taken from me. I learned that Johnson & Johnson filed for bankruptcy and that I would not receive a court date.

Ms. Naranjo died from her illness last month, weeks before turning 50 and weeks before the Third Circuit's ruling against Johnson & Johnson. She never received the justice she deserved.

Make no mistake, as long as the world's biggest, wealthiest companies have the ability to game our legal system and escape liability, there will be more tragic stories like Ms. Naranjo's because Johnson & Johnson is not alone in abusing bankruptcy law to avoid accountability, and that is a fact. In fact, other very large, very solvent companies are getting in on the game.

One similar case is currently being considered by the Seventh Circuit Court of Appeals. This one concerns a familiar name—3M—and its subsidiary Aearo Technologies. Like Johnson & Johnson, 3M is trying to game the bankruptcy system to avoid accountability to its customers. And these are not your average consumers; in this case, we are talking about 230,000 military veterans.

So what happened? These veterans claim they suffered hearing loss because they wore defective earplugs while in service to our country. These earplugs were manufactured by 3M and that subsidiary I mentioned, Aearo Technologies.

When those veterans came forward with their allegations, 3M turned to the same get-out-of-jail-free card that Johnson & Johnson tried to use. Aearo declared bankruptcy, and then 3M, which is certainly not bankrupt, promptly asked the court to use the bankruptcy stay to freeze all ongoing earplug litigation from American veterans.

So instead of facing the lawsuits these veterans brought, 3M is trying to use chapter 11 bankruptcy to lock the doors to the courtroom. How about that?

Fortunately, in this case, a judge refused to let 3M get away with it. Last August, a bankruptcy court ruled against the company's cynical legal scheme. But instead of changing course on this shady strategy, Aearo Technologies of 3M fame appealed the case to the Seventh Circuit.

Earlier this month, I led a number of my colleagues in the Senate and House in submitting an amicus brief to the Seventh Circuit. In it, we wrote that the Congress did not intend for the bankruptcy system to serve as a get-

out-jail-free card for wealthy corporations facing litigation, especially from American veterans.

I hope the Seventh Circuit joins the Third Circuit in ruling against these schemes to deny Americans and veterans their day in court. But the truth is, these companies are trying to game the system that we in Congress created. As lawmakers, we write the laws and the rules for declaring chapter 11 bankruptcy. So, really, we have the responsibility to step up and confront these corporate abusers of bankruptcy. We must work together to keep the doors of our justice system open to every American seeking their day in court.

I believe the Senate is capable of doing things, even hard things. I believe we can bring America closer to our central aspiration of justice, and I believe we can instill more faith in this Nation of laws by ending these corporate abuses of bankruptcy once and for all.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

HONORING THE MEMORIES OF THE VICTIMS OF THE SENSELESS ATTACK AT MARJORY STONEMAN DOUGLAS HIGH SCHOOL ON FEBRUARY 14, 2018

Mr. SCOTT of Florida. Mr. President, it is hard to believe that it has been 5 years since February 14, 2018—the tragic day that the world witnessed a senseless attack and the loss of 17 innocent lives at Marjory Stoneman Douglas High School in Parkland, FL.

Today, I again come before the Senate to introduce this resolution to honor the 17 beautiful lives that were stolen from us that day. I think of them often. I talk to their families. They were sons and daughters, parents and partners. Some were educators, athletes, musicians; many of them, just kids with a life full of promise ahead of them. My heart breaks knowing they never got the chance to pursue their dreams and that their families will forever have a piece of their heart missing.

While we can't bring back the lives lost on that tragic day 5 years ago, I will always work to honor them and do everything in my power to protect our students and educators and ensure they have a safe environment to learn and succeed.

As in legislative session, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 60, which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 60) honoring the memories of the victims of the senseless attack at Marjory Stoneman Douglas High School on February 14, 2018.

There being no objection, the Senate proceeded to consider the resolution.