

heeds our call. The survival of our democracy is too important.

RAILWAY SAFETY ACT OF 2023

Mr. President, on the new bipartisan bill, later today, a bipartisan group of Senators, including Senators BROWN and VANCE of Ohio and FETTERMAN and CASEY of Pennsylvania—a bipartisan group—plan to introduce the Railway Safety Act of 2023.

In the aftermath of the terrible accident in East Palestine, this is precisely the kind of proposal we need to see in Congress—a bipartisan rail safety bill, one that includes provisions relevant to the accident that happened a month ago.

I salute them for this fine bipartisan effort and commit to them that I am going to work with the sponsors of the bill to move this bill forward. We should pass it—a bipartisan bill—here in the Senate and hopefully in the House. I will do whatever I can to make sure that happens.

The bill is as smart as it is necessary. It includes provisions to increase safety protocols for trains with hazardous materials, new requirements for crews operating trains, and increases the fines that can be imposed on rail companies that engage in reckless behavior.

We must do more because an accident like the one in East Palestine didn't come out of the blue. On the contrary, the Chair of the NTSB said the Norfolk Southern derailment was 100 percent preventable. The fault here lies with rail companies that spent years lobbying to slash crucial safety regulations intended to keep people safe. It has created a dangerous culture where the profit motive is king above all others, even above the need to keep people safe.

There are countless small towns just like East Palestine across America with rail lines running through them. In my dear State of New York, there are lots of them, particularly in Upstate. They are all at greater risk when rail giants work together to slash safety, slash worker compensation, and place shareholder returns above everything else.

DEPARTMENT OF LABOR RULE REPEAL

Now on ESG, later today, my Republican colleagues will force a vote here on the floor to reverse a Labor Department rule allowing retirement fiduciaries to use ESG, if they so wish, when evaluating investments.

I will strongly oppose this ill-considered proposal. My reasons, which I will outline in a minute, are also outlined in an op-ed in the Wall Street Journal editorial page today.

Mr. President, I ask unanimous consent to have printed in the RECORD an op-ed from the Wall Street Journal editorial page.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal Feb. 28, 2023]

REPUBLICANS OUGHT TO BE ALL FOR ESG

(By Charles E. Schumer)

Investing in a free-market economy involves choice. There are 8,000 securities listed on U.S. stock exchanges alone. Investors take many different factors into account when evaluating their investment decisions. Three such factors—environmental, social and governance, also known as ESG—have recently gotten a lot of attention from some more conservative Republicans, including Florida Governor Ron DeSantis.

In the House, Republicans just passed a bill that would reverse a Labor Department rule recognizing that retirement fiduciaries may use ESG when evaluating investments. That bill will soon come before the Senate. I will strongly oppose this ill-considered proposal.

ESG opponents are trying to turn it into a dirty acronym, deploying attacks they have long used for elements of a so-called woke agenda. They call ESG wokeness. They call it a cult. They call it an incursion into free markets. We've heard it all before. I say ESG is just common sense.

Republicans conveniently ignore something very important: America's most successful asset managers and financial institutions have used ESG factors to minimize risk and maximize their clients' returns. In fact, according to McKinsey, more than 90% of S&P 500 companies publish ESG reports today.

This isn't about ideological preference. Investors and asset managers increasingly recognize that maximizing returns requires looking at the full range of risks to any investment—including the financial risks presented by increasingly volatile natural disasters, aging populations and other threats that the public doesn't normally associate with financial modeling.

Nothing in the Labor Department rule imposes a mandate. It simply states that if fiduciaries wish to consider ESG factors—and if their methods are shown to be prudent—they are free to do so. Nothing more, nothing less.

The present rule gives investment managers an option. The Republican rule, on the other hand, ties investors' hands.

Sen. Rick Scott asserted that the Labor Department rule “allows Wall Street fund managers to make choices on behalf of Americans based on their own beliefs and social agenda.” Yet his Republican colleagues have introduced bills requiring fiduciaries to consider factors that don't strictly relate to financial returns, including whether a particular investment has ties to Russia or the Chinese Communist Party.

For some Republicans, these are all perfectly fine extra-financial considerations. But when it comes to investing in workers, or hedging against the dangers of a changing climate, or guarding against risks of corporate malfeasance—suddenly that's a bridge too far. You can't have it both ways.

Republicans talk about their love of the free market, small government and letting the private sector do its work. But their obsession with eliminating ESG would do the opposite, forcing their own views down the throats of every company and investor. Republicans would prevent investors from adapting to the future, for their own good and the good of the country.

I say let the market work. If that naturally leads to consideration of ESG factors, then Republicans should practice what they've long preached and get out of the way.

Mr. SCHUMER. Republicans have been trying mightily to turn ESG into their newest dirty little acronym. They

are using the same tired attacks we have heard for a while now—that this is more wokeness, that it is intrusion into the markets, and on and on and on.

But Republicans are missing or ignoring an important point: Nothing in the DOL rule imposes a mandate.

Again, let me repeat that: Nothing in the rule they seek to undo imposes a mandate.

It merely says that if fiduciaries wish to look at ESG factors and if their methods are shown to be prudent—it is a very narrow rule—then they have the freedom to do so—the freedom to do so. It is literally allowing the free market to do its work.

This isn't about ideological preference. It is about looking at the biggest picture possible for investors to minimize risk and maximize returns.

Why shouldn't you look at the risks posed by increasingly volatile climate incidents? Why shouldn't they consider aging populations or other trends that could impact their portfolio?

In fact, more than 90 percent of S&P 500 companies already publish ESG reports today.

The present rule gives investment managers an option. The Republican rule, on the other hand, ties investors' hands—no freedom for companies to choose what they think is right.

Republicans talk about their love of the free market, small government, “let the private sector do its work,” but their obsession with eliminating ESG would do the opposite, forcing their own views down the throats of every company and every investor.

I say: Let the market work. Let the market work. Mr. and Mrs. Free Market Republicans, what the heck are you doing here? Imposing your views on these companies?

If the market naturally leads to the consideration of ESG factors, then Republicans should practice what they have long preached and get out of the way.

AUTHORIZATIONS FOR USE OF MILITARY FORCE

AUMF—we have a lot to talk about today, and there are a lot of very important issues before us. I want to offer a brief but heartfelt thanks to Chairman MENENDEZ and Ranking Member RISCH, as well as Senators Kaine and Young, who have worked so diligently for this proposal for so long, for reaching an agreement to mark up next week a long-awaited measure that many of us have waited for: a repeal of the Iraq AUMF.

I am glad that this effort has been, for the most part, bipartisan and bicameral. It was bipartisan and bicameral under full Republican control of government, under full Democratic control of government. And it is now every bit bipartisan under divided government. It is staying bipartisan. There is support on both sides of the aisle for this proposal.

Because both Democrats and Republicans have come to the same conclusion, we need to put the Iraq war

squarely behind us, once and for all, and doing that means we should extinguish the legal authority that initiated the war to begin with.

So thank you. Thank you, Chairman MENENDEZ, and thank you, Ranking Member RISCH, for moving forward with this repeal in your committee. And, again, kudos and accolades to Senators KAINE and YOUNG for their great work too. We haven't yet passed this, but their work gives us a real chance to see some light finally at the end of a long tunnel. It is my hope that we can bring this bill to the floor during this work period.

BUDGET PROPOSALS

Now, later today, I will join a number of Senate Democratic colleagues to talk about a new report that throws a spotlight on the dangerous ways the Republican budget proposals would harm average Americans.

As has been the case so many times this year, this report tells a story of contrasts. On the one hand, Democrats and President Biden have spent the last 2 years reducing the Federal deficit, lowering drug costs, lowering people's energy bills, and making sure the wealthiest pay their fair share.

But here are just a few of the things the Republican budget proposals would do. Listen to this. The American people ain't going to like it.

Republican proposals would push millions of Americans off Social Security benefits and raise the retirement age to 70.

Republican proposals would privatize Medicare, which would gut seniors' benefits, threatening their access to guaranteed services, and force those who are able to remain on Medicare to pay higher premiums.

Republican proposals would cut Medicaid by \$2.2 trillion and end coverage for tens of millions of Americans, especially people with disabilities, seniors, and families living on lower incomes. A large part of Medicaid goes to help people who are in nursing homes and assisted living, and that takes a huge burden off 30-, 40-, 50-year-olds who want to care for their parents but those high costs are something beyond their budgets.

And Republican proposals would narrow healthcare eligibility for veterans and cut VA mandatory funding—and so much more, so much more.

These proposals are anathema, I believe, to the American people, for sure, but even to most Republicans. That is why we Democrats keep insisting that Speaker MCCARTHY answer the one question we have all been asking and gotten no answer to. The question we have been asking Speaker MCCARTHY is: Where is your plan?

We believe a plan this drastic will not get the votes in the Republican conference in the House. So, Speaker MCCARTHY, show us your plan. Speaker MCCARTHY, show us your plan.

Republicans love to tout themselves as the party of the average Americans, but actions speak louder than words.

When Republicans help tax cheats; call for putting Social Security, Medicare, and Medicaid on the chopping block; and cut taxes for billionaires and megacorporations, there is no question where they truly stand with the wealthy, with the very well-connected, and with the biggest of corporations.

NOMINATION OF PHILLIP A. WASHINGTON

Finally, I want to make a quick mention of an important nominee who is testifying before the Senate Commerce Committee.

Recently, President Biden announced Phil Washington as his nominee to lead the FAA, or Federal Aviation Administration. The FAA needs to have a leader as soon as possible. Americans cannot afford to go through another busy travel season like the one they went through last winter. When you have widespread computer failures, delays, and an inability to react quickly, not having an FAA head is terrible.

I look forward to seeing more in the coming weeks, but I thank my colleagues in the Commerce Committee, led by the very capable, very diligent, very hard-working MARIA CANTWELL, for holding their hearing today on Mr. Washington.

I yield the floor.

I suggest the absence of a quorum.

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

The Republican whip.

NOMINATIONS

Mr. THUNE. Mr. President, in his State of the Union Address last month, the President expressed an encouraging desire for bipartisanship. But I said, at the time, that I hoped his words would be matched by his actions. After all, the President spoke about being a President for all Americans in his inaugural address. But his first 2 years in office were not exactly distinguished by bipartisanship.

So while I was encouraged by the President's words in his State of the Union Address, as I said, I am looking for them to be matched by his actions, and renominating a slew of extreme nominees, as the President has done so far this year, is no way to start.

So far this year, the President has renominated at least 16 individuals who were unable to get any bipartisan support in the last Congress. They include an individual with serious unanswered questions about his possible role in a movement to push out senior career officials at the Consumer Financial Protection Bureau in favor of Biden loyalists, multiple individuals aligned with Democrats' radical Green New Deal agenda, a nominee who has repeatedly embraced anti-police rhetoric, multiple abortion extremists, a leftist litigator who has called the U.S. Senate and the electoral college anti-democratic insti-

tutions and who has admitted that he is motivated by his hatred of conservatives, and the list goes on.

And then, of course, there is the nominee who recently appeared in front of the Senate Commerce Committee for the third time: Gigi Sohn. This is Ms. Sohn's third nomination to the Federal Communications Commission during the Biden administration. Her previous two nominations stalled thanks to her inability to garner any bipartisan support, and with good reason, because Gigi Sohn has to be the poster child for terrible Presidential nominees, although I suppose the Biden judicial nominee who couldn't explain article II of the Constitution should also be in the running for that title of worst Presidential nominee.

I have serious policy disagreements with Ms. Sohn on multiple issues. She not only wants to bring back the heavy-handed internet regulation of the Obama administration, but she wants to go further and have the FCC regulate broadband rates and set data caps. This would discourage broadband investment and threaten U.S. leadership in 5G, as well as diminish internet access opportunities for Americans outside of major urban and suburban areas.

As a resident of a rural State, I also have serious concerns about Ms. Sohn's position on rural broadband. She has been publicly hostile to the efforts of rural broadband companies to expand reliable internet access to rural areas, while at the same time she supported the use of scarce government dollars to overbuild networks in already well-served areas.

Her hostility to rural broadband led one former Democrat Senator to ask how Democrats can "support rural broadband expansion and also support Gigi Sohn."

But my concerns with Ms. Sohn don't end there. I not only have serious policy disagreements with Ms. Sohn. I have serious questions about her character and fitness for the office for which she is nominated.

The Federal Communications Commission has jurisdiction over radio, TV, and the internet, which means that it deals with a number of sensitive issues—notably, free speech issues. And, for that reason, it calls for Commissioners who are thoughtful, fair, and impartial.

Ms. Sohn is none of these. She is a virulent and unapologetic partisan known for speaking disparagingly of conservative media outlets—the same outlets, I would add, that she would be regulating—and the politicians who disagree with her.

Her nomination is opposed by a wide range of organizations, including the left-of-center Progressive Policy Institute, which opposes her due to a "pattern of illiberal intolerance for voices on the left who dissent from her hard left orthodoxies."

Ms. Sohn is the very opposite of fair and impartial, and I can think of few