

In the August election, that first and the second round, Mr. Arevalo didn't just barely win, he won by more than 60 percent of the vote, defeating the establishment candidate, Sandra Torres.

So a 20-percent victory is a pretty powerful message being sent from the people about whom they want to guide them in the future. And then what happened was the existing government went to work to try to invalidate the election, coming up with a series of spurious claims, and that triggered the indigenous communities to shut down roadways—so a protest—and it forced business leaders to call on the government to recognize the results.

So people, young people, indigenous people, Guatemalan people won a victory.

But they only won a victory if they can keep it. And Mr. Arevalo was here in Washington, DC, to talk about his upcoming service that would start on January 14 of next year, and he noted that he was still under intense attack—both him and his Vice President—and he wasn't sure if he would ever make it to be installed as President.

So a couple of us asked him whether it would be helpful to show that the United States was standing for the ballot box, standing for the peaceful transfer of power to come down before the election. And so a group of us went down this last weekend, led by Senator TIM KAINE, who is the chair of the Subcommittee on Latin America for the Foreign Relations Committee. And we were accompanied by Senator BUTLER, who is in the chair right now—and I gather this was her first congressional delegation—and by Senator DICK DURBIN and myself and then two members of the House who are themselves of Guatemalan descent, which was enormously powerful.

So we advocated there in Guatemala to maintain the recognition of this election, which had a huge amount of oversight, which was certainly conducted with integrity, and to ensure that there was a peaceful transfer of power on January 14.

But in the morning, on Saturday morning, as we were meeting with members of the President's Cabinet and they were telling us everything is just fine, one member of the Cabinet who was not there, which was the attorney general, was preparing to release a statement that afternoon. And that statement she released declared that the election of President-elect Arevalo and Vice-President-elect Herrera and the party's—that is the Semilla party's—parliamentarians was null and void.

Wow. So the attack on democracy by the existing government was still in full force this weekend. We responded by holding a press conference to stress the integrity of the election, underscore the need for democratic continuity, recognizing that the message carried by the President had been supported by an overwhelming majority of

the country. And other organizations and other countries condemned the decision too. The Organization of American States called it an attempted coup d'état that constitutes the worst form of democratic breakdown and the consolidation of a political fraud against the will of the people. And the Supreme Electoral Tribunal declared that the results are validated, formalized, and unchangeable. And Mr. Giammattei, the current President, called for the passage of power to Mr. Arevalo in January.

We have to admit that decades ago, it was not unusual for the United States to undermine democracy in a number of countries in the world—a couple of examples: In 1953, the United States helped engineer a coup against a democratically elected Prime Minister of Iran, Mohammad Mosaddegh, to install the Shah to power. Some 20 years later, Henry Kissinger in the Nixon administration supported and helped a coup d'états by the military against the democratic-elected President of Chile, Allende; and what followed were the worst kinds of repressive regimes with unforeseen consequences, including the Islamic Revolution in Iran and terrible oppression in Chile.

So I was pleased to be part of a team from this Chamber in Latin America working to support and defend democracy, defend the ballot box, defend the will of free peoples. That is the stand we should always be taking when their election is held with integrity.

And right now, it is important that the United States and the international community continue to stand arm in arm with the people of Guatemala, arm in arm with President-elect Arevalo, arm and arm with Vice-President-elect Herrera and their campaign for democracy, their campaign for the rule of law.

Madam President, 44 years ago when I arrived in Guatemala, it was governed by bullets; and 4 days ago, I arrived in a country governed by ballots. But their democracy is at risk. We must continue to do all we can to support the will of the Guatemalan people, the Guatemaltecos, and the will of democratic people around the world. Let's ensure that the form of government that triumphs is that of representative democracy, channeling a government of, by, and for the people, not the powerful.

NOMINATION OF RICHARD E.N. FEDERICO

Mr. DURBIN. Madam President, today, the Senate will vote to confirm Richard E.N. Federico to the United States Court of Appeals for the Tenth Circuit.

Born in Richmond, IN, Mr. Federico earned his B.A.J. from Indiana University in 1999, his J.D. from the University of Kansas School of Law in 2002, and his L.L.M. from Georgetown University in 2012.

Since 2003, Mr. Federico has served the Navy in various positions both in the United States and abroad. More specifically, he has served as: trial

counsel in Trial Service Office East of Naval Station Norfolk; director of military justice and trial counsel in the U.S. Regional Legal Service Office of Europe and Southwest Asia in Naples, Italy; defense counsel in the Office of the Chief Defense Counsel in the Office of Military Commissions; executive officer, senior defense counsel, and officer in charge at Naval Station Mayport in Jacksonville, FL; appellate defense counsel in the Appellate Defense Division of the Office of the Judge Advocate General in Washington, DC; military judge in the Navy-Marine Corps Trial Judiciary; and trial counsel for the Navy Reserve Region Legal Service Office Southwest at Navy Base San Diego.

Between 2015 and 2017, he served as an assistant federal public defender in the Federal Public Defender's Office for the District of Oregon. In 2019, Mr. Federico was designated and certified by the Judge Advocate General of the Navy as a military judge. Throughout his naval career, on Active Duty and in the Reserves, he has also been detailed to serve in a quasi-judicial capacity as a preliminary hearing officer. Mr. Federico has been detailed to preside over 11 court-martial cases. Since 2020, Mr. Federico has served as senior litigator in the Federal Public Defender's Office for the District of Kansas. He previously served the office as an assistant Federal public defender and as a research and writing specialist. Throughout his career, Mr. Federico has tried dozens of cases to verdict in U.S. district courts and in military courts-martial, and he has also filed and argued several appeals.

The American Bar Association unanimously rated Mr. Federico as "well qualified," and his nomination is strongly supported by his home State Senators, Mr. MORAN and Mr. MARSHALL.

I am confident that Mr. Federico will serve honorably on the Tenth Circuit. I proudly support his nomination.

VOTE ON FEDERICO NOMINATION.

The PRESIDING OFFICER. Under the previous order, The question is, Will the Senate advise and consent to the nomination?

Mr. MERKLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Maryland (Mr. CARDIN), the Senator from Pennsylvania (Mr. FETTERMAN), the Senator from New Mexico (Mr. HEINRICH), the Senator from Hawaii (Mr. SCHATZ), the Senator from Rhode Island (Mr. WHITEHOUSE), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the

Senator from Texas (Mr. CRUZ), the Senator from Idaho (Mr. RISCH), and the Senator from Indiana (Mr. YOUNG).

Further, if present and voting: the Senator from Indiana (Mr. YOUNG) would have voted "nay."

The result was announced—yeas 61, nays 29, as follows:

[Rollcall Vote No. 336 Ex.]

YEAS—61

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Hoeven	Rounds
Booker	Kaine	Rubio
Brown	Kelly	Sanders
Butler	King	Schumer
Cantwell	Klobuchar	Shaheen
Capito	Lankford	Sinema
Carper	Luján	Smith
Casey	Manchin	Stabenow
Cassidy	Markey	Tester
Collins	Marshall	Thune
Coons	Menendez	Tillis
Cornyn	Merkley	Van Hollen
Cortez Masto	Moran	Warner
Duckworth	Murkowski	Warnock
Durbin	Murphy	Warren
Ernst	Murray	Welch
Gillibrand	Ossoff	Wicker
Graham	Padilla	
Hassan	Peters	

NAYS—29

Blackburn	Grassley	Paul
Boozman	Hagerty	Ricketts
Braun	Hawley	Romney
Britt	Hyde-Smith	Schmitt
Budd	Johnson	Scott (FL)
Cotton	Kennedy	Scott (SC)
Cramer	Lee	Sullivan
Crapo	Lummis	Tuberville
Daines	McConnell	Vance
Fischer	Mullin	

NOT VOTING—10

Barrasso	Heinrich	Wyden
Cardin	Risch	Young
Cruz	Schatz	
Fetterman	Whitehouse	

The nomination was confirmed.

The PRESIDING OFFICER (Mr. KING). On this vote, the yeas are 61, the nays are 29.

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.

LEGISLATIVE SESSION

Mr. DURBIN. 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

EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, I move to proceed to executive session to consider Calendar No. 304.

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 senior assistant legislative clerk read the nomination of Jerry Edwards, Jr., of Louisiana, to be United States

District Judge for the Western District of Louisiana.

CLOTURE MOTION

Mr. DURBIN. 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 senior assistant 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. 304, Jerry Edwards, Jr., of Louisiana, to be United States District Judge for the Western District of Louisiana.

Richard J. Durbin, Peter Welch, Sheldon Whitehouse, Alex Padilla, Christopher A. Coons, Margaret Wood Hassan, Tina Smith, Benjamin L. Cardin, Richard Blumenthal, Mazie K. Hirono, Chris Van Hollen, Michael F. Bennet, John W. Hickenlooper, Mark Kelly, Robert P. Casey, Jr., Tim Kaine, Patty Murray.

LEGISLATIVE SESSION

Mr. DURBIN. 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

EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, I move to proceed to executive session to consider executive Calendar No. 305.

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 senior assistant legislative clerk read the nomination of Brandon S. Long, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

CLOTURE MOTION

Mr. DURBIN. 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 senior assistant 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. 305, Brandon S. Long, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

Richard J. Durbin, Peter Welch, Sheldon Whitehouse, Alex Padilla, Christopher A. Coons, Margaret Wood Hassan, Tina Smith, Benjamin L. Cardin, Richard Blumenthal, Mazie K. Hirono, Chris Van Hollen, Michael F. Bennet, John

W. Hickenlooper, Mark Kelly, Robert P. Casey, Jr., Tim Kaine, Patty Murray.

Mr. DURBIN. I ask unanimous consent that the mandatory quorum calls for the cloture motions filed today, December 11, be waived.

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

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the clerk will report the Coker nomination.

The senior assistant legislative clerk read the nomination of Harry Coker, Jr., of Kansas, to be National Cyber Director.

MORNING BUSINESS

TRIBUTE TO SERGEANT MAJOR TYRONE C. MARSHALL, Jr.

Mr. OSSOFF. Mr. President, today it is with great pleasure that I honor a dedicated Army noncommissioned officer, legislative liaison, and public servant. I wish to recognize SGM Tyrone C. Marshall for 2 years of exemplary service with the Senate Liaison Division and congratulate him on his selection to serve in the Pentagon as an operations sergeant major with the Office of the Chief of Public Affairs.

On this occasion, I recognize Sergeant Major Marshall's distinguished 25-year career spent serving the American people, whether here in the Halls of Congress or with his boots on the ground. A native of Ashbury Park, NJ, and a fourth-generation soldier, he enlisted in the Army in 1998, serving first as an administrative specialist for 7 years before transitioning to public affairs in 2005. Sergeant Major Marshall deployed to Iraq twice, serving first in 2005 with the 25th Infantry Division public affairs, Task Force Lightning, and later with Task Force Wings as Brigade PAO for 25th Combat Aviation Brigade in 2008.

In 2011, Sergeant Major Marshall began his first tour at the Pentagon as the senior public affairs NCO for the Defense Media Activity's Armed Forces Press Service, Pentagon Bureau, later designated DoD News. In this role, he served as the sole military adviser to a 20-person civilian news team supporting the Office of the Secretary of Defense and Chairman of the Joint Chiefs of Staff. His service in this capacity demonstrates his steadfast commitment to the defense of the United States, whether on the ground or over the airwaves.

In 2015, Sergeant Major Marshall returned to the line as a platoon sergeant at the National Training Center at Fort Irwin, CA. He then returned to the Pentagon as Public Affairs and media adviser to the 15th and 16th Sergeants Major of the Army and as an operations NCO.

In 2020, Sergeant Major Marshall arrived on Capitol Hill to serve as a defense fellow for Representative ELISE