

would have voted “nay”, the Senator from North Carolina (Mr. TILLIS) would have voted “nay”, and the Senator from Ohio (Mr. VANCE) would have voted “nay.”

The result was announced—yeas 52, nays 14, as follows:

[Rollcall Vote No. 351 Ex.]

YEAS—52

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

NAYS—14

Britt	Kennedy	Thune
Cotton	Manchin	Tuberville
Crapo	McConnell	Wicker
Fischer	Ricketts	Young
Hoeven	Sullivan	

NOT VOTING—34

Barrasso	Graham	Risch
Blackburn	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hyde-Smith	Rubio
Budd	Johnson	Schatz
Capito	Lee	Schmitt
Cassidy	Lummis	Scott (FL)
Cornyn	Marshall	Scott (SC)
Cramer	Moran	Tillis
Cruz	Mullin	Vance
Daines	Padilla	
Ernst	Paul	

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.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the Richard nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Elizabeth H. Richard, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large.

VOTE ON RICHARD NOMINATION

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

Mr. CARDIN. 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 senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mr. PADILLA),

the Senator from Vermont (Mr. SANDERS), and the Senator from Hawaii (Mr. SCHATZ) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from Tennessee (Mrs. BLACKBURN), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Indiana (Mr. BRAUN), the Senator from North Carolina (Mr. BUDD), the Senator from West Virginia (Mrs. CAPITO), the Senator from Louisiana (Mr. CASSIDY), the Senator from Texas (Mr. CORNYN), the Senator from North Dakota (Mr. CRAMER), the Senator from Texas (Mr. CRUZ), and the Senator from Montana (Mr. DAINES).

Further, if present and voting: the Senator from Indiana (Mr. BRAUN) would have voted “aye.”

The following Senators are necessarily absent: the Senator from Iowa (Ms. ERNST), the Senator from South Carolina (Mr. GRAHAM), the Senator from Tennessee (Mr. HAGERTY), the Senator from Missouri (Mr. HAWLEY), the Senator from Mississippi (Mrs. HYDE-SMITH), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Utah (Mr. LEE), the Senator from Wyoming (Ms. LUMMIS), the Senator from Kansas (Mr. MARSHALL), the Senator from Kansas (Mr. MORAN), and the Senator from Oklahoma (Mr. MULLIN).

Further, if present and voting: the Senator from Kansas (Mr. MARSHALL) would have voted “nay.”

The following Senators are necessarily absent: the Senator from Alaska (Ms. MURKOWSKI), the Senator from Kentucky (Mr. PAUL), the Senator from Idaho (Mr. RISCH), the Senator from Utah (Mr. ROMNEY), the Senator from South Dakota (Mr. ROUNDS), the Senator from Florida (Mr. RUBIO), the Senator from Missouri (Mr. SCHMITT), the Senator from Florida (Mr. SCOTT), the Senator from South Carolina (Mr. SCOTT), the Senator from North Carolina (Mr. TILLIS), and the Senator from Ohio (Mr. VANCE).

Further, if present and voting: the Senator from North Carolina (Mr. TILLIS) would have voted “aye”, the Senator from North Carolina (Mr. BUDD) would have voted “nay”, the Senator from Ohio (Mr. VANCE) would have voted “nay”, and the Senator from Florida (Mr. SCOTT) would have voted “nay.”

The result was announced—yeas 49, nays 15, as follows:

[Rollcall Vote No. 352 Ex.]

YEAS—49

Baldwin	Gillibrand	Murray
Bennet	Hassan	Ossoff
Blumenthal	Heinrich	Peters
Booker	Hickenlooper	Reed
Brown	Hirono	Rosen
Butler	Kaine	Schumer
Cantwell	Kelly	Shaheen
Cardin	King	Sinema
Carper	Klobuchar	Smith
Casey	Lujan	Stabenow
Coons	Lujan	Tester
Cortez Masto	Manchin	Van Hollen
Duckworth	Markey	Warner
Durbin	Menendez	
Fetterman	Merkley	
	Murphy	

Warnock	Welch	Wyden
Warren	Whitehouse	Young

NAYS—15

Britt	Grassley	Ricketts
Collins	Hoeven	Sullivan
Cotton	Kennedy	Thune
Crapo	Lankford	Tuberville
Fischer	McConnell	Wicker

NOT VOTING—36

Barrasso	Graham	Paul
Blackburn	Hagerty	Risch
Boozman	Hawley	Romney
Braun	Hyde-Smith	Rounds
Budd	Johnson	Rubio
Capito	Lee	Sanders
Cassidy	Lummis	Schatz
Cornyn	Marshall	Schmitt
Cramer	Moran	Scott (FL)
Cruz	Mullin	Scott (SC)
Daines	Murkowski	Tillis
Ernst	Padilla	Vance

The nomination was confirmed.

The PRESIDING OFFICER (Mr. WELCH). 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.

The Senator from New Jersey.

UNANIMOUS CONSENT REQUEST—S. 2119

Mr. MENENDEZ. Mr. President, I come to the floor today seeking unanimous consent of my legislation to reauthorize the Firefighter Cancer Registry, a law that was passed unanimously by Congress and signed into law in 2018.

The Firefighter Cancer Registry improves our Nation's ability to conduct research and gather data on the cancer risks that are associated with firefighting, and in doing so, we learn how to mitigate those risks. It is a vital program, one that furthers our understanding of how to protect the brave first responders who run toward danger when everyone else is running away from it.

Yet, on October 1 of last year, the program expired. That should have never happened. In July, this Chamber passed this very legislation as part of the National Defense Authorization Act, but, unfortunately, it was stripped out of the House version.

My bipartisan, commonsense legislation would reauthorize the program for an additional 5 years while bringing it in line with the current appropriation level. And since this body has already once approved reauthorizing it at this funding level, a unanimous consent vote should be a simple task that we can all agree upon.

In the House, the House Energy and Commerce Committee has already marked up language identical to this bill, including the specific \$5.5 million figure which, I should add, is in line with the program's current appropriation. Further, the \$5.5 million appropriation was the product of a negotiation between the firefighter organizations, including the International Association of Fire Fighters, the CDC, and the House committee members. Although the CDC actually wanted the program funded at a higher level of \$7.5 million, there was an agreement on that \$5.5 million, which is the present authorization.

Supported by Senators MURKOWSKI, BROWN, KLOBUCHAR, FISCHER, RUBIO, TESTER, and BLUMENTHAL, this legislation would benefit both career firefighters as well as volunteers such as my constituent Edward Diaz. Mr. Diaz is the son of Eduardo Diaz, a North Bergen firefighter who, tragically, passed away in 2017 from pancreatic cancer.

Today, Edward carries on his family's legacy as a volunteer firefighter in Hasbrouck Heights, NJ. I submit to my colleagues the Diaz family, along with their fellow brothers and sisters in the profession, are the reason we should support this bill today. Firefighters put their lives and well-being on the line every single day to keep our loved ones and our communities safe, and it is time we care for them and make their health a priority. Firefighting is more than a job. It is a calling. I believe we should honor that calling by reauthorizing the Firefighter Cancer Registry.

I don't think we need to wait for a firefighter to die to honor them. We can honor them by ultimately passing this legislation so we can continue to mitigate the risk firefighters face by cancer substances that ultimately can take their life.

Mr. President, as if in legislative session, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 2119; that the Senate proceed to its immediate consideration; further, that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. COTTON. Mr. President.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. COTTON. Reserving the right to object, I voted for this legislation in July as part of the annual Defense bill, and I don't personally oppose its passage. Senator LEE and Senator PAUL have reservations about the bill, though they couldn't be present at this time. As a courtesy, therefore, I object on behalf of Senator LEE and Senator PAUL.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I appreciate that Senator COTTON is supportive. But let me just say, I wish Senator PAUL and Senator LEE were here to have firefighters across this Nation understand why something that is bipartisan—something that passed the Senate through the NDAA, something that is presently exactly being mirrored by Republicans in the House of Representatives—cannot ultimately pass this Chamber.

I guess it is "bah humbug" to firefighters this season. But we won't stop until we get it passed.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Rhode Island.

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

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

#### U.S. SUPREME COURT

Mr. WHITEHOUSE. Mr. President, I am here today for the 26th time to detail the special interest billionaire-funded scheme that has overrun the U.S. Supreme Court. This evening, I would like to discuss some things about Republican Judiciary Committee members' performance in the Senate Judiciary Committee recently as we voted on authorizing subpoenas for billionaire Harlan Crow, some of his holding companies, and the court-fixer, Leonard Leo.

At the end of last month, we voted, through the authorization for Chairman DURBIN, to issue subpoenas, and it was greeted with a barrage of talk about a whole variety of things. But one was how Democrats were destroying the Judiciary Committee. We were absolutely totally going to destroy the Judiciary Committee. It was on us that the Judiciary Committee was going to be destroyed.

Well, all the talk about destroying the Senate Judiciary Committee came, rather, in the nature of a threat. It was actually more like, if we did something that we are perfectly entitled to do to pursue subpoenas after being persistently obstructed, then Republicans would destroy the committee, would undo any good will or any bipartisan-ship or any collegial effort.

Somehow that Republican threat to destroy the committee morphed into Democrats destroying the committee. But that doesn't make any sense. If you think of a kidnapper shooting his hostage and then blaming the family for the murder of the hostage because the family hadn't yielded to the kidnapper's demands, that is kind of backward logic.

Also backward logic is the argument that the subpoenas were an effort to destroy not the committee but the Supreme Court. The subpoenas would destroy or damage the Supreme Court.

OK. Let's think about that for a minute.

There is only one possible way that it could be true, logically, that these subpoenas could do damage to the Supreme Court—only one—and that is if the information the subpoenas would disclose is so damaging that it would damage or destroy the Court. Subpoenas that turned up nothing would be no harm, no foul. If there is nothing evil to see in the information the subpoenas are pursuing, there is no harm. The necessary logical predicate of the destroy-the-Court argument made by our colleagues is that subpoenas would

reveal that something truly horrible happened at the Court that now needs to be covered up—covered up.

But that is not how "appearance of impropriety" works. Justices of the Supreme Court are supposed to avoid doing things that might create even the appearance of impropriety. The appearance-of-impropriety issue is not that you do impropriety and then go out and cover up its appearance.

We also heard a lot that day about the problem of subpoenaing "private citizens," as if that were something unusual. If that is a problem, it was a very new problem because just days before, the committee had subpoenaed private citizens in the tech sector on a bipartisan basis without anyone's objection.

As always, our Republican friends persisted in the argument that this committee has no business looking at Supreme Court gift disclosures. That argument was, is, and will always be a phony. The Judiciary Committee has every right to oversee how an Agency that Congress created—the Judicial Conference—is implementing a law that Congress passed, the judicial disclosure law. It is within the jurisdiction of the committee; it is a congressionally established body; and it is a statute passed by Congress.

If Congress can't oversee how Agencies it creates oversee laws it passes, there is no oversight left. Obviously, understanding what gifts went undisclosed is essential to that inquiry.

We then heard that you can't have subpoenas because a related bill is out of the committee. But Congress has every right to oversight and subpoenas at any stage in legislation—and even at no stage in legislation. Because the bill in question has not passed here in the Senate—it has come to the Senate floor, but it has not passed in the Senate—and because the Republicans not only stonewalled our investigation but threatened very plainly a partisan blockade of the bill here on the floor—"not a single Republican vote" was, I think, what they threatened—that makes it all the more obvious why continuing to build the factual case for reform is appropriate. There is precisely zero basis for the theory that a Senate committee can't look into a subject of legislation once some related legislation is out of committee. Preparing for a successful floor vote on that bill is only one obvious reason why that theory is painfully wrong.

If you look at all of that noise and fuss that was put up, it is hard not to deduce that maybe something else is going on here. Here is my theory of the case, as I have said in previous speeches: Very powerful rightwing billionaires spent years and hundreds of millions of dollars on a scheme to influence—and even control—the Supreme Court. Those very powerful rightwing billionaires are also massive funders of Republican politics, including Republican Senate politics.

The problem is that those very powerful rightwing billionaires got sloppy,