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Senate

The Senate met at 3 p.m. and was called to order by the Honorable PETER WELCH, a Senator from the State of Vermont.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, most holy, You are more ready to hear us than we are to pray, for You know our needs before we ask for help. Give us listening ears, responsive hearts, and willing spirits.

Bless our Senators. Fill their lives with meaning, and shower them with Your wisdom. Reveal the issues that matter most so their work will glorify You. Let Your love sustain them through the welter and variety of the legislative process.

And, Lord, empower Your new addition to the U.S. Senate: Ms. BUTLER.

We pray in Your marvelous Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mrs. MURRAY).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 3, 2023.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PETER WELCH, a Sen-

ator from the State of Vermont, to perform the duties of the Chair.

PATTY MURRAY,
President pro tempore.

Mr. WELCH thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CERTIFICATE OF APPOINTMENT

The VICE PRESIDENT. The Chair lays before the Senate a certificate of appointment to fill the unexpired—and unexpected—term created by the death of the late Senator Dianne Feinstein of the State of California. The certificate, the Chair is advised, is in the form suggested by the Senate.

If there be no objection, the reading of the certificate will be waived and it will be printed in full in the RECORD.

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

STATE OF CALIFORNIA CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of California, I, Gavin Newsom, the Governor of California, do hereby appoint Laphonza Butler a Senator from California to represent California in the Senate of the United States until the vacancy therein caused by the death of Senator Dianne Feinstein, is filled by election as provided by law.

Witness: His excellency our Governor Gavin Newsom in the City of Sacramento, and our seal hereto affixed in the City of San Diego, this 1st day of October, in the year of our Lord 2023.

GAVIN NEWSOM,
Governor.

SHIRLEY N. WEBER, PH.D.,
Secretary of State.

[State Seal Affixed]

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senator-designate will now present herself at the desk, the Chair will administer the oath of office.

The Senator-designate, LAPHONZA BUTLER, escorted by Mr. PADILLA, advanced to the desk of the Vice President; the oath prescribed by law was administered to her by the Vice President; and she subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations, Senator.

(Applause, Senators rising.)

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

WELCOMING LAPHONZA BUTLER TO THE SENATE

Mr. SCHUMER. Mr. President, it says, "Let me be the first to welcome our newest colleague," but I see she has had a lot of good welcomes already. So let me be the first majority leader to welcome our newest colleague to the U.S. Senate, Senator LAPHONZA BUTLER, sworn in moments ago as the next Senator from California.

Mr. President, I can't help but think how proud Senator Feinstein would be seeing someone as brilliant, as accomplished, as history-making as LAPHONZA BUTLER take her place. I know that our old colleague is looking down at this moment with pride now that her seat is in good hands.

Congratulations to Senator BUTLER on this immense honor. This is a historic moment for the Senate, for California, and for the entire country. Senator BUTLER is only the third Black woman in American history to serve in the U.S. Senate. She is the first openly lesbian Senator from California, and

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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she is the first openly LGBTQ Senator of color to serve in this body. Today, the Senate takes another step toward fully reflecting our vibrant democracy.

Now, LAPHONZA's life story can be summarized in two words: serving others. By her own telling, service was practically a dinner table conversation growing up in Magnolia, MS. After losing her father to illness, LAPHONZA watched her mom sacrifice everything to put her kids first: working night shifts as a nurse, as a security guard, a classroom aide, anything to help her kids have a better life.

No surprise, that example left a mark on LAPHONZA for the rest of her days. Following in her mom's footsteps, LAPHONZA has dedicated her entire career to fighting for others: fighting for women, fighting for working families, and fighting for the cause of justice. I know she will do the same here in the Senate.

So, again, this is a proud moment for all of us. And I know this must be a proud moment for LAPHONZA's family.

I know you are not supposed to address members of the Senate Gallery, Mr. President, but let me say this to everyone who had attended here and who are still here: We are all very happy LAPHONZA's family could join us to share in this special day. We share in their joy too.

Finally, to our colleague LAPHONZA, I know these last few days have felt like a whirlwind. I know it seems like there is a million things to do and so little time to do them. But rest assured, we are here to help you.

I spent a great half hour, 45 minutes talking to LAPHONZA, and she is going to be one great Senator. We are ready to work with her. All of us who have stood where LAPHONZA stands now have felt the awesome weight of holding this office and are ready to help her. I urge you, if you permit me, to never let the sense of duty disappear, for in our hands rests the trust, the wishes, the hopes, and the burdens of the American people.

So to Senator BUTLER, congratulations on this honor and welcome to the Senate today. Today is a day of celebration.

As we celebrate, we also remember to give thanks to our late colleague and friend Senator Feinstein.

For the information of Senators, the floor of the Senate will close so Members can attend the memorial service of Senator Feinstein in San Francisco this Thursday. And on that day, it will be my honor to speak at Senator Feinstein's memorial to give thanks for all she did for this country and to honor the legacy she leaves behind.

I hope all my colleagues who worked with her all these years are able to attend so we can say a final goodbye to one of the greatest public servants to serve in this Chamber.

MEASURE PLACED ON THE CALENDAR—H.R. 5692

Mr. SCHUMER. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct.

The clerk will read the bill by title for the second time.

The legislative clerk read the following:

A bill (H.R. 5692) making supplemental appropriations for the fiscal year ending September 30, 2024, and for other purposes

Mr. SCHUMER. In order to place the bill on the calendar under the provisions of rule XIV, I would object to further proceeding.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

Mr. SCHUMER. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

WELCOMING LAPHONZA BUTLER TO THE SENATE

Mr. MCCONNELL. Mr. President, I would like to begin today by welcoming our newest colleague, Senator LAPHONZA BUTLER of California.

As the Senate continues to mourn our late friend and colleague Dianne Feinstein, I know the people of California are grateful for Senator BUTLER's willingness to serve. And I know our colleagues join me in welcoming her.

GOVERNMENT FUNDING

Mr. MCCONNELL. Mr. President, now on another matter, last week, the Senate voted to prevent a domestic budget dispute from shutting down the Federal Government. Now, with straightforward, short-term funding in place, it is time for Congress to redouble our efforts on a number of unfinished priorities.

In the coming weeks, the Senate needs to continue making progress on full-year appropriations. And we will begin by funding important resources for military construction, veterans services, agriculture, housing, and transportation infrastructure.

But our work does not stop there. The Senate also needs to address urgent supplemental funding needs and

continue our work to bring the Biden administration's reckless spending and radical regulations to heel.

Many of our colleagues are particularly keen to deliver additional relief to communities rebuilding after devastating national disasters—from hurricanes on the gulf coast to wildfires in Hawaii, to flooding in Kentucky.

Bipartisan majorities in both Chambers continue to recognize that providing additional lethal assistance to Ukraine's defense against Russian aggression is in the United States' direct interest.

Across the country, as historic inflation continues to wreck household budgets, millions of working families are ready to turn the page on Bidenomics.

After three record-setting years of functionally open borders, folks in every State are eager for Congress to force the Biden administration to start cleaning up the southern border crisis. The fiscal year that just ended saw apprehensions at the southern border exceed 2 million for only the second time in history. The first time was just last year. Some reports expect that the last month's total could clock in as the highest on record. On President Biden's watch, illegal border crossings and asylum claims have stretched Border Patrol and ICE personnel to their breaking point.

Authorities are seizing hundreds of millions of lethal doses of fentanyl, although they also estimate that they are apprehending just a fraction—roughly a quarter—of all the fentanyl that is smuggled at the border.

Frankly, this is less about providing border personnel with new resources than it is about giving them the authority and direction to actually enforce the law. It is certainly not about bailing out blue State sanctuary cities while the tsunami of illegal immigration continues unabated. It is about the administration finally taking commonsense steps to end their wrong-headed policies that have encouraged illegal immigrants to cross our borders in the first place.

Every State is now a border State. Major cities like New York and Chicago are being overwhelmed by arrivals from the southern border. Finally, even blue State mayors and Governors are joining the chorus calling out the administration for its utter failure on border security.

Of course, across the country, liberal local governments and innocent residents are also facing the consequences of years of soft-on-crime policies, and once again our Nation's Capital leads the headlines.

Just last night, for example, Congressman HENRY CUELLAR was the victim of a violent carjacking a few blocks from the Capitol Building. Armed assailants threatened him at gunpoint and stole his car. Thankfully, our House colleague was not injured, and his car has been recovered.

It is not even the first time this year that a Member of Congress has been assaulted while in town for work. But this is what private American citizens are facing every single day, like the 22,000 people who had their car stolen in Chicago this year or the 20,000 victims of felony assault in New York City. This sort of brazen violence against anyone should be a wake-up call for local officials.

Last year, a 54-year-old man was murdered at a gas station in Washington by a group of teenagers attempting to steal his car. The city is now averaging two carjackings every day, and these crimes are increasingly being committed by young people.

At a certain point, the American people who visit our Nation's Capital by the millions every year might expect the city's liberal government to finally start getting serious about securing the streets, but even as senseless violence increases, local leaders are bent—bent—on undermining public safety.

One member of the DC Council—the same soft-on-crime panel that tried to weaken sentencing for repeat offenders earlier this year—proposed recently that local courts be required to provide a written explanation before releasing violent criminals before trial. The courts' response? Such a requirement was “not feasible” because it would “significantly increase” their workload. All this in a city where prosecutors declined to even prosecute two-thirds of the arrests last year.

American families deserve to feel safe in their homes and in their neighborhoods and certainly in the Nation's Capital. It shouldn't take another assault or carjacking or homicide to convince leftwing local leaders to start actually doing their jobs.

The PRESIDING OFFICER. The Democratic whip.

CRIME

Mr. DURBIN. Mr. President, it is my honor to represent the State of Illinois and the city of Chicago. I cannot tell you how many times Members of the Senate and the House in the other party have gone to the microphones to condemn the city of Chicago and its crime rate.

Let me tell you point-blank, there is too much crime in the city of Chicago, but it is not the only city in America that suffers from that problem. Cities large and small have problems every single day with violent gun crime. My hometown of East St. Louis is a tiny little town of 20,000, 25,000 in comparison to the large metropolis of Chicago. Yet the rate of gun violence there is even higher in East St. Louis than it is in Chicago.

We have to do everything we can to deal with it. Let me tell you what “everything we can” means. It means we have to look at the flood of guns coming into these cities from out of State, primarily, without background checks, that are getting into the hands of

criminals, who are turning around and killing innocent people. To ignore this flood of guns in the United States of America and condemn crime is to basically take a position that you are not going to look at reality. And that is what we are faced with.

We have to have a sensible policy when it comes to background checks, universal background checks, to make sure guns are not ending up in the hands of people who will misuse them. When they confiscate thousands of guns every year, which they do in Chicago, they find that they come from the surrounding States, which have lax laws, if any, when it comes to checking the background of purchasers. That is a critical element. If you raise that issue on the floor of the U.S. Senate, you will have the whole side of the aisle—the other side—coming here and waving their arms about Second Amendment rights.

I want to tell you, we need common sense when it comes to guns and gun safety. I want that to be part of the conversation on making our cities safer.

The second thing I want to really raise is personal to the Senate. If you want to stop crime in the streets of Chicago or any city—Cleveland or Chicago, for example—one of the first things you need is a competent, aggressive criminal prosecutor, a person known as a U.S. attorney who works as part of the 85 U.S. attorneys across the United States enforcing the strong Federal laws we have enacted.

So why don't we have a U.S. attorney in the city of Chicago? Why don't we have a U.S. attorney in the city of Cleveland? Because of the objections of one Republican Senator who has come to the floor over and over again to stop these appointments from taking place. The nominees have been cleared. They have gone through background checks. Both sides, Democrats and Republicans, have approved them. They are sitting on the calendar, and they cannot move because one Senator from the State of Ohio, a Republican Senator, refuses to lift his hold and give us a chance to vote on them.

So you can give all the speeches you want on the floor of the U.S. Senate from every Member on the other side about how we have to end crime in the city of Chicago, but do me a favor. Speak to this one Senator and convince him that a competent, aggressive criminal prosecutor as U.S. attorney in the city of Chicago is one step toward that goal. To ignore that and to let him hold up this nominee is just unfathomable and inexcusable.

UKRAINE

Mr. DURBIN. Mr. President, another point I would like to make is that over the weekend, we managed to avoid a government shutdown with a 45-day extension, a bipartisan continuing resolution. Keeping the lights on is a win for the American people. It used to be con-

sidered just normal procedure around here. Now it is a reason for celebration and victory because we have such a discordant and dissident group heading up Congress on both sides of the Rotunda.

I am disappointed that, unfortunately, the continuing resolution did not include critical funding for the war in Ukraine. It is impossible to explain to my constituency why, when the Ukrainians are in the midst of fighting and dying every single day for their nation against the war criminal Vladimir Putin, this Congress somehow or another managed to pass a spending bill for 45 days and not include more funding for the Ukrainian cause. This assistance is absolutely essential to make sure we stop the aggression of Russia against this tiny country.

A small group of isolationists and Russian sympathizers—largely MAGA extremists in the House—threatened to hold the entire country, the United States, hostage over this funding despite the overwhelming bipartisan support for Ukraine. Ronald Reagan and John McCain must be turning over in their graves.

I am glad that after the vote on Saturday, Senators SCHUMER, MCCONNELL, MURRAY, COLLINS, COONS, and GRAHAM released a joint, bipartisan statement reaffirming the Senate's commitment to supporting Ukraine and addressing the funding in the weeks ahead. I couldn't agree more.

Let's keep this in perspective. The American people have been generous to Ukraine, but this critical assistance that has halted and reversed Russian aggression accounts for only about one-half of 1 percent of all the Federal spending in our country. So for a modest investment by U.S. standards, we are keeping hope and freedom alive in Ukraine while they are offering their lives. Our European allies have stepped up and provided even more assistance than the United States, and I am glad they have. It is a joint effort.

Quite simply, Putin is willing to keep sending Russian conscripts to their death in the hopes that we in the democratic transatlantic alliance will get tired of his war of tyranny. I hope we never do.

Putin is counting on the West, NATO, the United States to grow weary of his Ukrainian war of attrition. We cannot let him prevail by this approach. We have to be organized and unified in our effort.

GENERAL MARK MILLEY

Mr. DURBIN. Mr. President, on a separate issue, I would like to address the announced retirement of U.S. GEN Mark Milley.

On January 17, 1961, 3 days before he was to leave office, President Dwight Eisenhower addressed the American people. His political farewell to the Nation surprised a lot of people. They expected him to give the “old soldier's speech,” like Douglas McArthur. Instead, Eisenhower surprised many by

issuing a strong warning about the dangers of the "military-industrial complex." He described that complex as a "conjunction of an immense military establishment and a large arms industry" and "[w]e must not fail to comprehend its grave implications" of that alliance.

His words were a warning to his successors of one of the many dangers they could face in the coming years. The words are often quoted because they were so surprising.

I thought of President Eisenhower's warning just last Friday when I heard the parting words of another military leader who served our Nation with wisdom, courage, and unwavering devotion—GEN Mark Milley, former Chairman of the Joint Chiefs of Staff. In his farewell address, General Milley spoke of those in uniform who have died defending our freedoms, of the many who have shed blood and sacrificed limbs in that cause, and of brokenhearted Gold Star families who have lost loved ones.

Then he said that the U.S. military exists for one purpose, in his words: "to defend democracy." "Our military," he said, "is unique among the world's militaries." Why? Because, in General Milley's powerful words, "We don't take an oath to a country. We don't take an oath to a tribe . . . to a religion . . . to a king, or queen, or a tyrant or a dictator. And we don't take an oath to a wannabe dictator." We take an oath, he said, to the Constitution, to the ideas, ideals, and values of democracy. That, he said, is our "moral North Star."

Obviously, General Milley has a sense of history. He realizes that despite the strength of our military, the real strength of America is written in the Constitution, which we have all sworn to uphold. He rose to the occasion time and again, particularly under former President Donald Trump.

I had private conversations with him over the years. The question I had to ask him was very carefully scripted. I said to him: If you were given a choice between Commander in Chief or the Constitution, which one prevails? He said: That is simple—the Constitution. That was the North Star he lived by as general of the Joint Chiefs of Staff.

He served our Nation in uniform for 43 years. He was a combat infantryman and Green Beret. General Milley served 5 years in combat zones, including Iraq and Afghanistan. He knows the meaning of service and sacrifice, and he knows the value of offering your life for this country and its Constitution.

He was appointed Chairman of the Joint Chiefs of Staff by former President Trump and continued in the post under President Biden. His four years as Chairman of the Joint Chiefs of Staff were some of the most tumultuous in recent history. They included many successes. They included helping Ukraine to defend against Russia's illegal invasion and helping to unite NATO. The NATO alliance has never been stronger. And we can thank Presi-

dent Biden, but also General Milley and all those in uniform who made that possible on our side of the Atlantic.

We need to make sure that that security alliance is stronger in the years to come to stop war criminals like Vladimir Putin. There were also grave dangers, including an armed insurrection against the government of the United States right here in this Chamber, under General Milley's watch.

I know he measured carefully exactly what response we could bring to the occasion; that insurrection mob was a total surprise to so many. But his greatest test may have been containing the impulses of a former President who didn't understand the role of the military—and I have to offer, I don't think he basically understands the Constitution—a President who reportedly wanted to use troops, American soldiers, to suppress legitimate demonstrations by the public, exercises of their right to speech, and who prized loyalty to himself over loyalty to our Constitution. That was the force General Milley was up against.

In recent days, that former President has told his followers that in times past, General Milley's actions would have resulted in execution. Can you imagine he said that, former President Trump said that of General Milley? Once again, a thinly veiled exhortation to political violence from the former President.

As members of this Senate, we take an oath to protect and defend not a party or a President, but the ideals and values of our Constitution. May we all honor that oath with the same dignity, courage, and strength of character as General Milley. And my parting word is gratitude to his family, to his wife Hollyanne, his son Peter, and daughter Mary. I thank the family. How many sleepless nights must have been a part of that household, wondering if the father and the husband would come home safely. Well, he did, and thank God he did, because he brought America home with him. He deserves some time off. He said he is going to try to get some rest. But I am sure he is going to be in demand. A man of his character and reputation deserves it.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of James C. O'Brien, of Ne-

braska, to be an Assistant Secretary of State (European and Eurasian Affairs).

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

30TH ANNIVERSARY OF THE BATTLE OF MOGADISHU

Mr. COTTON. Mr. President, today is the 30th anniversary of the Battle of Mogadishu. At this very moment 30 years ago, nearly 100 Rangers and Delta Force operators were pinned down in the city, caring for the wounded and fighting off thousands of heavily armed Somali militiamen. Helicopter crews from the 160th Special Operations Aviation Regiment—the Night Stalkers—provided aerial fire support.

One of the most intense battles of modern times had been going for 7 hours. It would continue through the night for another 8 hours. In the end, 18 Americans died and more than 70 were wounded.

This epic battle was immortalized in the classic book "Black Hawk Down" by Mark Bowden and dramatized in the movie of the same name. What most Americans know about the battle comes from his excellent reporting. What Bowden made clear is sometimes overlooked: These warriors accomplished their mission.

The veterans of that battle should hold their heads high with pride, and the Gold Star families of those 18 fallen warriors in Mogadishu should know that their husbands, sons, and fathers were, indeed, heroes—no less than the men who jumped into Normandy or stormed Iwo Jima.

Unfortunately, their leaders in Washington failed these heroes. No modern battle better reflects some enduring truths we ought to keep in mind today. We should only commit our forces when our vital national security interests are at stake, when the mission is so critical that it justifies American casualties, if necessary.

Once committed, we should provide our troops with every last thing they need to fight and win, without tying one hand behind their backs. And we should be mindful of what dangerous lessons we teach our enemies when we handcuff our troops or squander their battlefield victories.

Let's go back to how those Rangers, Delta operators, and Night Stalkers wound up fighting for their lives in the streets of Mogadishu. In 1992, an estimated 350,000 Somalis had starved to death in a famine of biblical proportion. The American media highlighted the atrocious suffering in Somalia, but the famine primarily resulted not from natural disaster but from rival warlords fighting a brutal civil war.

The warlords stole food-aid shipments to profiteer, feed their own clans, and starve their enemies. Hunger was just another weapon. After the election and with the approval of President-elect Clinton, President Bush decided to intervene. He acted against the counsel of many of his senior advisers. CIA Director—and, later, Secretary of Defense—Bob Gates summed

up their opposition by observing that “no vital American interest was at stake.”

Moreover, the humanitarian disaster was caused by the warlords; so intervening to ensure the safe delivery of food aid merely addressed the symptoms, not the causes, of the famine. Gates lamented “the first U.S. military intervention driven by CNN.”

In his diary, President Bush cited the shocking loss of life from the famine and the perception that America didn’t do enough to help Black and Muslim nations as justification for intervention—not exactly core national interests.

What everyone thinks of his decision, though, President Bush wisely used overwhelming force to pursue strictly defined and limited objectives. He deployed more than 25,000 troops to Mogadishu but only to secure the port and distribute food aid to needy Somalis. He refused the United Nations’ proposal to expand the mission to disarming the Somali warlords. Faced with such overwhelming power, the warlords backed down and allowed the aid to flow freely into Mogadishu.

Then-Chairman of the Joint Chiefs of Staff Colin Powell later reflected that “within weeks, we were so successful that we had upset the economics of the marketplace. So much free food came pouring into Somalia that it became tough to make a living by farming.”

When Bill Clinton took office in January 1993, he inherited a successful, narrow mission that was drawing down. Unfortunately, he snatched defeat from the jaws of victory.

He flipped President Bush’s approach of overwhelming force with limited and defined objectives on its head. By March, President Clinton turned over the primary responsibility to the UN, reduced the American presence to barely more than 4,000 troops, and expanded the mission to encompass the grandiose objective of nation-building.

Our UN Ambassador Madeleine Albright proclaimed that “we will embark on an unprecedented mission aimed at nothing less than the restoration of an entire country.” Gates later called the plan “a pipe dream” and “hopelessly unrealistic.” Powell scoffed that “since the catastrophe had been provoked by feuding 14th-century style warlords, the solution was a dose of 20th-century style democracy.”

What happened next was all too predictable. The warlords no longer feared the shrunken American force and renewed their fighting against each other and the UN peacekeepers. By June, the militia of the most powerful warlord, Mohamed Farrah Aidid, massacred two dozen Pakistani peacekeepers. Two months later, Aidid’s men killed four Americans and wounded another four in separate bombings. Faced with American casualties, the inexperienced President felt compelled to respond, but he only authorized half measures. He deployed 450 Rangers, Delta Force operators, and Night Stalkers to cap-

ture Aidid and destroy his command structure. Though these soldiers are among our Nation’s very best, the mission creep was extraordinary.

President Clinton simply asked too much of too small a force. Mogadishu was a dense city of more than 1 million residents, including thousands of Aidid’s clansmen and fanatical supporters, some of whom probably received training from al-Qaida operatives on how to shoot down our helicopters.

Yet the elite forces immediately set themselves to the task of rolling up Aidid’s network.

Their mission on October 3 was straightforward enough for these seasoned warriors. Intelligence reports placed key Aidid lieutenants in downtown Mogadishu. Rangers would fast-rope from Black Hawks to the street at the corners of the target house to establish a security perimeter. Delta operators would hit the house and detain the targets.

Meanwhile, a convoy of Rangers would stage nearby, ready to transport our troops and their prisoners back to the nearby American base. Helicopters would provide covering fire throughout the operation. All told, the mission was supposed to last only an hour.

But this operation occurred deep in the territory of Aidid’s clan, and the fighting was intense from the moment the helicopters hit the target house. Aidid’s militiamen and angry mobs rushed to the scene and the streets erupted in gunfire and explosions. The Rangers and Delta operators fought back ferociously, securing the house and beginning to set in the defensive perimeter.

Then disaster struck. First, one Black Hawk was shot down, killing the pilots. A downed helicopter was a contingency for which the task force had planned, but it still greatly complicated the mission. Now, rather than returning to base with the prisoners, the Rangers and Delta operators first had to fight their way to the crash site, secure it, and recover the dead.

And then another disaster struck. Militiamen shot down a second Black Hawk, a contingency for which the task force lacked sufficient search-and-rescue assets. Two Delta snipers, Gary Gordon and Randy Shughart, had been providing covering fire from another helicopter. Observing a mob rushing toward the downed helicopter, they repeatedly requested permission to be inserted to protect the crash site.

Once on the ground and with nothing more than small arms, they heroically fought back the mob until they ran low on ammunition and were overwhelmed. The injured pilot, Mike Durant, narrowly escaped death and was, instead, taken prisoner. For their willingness to give their lives for his in the face of impossible odds, MSG Gary Gordon and SFC Randy Shughart posthumously received the Medal of Honor—the only Medals of Honor awarded between Vietnam and Afghanistan, to give you a sense of the intensity of the battle.

Meanwhile, the Rangers and Delta operators had moved by foot to secure the first crash site and recover the remains of their fallen comrades. One pilot was trapped under tons of wreckage, complicating the recovery mission, but there was never any question that they would stay until they succeeded. Their creed permitting nothing else: Leave no man behind.

In any event, they had no way out because the supporting convoy was decimated in the maze of downtown Mogadishu, a rat’s nest of alleys, flaming roadblocks, and enemy fire. Rendered combat ineffective, the convoy had to return to base, leaving the dismounted Rangers and Delta operators isolated at the crash site.

Bloodied and staggered, they hunkered down and prepared for the long night ahead. With Night Stalkers heroically suppressing the Somalis from the sky, the Rangers and Delta operators defended their position, tended their casualties, and continued the efforts to recover the remains of their fallen comrades. Their commanders cobbled together a new and more heavily armed convoy from the nearby 10th Mountain Division and Pakistani and Malay UN peacekeepers.

This convoy reached their position early in the morning of October 4, as they still struggled to recover the pilot’s body.

Even the endgame was frightful for these warriors. Once they finally recovered the fallen and prepared to escape, nervous and poorly prepared foreign drivers sped away before all the American troops could load up, forcing several to run what became known as the “Mogadishu mile” to a different rendezvous point. Miraculously, given all they had been through, they nonetheless made it out alive.

It is hard to overstate the ferocity of the battle. Jeff Struecker was a young Ranger who received the Silver Star for his actions. Struecker had seen combat before Mogadishu and many times after.

Years later, he said of that night:

Nothing came close to Mogadishu. I mean not even close.

I once heard the saying from GEN Scott Miller, a legend with the Special Operations world and our last four-star commander in Afghanistan. He was a young Delta captain on the ground. He observed that “I’ve seen a lot of fire-fights these last twenty years, but nothing close to Mogadishu.” I have never spoken to a veteran of Mogadishu who said anything different.

Against all odds and in spite of all of the horror, these warriors—I want to stress again—accomplished their mission and returned bloodied but victorious. They captured their targets, and they brought them out. Tragedy indeed struck, with 18 troops killed in action and more than 70 wounded. But our troops inflicted far, far more casualties. Even conservative estimates put enemy deaths over 500 and casualties over 1,000. As one Delta operator

put it to Bowden, “they’d just fought one of the most one-sided battles in American history.”

But the shocking videos of the bodies of American soldiers being desecrated and an American pilot in captivity overshadowed everything else. Most Americans had no idea we even had troops in Somalia, much less that they were engaging in such ferocious battle.

President Clinton had failed to articulate what vital national interest justified his decision to massively expand the limited mission he inherited from President Bush. He neither deployed enough troops nor gave them enough firepower and engagement authorities to complete that expanded mission.

Now, faced with political controversy, he cut and ran. His decision left many of our troops in Mogadishu confused and enraged. Many asked: If the mission was worth 18 American lives, why would they abandon it now? And if it wasn’t, what were they doing there in the first place? And what about vengeance for the dead and wounded?

President Clinton didn’t trouble himself to answer these questions. He shut down Task Force Ranger. He announced that the American forces within the broader U.N. peacekeeping mission would come home by March. He released the prisoners that Task Force Ranger had captured, including the two targets from the raid on October 3.

President Clinton later wrote that “I knew how President Kennedy felt after the Bay of Pigs.” I suppose so. He knew what it felt like to bring humiliation and shame to a great and powerful nation—and grave danger, because, among the unanswered questions was another one: What kind of lesson would it teach our enemies if America packed up and left at the first moment of bloodshed? For it wasn’t just Americans and Somalis watching. The rest of the world was also watching.

Among those watching was the obscure leader of a nascent terrorist network called al-Qaida. Osama bin Laden concluded that America, in his words, was “a paper tiger and after a few blows ran in defeat.”

In fact, bin Laden regularly cited President Clinton’s frantic withdrawal from Somalia in his many fatwas, statements, and interviews about America over the next 8 years.

That dangerous lesson is also an important reminder for us today. We can control where we commit our forces, which we shouldn’t do absent a compelling national interest. We certainly shouldn’t commit them to quixotic, Wilsonian nation-building projects. But once American power and prestige is committed, the whole world is watching, especially our enemies, and, from Somalia to Kabul to Ukraine, they will learn dangerous lessons when our leaders are timid, irresolute, and weak.

But one lesson our enemies will always take away from the battle of

Mogadishu is never challenge the American soldier on the field of battle. Against all odds and despite political constraints, our troops in Mogadishu fought with unparalleled bravery and skill. They brought back their dead and wounded. They accomplished their mission. They made their country proud.

On behalf of a grateful nation, I want to thank the men who served and sacrificed so much 30 years ago. God bless them. God bless their families. May God continue to bless America with warriors just like them.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Texas.

GOVERNMENT FUNDING

Mr. CORNYN. Mr. President, as the world now knows, over the weekend, Congress passed a short-term funding bill to prevent a government shutdown.

I want to commend Speaker MCCARTHY and the Members of the House on both sides of the aisle for finding a path forward to keep the government open for the next 45 days while the two Chambers advance full-year appropriations bills. The failure to advance those bills was, in fact, the reason why we came up against the end of the fiscal year deadline and had to resort to a short-term continuing resolution.

Now, I have made my feelings about government shutdowns crystal clear. They don’t save any money. They don’t solve any problems, and the same problems that caused you to shut down the government are still there staring you in the face when you reopen. They are not in anyone’s best interest, unless you are concerned primarily with politics and the blame game.

When the government shuts down, millions of federal workers are left without being paid. Now, that doesn’t mean they don’t have to continue doing their jobs. It just means they won’t get paid. That includes members of the military, our frontline border security personnel, and so many others. I am glad their families don’t have to confront the reality of a shutdown today.

Beyond the impact on individual workers, shutdowns impact critical functions of the Federal Government. Immigration court hearings are canceled, resulting in an even greater backlog of pending cases. The E-Verify system, which is designed to allow employers to determine whether somebody can lawfully work in the United States, is taken offline, meaning employers have no way to verify job applicants’ employment eligibility. In many cases, Federal investigators aren’t able to pursue leads of potential criminal activity, develop evidence, or even bring enforcement actions against bad actors. Programs that support our veterans, low-income families, and other vulnerable Americans are temporarily paralyzed.

So there are no winners during a government shutdown. The overwhelming majority of us—and, I believe, of the

country—understand that. So I am glad we were able to avert a crisis at the last minute. But the fact that we even landed in that situation represents a failure of Congress to govern, and it starts right here in the U.S. Senate.

At the start of the summer, it looked like the Senate would embrace the regular appropriations process, something it hadn’t done in a long time. The day this Chamber passed the legislation raising the debt limit, Leader SCHUMER and Leader MCCONNELL issued a joint statement about the process going forward. This is back when the debt ceiling legislation was signed. They said they asked the chair and vice chair of the Appropriations Committee to get regular order process started to move all 12 appropriations bills through the Appropriations Committee. The leadership also pledged to work in a bipartisan fashion to advance funding bills and noted that “expeditious floor consideration” would be key to preventing automatic funding cuts.

Well, there is no question that our colleagues on the Appropriations Committee did their job. As a matter of fact, they exceeded their expectations. Under the leadership of Chairman MURRAY and Ranking Member COLLINS, the Appropriations Committee passed all 12 appropriations bills before the end of July. Each bill received, as I said, broad bipartisan support. More than half of them passed unanimously.

So our colleagues on the Appropriations Committee, on a bipartisan basis, handed the majority leader 12 bipartisan funding bills on a silver platter. They put the Senate in the strongest possible position to return to a transparent, orderly, and full-participation process, where every Member of the Senate would get a chance to participate in shaping those bills—hopefully, maybe even improving them.

But, as we know now, that is not what happened. The majority leader, which, as we know—maybe not everybody knows—is the only person in the Senate—of all 100 Senators, the majority leader is the only one who can schedule legislation for votes on the floor. And he allowed the months of June, July, August, and half of September to pass before he even attempted to put a bill on the floor.

The minibus, or the package of three appropriations bills that the Senate majority leader, the Senator from New York, put on the floor for vote, wasn’t until 18 days before the funding deadline. Now, that is a far cry from the “expeditious floor consideration” that he promised earlier this year. He had ample time and countless opportunities to move those bills across the Senate floor and to pave the way for a thoughtful and on-time appropriations process.

Instead, as we all know, we were here on Saturday, September 30, scrambling to pass a short-term funding bill to avoid a shutdown. And I remember, speech after speech after speech, the

majority leader said: Oh, it is those Republicans in the House who are causing this problem. And he accepted no responsibility for his failure to move a single appropriations bill through the Senate before the end of the fiscal year.

Well, we were staring down the barrel of a government shutdown, and it was in large part because of his lack of leadership of the Senate. I am sure that Senator SCHUMER will not hesitate to claim credit for keeping the government open and blame the House for the problems, but I think it is important to remind everyone of the facts.

Mr. President, here we are, October 3, the Democrat-led Senate has still not passed a single one of the 12 regular appropriations bills. We haven't passed funding for the Defense Department, for Homeland Security, for Veterans Affairs—nothing. And what is even more astonishing is the majority leader, apparently, has no plans to move any appropriations bills across the floor this week or in coming weeks. The Senate is not even expected to address any appropriations bills before gaveling out tomorrow evening and returning about 2 weeks later.

Now, as we know, Congress passed, thanks to the House, a bipartisan stop-gap appropriations bill. We had 45 days from Saturday to fund the government on an ongoing basis, and the majority leader has chosen to send the Members of the Senate home for the next 2 weeks and to burn 2 weeks out of the 45 days, doing nothing. I fear that, 45 days from Saturday, we will have passed—since we passed the current continuing resolution, we will find ourselves exactly in the same place we found ourselves just a couple of days ago.

It is outrageous. It is irresponsible. The American people deserve better.

The House, by contrast, which the majority leader likes to point to as the problem, even though they saved our bacon by passing a short-term CR there—when the Senate had done nothing, all we could do was take up their short-term continuing resolution and pass it, which we did on Saturday night.

Meanwhile, the House has passed 5 of its 12 funding bills, with plans to advance even more during the coming days. Speaker MCCARTHY canceled the scheduled recess so the House can continue to process those bills.

The Senate majority leader should take a few lessons from Speaker MCCARTHY. He should start putting funding bills on the floor and take our responsibilities seriously. There is no excuse for burning 2 weeks out of the 45 days we just got last Saturday when there is so much work to be done.

But I guarantee one thing, I will bet you Senator SCHUMER will try to cast blame on House Republicans. But the facts speak for themselves. The only reason we are not in a shutdown today is because of Speaker MCCARTHY, because of his leadership. He managed to get a clean short-term funding bill

through the House with bipartisan support. All Senator SCHUMER had to do was schedule a vote in the Senate. MCCARTHY's clean continuing resolution passed with the vote of 88 Senators.

Well, I hope the majority leader will use the next couple of weeks—or the remaining weeks in that 45-day reprieve—far more wisely than he has used it during the last 3 months. He promised regular order, and now is his chance, once again, to deliver it.

In the next several weeks, I hope the Senate will have the chance to visit all 12 of those appropriations bills—maybe bundled as so-called minibuses, but to address them, nonetheless. But I expect the Senate will also, at the same time, have a thorough debate about our Nation's border security or lack thereof.

The Biden administration claims it is taking action to control illegal immigration, but the evidence plainly shows that their policies are making things worse, not better. According to news reports, September broke the record for the most border crossings in a single month. An estimated 260,000 migrants crossed the southern border last month.

CBS News has reported that the Department of Homeland Security has released most migrants into the interior—just released them—some even without a notice to appear in immigration court. The Department of Homeland Security has instructed them to undergo immigration court proceedings, which, potentially, are as much as 10 years away.

Law enforcement, nonprofits, and border communities have been under tremendous strain throughout the Biden administration, and it is time for Congress to take action to address the crisis, even if President Biden will not.

I was in New York yesterday and learned about the strain being placed on that great city, just trying to house all of the migrants who end up there.

I read that the Governor of Illinois is asking for more money to help pay for the housing and the feeding of these families.

So, clearly, we have got a problem, but, so far, the Biden administration hasn't cared to lift a finger to do anything about it.

One thing I can promise you is I, for one, am not going to vote for a penny of more money to fund the current broken system. So we are going to have a debate and a discussion, and we are going to have some votes on what the Federal Government needs to do to step up and fill the gap being filled right now by States like Texas and Arizona.

We need more agents. We need more detention space, more physical barriers, more immigration judges, and more flexibility to remove individuals who have zero legitimate claim to remain in the United States.

President Biden has proven his unwillingness to address this crisis. So it is time for Congress to do so.

As funding discussions continue, this is a top priority for Senate Republicans, and I know, from talking to my Democratic colleagues, they understand this is a problem. They understand that the problem that many thought was one that border States had to bear is now affecting the entire country. And we haven't even talked about the drugs that come across the border, smuggled by the same criminal organizations that smuggle people.

So I am glad Congress averted a government shutdown, but the real work has just begun. We have less than 7 weeks to advance a full-year appropriations bill and address urgent priorities like securing the border. I would urge the majority leader just to quit wasting time. You know, for many weeks now, Congress has not been in session—or the Senate has not been in session—on Mondays. So we come into session on Tuesday at about 3 in the afternoon, have a vote at 5:30, and then we leave after lunch on Thursday. The American people are not getting what they pay for when it comes to the Senate doing its job. But, again, the person who controls that schedule is the majority leader, and it is time to get serious and to get to work and to do our job.

I hope the majority leader will quit wasting time and allow the Senators to do the work we were sent here to do.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TIKTOK

Mrs. BLACKBURN. Mr. President, last week, I came to the floor and brought forward the proof that the Biden administration allowed an Iranian influence operation to infiltrate our government, and they compromised one of the most sensitive weapons negotiations in our Nation's history. It was only after the media and Senate Republicans exposed this ongoing threat to our national security that the Biden administration agreed to investigate it.

So, as I said, last week, I sent a letter to the Pentagon, demanding to know why Biden administration officials granted these operatives top-secret security clearances and sent them to negotiate with the very adversaries that they once worked for.

But, today, I want to remind my colleagues of another influence operation that we have known of for a long time which requires no security clearance and no special access to government documents.

For years, TikTok has been under scrutiny for its ties to the Chinese Communist Party. We know that this company openly violates basic privacy

standards, puts user data in the hands of the CCP, and subjects U.S. users to Chinese influence operations. Almost 100 million Americans have this app on their phones.

And the Biden administration? They have very little to say about this. In fact, the President himself has embraced it as a tool to rehabilitate his failed policies with young voters. He has invited TikTok influencers to the White House.

Still, my colleagues and I have made it impossible for the Biden administration to totally ignore the threat. TikTok has been in negotiations with the Committee on Foreign Investment in the United States. It is known as CFIUS. They are in negotiations on a potential framework called Project Texas that will supposedly keep Americans' data secure and make it impossible for Beijing to manipulate the flow of information in the app.

A core component of these discussions involves measures to separate TikTok from its Chinese parent company, ByteDance. But, of course, we are already seeing the CCP find creative ways to get around that firewall.

As you know, they have a habit of doing this with their propaganda schemes, whether it is Confucius classrooms, Confucius Institutes, Sister Cities programs, or a social media app, TikTok.

The Wall Street Journal reported last week that this year, TikTok has transferred many high-level executives from ByteDance to TikTok in the United States. These executives are leading major divisions at TikTok, which provides the CCP with a significant degree of influence over the way they do business.

The personnel changes undermine TikTok's independence from ByteDance, and there is no chance that this happened by accident.

It is clear what TikTok is doing. They are repurposing ByteDance employees to masquerade as TikTok employees, undercutting the guardrails against Chinese espionage.

We know that with the Confucius Institute, many of these professors who came our way were indeed connected and sent there by the Chinese Communist Party.

Over the past 3 years, it has become clear that we cannot rely on the Biden administration to follow through on its promises to protect and defend this country and the citizens of this country. They fall behind repeatedly, especially when it is politically inconvenient to do so.

So, today, Senator BLUMENTHAL and I sent a letter to the CEO of TikTok demanding to know how many of his employees are former ByteDance employees? What are their jobs? What are the security protocols and other rules that are going to be imposed on these transfers? These are questions that we need the answers to.

We also want to know if these personnel changes were disclosed to

CFIUS before the Wall Street Journal published its article.

Mr. President, I ask unanimous consent to have the letter printed in the RECORD.

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

U.S. SENATE,
Washington, DC, October 3, 2023.

Mr. SHOU ZI CHEW,
Chief Executive Officer, TikTok,
Culver City, CA.

DEAR MR. CHEW: We write regarding reports that TikTok has recently hired several high-level executives from its Chinese parent company ByteDance, further calling into question the independence of TikTok's operations and the security of its U.S. users' information.

The Wall Street Journal recently reported that "[s]ince the start of the year, a string of high-level executives have transferred from ByteDance to TikTok," moving from China to the U.S., including after the departure of U.S. executives. The former ByteDance executives have reportedly assumed influential roles overseeing TikTok's "advertising business, human resources, monetization, business marketing and products related to advertising and e-commerce initiatives" and have brought their own staff from Beijing." These changes were alarming enough that employees raised concerns about the lack of a true separation from ByteDance—reportedly joking that TikTok is solving its ByteDance problem by moving ByteDance to the U.S.

The relationship between ByteDance and TikTok poses a unique risk to the security and privacy of TikTok's users in the United States. TikTok executives, including personnel based in China, have been found spying on American journalists, and, in leaked recordings, its staff acknowledged that "everything is seen in China." As the intelligence community has repeatedly warned, Chinese national security laws provide the Chinese government significant legal control over any data within the reach of Chinese companies, thereby putting any data held by ByteDance in the reach of the Chinese government.

In response to these widespread concerns, TikTok has repeatedly made commitments and representations to the American public about the independent management of TikTok's operations, the limited role of ByteDance, and the security of U.S. users' information. You have attempted to distance TikTok from ByteDance and promised a separation that "amounts to a firewall that seals off protected US user data from unauthorized foreign access," with "American data stored on American soil by an American company, overseen by American personnel."

However, the recent move of many ByteDance executives to the U.S. seemingly undermines this assertion to Congress and the public. The personnel changes give the impression that TikTok is attempting to preserve ByteDance's influence over TikTok while avoiding suspicion. Once again, TikTok's actions appear to align with a pattern of misleading actions and broken commitments regarding serious matters related to users' safety and national security, which we noted in a previous letter to you.

We are concerned these personnel changes undermine the security of U.S. data and the representations TikTok has made about its independence from ByteDance. As such, please fully answer the following questions by October 13:

1. Prior to December 31, 2022, how many employees were hired by TikTok who had previously worked at ByteDance?

2. Since January 1, 2023, how many employees have been hired by TikTok who previously worked at ByteDance?

3. Please identify the roles of all current TikTok employees who previously worked at ByteDance?

4. Were these personnel changes disclosed to the Committee on Foreign Investment in the United States prior to the report in the Wall Street Journal?

5. What security protocols are you imposing on ByteDance employees that transfer from China to the U.S.?

6. Are there any rules, restrictions, or controls on communications between TikTok employees who were previously employed at ByteDance and personnel based in China?

7. How does TikTok supervise or oversee communications between its employees who were previously employed at ByteDance and personnel based in China?

Sincerely,

MARSHA BLACKBURN,
U.S. Senator.

RICHARD BLUMENTHAL,
U.S. Senator.

Mrs. BLACKBURN. Mr. President, we know that popular opinion would have each and every one of us believe that the threat posed by TikTok just isn't that serious. And we know from experience that the White House dislikes challenging popular opinion. After all, we hear: This is just an app the kids like to use. This is just a silly app with videos. This is an app that is putting up challenges. There is nothing wrong here.

But what we do know is that TikTok gathers all of this information. They have insight into the virtual "you." Once they are on your phone, they are following where you go, what you do, gathering keystrokes, and building that profile. We know this information leaves the United States, and we know this information makes its way to Beijing.

Why do they think they need this information on U.S. citizens? Why do they think they need to follow U.S. citizens? All of this is a reason that CFIUS is reviewing TikTok.

This country can no longer afford to take the word of our adversaries at face value. Self-propaganda—that is what the Chinese Communist Party is all about. They see that as a way to infiltrate our society, to infiltrate public opinion, to infiltrate and to influence elections.

This is not the first letter Senator BLUMENTHAL and I have sent to TikTok demanding transparency, and I would imagine this is not going to be the last.

I know it is very difficult to accept that a silly video app that is liked by 100 million Americans could possibly pose a threat to our national security, but we believe that it does.

I would remind my colleagues—indeed, anyone who has not deleted this spy app from their phones—to, please, recognize the threat that is there and do not provide your information to one of our greatest adversaries.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. MARKEY). Without objection, it is so ordered.

NOMINATION OF JAMES C. O'BRIEN

Mr. CARDIN. Mr. President, I come to the floor today in support of James O'Brien to be Assistant Secretary of State for European and Eurasia Affairs.

As Russia continues its brutal assault on Ukraine, as democratic backsliding continues to threaten Central Europe, as we continue to grapple with energy and food security, we must have a fully staffed and empowered diplomatic corps. Vacancies leave a vacuum, and they send the wrong message.

Ukraine is by far one of my highest priorities. It is very clear to me that making sure Russia does not succeed in Ukraine is in the United States' national security interest. Ukraine is not only fighting for itself; if Ukraine loses, Moldova and Georgia are next. Ukraine is on the frontline of our fight to defend democracy and our shared values.

Iran is watching. North Korea is watching. China is watching. When they see the resolve of the United States and our coalition of partners, it stops them from thinking about taking military action elsewhere. That is why we need to continue to show leadership when supporting Ukraine against Russia's aggression.

As the chair of the Senate Foreign Relations Committee, I will do everything I can to show the international community that we stand with Ukraine today and tomorrow. That means ensuring Ukraine gets more air defense and long-range missiles. That means working with our European partners who continue to house and support Ukrainian refugees, supporting humanitarian assistance for those suffering, including children who have been abducted into Russia and families who have been torn apart. That means finding a path for the administration's supplemental request. And, yes, that means getting our nominees to their posts in the European Affairs Bureau.

Without our nominees confirmed and in their positions, who will advocate on behalf of American values in Ukraine and beyond? Who will advance America's national security interests? Who will work to lead our efforts from Washington to shore up our transatlantic alliance in pursuit of stability and peace?

President Putin is helping far-right political parties, individuals, and groups across Europe and beyond who support his agenda. He is attacking the human rights of Ukrainian citizens. He is laying waste to Ukrainian cities. I believe he is trying to commit genocide in Ukraine, and I support an international tribunal into Russian war crimes like the one we saw in Nuremberg after World War II.

Given these challenges, we need someone leading the diplomatic effort

on behalf of the American people to confront Russia's aggression. That is why we must confirm James O'Brien today.

Ambassador O'Brien had an impressive hearing at the Senate Foreign Relations Committee. He presented a compelling vision for how he would lead the Bureau of European and Eurasia Affairs. He laid out the importance of America's leadership on integrating Ukraine, as well as the South Caucasus and the Western Balkans, into the transatlantic economic and political structures. He was reported favorably by the Foreign Relations Committee by a bipartisan voice vote.

Ambassador O'Brien brings a wealth of experience to this position, having most recently worked as the head of the Office of Sanctions Coordination, targeting, among others, the Russian oligarchs who thrive on corruption—Russian oligarchs whose corrupt networks are continuing to fuel the war in Ukraine, which in turn impacts global energy and food prices for just about every single person in the world.

Beyond his most recent post, Ambassador O'Brien's professional resume reads like building blocks for this position. Having served as the Principal Deputy Director of Policy Planning and the Presidential Envoy for the Balkans, he will be up to speed if the conflict again erupts in Kosovo. He won't be afraid to call out bad actors in Bosnia and work with those advocating for peace, transparency, and prosperity. He helped establish the Office for Hostage Affairs and worked for the safe return of 100 American citizens. He dealt with scientific and environmental agreements and Russia and Ukraine's post-Soviet transitions. He has been part of initiatives to investigate and prosecute persons responsible for war crimes. He has received numerous awards of distinction from the State Department.

This is a seasoned professional who is ready to take on this high-profile challenge. Once he is confirmed, he will be able to hit the ground running. That sends a signal that the United States cares about what happens in Europe, and right now, we need to show our resolve.

Ukrainians are doing their part. Even as they fight a war to defend their country, they are making good progress on anti-corruption. We need to be there for them and make clear that our support is long term and bipartisan.

We need to stand with Ukraine to make sure it gets everything it needs to defend itself and succeed in this Russian war. Ukrainian success on the battlefield is what will bring Russia to the negotiating table—nothing else. That is why it is time for the United States and the international community to step up. We cannot take a pass on good versus evil.

I urge my colleagues to join me in voting yes on cloture for this nominee, yes to advancing our diplomatic efforts to confront Putin's war in Ukraine, yes

to promoting American values, and yes to advancing America's national security interests.

With that, I yield the floor.

I ask unanimous consent that the vote scheduled for 5:30 begin now.

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

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 clerk will report the motion to invoke cloture.

The 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. 319, James C. O'Brien, of Nebraska, to be an Assistant Secretary of State (European and Eurasian Affairs).

Charles E. Schumer, Robert Menendez, Benjamin L. Cardin, Sheldon Whitehouse, Christopher A. Coons, Jeanne Shaheen, Richard J. Durbin, Gary C. Peters, Richard Blumenthal, Christopher Murphy, Robert P. Casey, Jr., Edward J. Markey, Alex Padilla, Chris Van Hollen, Jeff Merkley, Margaret Wood Hassan, Peter Welch.

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 James C. O'Brien, of Nebraska, to be an Assistant Secretary of State (European and Eurasian Affairs), shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Pennsylvania (Mr. FETTERMAN), the Senator from Washington (Mrs. MURRAY), and the Senator from Michigan (Mrs. STABENOW) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Idaho (Mr. RISCH) and the Senator from South Carolina (Mr. SCOTT).

Further, if present and voting: the Senator from Idaho (Mr. RISCH) would have voted "yea."

The yeas and nays resulted—yeas 63, nays 32, as follows:

[Rollcall Vote No. 248 Ex.]

YEAS—63

Baldwin	Gillibrand	Murphy
Bennet	Graham	Ossoff
Blumenthal	Grassley	Padilla
Booker	Hassan	Paul
Brown	Heinrich	Peters
Butler	Hickenlooper	Reed
Cantwell	Hirono	Ricketts
Capito	Kaine	Romney
Cardin	Kelly	Rosen
Carper	King	Rounds
Casey	Klobuchar	Sanders
Collins	Lujan	Schatz
Coons	Manchin	Schumer
Cornyn	Markey	Shaheen
Cortez Masto	McConnell	Sinema
Crapo	Menendez	Smith
Duckworth	Merkley	Tester
Durbin	Murkowski	Tillis

Van Hollen
Warner
Warnock

Warren
Welch
Whitehouse

Wicker
Wyden
Young

NAYS—32

Barrasso
Blackburn
Boozman
Braun
Britt
Budd
Cassidy
Cotton
Cramer
Cruz
Daines

Ernst
Fischer
Hagerty
Hawley
Hoeben
Hyde-Smith
Johnson
Kennedy
Lankford
Lee
Lummis

Marshall
Moran
Mullin
Rubio
Schmitt
Scott (FL)
Sullivan
Thune
Tuberville
Vance

NOT VOTING—5

Fetterman
Murray

Risch
Scott (SC)

Stabenow

The PRESIDING OFFICER (Mr. WARNOCK). The yeas are 63, the nays are 32.

The motion is agreed to.

The Senator from Kansas.

UKRAINE

Mr. MORAN. Mr. President, I don't expect this to be the best formed set of remarks that I have ever made on the floor of the U.S. Senate, and I would guess that they could be refined and improved—and maybe somebody will edit them and make them in a better form—but I didn't want to miss the opportunity to express my views in regard to several things that occurred in the U.S. Senate, in the Congress, in this country last week.

I think our country faces perhaps the greatest challenges ever faced in my lifetime, certainly in my time as an elected official. It seems to me that the array of challenges from our adversaries are real, are increasing, and are threatening.

I have always been an optimist. I expect us to be able to do the things necessary to change the course of history, to make sure that the United States remains the country that it is today.

Perhaps my fears arise because Robba and I are now grandparents. Perhaps it is this love of another generation and the desire to see that they experience the things that I have been able to experience in my lifetime.

I want to highlight a recent and important essay penned by a former Secretary of Defense, Robert Gates, a fellow Kansan, warns of our government dysfunction at a moment in history in which our Nation confronts graver threats to its security than it has in past decades—perhaps ever.

Our constituents, from time to time, pay attention to what we do here, but I want us to recognize that perhaps even more intently, our adversaries pay attention to what we do or don't do here.

What we do and how we do it either strengthens or harms the future of the United States. It can increase the trust placed in us by our allies or it can embolden our adversaries because if I am right, our future is in the balance, and we need to work to increase those who decide to be on the side of freedom and liberty, of stability, of a better life for all people. We need to be the leader of a coalition that understands the values and the American ideals and how they

alter lives, and we need to make certain that those who should be on the side of right are not sitting on the fence.

During my time in the U.S. Senate, I have never been more angry or more sullen than those few days that week or so in which our country left Afghanistan. Our unprepared actions and void of leadership resulted in the deaths of Americans, American servicemembers, and it stranded thousands of Afghans—Afghan allies—behind enemy lines. I raise this because I want to tie it to what may now be happening here. Those few days may have been among the most costly in emboldening those who seek our country's demise, and I fear today that we are about to again demonstrate to the world our feckless ambivalence to lead. I don't want us to lead as a superior or to be in the face of our allies, but I want people who care, countries that believe in peace and prosperity and freedom around the globe to be part of an alliance that the United States is an important component of.

Normally, when we think about the challenges we face from adversaries abroad, we would think: Well, it is time to increase defense spending. We need more assets. We need to make our military stronger. My view—and I believe the correct view—is that is true. But of equal importance, we need to demonstrate resolve, resolve in the support of allies and resolve in the resistance to enemies.

When I say that I fear today we are failing, I speak of the ambivalence of our commitment to support the efforts to repeal, repulse, remove the Putin invasion across the borders of Ukraine. Should we fail to live up to the necessary deeds and actions that need to be taken, in my view, we are once again replicating the message that we sent in our chaotic and unfortunate manner in which we withdrew from Afghanistan. To my colleagues who might criticize one but look the other way to the other, I think it is a view that cannot be sustained. Failure to do right, to do things right, is the same, and the consequences are the same. Leadership depends upon reliability.

Today, Americans cannot go it alone. We are not the only power in the world. The burdens of today's challenges are too immense to carry alone. Our allies are force multipliers, and failing to lead in Ukraine lets those most in danger—those in the neighborhood of Ukraine—change course and look elsewhere for a path forward.

It is always easier to duck responsibilities, but almost never is it the right course of action.

Our European allies and those elsewhere in the world continue to look to the United States of America for leadership. The end of American support to Ukraine would be another indication—just as I believe it was in our withdrawal from Afghanistan—that we are not the leaders that are necessary in today's dangerous world. Never do we

want to be seen by those waiting to pick a side—we would never want them to reach the conclusion that the United States cannot be relied upon.

Another Cabinet Secretary just like Robert Gates—this one is from Wichita, KS, as well—former Secretary of State Mike Pompeo, and I penned a joint opinion piece. We made the case of helping Ukraine. While I pointed out how it matters to the world, what we pointed out is how it matters to America, to the American citizens and to the future of our country, and that we benefit, the United States, by the Ukrainians' success in their country.

All of this discussion last week about whether Ukraine should continue to receive funding was surrounded by another development in our body politic—in the way that we do business in this Congress and in the way that we make decisions about the right course forward. So let me tie to the concerns I have about the decision that was made in regard to Ukraine to the difficulties we had in what should be straightforward: funding the government into the future.

Every county commission, every school board, every city council in Kansas can come up with a budget and make decisions about the funding of their business, the funding of their purpose into the future, and we turned what should be routine decisions—I say "routine," but they are decisions made with care and thought. There is no question that the spending path we are on is not sustainable. We are on a different path. Even the appropriations bills—the 13 that have passed the U.S. Committee on Appropriations—are on a different path than what we have been on in increasing spending.

Those are important decisions, but we don't need to manufacture a crisis to make a point. The crisis doesn't solve the spending problem. Yet, in so many instances, we look for the highlight, the television time, the social media responses that sometimes seem to reward the behavior that is the most disruptive and the least effective.

The challenges we face require setting aside unnecessary disagreement and disunion. Last week demonstrated our system as creating disunion when we need unity and common ground in a dangerous world. Of all the times that I would expect Americans and their elected officials to come together would be when we see the actions, when we know the dangerous nature of our world: when we see what China is doing and what its intentions seem to be; when we know what is taking place in Iran and their efforts around the globe; when Russia invades a neighboring country's borders; when North Korea fires missiles.

We have united as a nation numerous times in our history, and we need to return to those circumstances. When things are so different, Americans need to pull together, and that can happen if there is leadership here in Congress to do so.

Again, one would think—if you believe those challenges are real, as I do, and if you care about the next generation for your own family and Americans whom you will never meet, it seems to me that now would be the time to lower the temperature and to find that common ground that puts us in a position that we can be optimistic about our Nation's future. It doesn't mean that we don't face challenges, and it doesn't mean that we don't have disagreement. It does mean that there is value in finding a solution as compared to accentuating the differences on the evening news. It means explaining to our constituents why, yes, we disagree with a colleague from another State, why we disagree with the Democrats and we disagree with the Republicans and we think we are right. It doesn't mean giving up what you believe in or what you know to be right, but it means, isn't there a path by which we can turn down the fire and pull people together?

So last week—I am giving these remarks because I spent the weekend rethinking what transpired last Thursday, Friday, Saturday, and really what has transpired over a much longer period of time. I concluded that, at the first opportunity, I wanted to make the case that our future is bright, but it is only bright when we work together.

I would say that it is incumbent upon us to send a message—but it is more than that—send a message that we are a reliable partner, to encourage allies around the world to be helpful to Ukraine. The Europeans are now a little bit ahead of us in the support that they now envision now that they plan for support for Ukraine. We have asked for that. They have now moved in that direction, but it will disappear and disappear quickly if we don't demonstrate that we are going to do what we set out to accomplish.

By the way, we had a conversation about our borders. Our borders need desperate attention, and it is another national security issue. As we work to right the cause for America's well-being, enhancing Ukraine's chance for success in defeating Putin, we should also resolutely move forward in ending the failure to protect our own country on our own border.

We have work to do. We can look the other way or we can decide that we are going to do what, over the long period of time, is right. We can decide that it would be nice to be popular at the moment but that it would be better to be right in the long term.

I am grateful for the opportunity I have to serve in the U.S. Senate, and I am grateful for the opportunity I have to serve with the colleagues I do. Last week was a discouraging moment in my time in public service, but I am an optimist. And this week and next week and the next week that follows—the next 47 days—can be times of good work for the American people and a safer and more secure United States and world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I am grateful to follow my friend—and he is a friend—the Senator from Kansas, who stated very eloquently a number of challenges that lie ahead and the reasons we do have to come together on a bipartisan basis to make America and the world more secure.

Like him, I found last week to be both frustrating and discouraging, but I have been heartened, first, by the overwhelming bipartisan votes in this Chamber in favor of aid to Ukraine—in fact, in support of a bipartisan compromise that included aid to Ukraine and provided a temporary extension of funding, which eventually became the core of the measure adopted by the House.

I have been encouraged as well by the leadership of Senator SCHUMER and Senator MCCONNELL in coming together with Senator COLLINS and Senator MURRAY to say that we will fulfill our obligation to Ukraine and that we will do it promptly.

That is why I am on the floor of the Senate right now—to emphasize the urgency of making sure that we provide Ukraine with the tools, the financial support, the humanitarian assistance, and the arms that it needs to win. And it can win. It is making solid, steady progress. I have seen the maps. I have visited Ukraine four times in the last 18 months. Ukraine can win, and it will win if we provide Ukraine with the tools it needs, but it must be done now.

We owe it to the men and women who are in those trenches right now, bleeding and dying, and who are watching America.

We owe it to the leadership of Ukraine, President Zelenskyy, who has asked me on each of those four visits: Will the United States stay by our side? And I have assured him that, yes, we will be solid.

We owe it to our allies who are also watching—our allies and our adversaries. And, make no mistake, the Chinese have changed their view of whether they can count on the United States to fail and falter, because, so far, we have stood strong, sending a message to China about what we would do if China invades Taiwan.

The world is watching, and history is watching.

To my colleagues, there are few, if any, votes you will take or actions by which you will be measured more intently and importantly than what we do right now—not months away but days away—on what we must do in the Ukraine Security Assistance Initiative.

I urge the administration to take whatever action is necessary—again, not just in statements, not just in words, but in deeds.

Ukraine is waiting for the longer range artillery, the ATACMS, that it needs to pound targets where the Russians gather intelligence, where they store supplies, where they conduct

their leadership. Those ATACMS are necessary—not just the HIMARS but the longer range artillery. We need to train the pilots. That can be done under existing authority and financial support. They need to provide munitions—we are producing more, but Ukraine continues to use them at a rate of roughly 10 times or 15 what we are providing; drones, which have become the new fulcrum of the battlefield not only to gather intelligence but to deliver the kind of ordnance that we need to provide.

These actions by the administration can be done with existing funding. But the fact of the matter is that, as of this week or just days afterward, the Pentagon may well run out of funding for new weapons platforms. Without an immediate replenishment, it cannot, over the longer term, provide Ukraine with critical systems, like the air defense platforms, that Ukraine needs to protect its civilians as well as its military targets. Winter is approaching, and Russia will continue to bombard its infrastructure unless it has that air defense. Those systems, the hospitals, the schools, the grid for electricity are now supremely susceptible to that kind of air bombardment.

We know Patriot air defense works. I have seen it myself in the midst of air raids on Kyiv, where I went to the bunker and Kyiv's air defense successfully fended off those missiles and drones that were coming after it.

We know the urgency of those ATACMS. We have heard it from the Ukrainians. We have heard it from our own military about how important they can be. I urge the administration to provide that longer range artillery as soon as it can do so.

But we have a larger task ahead of us. The supplemental at \$24 billion is a necessary start right now. We can take advantage of the bipartisan agreement that we have expressed in this Chamber and in the House to make it happen, to move quickly and promptly.

I recognize there is turmoil in the House of Representatives. I am clear-eyed about the possibility of growing fatigue among the American people. But it is on us in the U.S. Senate. It is on us as leaders to make the case and convince America that it is on us and in our interest because if we fail now to make this investment, the costs will be far greater when Putin wins.

We will have the need not just to provide weapons platforms but troops on the ground because that will be our treaty obligation if Putin then goes against Romania, Poland, Moldova, Finland, and Sweden. He will pick one of them.

We know he will be on the march if he wins in Ukraine, and we will have proved him right about our faltering and failing. It will encourage not only him but also China, and we will have a far greater cost. It is our national security on the line. Ukrainians are fighting for our future, not just theirs; for our independence and freedom, not just their own.

We have a national security interest in this fight, and we need to make the American people understand it.

Sometimes history is personal. Sometimes it is shaped by a leader who has the courage and strength to step forward and put his life on the line. That is what Volodymyr Zelenskyy has done. He has inspired the people of Ukraine and the people around the world by staying in Ukraine and providing that leadership that is so important.

I once asked him how he thought it would end. He said: In the end, it will be fine. And if it is not fine, it is not the end. They are determined, as he told me, to fight with pitch forks, if necessary. But we can't let them fight with pitch forks. We need to give them what they need to be successful and to vindicate the losses they have suffered.

I have seen them in Bucha, the mass grave sites, where women and children had hands tied behind their backs, shot in the head, hundreds of them—a repeat of Stalin and Hitler in their killing of innocent people in exactly those “bloodlands,” as Professor Snyder has called them.

We have all seen images of cities leveled, literally destroyed, not just Bakhmut but Mariupol. We have heard about children kidnapped from areas that Russia has occupied. I have talked to the prosecutor general about those thousands of children—literally thousands—taken from their parents, supposedly orphans, but their parents were still alive and parents taken away from children to Belarus.

There is a reason why the International Court of Criminal Justice has issued a warrant for the arrest of Vladimir Putin and why he would be judged a war criminal if he ever were brought to trial—because he has committed atrocities that have no match in recent history for their scale and scope and their brutality.

We are dealing with someone who has no respect for human life—either Ukrainian life or Russian life—because he will continue to send his people into the maw like cannon fire.

In the face of that evil, the Ukrainians are determined. But we need to match their courage and strength with the resources that they need and with the arms that they need.

Sometimes history is personal in what it means to us. My own dad left Germany in 1935. He came to this country at the age of 17. He spoke virtually no English. He had not much more than the shirt on his back. He knew no one. He left Germany alone at the age of 17 because he saw what was coming. He succeeded in bringing over his parents and his siblings and lost the rest of his family to the kind of brutality and atrocity that we are witnessing right now at the hands of Vladimir Putin.

History doesn't repeat, but it often rhymes. Evil often does repeat, even if it is not by the same people against the same people. What we are seeing now is

evil. There are very few places in the world or conflicts or circumstances where there is, in fact, no gray area—black and white, good and evil.

The world is watching now to see how we will keep faith: keep faith with our allies that have invested along with us at our side, keep faith with the people of Ukraine, and maybe most important, keep faith with ourselves and with our values.

We are being watched not just by the world but by history. And our values and our self-image, our ability to look ourselves in the mirror and say, “Yes, we did our job,” is now what is at stake.

History will remember us either as paragons of liberty or ineffectual bystanders.

We can't wait for 45 days. We need a supplemental now. The men and women in the trenches of Ukraine can't wait 45 days for bullets and bandages. The people in Kyiv facing this winter without, potentially, food and electricity can't wait 45 days to know that we will stand by them. They are fighting for their future, for the dreams of independence and democracy.

We are the most powerful, wealthiest, and the greatest Nation in the world not simply because of the example of our power but the power of our example.

There are a lot of folks—and I was one of them—who are discouraged and frustrated, as I said right at the start, about the ability of our democracy to work, given what we went through over these past days. But we can show our values and our democracy at its best if we help the Ukrainians at this moment of unparalleled crisis for them.

If we delay and falter, we lose time, and the loss of time and delay essentially means defeat.

I urge my colleagues to join me to find a way forward, a path to vote as soon as possible to make that aid available to Ukraine. It is our obligation and our opportunity, at this critical moment in our history, when the world is watching and when others, long from now, will look back and watch what we did or failed to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

CONSUMER FINANCIAL PROTECTION BUREAU

Mr. REED. Mr. President, after hearing oral arguments earlier today, the Supreme Court will rule on a case that will determine whether average Americans will continue to have an independent Federal watchdog to push back against the abuses of big financial institutions.

The case I am speaking of is the Consumer Financial Protection Bureau—CFPB v. Community Financial Services Association of America. It deals with an outlandish ruling of the Fifth Circuit Court of Appeals that would invalidate the congressionally approved funding scheme of the CFPB. If it stands, the ruling will starve the Bureau of funding and effectively prevent

it from working on behalf of the American people.

But let's take a step back to remember why the CFPB was created over a decade ago.

In the runup to the great recession, lenders were aggressively marketing subprime mortgages with predatory features to borrowers they knew had no ability to repay. Reckless Wall Street firms bundled those mortgages into securities and sold them to investors, including pension funds. And weak regulators stood by as all of this unfolded.

Borrowers ultimately discovered that they could not repay their mortgages. The securities backed by these mortgages took a nosedive, causing a meltdown of the banking system and taking down the entire economy.

While Wall Street got a lifeline from the Congress and the Federal Government, millions of Americans did not. They paid with their jobs, their homes, and their savings.

The unemployment rate peaked at 10 percent; nearly 7.5 million families lost their homes; and Americans lost \$20 trillion in household wealth.

At the time, people rightfully asked who was looking out for them. The truth was no one, really.

American families were ill-served by financial regulators and by the system. A half dozen Federal Agencies shared responsibility for making sure that working families didn't get ripped off, but they all failed. In many cases, they seemed to regard their primary mission as protecting the big players in the financial system. And they were hamstrung by the Bush administration, which used the appropriations process to starve Agencies, like the SEC, of the resources and personnel they needed to be effective.

So while these Agencies all had some responsibility for protecting consumers, none of them pursued it vigorously. The performance of regulators at the time put truth to the saying that “when everyone is responsible, no one is responsible.”

This weakness in our regulatory system and structure is why Congress created the CFPB and gave it a singular mission to protect Americans from the worst kinds of financial abuses, not just for mortgages but for every single consumer financial product.

The creation of this Agency is arguably one of the most important reforms made following the financial crisis.

I recognize that Wall Street and big financial companies have always feared the CFPB. That is because the CFPB is the only financial regulatory Agency that exclusively focuses on protecting consumers against abusive practices.

But Wall Street also fears the CFPB because its funding structure insulates it from regulatory capture, aggressive lobbying, and political pressure. Wielding its power judiciously and effectively, the CFPB has delivered results for American families. In a little more than a decade, the Bureau has obtained \$17.5 billion in relief for 200 million consumers.

And so, the industry has never given up on killing the CFPB. The industry hit pay dirt when an activist panel of judges on the Fifth Circuit Court of Appeals issued a bizarre and potentially sweeping decision, which invalidates the CFPB's funding structure based on a distortion of the Constitution's appropriations clause. The court's reasoning is flimsy. It relies on a single concurring opinion and a series of law review articles, some of which were written by students.

(Mr. KELLY assumed the Chair.)

According to Georgetown Professor Adam Levitin, the argument about the CFPB's funding was a "throw-away point" in the litigation, with the parties dedicating a paltry 370 words apiece to this issue in their briefs.

Unfortunately, the results of the Fifth Circuit's decision are not academic. They are very real for the hard-working Americans whose financial well-being is now at risk. If upheld, the Fifth Circuit's ruling would call into question the validity of all the Bureau's past actions.

The work of the CFPB matters to ordinary people. It is the only Federal Agency that supervises nonbank mortgage lenders, private student lenders, credit reporting bureaus, debt collectors, international money remitters, and auto finance companies. Because there has been a CFPB for the last decade, people in Rhode Island and across the Nation have had someone who is working to make sure they will be treated fairly, that their banks and lenders will deal with them honestly, and that their interests would be protected whenever financial institutions try to take advantage of them.

That will change if the Fifth Circuit's ruling stands.

I want to particularly highlight what that means for military families because this has been an aspect of the CFPB's authority that I have been deeply committed to since the beginning. Simply put, without the CFPB, military families will be stripped of their financial protections under the Military Lending Act. The CFPB has brought 40 public enforcement actions involving harm to servicemembers and veterans, securing more than \$175 million in relief.

The Agency plays a unique role in watching out for our Nation's 2 million servicemembers and their families, whether they are deployed in the United States or overseas. The CFPB protects members of the Armed Forces from exploitation at the hands of unscrupulous lenders and debt collectors, who have charged servicemembers interest rates as high as 600 percent and who have threatened to derail their careers if they do not pay up.

More than recovering money, the CFPB, through its supervisory powers and by its simple existence, acts as a deterrent. If the Supreme Court shuts it down, predatory lenders will reoffend against our troops again and again and again, with little chance of being penalized.

The Presiding Officer understands this very well because, as a naval aviator and leader of troops, like myself, who was a paratrooper, executive officer, and company commander, we saw all the shenanigans that lenders were playing, selling trucks to the young enlisted people for a great bargain—nothing down but almost a 1,000-percent interest rate. We saw them come and take those trucks later when the young soldiers, sailors, and airmen couldn't pay—time and time again.

Finally, through the Military Lending Act and the CFPB, we stood up and said: This is not fair. And in one of the great ironies, of course, if you ever went off base, all of these car dealers and other service agencies proudly had the American flag waving red, white, and blue, while they were systematically, in many cases, stealing from the men and women who protect this country.

In a letter written to Banking Committee Chairman BROWN, Veterans' Affairs Committee Chairman TESTER, Intelligence Committee Chairman WARNER, and myself, in February, the CFPB Director said:

I am gravely concerned that this trend could impact companies' compliance with the Military Lending Act and the Federal consumer financial laws that protect servicemembers and their families. The impact would be dire—effectively stripping servicemembers and their families of legal protections that are critical to maintaining military readiness. . . . In the Fifth Circuit alone, which covers Texas, Louisiana, and Mississippi, this could affect 300,000 servicemembers and their families.

Mr. President, I would ask unanimous consent that a copy of the letter from the Director of the Consumer Financial Protection Bureau be printed in the RECORD.

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

CONSUMER FINANCIAL
PROTECTION BUREAU,
Washington, DC, February 6, 2023.

Hon. JACK REED,
*U.S. Senate,
Washington, DC.*

DEAR SENATOR REED: Thank you for your letter regarding the Consumer Financial Protection Bureau's (CFPB) work to protect servicemembers and their families in the consumer financial marketplace. As you note in your letter, a three-judge panel of the Fifth Circuit recently vacated the CFPB's 2017 payday lending regulation in *Community Financial Services Association v. CFPB*. The Fifth Circuit panel found that the statutory provisions funding the CFPB's operations violate the Constitution's Appropriations Clause, and as a result, vacated the payday lending rule that is the subject of that litigation.

I believe that decision was incorrect, and the Solicitor General has asked the Supreme Court to reverse it. In the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), Congress established the CFPB as an independent bureau of the Federal Reserve System. Like the Federal Reserve Board of Governors and other federal banking regulators, Congress authorized the CFPB's funding through its organic statute rather than through annual spending bills.

This type of funding for banking regulators has long been a vital part of the nation's financial regulatory system, providing stability and continuity for the agencies and the system as a whole.

THE CFPB'S WORK TO PROTECT
SERVICEMEMBERS AND THEIR FAMILIES

In the Dodd-Frank Act, Congress directed the CFPB to establish an Office of Servicemember Affairs. Since the CFPB's inception, the CFPB's Office of Servicemember Affairs has worked with the Department of Defense, state attorneys general, and other law enforcement agencies to ensure America's servicemembers, veterans, and their families receive the consumer protections they are entitled to by law.

Each year, the Office of Servicemember Affairs issues a report on the top financial concerns facing servicemembers, veterans, and military families, based on complaints they submit to the CFPB. In its most recent annual report, the Office of Servicemember Affairs noted a nearly 20 percent increase in complaints by servicemembers since 2019 and detailed how servicemembers credit reporting inaccuracies uniquely impact their housing, transportation, and security clearance. A separate CFPB report released in December 2022 found that servicemembers appeared to be underutilizing the protections and relief they are entitled to under the Servicemember Civil Relief Act, which include a six percent interest rate cap. Previous CFPB research compared servicemembers' credit usage to their civilian counterparts and identified debt trends among servicemembers during and after they leave active duty.

The CFPB examines supervised financial institutions for risks to active duty servicemembers and their families from conduct that violates the Military Lending Act (MLA). Additionally, when the CFPB identifies Servicemember Civil Relief Act (SCRA) violations or an absence of SCRA compliance policies and procedures, we refer the matter to appropriate federal and state regulators and assess whether the conduct may also violate other statutes we enforce, such as the Consumer Financial Protection Act. And when companies break the law and harm servicemembers, the CFPB brings enforcement actions to hold them accountable. To date, the CFPB has brought 38 public enforcement actions that involved harm to servicemembers and veterans, including five enforcement actions for violations of the Military Lending Act. These cases have thus far resulted in more than \$170 million in monetary consumer relief.

Here are a few recent examples that illustrate the impact of this work:

In September 2022, the CFPB filed a lawsuit against MoneyLion and its lending subsidiaries alleging they violated the MLA by charging consumers membership fees and stated interest rates that when combined exceeded the MLA's 36% rate cap, requiring covered borrowers to submit to arbitration, and failing to make required disclosures. The CFPB's complaint also alleges that MoneyLion's restrictive membership cancellation practices are deceptive, unfair, and abusive.

In November 2021, the CFPB filed a lawsuit against FirstCash, Inc. and Cash America West, Inc. The CFPB alleges that FirstCash and Cash America West made pawnshop loans to active-duty servicemembers and their dependents that violated the MLA. The CFPB alleges that between June 2017 and May 2021, FirstCash and Cash America West made over 3,600 pawn loans from four of its stores to more than 1,000 servicemembers in Arizona, Nevada, Utah, and Washington at rates that exceeded the MLA's 36% interest cap, as well as other violations.

In December 2020, the CFPB issued a consent order against Omni Financial of Nevada, Inc. The CFPB found that, among other things, Omni violated the MLA's prohibition against requiring repayment of loans by allotment. While Omni claimed that other payment options were available, the CFPB found that employees told servicemembers they were required to repay by allotment, and records show that 99 percent of active-duty servicemembers who took out loans repaid them via allotment. The CFPB uncovered these violations as part of a sweep of investigations of multiple lenders that were suspected of violating the MLA.

Also in December 2020, the CFPB sued LendUp for violating the MLA by charging interest in excess of 36 percent, requiring covered borrowers to submit to arbitration, and failing to make required disclosures. The parties entered into a stipulated judgment in that action in early 2021. In December 2021, the CFPB sued LendUp again for violating that order. The parties entered into a stipulated judgment that resulted in a court order that prohibited the company from making new loans and collecting on outstanding loans.

IMPACT OF THE FIFTH CIRCUIT RULING ON THE CFPB'S PROTECTION OF SERVICEMEMBERS

The Fifth Circuit's ruling has the potential to put the CFPB's work to protect servicemembers at risk. While that ruling only applied to the CFPB's payday lending rule, some entities are attempting to use that ruling to try to escape legal liability. For example, citing the Fifth Circuit's ruling, lenders FirstCash and Cash America West filed a motion seeking to dismiss the case and prevent the CFPB from obtaining relief for harmed servicemembers, and the case is stayed while CFSA is before the Supreme Court. Several other defendants, both within and outside the Fifth Circuit, have also sought to dismiss or delay CFPB enforcement actions based on the Fifth Circuit's ruling.

I am gravely concerned that this trend could impact companies' compliance with the Military Lending Act and the Federal consumer financial laws that protect servicemembers and their families. The impact would be dire—effectively stripping servicemembers and their families of legal protections that are critical to maintaining military readiness and preventing involuntary separations, goals which the Department of Defense reaffirmed when finalizing the 2015 regulations implementing the MLA. In the Fifth Circuit alone, which covers Texas, Louisiana and Mississippi, this could affect 300,000 servicemembers and their families.

The CFPB shares your commitment to protecting servicemembers in the consumer financial marketplace, and I appreciate your efforts to ensure that military financial protections such as the MLA are being implemented as Congress intended. Thank you for your attention to this important issue.

Should you have any additional questions, please do not hesitate to contact me or have your staff contact Janel Fitzhugh in the CFPB's Office of Legislative Affairs.

Sincerely,

ROHIT CHOPRA,
Director.

Mr. REED. Mr. President, the Military Officers Association of America and a dozen veterans organizations have validated the CFPB's strong track record. In their words:

All told, the CFPB has become an indispensable agency for protecting the legal rights and financial readiness of servicemembers,

veterans, and their families. The stability of the CFPB's funding is therefore vital to the tremendous work it does on [their] behalf.

Finally, let me add that it is not just average Americans who will be put at risk. Responsible lenders will lose the protections of the regulatory safe harbors created by the CFPB. These rules essentially protect the industry against the risk of enforcement, so long as they play by the rules and provide standardized disclosures in plain English. Those responsible actors in our financial system, who extend credit on fair terms and deal honestly with their customers, have a lot to lose.

It all adds up to this: The Fifth Circuit's decision prioritizes the interests of predatory lenders over responsible lenders, relies on falsehoods over facts, and chooses chaos over stability. That is certainly not what any court should be doing.

I hope sincerely that the Supreme Court reverses the Fifth Circuit's dangerous decision. I hope it recognizes that this is not about expensive lawyers and trade associations and big businesses. This is about Americans, many of them wearing the uniform of our country. They deserve the sympathy and the support of the Court.

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

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

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. REED. 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.

ADDITIONAL STATEMENTS

RECOGNIZING LISLE CORPORATION

• Ms. ERNST. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, each week I recognize an outstanding Iowa small business that exemplifies the American entrepreneurial spirit. This week it is my privilege to recognize Lisle Corporation of Clarinda, IA, as the Senate Small Business of the Week during National Women's Small Business Month.

Lisle Corporation was founded by C.A. Lisle in Clarinda, IA, in 1903 as a manufacturer of horse-powered water well drilling machines. During the

1920s, Lisle Corporation began producing tools, with their first tool being a valve refacer. They also began producing a master ignition vibrator for the Ford Model T during this time period. Prior to World War II, they made magnetic drain plugs which were used in military equipment during the war. In the decades after, Lisle Corporation's manufacturing has grown to include additional automotive tools and is now known for its mechanic's creepers, lubrication, and tire products, among their 700 specialty automotive products. Lisle Corporation also grew when it acquired EZ Way, Inc., a patient handling products company based in Clarinda.

Lisle Corporation is currently run by Lisle family member Mary Landhuis, who became president in 2018. She is also president of EZ Way, Inc. in addition to her duties at Lisle Corporation. While in this position, she has served on the Iowa State Workforce Development Board and the Statewide Career and Technical Education Advisory Council.

Lisle Corporation is an exemplary family business. They have had six generations of the Lisle family work at the company and have been awarded for their contributions to the tool industry. In 2019, former president Fred Lisle was posthumously awarded the Iowa Association of Business and Industry Manufacturing Legend award for his contributions to the industry and the Clarinda community. Fred was a board member of several organizations in the community to help grow Clarinda and encourage young residents to stay in the area, leaving a legacy of generosity and leadership. For their work during World War II, Lisle Corporation was awarded the Army-Navy "E" Award for their outstanding war effort productions. In 2023, Lisle Corporation celebrated its 120th business anniversary.

Lisle Corporation's commitment to providing high-quality automotive tools to customers throughout the United States while maintaining their Clarinda roots is clear. I want to congratulate the Lisle family and the entire team at Lisle Corporation for their continued dedication to providing affordable and high-quality tools to Iowans. I look forward to seeing their continued growth and success in Iowa.●

TRIBUTE TO SPECIALIST RACHEL RONEY-RIVERA

• Mr. TUBERVILLE. Mr. President, although she is just 25 years old, Specialist Rachel Roney-Rivera's life has been all about breaking barriers. A native of Beauregard, Rachel enlisted in the U.S. Army on her 18th birthday, using her interests to become a paralegal for the National Guard.

After finishing her military service as an E-4 specialist, Rachel decided to use her experience to pursue a career in law enforcement. She graduated top of her class at the police academy before

joining the Chambers County Sheriff's Office. Rachel has proven to be a vital part of the force, including becoming the first woman to be selected for the SWAT team. She now serves as a sex crimes investigator, helping families during some of the most difficult times in their lives. Chambers County Sheriff Jeff Nelson says that Rachel, "puts 110% into every case to bring resolution and justice."

Rachel's presence in the community extends far past her investigative work. She also serves as a self-defense instructor, where she helps empower women in East Alabama with confidence and defense training techniques. But that is not all—Rachel is also preparing to graduate with her bachelor's degree in psychology from Columbia Southern next spring. She is studying for the LSAT, hoping to become an attorney one day. In addition to being a full-time deputy and student, Rachel is also a proud full-time mom to a 4-year-old daughter.

Her story inspires Alabamians young and old about what can be accomplished with hard work and determination. I am honored to recognize Rachel as the October Veteran of the Month.●

TRIBUTE TO DYLAN CRONKHITE

● Mr. VAN HOLLEN. Mr. President, I rise today to spotlight the courageous spirit of Dylan Cronkhite, a 15-year-old in dire need of a kidney transplant. Dylan's journey began at just 19 months old when his mother, Leslie Cronkhite, rushed him to the hospital, sensing that something was gravely wrong. There, they received the devastating news that Dylan required a lifesaving operation to receive a kidney transplant.

Dylan's life was saved by the selfless act of his uncle, who became a living kidney donor. But today, Dylan confronts another formidable challenge as his transplanted kidney faces failure, like most young transplant recipients, compromising his health.

Living donors play a pivotal role in saving lives, offering a glimmer of hope to those desperately in need of an organ donation. Nevertheless, I remain hopeful that there are individuals who are willing and able to step up for the greater good, just as Dylan's family has. I commend the remarkable efforts of individuals like Philip Piety and his congregation in Silver Spring. Their initiative to organize an organ donation forum is an honorable step towards raising awareness about the dire need for organ donors. Encouraging people to select organ donor status on their driver's licenses can make a substantial difference in the lives of those like Dylan, who are fervently seeking a second chance at life.

Dylan's story serves as an urgent reminder that there are actionable ways we can support one another through even the most challenging times. Today, I ask my colleagues to assist in raising awareness of the importance of

organ donation so we can ensure that more individuals like Dylan receive the lifesaving organ transplants they so desperately need.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States was communicated to the Senate by Mrs. Stringer, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Homeland Security and Governmental Affairs.

(The message received today is printed at the end of the Senate proceedings.)

PRESIDENTIAL MESSAGE

REPORT RELATIVE TO THE DESIGNATION AS EMERGENCY REQUIREMENTS ALL FUNDING (INCLUDING THE TRANSFER AND REPURPOSING OF FUNDS) SO DESIGNATED BY THE CONGRESS IN THE CONTINUING APPROPRIATIONS ACT, 2024 AND OTHER EXTENSIONS ACT PURSUANT TO SECTION 251(B)(2)(A) OF THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985, AS OUTLINED IN THE ENCLOSED LIST OF ACCOUNTS RECEIVED DURING ADJOURNMENT OF THE SENATE ON SEPTEMBER 30, 2023—PM 24

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on the Budget:

To the Congress of the United States:

In accordance with section 114(c) of division A of the Continuing Appropriations Act, 2024 and Other Extensions Act (H.R. 5860; the "Act"), I hereby designate as emergency requirements all funding (including the transfer and repurposing of funds) so designated by the Congress in the Act pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as outlined in the enclosed list of accounts.

The details of this action are set forth in the enclosed memorandum from the Director of the Office of Management and Budget.

JOSEPH R. BIDEN, Jr.,
THE WHITE HOUSE, September 30, 2023.

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 3:04 p.m., a message from the House of Representatives, delivered by

Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 112. An act to amend title 38, United States Code, to strengthen benefits for children of Vietnam veterans born with spina bifida, and for other purposes.

S. 2795. An act to amend title 38, United States Code, to extend and modify certain authorities and requirements relating to the Department of Veterans Affairs, and for other purposes.

H.R. 5110. An act to amend the Elementary and Secondary Education Act of 1965 to clarify that the prohibition on the use of Federal education funds for certain weapons does not apply to the use of such weapons for training in archery, hunting, or other shooting sports.

At 3:08 p.m., a message from the House of Representatives, delivered by Mrs. Alli, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 292. An act to designate the facility of the United States Postal Service located at 24355 Creekside Road in Santa Clarita, California, as the "William L. Reynolds Post Office Building".

H.R. 996. An act to designate the facility of the United States Postal Service located at 3901 MacArthur Blvd., in New Orleans, Louisiana, as the "Dr. Rudy Lombard Post Office".

H.R. 2379. An act to designate the facility of the United States Postal Service located at 616 East Main Street in St. Charles, Illinois, as the "Veterans of the Vietnam War Memorial Post Office".

H.R. 3944. An act to designate the facility of the United States Postal Service located at 120 West Church Street in Mount Vernon, Georgia, as the "Second Lieutenant Patrick Palmer Calhoun Post Office".

H.R. 4502. An act to amend title 5, United States Code, to limit the use of educational requirements or qualifications in evaluating candidates for certain cybersecurity positions in the competitive service, and for other purposes.

The message also announced that the House has agreed to the following resolution:

H. Res. 742. Resolution relative to the death of the Honorable Dianne Goldman Berman Feinstein, a Senator from the State of California

At 6:11 p.m., a message from the House of Representatives, delivered by Mrs. Alli, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4665. An act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2024, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 292. An act to designate the facility of the United States Postal Service located at 24355 Creekside Road in Santa Clarita, California, as the "William L. Reynolds Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 996. An act to designate the facility of the United States Postal Service located at 3901 MacArthur Blvd., in New Orleans, Louisiana, as the "Dr. Rudy Lombard Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2379. An act to designate the facility of the United States Postal Service located at 616 East Main Street in St. Charles, Illinois, as the "Veterans of the Vietnam War Memorial Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3944. An act to designate the facility of the United States Postal Service located at 120 West Church Street in Mount Vernon, Georgia, as the "Second Lieutenant Patrick Palmer Calhoun Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4502. An act to amend title 5, United States Code, to limit the use of educational requirements or qualifications in evaluating candidates for certain cybersecurity positions in the competitive service, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 5692. An act making supplemental appropriations for the fiscal year ending September 30, 2024, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4665. An act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2024, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PETERS, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 311. A bill to correct the inequitable denial of enhanced retirement and annuity benefits to certain U.S. Customs and Border Protection Officers (Rept. No. 118-101).

S. 1137. A bill to establish the Law Enforcement Mental Health and Wellness Program, and for other purposes (Rept. No. 118-102).

By Mr. PETERS, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 1443. A bill to require an interagency strategy for creating a unified posture on counter-unmanned aircraft systems (C-UAS) capabilities and protections at international borders of the United States (Rept. No. 118-103).

By Mr. PETERS, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 1464. A bill to restrict the flow of illicit drugs into the United States, and for other purposes (Rept. No. 118-104).

S. 1822. A bill to require U.S. Customs and Border Protection to expand the use of non-intrusive inspection systems at land ports of entry (Rept. No. 118-105).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. MANCHIN (for himself and Mr. ROUNDS):

S. 3004. A bill to specify control and management of Department of Defense data and to establish the Chief Digital and Artificial Intelligence Officer Governing Council, and for other purposes; to the Committee on Armed Services.

By Mr. COONS (for himself and Mr. CORNYN):

S. 3005. A bill to amend the Better Utilization of Investments Leading to Development Act of 2018 to enhance the economic and strategic competitiveness of the United States, and for other purposes; to the Committee on Foreign Relations.

By Mr. MARKEY:

S. 3006. A bill to ensure comprehensive wraparound services for families impacted by substance use disorders, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HAWLEY:

S. 3007. A bill to allow States to authorize State and local law enforcement officers to enforce the provisions of Federal immigration law relating to unlawful entry into the United States and to authorize States along the southern land border to construct barriers on Federal lands to prevent unlawful entry into the United States; to the Committee on the Judiciary.

By Ms. SMITH (for herself, Mr. BROWN, Mr. KAINE, Mr. WARNER, Mr. CARDIN, Mr. VAN HOLLEN, Mr. SCHATZ, Mr. FETTERMAN, Ms. CORTEZ MASTO, Ms. WARREN, Ms. DUCKWORTH, Mr. WYDEN, Mr. LUJÁN, Mr. SANDERS, Mr. MARKEY, Mr. BLUMENTHAL, Ms. HIRONO, Ms. STABENOW, Mr. CASEY, Mr. DURBIN, Mr. KING, Ms. KLOBUCHAR, Mr. WELCH, Mr. PADILLA, Mr. MERKLEY, Mr. HEINRICH, Ms. CANTWELL, and Mr. WHITEHOUSE):

S. 3008. A bill to provide back pay to Federal contractors, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER (for himself, Mrs. GILLIBRAND, Mr. MCCONNELL, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mrs. BLACKBURN, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BOOZMAN, Mr. BRAUN, Mrs. BRITT, Mr. BROWN, Mr. BUDD, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CASSIDY, Ms. COLLINS, Mr. COONS, Mr. CORNYN, Ms. CORTEZ MASTO, Mr. COTTON, Mr. CRAMER, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Ms. DUCKWORTH, Mr. DURBIN, Ms. ERNST, Mr. FETTERMAN, Mrs. FISCHER, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGERTY, Ms. HASSAN, Mr. HAWLEY, Mr. HEINRICH, Mr. HICKENLOOPER, Ms. HIRONO, Mr. HOEVEN, Mrs. HYDE-SMITH, Mr. JOHNSON, Mr. KAINE, Mr. KELLY, Mr. KENNEDY, Mr. KING, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEE, Mr. LUJÁN, Ms. LUMMIS, Mr. MANCHIN, Mr. MARKEY, Mr. MARSHALL, Mr. MENENDEZ, Mr. MERKLEY, Mr. MORAN, Mr. MULLIN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. OSSOFF, Mr. PADILLA, Mr. PAUL, Mr. PETERS, Mr. REED, Mr. RICKETTS, Mr. RISCH, Mr. ROMNEY, Ms. ROSEN, Mr. ROUNDS, Mr.

RUBIO, Mr. SANDERS, Mr. SCHATZ, Mr. SCHMITT, Mr. SCOTT of Florida, Mr. SCOTT of South Carolina, Mrs. SHAHEEN, Ms. SINEMA, Ms. SMITH, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. TUBERVILLE, Mr. VAN HOLLEN, Mr. VANCE, Mr. WARNER, Mr. WARNOCK, Ms. WARREN, Mr. WELCH, Mr. WHITEHOUSE, Mr. WICKER, Mr. WYDEN, and Mr. YOUNG):

S. Res. 394. A resolution honoring the life of James L. Buckley, former Senator for the State of New York; considered and agreed to.

ADDITIONAL COSPONSORS

S. 89

At the request of Mr. BRAUN, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 89, a bill to provide that Members of Congress may not receive pay after October 1 of any fiscal year in which Congress has not approved a concurrent resolution on the budget and passed the regular appropriations bills.

S. 114

At the request of Mr. CARDIN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 114, a bill to amend the Congressional Budget Act of 1974 respecting the scoring of preventive health savings.

S. 219

At the request of Mr. BRAUN, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 219, a bill to provide that Members of Congress may not receive pay after October 1 of any fiscal year in which Congress has not approved a concurrent resolution on the budget and passed the regular appropriations bills.

S. 260

At the request of Mr. BROWN, the name of the Senator from Arizona (Mr. KELLY) was added as a cosponsor of S. 260, a bill to amend title XVIII of the Social Security Act to permit nurse practitioners and physician assistants to satisfy the documentation requirement under the Medicare program for coverage of certain shoes for individuals with diabetes.

S. 265

At the request of Mr. DURBIN, the name of the Senator from Tennessee (Mr. HAGERTY) was added as a cosponsor of S. 265, a bill to reauthorize the rural emergency medical service training and equipment assistance program, and for other purposes.

S. 414

At the request of Mr. TESTER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 414, a bill to amend title 38, United States Code, to improve and to expand eligibility for dependency and indemnity compensation paid to certain survivors of certain veterans, and for other purposes.

S. 549

At the request of Ms. BALDWIN, the name of the Senator from Nebraska (Mr. RICKETTS) was added as a cosponsor of S. 549, a bill to require enforcement against misbranded milk alternatives.

S. 793

At the request of Mr. LUJÁN, the name of the Senator from North Dakota (Mr. CRAMER) was added as a cosponsor of S. 793, a bill to amend title XVIII of the Social Security Act to add physical therapists to the list of providers allowed to utilize locum tenens arrangements under Medicare.

S. 956

At the request of Mr. KELLY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 956, a bill to amend title 10, United States Code, to improve dependent coverage under the TRICARE Young Adult Program.

S. 1119

At the request of Mr. BROWN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1119, a bill to amend title 38, United States Code, to increase the maximum age for children eligible for medical care under the CHAMPVA program, and for other purposes.

S. 1183

At the request of Mr. RUBIO, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 1183, a bill to prohibit discrimination on the basis of mental or physical disability in cases of organ transplants.

S. 1274

At the request of Mrs. FISCHER, the names of the Senator from Kansas (Mr. MARSHALL) and the Senator from Maine (Mr. KING) were added as cosponsors of S. 1274, a bill to permanently exempt payments made from the Railroad Unemployment Insurance Account from sequestration under the Balanced Budget and Emergency Deficit Control Act of 1985.

S. 1384

At the request of Mrs. GILLIBRAND, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1384, a bill to promote and protect from discrimination living organ donors.

S. 1631

At the request of Mr. PETERS, the name of the Senator from Colorado (Mr. HICKENLOOPER) was added as a cosponsor of S. 1631, a bill to enhance the authority granted to the Department of Homeland Security and Department of Justice with respect to unmanned aircraft systems and unmanned aircraft, and for other purposes.

S. 1829

At the request of Mr. RUBIO, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 1829, a bill to impose sanctions with respect to persons engaged in the import of petroleum from the Islamic Republic of Iran, and for other purposes.

S. 2082

At the request of Mr. CORNYN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2082, a bill to make technical corrections relating to the Justice Against Sponsors of Terrorism Act.

S. 2158

At the request of Mr. MORAN, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 2158, a bill to amend title 38, United States Code, to provide for disciplinary procedures for supervisors and managers at the Department of Veterans Affairs and to modify the procedures of personnel actions against employees of the Department, and for other purposes.

S. 2372

At the request of Mr. GRASSLEY, the name of the Senator from Pennsylvania (Mr. FETTERMAN) was added as a cosponsor of S. 2372, a bill to amend title XIX of the Social Security Act to streamline enrollment under the Medicaid program of certain providers across State lines, and for other purposes.

S. 2379

At the request of Mrs. CAPITO, the names of the Senator from Colorado (Mr. BENNET) and the Senator from Mississippi (Mrs. HYDE-SMITH) were added as cosponsors of S. 2379, a bill to amend title XVIII of the Social Security Act to provide for certain cognitive impairment detection in the Medicare annual wellness visit and initial preventive physical examination.

S. 2496

At the request of Mr. CARDIN, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 2496, a bill to amend the National Housing Act to include information regarding VA home loans in the Informed Consumer Choice Disclosure required to be provided to prospective FHA borrowers.

S. 2600

At the request of Ms. SMITH, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 2600, a bill to establish a grant program to provide amounts to public housing agencies to install automatic sprinkler systems in public housing, and for other purposes.

S. 2626

At the request of Mr. RUBIO, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2626, a bill to impose sanctions with respect to the Supreme Leader of Iran and the President of Iran and their respective offices for human rights abuses and support for terrorism.

S. 2735

At the request of Mr. TESTER, the name of the Senator from Indiana (Mr. BRAUN) was added as a cosponsor of S. 2735, a bill to clarify that section 8526(7) of the Elementary and Secondary Education Act of 1965 does not apply with respect to the use of funds for activities carried out under programs authorized by the Elementary and Secondary Education Act of 1965 that are otherwise permissible under such programs and that provide students with educational enrichment ac-

tivities and instruction, such as archery, hunter safety education, or culinary arts.

S. 2757

At the request of Mr. TESTER, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 2757, a bill to limit the Secretary of Veterans Affairs from modifying the rate of payment or reimbursement for transportation of veterans or other individuals via special modes of transportation under the laws administered by the Secretary, and for other purposes.

S. 2767

At the request of Mr. BROWN, the names of the Senator from New Hampshire (Ms. HASSAN) and the Senator from South Dakota (Mr. ROUNDS) were added as cosponsors of S. 2767, a bill to amend title XVI of the Social Security Act to update the resource limit for supplemental security income eligibility.

S. 2781

At the request of Mr. HEINRICH, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Indiana (Mr. BRAUN) were added as cosponsors of S. 2781, a bill to promote remediation of abandoned hardrock mines, and for other purposes.

S. 2797

At the request of Mr. RUBIO, the name of the Senator from Oklahoma (Mr. MULLIN) was added as a cosponsor of S. 2797, a bill to ensure religious freedom and rights of conscience for health care workers and other government employees, and to protect health care workers and other government employees from various forms of compelled speech.

S. 2825

At the request of Mr. CORNYN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 2825, a bill to award a Congressional Gold Medal to the United States Army Dustoff crews of the Vietnam War, collectively, in recognition of their extraordinary heroism and life-saving actions in Vietnam.

S. 2860

At the request of Mr. MERKLEY, the names of the Senator from Delaware (Mr. COONS) and the Senator from Virginia (Mr. KAINE) were added as cosponsors of S. 2860, a bill to create protections for financial institutions that provide financial services to State-sanctioned marijuana businesses and service providers for such businesses, and for other purposes.

S. 2880

At the request of Mr. DAINES, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2880, a bill to amend title XVIII of the Social Security Act to expand the scope of practitioners eligible for payment for telehealth services under the Medicare program, and for other purposes.

S. 2925

At the request of Mr. KENNEDY, the name of the Senator from Indiana (Mr.

BRAUN) was added as a cosponsor of S. 2925, a bill to amend the Consumer Financial Protection Act of 2010 to set the rate of pay for employees of the Bureau of Consumer Financial Protection in accordance with the General Schedule.

S. 2967

At the request of Mr. RUBIO, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 2967, a bill to amend the Internal Revenue Code of 1986 to expand the treatment of moving expenses to employees and new appointees in the intelligence community who move pursuant to a change in assignment that requires relocation, and for other purposes.

S. 2994

At the request of Ms. CANTWELL, the names of the Senator from Michigan (Mr. PETERS) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2994, a bill to amend the Internal Revenue Code of 1986 to support upgrades at existing hydroelectric dams in order to increase clean energy production, improve the resiliency and reliability of the United States electric grid, enhance the health of the Nation's rivers and associated wildlife habitats, and for other purposes.

S.J. RES. 32

At the request of Mr. KENNEDY, the names of the Senator from Texas (Mr. CRUZ), the Senator from Alaska (Mr. SULLIVAN) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S.J. Res. 32, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Bureau of Consumer Financial Protection relating to "Small Business Lending Under the Equal Credit Opportunity Act (Regulation B)".

S.J. RES. 38

At the request of Mr. RUBIO, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S.J. Res. 38, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Federal Highway Administration relating to "Waiver of Buy America Requirements for Electric Vehicle Chargers".

S.J. RES. 41

At the request of Mr. CORNYN, the name of the Senator from Tennessee (Mr. HAGERTY) was added as a cosponsor of S.J. Res. 41, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by U.S. Citizenship and Immigration Services and the Executive Officer for Immigration Review relating to "Cumvention of Lawful Pathways".

S. RES. 333

At the request of Mr. DURBIN, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. Res. 333, a resolution des-

ignating 2024 as the Year of Democracy as a time to reflect on the contributions of the system of Government of the United States to a more free and stable world.

S. RES. 387

At the request of Ms. BALDWIN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. Res. 387, a resolution designating October 12, 2023, as "National Loggers Day".

AMENDMENT NO. 1187

At the request of Mr. KELLY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 1187 intended to be proposed to H.R. 4366, a bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 394—HONORING THE LIFE OF JAMES L. BUCKLEY, FORMER SENATOR FOR THE STATE OF NEW YORK

Mr. SCHUMER (for himself, Mrs. GILLIBRAND, Mr. MCCONNELL, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mrs. BLACKBURN, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BOOZMAN, Mr. BRAUN, Mrs. BRITT, Mr. BROWN, Mr. BUDD, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CASSIDY, Ms. COLLINS, Mr. COONS, Mr. CORNYN, Ms. CORTEZ MASTO, Mr. COTTON, Mr. CRAMER, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Ms. DUCKWORTH, Mr. DURBIN, Ms. ERNST, Mr. FETTERMAN, Mrs. FISCHER, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGERTY, Ms. HASSAN, Mr. HAWLEY, Mr. HEINRICH, Mr. HICKENLOOPER, Ms. HIRONO, Mr. HOEVEN, Mrs. HYDE-SMITH, Mr. JOHNSON, Mr. KAINE, Mr. KELLY, Mr. KENNEDY, Mr. KING, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEE, Mr. LUJÁN, Ms. LUMMIS, Mr. MANCHIN, Mr. MARKEY, Mr. MARSHALL, Mr. MENENDEZ, Mr. MERKLEY, Mr. MORAN, Mr. MULLIN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. OSSOFF, Mr. PADILLA, Mr. PAUL, Mr. PETERS, Mr. REED, Mr. RICKETTS, Mr. RISCH, Mr. ROMNEY, Ms. ROSEN, Mr. ROUNDS, Mr. RUBIO, Mr. SANDERS, Mr. SCHATZ, Mr. SCHMITT, Mr. SCOTT of Florida, Mr. SCOTT of South Carolina, Mrs. SHAHEEN, Ms. SINEMA, Ms. SMITH, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. TUBERVILLE, Mr. VAN HOLLEN, Mr. VANCE, Mr. WARNER, Mr. WARNOCK, Ms. WARREN, Mr. WELCH, Mr. WHITEHOUSE, Mr. WICKER, Mr. WYDEN, and Mr. YOUNG) submitted the following resolution; which was considered and agreed to:

S. RES. 394

Whereas James L. Buckley—
(1) was born in Manhattan on March 9, 1923; and

(2) attended the Millbrook School in Millbrook, New York, Yale University, and graduated from Yale Law School in 1949;

Whereas James L. Buckley served honorably in the United States Navy during World War II from 1942 through 1946;

Whereas James L. Buckley bravely took part in the invasions of Leyte, Lingayen, and Okinawa, achieving the rank of lieutenant;

Whereas James L. Buckley won a victory before the Supreme Court of the United States as the plaintiff in the landmark First Amendment case *Buckley v. Valeo*, 424 U.S. 1 (1976);

Whereas James L. Buckley was elected to the Senate and served as Senator of New York from January 3, 1971, to January 3, 1977;

Whereas James L. Buckley became the first third-party candidate to secure a seat in the Senate since 1940;

Whereas James L. Buckley led the passage of numerous laws throughout his tenure, including—

(1) section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the "Family Educational Rights and Privacy Act of 1974") that governs the use of student records; and

(2) section 445 of the General Education Provisions Act (20 U.S.C. 1232h, commonly known as the "Protection of Pupils' Rights Act"), which requires parent notification, right to review, and consent for the administration of student surveys to minors;

Whereas James L. Buckley expressed his support for a gradual withdrawal from Vietnam and a ban on foreign aid to nations that did not cooperate with the fight of the United States against illegal drugs;

Whereas following his tenure in the Senate, James L. Buckley joined the Reagan administration, first as an Undersecretary of State for Security Assistance, managing military aid to strategically located countries, and then as president of Radio Free Europe/Radio Liberty in Munich from 1982 to 1985;

Whereas, on October 16, 1985, James L. Buckley was nominated by President Ronald Reagan to a seat on the United States Court of Appeals for the District of Columbia Circuit;

Whereas James L. Buckley was confirmed by the Senate on December 17, 1985, and received his commission on December 17, 1985;

Whereas James L. Buckley wrote 4 books throughout his career—

(1) "If Men Were Angels: A View From the Senate" (1975);

(2) a memoir, "Gleanings From an Unplanned Life: An Annotated Oral History" (2006);

(3) "Freedom at Risk: Reflections on Politics, Liberty, and the State" (2010); and

(4) "Saving Congress From Itself: Emancipating the States & Empowering Their People" (2014);

Whereas James L. Buckley celebrated his 100th birthday on March 9, 2023; and

Whereas James L. Buckley is survived by—
(1) 6 children, Priscilla, Peter, Jay, William, David, and Andrew Buckley;

(2) 8 grandchildren; and

(3) 2 great-grandchildren: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) has heard with profound sorrow and deep regret the announcement of the death of James L. Buckley, former member of the Senate; and

(B) directs the Secretary of the Senate to—
(i) communicate this resolution to the House of Representatives; and

(ii) transmit an enrolled copy of this resolution to the family of James L. Buckley; and

(2) when the Senate adjourns today, it stands adjourned as a further mark of respect to the memory of the late James L. Buckley.

AUTHORITY FOR COMMITTEES TO MEET

Mr. REED. Madam President, I have one request for committees to meet during today's session of the Senate. It has the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committee is authorized to meet during today's session of the Senate:

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, October 3, 2023, at 2:30 p.m., to conduct a hearing.

CALLING ON THE GOVERNMENT OF THE RUSSIAN FEDERATION TO RELEASE UNITED STATES CITIZEN PAUL WHELAN

Mr. REED. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 96, S. Res. 156.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 156) calling on the Government of the Russian Federation to release United States citizen Paul Whelan.

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations with an amendment to strike all after the resolving clause and insert the part printed in italic, and with an amendment to the preamble to strike the preamble and insert the part printed in italic, as follows:

Whereas United States citizen Paul Whelan is a resident of Novi, Michigan, and a veteran of the Marine Corps;

Whereas, on December 22, 2018, Paul Whelan traveled to Moscow, Russia, for the wedding of a personal friend;

Whereas, on December 28, 2018, the Federal Security Service of the Russian Federation arrested Paul Whelan at the Metropol Hotel in Moscow and charged him with espionage;

Whereas the Federal Security Service has never provided any evidence of supposed wrongdoing with respect to Paul Whelan;

Whereas Paul Whelan was imprisoned in Lefortovo Prison and was held in pretrial detention at the prison for more than 19 months after his arrest;

Whereas a Moscow court extended Paul Whelan's pretrial detention multiple times without publicly presenting justification or evidence of wrongdoing;

Whereas even Vladimir Zherebenkov, the lawyer appointed by the Federal Security Service to represent Paul Whelan, said on May 24, 2019, "[The Federal Security Service] always roll[s] out what they have, but in this case, we've seen nothing concrete against Whelan in five months. That means there is nothing.";

Whereas then-United States Ambassador to the Russian Federation, Jon Huntsman, re-

sponded on April 12, 2019, to a question about the detention of Paul Whelan, "If the Russians have evidence, they should bring it forward. We have seen nothing. If there was a case, I think the evidence would have been brought forward by now.";

Whereas then-Secretary of State Mike Pompeo met with Russian Foreign Minister Sergey Lavrov on May 14, 2019, and urged him to ensure United States citizens are not unjustly held abroad;

Whereas the Kremlin has refused to provide Paul Whelan with full access to his lawyer, and the so-called evidence against Paul Whelan and any evidence he has seen is in Russian, a language Whelan does not read or speak;

Whereas the Lefortovo pretrial detention facility and the Ministry of Foreign Affairs refused to provide medical treatment for Paul Whelan's medical condition, despite being aware of its worsening state, resulting in emergency surgery on May 29, 2020;

Whereas Paul Whelan was wrongfully convicted on June 15, 2020, and sentenced to 16 years in a Russian labor camp by a three-judge panel, in a trial witnessed by then-United States Ambassador John Sullivan, who referred to the trial as "a mockery of justice" due to the denial of a fair trial and the exclusion of defense witnesses;

Whereas, in August 2020, on an unknown day, Paul Whelan was secretly transferred to camp IK-17, a penal labor camp in Mordovia, Russia, where he is forced to work 6 days a week in a garment factory;

Whereas then-Ambassador John Sullivan, while visiting Paul Whelan in September 2020 at the labor camp in Mordovia, stated that "Russian authorities . . . have never shown the world evidence of his guilt," and reiterated his call for the Russian authorities to correct this injustice and release Paul Whelan;

Whereas Secretary of State Antony Blinken spoke with Russian Foreign Minister Sergey Lavrov on February 4, 2021, and urged him to release United States citizens detained in the Russian Federation, including Paul Whelan and Trevor Reed, so that they are able to return home to their families in the United States;

Whereas, on July 23, 2021, the Senate unanimously passed a bipartisan resolution calling for Whelan's release;

Whereas, in August 2021, Whelan was released from a month-long stay in a solitary confinement at the IK-17 penal colony in the region of Mordovia;

Whereas Secretary Blinken pressed the Kremlin to accept an offer by the United States that would bring Paul Whelan and Brittney Griner home in July 2022;

Whereas, in November 2022, Paul Whelan was unable to contact his family for more than a week, during which time Russian authorities claimed Whelan had been sent to the hospital;

Whereas Russian authorities refused to release Paul Whelan as part of prisoner exchanges for Trevor Reed and Brittney Griner;

Whereas Secretary of State Antony Blinken stated that Whelan's "detention remains unacceptable, and we continue to press for his immediate release at every opportunity"; and

Whereas President Biden stated that his administration had "not forgotten about Paul Whelan," and promised to "keep negotiating in good faith for his release"; Now, therefore, be it

Resolved, [That the Senate—

(1) implores the Government of the Russian Federation to immediately release Paul Whelan from imprisonment;

(2) implores the Government of the Russian Federation to comply with international treaty obligations and provide unrestricted consular access to Paul Whelan while he remains imprisoned in the Russian Federation;

(3) calls on the Government of the Russian Federation to provide Paul Whelan and all other political prisoners their constitu-

tionally afforded due process rights and universally recognized human rights;

[(4) expresses the sincere thanks of the United States to the Governments of Canada, Ireland and the United Kingdom for their support in attempting to release Paul Whelan; and

[(5) expresses sympathy to the family of Paul Whelan for this travesty to justice and personal hardship and expresses hope that their ordeal can soon be brought to a just end.]

That the Senate—

(1) implores the Government of the Russian Federation to immediately release Paul Whelan from imprisonment;

(2) implores the Government of the Russian Federation to comply with international treaty obligations and provide unrestricted consular access to Paul Whelan while he remains imprisoned in the Russian Federation;

(3) calls on the Government of the Russian Federation to provide Paul Whelan and all other political prisoners their constitutionally afforded due process rights; and

(4) expresses sympathy to the family of Paul Whelan for this travesty of justice and personal hardship and expresses hope that Whelan will soon be returned home.

Mr. REED. Mr. President, I ask unanimous consent that the committee-reported substitute amendment to the resolution be agreed to; that the resolution, as amended, be agreed to; that the committee-reported amendment to the preamble be agreed to; that the preamble, as amended, be agreed to; and that the motions to reconsider be considered made and laid upon the table.

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

The committee-reported amendment in the nature of a substitute was agreed to.

The resolution (S. Res. 156), as amended, was agreed to.

The committee-reported amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

HONORING THE LIFE OF JAMES L. BUCKLEY, FORMER SENATOR FOR THE STATE OF NEW YORK

Mr. REED. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 394, which was submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 394) honoring the life of James L. Buckley, former Senator for the State of New York.

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

Mr. REED. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 394) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

ORDERS FOR WEDNESDAY,
OCTOBER 4, 2023

Mr. REED. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned under the provisions of S. Res. 394 until 10 a.m. on Wednesday, October 4; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate proceed to executive session and resume consideration of the O'Brien nomination,

postcloture; further, that all postcloture time be considered expired at 11:30 a.m. and that following the cloture vote on the Hurson nomination, the Senate recess until 2:15 p.m. to allow for the weekly caucus meetings; that if cloture is invoked on the Hurson nomination, all time be considered expired at 2:15 p.m.; and that if cloture is invoked on the DeClercq nomination, all time be considered expired at 5:30 p.m.; finally, that if any nominations are confirmed during Wednesday's session, the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's actions.

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

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

Mr. REED. Mr. President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order.

There being no objection, as a further mark of respect to the late James L. Buckley, former Senator from New York, the Senate, at 7:12 p.m., adjourned until Wednesday, October 4, 2023, at 10 a.m.

NOMINATIONS

Executive nomination received by the Senate:

OFFICE OF SPECIAL COUNSEL

HAMPTON Y. DELLINGER, OF NORTH CAROLINA, TO BE SPECIAL COUNSEL, OFFICE OF SPECIAL COUNSEL, FOR THE TERM OF FIVE YEARS, VICE HENRY KERNER, TERM EXPIRED.