



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 118<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 170

WASHINGTON, WEDNESDAY, MARCH 6, 2024

No. 40

## Senate

The Senate met at 10 a.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.

Have compassion upon us, O Lord, for we are weak. We continue to depend on You to guide our lawmakers on right paths. Only You know what the future holds and the resources we will need to meet our many challenges. Strengthen our Senators so that, in the face of great challenges, they will be steadfast, abounding in works that honor You.

Lord, give them such confidence in Your providence that no problem will seem insoluble. When anxieties come, remind them that You have not given a spirit of fear but of love, power, and discipline. In all of their work, may their primary motive be to bring glory to Your Name.

Thank You for hearing our cries and answering our prayers.

We pray in Your mighty 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 senior assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, March 6, 2024.

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 Senator 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.

### 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 senior assistant legislative clerk read the nomination of Ronald T. Keohane, of New York, to be an Assistant Secretary of Defense.

### RECOGNITION OF THE MINORITY LEADER

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

### NATIONAL SECURITY

Mr. McCONNELL. Mr. President, next month will mark 45 years since a cornerstone of U.S. foreign policy in an increasingly critical region of the world became law. The formal title of the law is worth a read in today's context:

An act to help maintain peace, security, and stability in the Western Pacific and to promote the foreign policy of the United States by authorizing the continuation of commercial, cultural, and other relations between the people of the United States and the people of Taiwan.

In the 45 years since Congress passed the Taiwan Relations Act, our friends on the island have continued to write an incredible story of resilience. Taiwan has established a strong democracy, a robust civil society, and a modern, innovative, high-tech economy. And its people have planted themselves squarely—squarely—on the side of free societies and free markets.

America is Taiwan's second largest trading partner. Its military is reforming and modernizing, increasingly arming itself with cutting-edge American capabilities. And the U.S.-Taiwan partnership has become an increasingly important indicator of bipartisan American resolve at a time when our allies and adversaries alike doubt—doubt—the credibility of our commitments.

After abandoning allies in Afghanistan, squandering leverage over Iran, and slow-walking assistance to Ukraine, America's relationship with Taiwan holds unique value. And, like it or not, it will be increasingly seen as a test of whether America's commitments to allies and partners hold any water.

Today, investing in our capabilities and defense industrial capacity would show our friends across the Indo-Pacific that we do—do—recognize the significance of that region and of the strategic competition unfolding out there—a competition America cannot afford to neglect. After all, the PRC is certainly not neglecting it.

Since 2015, Beijing's publicly reported spending on its military has doubled, and, just yesterday, Communist Party leaders announced that defense investments would grow a further 7.2 percent.

Of course, that is just the figure Beijing acknowledges publicly. China's real military modernization efforts are

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



Printed on recycled paper.

S2219

actually more expansive and more worrisome, and they are intended to enable the PRC to dominate its neighbors and counter America's ability to project power in the region.

By word and deed, the PRC is showing the world that it is prepared to redraw maps by force. Sound familiar? That is because the revisionists we face are operating from the very same playbook.

And Taiwan appreciates the links between the threats we face as well as any of our allies and partners. Its leaders have been outspoken in connecting the dots between an aggressive Russia in Europe and an emboldened China in the Indo-Pacific. And the people of Taiwan increasingly recognize their interests in preparing to deter and defeat aggression. In fact, they are so clear-eyed about challenges posed by revisionist powers today, they are helping a fellow democracy halfway around the world in Ukraine.

But the more pressing questions right now are whether America recognizes our own interests in maintaining a world in which our commitments are trusted, our threats are feared, and what we are prepared to do about it.

Standing by our friends, standing up to adversaries, and investing in the military capacity to do both—as Congress considers annual Defense appropriations and finishes its work on the national security supplemental, these are the fundamental tasks at hand.

#### PRESCRIPTION DRUG COSTS

Mr. President, on a different matter, earlier this week, the Biden administration announced that it had received “counteroffers” in the so-called negotiations between HHS and medicine producers over government price setting.

As I have pointed out recently, the administration spent years trying to corral world-leading producers of medical miracles into a socialist price-fixing scheme. And, for the past several months, they have described their kangaroo court as if it were a garden party.

This week, HHS Secretary Becerra insisted:

We are committed to constructive dialogue. . . . These are good-faith, up front negotiations.

Of course, as any working American knows, in a real negotiation, both parties have the ability to walk away. That is not the case when it comes to prescription drug socialism. The way these negotiations work, if a drug company doesn't agree to the “maximum fair price,” they can either agree to pay an excessive excise tax or they can withdraw entirely from participation in Medicaid and Medicare programs.

Anyone can see that this process is anything but a good-faith negotiation. But that is not even the crux of the issue.

Here is what is: Underneath the administration's rhetoric about lowering prices for American consumers, the hard reality is that prescription drug

socialism means higher costs and fewer treatments.

According to one estimate, this scheme would eliminate nine times as much funding as the 2016 Cancer Moonshot Initiative created. By another analysis, the Biden administration's drug pricing schemes will lead to 139 fewer medicines over the next decade. And that is just on the treatment side.

Over the next decade, prescription drug socialism would reportedly eliminate up to 135,000 jobs directly in the life sciences space in the United States and up to 670,000 jobs in related fields.

Apparently, the Biden administration is really just out to make it harder for the world's foremost engine of medical innovation to do what it is best at—finding cures.

And the worst side effect? The millions of people who will go without groundbreaking, American-made treatments.

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. SCHUMER. 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 MAJORITY LEADER

The majority leader is recognized.

#### GOVERNMENT FUNDING

Mr. SCHUMER. Mr. President, with just a few days to go before Friday's funding deadline to keep the government open, both Chambers must continue working quickly, decisively, and with bipartisan cooperation to avoid a shutdown.

The House will vote today on the six appropriations bills we reached bipartisan agreement on, where I expect they will pass with strong bipartisan support. As soon as the House passes these appropriations bills and sends them to the Senate, I will put the bills on the floor so we can pass them and fund these six departments with time to spare before Friday's deadline.

It took a lot of bipartisan cooperation to reach this agreement on these six appropriations bills. Now, it will take more bipartisan cooperation to finish the job.

The appropriations process hasn't been easy in divided government, but after a lot of hard work, late nights, and persistence, we now have six strong appropriations bills that include aggressive investments in American families, moms and kids, veterans, workers, and more. And we prevented any devastating cuts or poison pills pushed by the hard right.

We will fully fund WIC, meaning no mom or kid will be denied vital nutrition assistance. We will protect funding to help Americans, especially rural Americans, afford their rent and keep a roof over their head. We will increase funding for programs and services that support our veterans. And in this

year's appropriations, we prevented the worst of the devastating cuts and poison pills pushed by the hard right.

Passing these bills will give us the much-needed momentum to pass this package of spending bills by the March 22 deadline. But as I have said repeatedly, it will take bipartisan cooperation to finish the job.

#### FEDERAL TRADE COMMISSION

Mr. President, last November, I wrote to the Federal Trade Commission, the FTC, urging them to investigate Exxon's \$60 billion blockbuster merger with Pioneer, one of the largest mergers in energy industry in two decades. I warned that Exxon's deals—and Chevron's announced merger with Hess—had the red flags of anticompetitive behavior. I warned that these deals could open the floodgates to more consolidation, less competition, and higher prices, just to pad the profits of the largest oil companies.

It turns out I was right. Since last November, there have been at least four multibillion-dollar mergers announced among America's large oil companies; and in all of 2023, there was an astounding 250 billion dollars' worth of oil and gas deals.

So today, I authored a letter joined by 50 of my Senate and House Democratic colleagues in urging the FTC to increase its scrutiny over this wave of oil mergers to see if the mergers violate antitrust laws.

Big Oil is alarmingly getting even bigger, and the FTC must investigate for the sake of consumers, workers, small businesses, because when oligopolistic behavior reigns, costs go up, and the public pays the price.

History has shown that when America's largest oil companies go through consolidation, it eventually leads to higher gas prices. According to the Government Accountability Office, the GAO, the five biggest mergers of the 1990s and 2000s led to tangible spikes in prices, particularly the merger between Exxon and Mobil, which I fiercely opposed as a Congressman at that time.

I have always said that one of the greatest mistakes of the Democratic administration in the 1990s was to allow this merger between Exxon and Mobil, as well as the merger between Chevron and Texaco, because, as we saw, competition greatly suffered and costs went up for consumers.

That is why I strongly opposed those deals back then. When you look back, you say: How the heck did even a Democratic administration allow Exxon and Mobil to merge, Chevron and Texaco to merge? But, sadly, history is repeating itself when it comes to oil mergers; although, the Biden administration has not been supportive.

And let's not kid ourselves, these mergers aren't just about efficiency or lowering costs. These mergers are about buying out the competition so the newly consolidated industry can boost profits at the expense of consumers. And these profits have become

the jet fuel, so to speak, for a record wave of stock buybacks and grotesque levels of executive pay. In January, Chevron announced \$75 billion in stock buybacks, which will cut the number of shares by as much as 20 percent. Exxon, likewise, announced another \$35 billion in buybacks for this year and next. These are just two examples of many.

Americans, meanwhile, will continue to feel the sting of Big Oil's greed every time they go to the pump. That is why we are calling on the FTC to look into this pattern of consolidation announced in recent months and step in, if necessary.

#### NOMINATION OF RONALD T. KEOHANE

Mr. President, now on nominations, today the Senate will continue our work to confirm President Biden's nominees. We will begin by confirming Ronald Keohane, a proud Buffalo, NY, native, as Assistant Secretary of Defense for Manpower and Reserve Affairs, and I am proud to support this great New Yorker.

Mr. Keohane is exceptionally qualified for this position, having served in various support roles for our servicemembers and their families during his 30-year career. He served in the Obama administration in a similar role as Deputy Assistant Secretary for Military Community and Family Policy.

So Mr. Keohane is the right man for the job because he understands the value of caring for our servicemembers and their families.

#### NOMINATION OF SANKET J. BULSARA

Mr. President, off the floor, the Senate is also moving forward with more of President Biden's judicial nominees.

I just returned from the Judiciary Committee, where I had the honor of introducing Judge Sanket Bulsara, whom I recommended to President Biden to serve as a district judge for the Eastern District of New York.

Judge Bulsara made history in 2017 as the first South Asian-American judge to serve in any court within the Second Circuit when appointed as a magistrate judge for the Eastern District of New York.

New York's South Asian population, I am proud to say, is one of the very fastest growing in New York. We have the largest South Asian community in a metropolitan area in the country, and these folks are hard-working. They raise good families. They make sure they do everything they can to see their children have better lives than they do, often through education and study and hard work.

They are law-abiding, and they are just great Americans, part of the American dream. And so I feel proud when they are elevated to an exalted position like Federal judge.

Judge Bulsara is the epitome of the American dream, just like so many in the South Asian community. He is the proud son of hard-working immigrant parents from Kenya and India, and a graduate of Harvard University and Harvard Law School. He has considerable experience in both the public and

private sectors. If confirmed, Judge Bulsara would make an exceptional addition to the Eastern District, and I am very proud to champion his nomination.

#### CLEAN ENERGY

Finally, Mr. President, on clean energy investment, when President Biden comes before the Congress to deliver his State of the Union this week, Americans will hear a clear theme: America's economy is accelerating, inflation is decelerating, and the investments Democrats made in the past few years—I was proud to be majority leader during probably the most successful, productive Congress in 30 years, and these investments are really paying off.

Today, for example, many Americans are paying less for insulin than they did a few years ago, thanks to reforms we made on the IRA. Seniors on Medicare have a cap on prescription drug spending. No longer does a serious illness mean seniors on Medicare spend \$10,000 or more on prescription drug expenses. Consumer sentiment is way up, compared to 2 years ago. And despite so many naysayers who were sure there would be a recession, inflation has slowed to more normal levels without—without—causing a recession.

In fact, manufacturing construction is at an alltime high, triple its highest point during the last administration, the Trump administration. And these are just the accomplishments of the past year. The IRA, the Inflation Reduction Act, is projected to create another 1.5 million jobs over the next decade.

But today, I want to point out another part of our agenda delivering beyond anyone's wildest expectations: the surge in America's clean energy and the jobs it creates. The New York Times put it best in a recent article when they noted that "clean energy manufacturing is booming."

Thanks to investments Democrats made in the Inflation Reduction Act, in the Chips and Science Act and other bills, clean investments, just last year, reached over \$230 billion. For context, that is triple the investment levels of 2019, just 5 years ago.

Many companies who invested towards clean energy have said legislation like IRA and Chips and Science made their decisions easier. And while \$230 billion can seem hard to visualize, the practical impacts of these investments are plain as day.

Americans see these investments at work through new EV battery plants, new construction sites, new good-paying jobs that will stick around for years. Our economy has added nearly 30,000 jobs in power generation and supply, a stark turnaround from years of decline during the previous administration.

New Yorkers see these investments through the surge of onshore wind and solar energy production and through all of the factory openings we have seen across the State, particularly in

Upstate New York, in an area that in the past had lost jobs—manufacturing jobs—is now growing again. That is great news. It makes us all very happy.

Consumers will see these investments at work through cheaper EVs; and in time, Americans everywhere will see these investments pay off through less pollution, cleaner air, and fewer kids getting sick from asthma and other illnesses. That is something we are very proud of.

Sometimes it can take a while for the effects of an ambitious agenda to take root. We saw this happen with ACA. But today, the evidence is pouring in that the work that President Biden and Democrats put in over the past few years, the investments, are paying off in a big way for our country, and Americans are beginning to take notice.

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. THUNE. 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.

The Republican whip.

#### BORDER SECURITY

Mr. THUNE. Mr. President, last week, President Biden visited the southern border—just his second such trip in his entire half-a-century-long political career. While I suspect his visit was motivated more by the thought of an election year photo op than by a desire to see the border crisis firsthand, the President should—should—be visiting the southern border. But more than that, the President should be taking action on the border, real action—the kind of action that will actually do something to help stem the crisis we are facing, because we are facing a crisis.

The number of migrant encounters at our southern border in January was the highest January number in more than 20 years. That, of course, followed a recordbreaking and staggering, I would add, 301,983 encounters in the month of December—not only the highest December on record but the highest total for any month ever. And there is no end in sight. The first 4 days of March saw 7,000-plus migrant encounters each day, putting us on track for yet another month of 200,000-plus migrant encounters at the southern border.

Of course, none of these numbers include "got-aways," and those are individuals whom the Border Patrol saw but was unable to apprehend. There have been approximately 1.8 million known "got-aways" since President Biden took office and an untold number of unknown "got-aways" over the same period.

Now, this is a crisis on many levels. It is a logistical and enforcement crisis, it is a humanitarian crisis, and it is

a national security crisis. Our Nation is simply not secure as long as we have hundreds of thousands of unknown individuals taking up residence in our country.

In fact, U.S. Border Patrol Chief Jason Owens, speaking about the number of “got-aways” at the border, told FOX News:

[T]hose are the numbers that really keep us up at night, because if you know that all you need to do is turn yourself in to the Border Patrol and go through the process, what possible reason would you have for wanting to evade capture? Could it be that those are the folks that probably have criminal intent?

Chief Owens was referring to the fact that under the Biden administration’s lax asylum system, individuals who show up at the border claiming asylum are frequently released into the country with court dates as much as a decade into the future. His point, of course, is that when turning yourself in to the Border Patrol with a claim for asylum is likely to result in years of essentially legal permanent residence, it is especially concerning that we have hundreds of thousands of individuals choosing not to turn themselves in to the Border Patrol but escaping into the interior of our country. Given that, it stands to reason that many of these “got-aways” have more malign intentions.

While there are always various factors that affect the flow of illegal immigration, we are on track for a fourth—a fourth—recordbreaking year of illegal immigration under the Biden administration because of the actions President Biden has taken or failed to take.

From the day he took office, when he rescinded the declaration of a national emergency at our southern border, President Biden made it clear that border security was at the bottom of his priority list. Over the 3 years since, he has turned our southern border into a magnet for illegal migration—from repealing border policies of his predecessor to misusing our asylum and parole systems, which are now providing temporary amnesty to hundreds of thousands of individuals who are here illegally.

Recent news reports suggest that President Biden is thinking of taking new, more substantial immigration action aimed at helping to finally stem the flow of illegal migration. I hope that is true, although given his record, I am not holding my breath.

The President helped create this crisis, and he should end it. For example, tightening the asylum claims, as President Trump did, could help weed out many of the specious claims that are being made that allow individuals to take up long-term residence in our country.

With 75 percent of respondents in a recent poll describing the situation at our southern border as “a very serious problem” or “a crisis,” perhaps election-year politics will do what 3 years

of recordbreaking immigration has not done, and that is, force the President to take his responsibility for our Nation’s security seriously and finally shut down the flow of illegal immigration at our southern border. But, as I said, given the President’s record, I am not holding my breath.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HICKENLOOPER). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### VOTE ON KEOHANE NOMINATION

The question is, Will the Senate advise and consent to the Keohane nomination?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alabama (Mrs. BRITT).

The result was announced—yeas 69, nays 30, as follows:

#### [Rollcall Vote No. 69 Ex.]

#### YEAS—69

Baldwin	Gillibrand	Padilla
Bennet	Graham	Peters
Blumenthal	Hassan	Reed
Booker	Heinrich	Ricketts
Boozman	Hickenlooper	Romney
Brown	Hirono	Rosen
Butler	Hoeven	Rounds
Cantwell	Hyde-Smith	Sanders
Capito	Kaine	Schatz
Cardin	Kelly	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Sinema
Collins	Luján	Smith
Coons	Manchin	Stabenow
Cornyn	Markey	Tester
Cortez Masto	McConnell	Van Hollen
Cotton	Menendez	Warner
Cramer	Merkley	Warnock
Duckworth	Moran	Welch
Durbin	Murkowski	Whitehouse
Ernst	Murphy	Wyden
Fetterman	Murray	Young
Fischer	Ossoff	

#### NAYS—30

Barrasso	Hawley	Rubio
Blackburn	Johnson	Schmitt
Braun	Kennedy	Scott (FL)
Budd	Lankford	Scott (SC)
Cassidy	Lee	Sullivan
Crapo	Lummis	Thune
Cruz	Marshall	Tillis
Daines	Mullin	Tuberville
Grassley	Paul	Vance
Hagerty	Risch	Wicker

#### NOT VOTING—1

Britt

The nomination was confirmed.

#### 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 senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 529, Moshe Z. Marvit, of Pennsylvania, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2028.

Charles E. Schumer, Bernard Sanders, Brian Schatz, Margaret Wood Hassan, Tina Smith, Mark Kelly, Alex Padilla, Richard J. Durbin, Tammy Baldwin, Robert P. Casey, Jr., Gary C. Peters, Jack Reed, Tim Kaine, Catherine Cortez Masto, Sheldon Whitehouse, Jeanne Shaheen, Debbie Stabenow.

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 Moshe Z. Marvit, of Pennsylvania, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2028, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alabama (Mrs. BRITT).

The yeas and nays resulted—yeas 50, nays 49, as follows:

#### [Rollcall Vote No. 70 Ex.]

#### YEAS—50

Baldwin	Heinrich	Reed
Bennet	Hickenlooper	Rosen
Blumenthal	Hirono	Sanders
Booker	Kaine	Schatz
Brown	Kelly	Schumer
Butler	King	Shaheen
Cantwell	Klobuchar	Smith
Cardin	Luján	Stabenow
Carper	Manchin	Tester
Casey	Markey	Van Hollen
Coons	Menendez	Warner
Cornyn	Merkley	Warnock
Cortez Masto	McMurphy	Warren
Cotton	Duckworth	Welch
Cramer	Durbin	Whitehouse
Duckworth	Fetterman	Wyden
Durbin	Gillibrand	
Ernst	Padilla	
Fetterman	Stabenow	
Fischer	Hassan	

#### NAYS—49

Barrasso	Grassley	Risch
Blackburn	Hagerty	Romney
Braun	Boozman	Rounds
Budd	Hawley	Sanders
Cassidy	Braun	Rubio
Crapo	Hoeven	Schmitt
Cruz	Budd	Scott (FL)
Daines	Hyde-Smith	Scott (SC)
Grassley	Capito	
Hagerty	Cassidy	
	Collins	
	Cornyn	
	Cotton	
	Lummis	
	Marshall	
	Thune	
	Tillis	
	Tuberville	
	Vance	
	Wicker	
	Young	

#### NOT VOTING—1

Britt

The PRESIDING OFFICER (Ms. CORTEZ MASTO). On this vote, the yeas are 50, the nays are 49.

The motion is agreed to.

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Moshe Z. Marvit, of Pennsylvania, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2028.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m. today.

Thereupon, the Senate, at 1:20 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. ROSEN).

## EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I ask unanimous consent that there be up to 20 minutes of debate between Senators MURRAY, BRAUN, LEE, and JOHNSON prior to the scheduled vote.

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

The Senator from Utah.

UNANIMOUS CONSENT REQUESTS—H.R. 4366

Mr. LEE. Madam President, I have come to the floor today to talk about some of the spending requests—known as earmarks—that are placed in this legislation. Earmarks have long been used by Members of Congress as “sweeteners,” as things that make the bill package go down more smoothly, more easily, than perhaps it would otherwise—special interests give-outs, handouts to business entities, non-profit entities, or otherwise that individual Members request, sometimes successfully.

One of them involves a significant sum of \$850,000—just shy of a million dollars—to a leftwing organization known for publicly calling for the granting of citizenship to illegal immigrants, persons who have entered our country, whose common characteristic that they hold in common—that unites them—is the fact that they entered the country unlawfully, in violation of our laws.

This arises during a significant period of time; one in which we are experiencing the worst immigration crisis that we have ever known. And Congress wants to send \$850,000 to an organization that is interested in enabling and inflaming it.

Why, exactly—even if you agree with the objectives of this organization called the New Immigrant Community Empowerment organization—or NICE—even if you agree with that entity, which many Americans don’t, why exactly is it that we are going to take money away from U.S. taxpayers and use that to fund this organization that actively assists in helping illegal aliens get American jobs?

NICE’s LinkedIn page says as follows:

At NICE we envision a world where all people, regardless of immigration status, live and work with dignity and justice.

And “dignity” and “justice” are nice things. They are things that the American people aspire to; and they are the very things that cause immigrants worldwide to want to come to the United States of America.

For this to work, for us to continue to be a nation of immigrants, we need to be a nation that also honors our own laws and enforces them.

So if you support this bill—the Schumer minibus bill—with this earmark, then you are voting, in one way or another, to fund this organization to the tune of \$850,000, which, in turn, goes to help perpetuate, inflame, and extend the immigration crisis—the border security crisis.

So to that end, Madam President, I ask unanimous consent to reprint the joint explanatory statement to accompany H.R. 4366, the Consolidated Appropriations Act, 2024, that was printed in yesterday’s RECORD with the following changes and that this amended version be considered the joint explanatory statement to accompany H.R. 4366:

[T]he removal of a House CDF project that would give \$850,000 to the New Immigrant Community Empowerment organization in T-HUD.

The PRESIDING OFFICER. Is there objection?

The Senator from Washington.

Mrs. MURRAY. Madam President, reserving the right to object, last Congress, Senate and House Appropriations Committee leaders reinstated the practice of congressionally directed spending—or CDS—with bipartisan support.

CDS is one very important way for lawmakers to advocate for the communities they represent; and they know best.

At the beginning of this Congress, the senior Senator from Maine and I laid out a very robust process alongside our counterparts in the House to accept CDS requests for fiscal year 2024. The process includes important guardrails and requirements to, among other things, ensure transparency, ensure Members do not have financial stakes in the project they seek to fund, ensure projects are eligible to be funded, and that for-profit entities do not receive funding, and more.

If a project meets those requirements, it is eligible for funding. This is a Member-driven process, and we respect the eligible projects Members choose to request or to withdraw support for.

All four corners worked in a bipartisan way to make sure these bills could reflect the input and priorities of every Member. And that includes funding for eligible projects they have sponsored.

But what the Senator from Utah is offering would undo all that hard work and overrule Members about the projects they have secured funding for in this package. That is not how this process can or should work.

We have a process here that is driven by the rules we have in place and by Members’ requests. And that process cannot be upended now at the 11th hour by a single lawmaker. Doing so would overrule other lawmakers and deny funding for projects they have secured for their constituents. That cannot happen now. I will not let it happen.

I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Utah.

Mr. LEE. Madam President, first of all, with regard to the last unanimous consent request, it is important to remember a couple of things: First of all, we saw that the whole bill together, with the congressionally directed spending elements, for the first time in just the last 48 hours or so. So it is not as though this has been through a public process with debate back and forth. An essential element of any legislative body is that there is an opportunity to amend, to discuss, and debate. In fact, that has been taken advantage of within the last 24 hours as another measure—a measure to remove something that has been characterized online as providing a million dollars to fund BDSM sex parties. That was removed. So if that can be removed, I don’t know why this one can’t.

In any event, to say that this cake is baked—that this legislation must be treated as now passed when it is not passed is folly. And it doesn’t bode well for this institution, which has long heralded itself and held itself out to the world as the world’s greatest deliberative legislative body.

Let’s go to another one: Georgetown University. We have got nearly \$1 million also going to Georgetown University—\$963,000—nearly a million—to Georgetown University for something called the Prison Justice Initiative.

Now, I don’t know a whole lot about exactly what this will accomplish. It may well have good elements to it. But the point is this: Georgetown University is not only one of the wealthiest universities on planet Earth, it is one of the wealthiest entities of any kind on planet Earth.

Indeed, it has an endowment. Its endowment alone is valued at over \$3.2 billion. And this begs the question: Why does it need to be subsidized to the tune of nearly a million dollars by U.S. taxpayers?

To that end, Madam President, I ask unanimous consent to reprint the joint explanatory statement to accompany H.R. 4366, the Consolidated Appropriations Act, 2024—it was printed in yesterday’s RECORD with the following changes—and that this amended version be considered the joint explanatory statement to accompany H.R. 4366:

[T]he removal of a House project that would provide \$963,000 to Georgetown University for the Georgetown University Prison Justice Initiative, in CJS.

The PRESIDING OFFICER. Is there objection?

The Senator from Washington.

Mrs. MURRAY. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Utah.

Mr. LEE. Madam President, here again, this is unfortunate. We have a small handful of people who have negotiated this thing behind closed doors. They have agreed to what they have agreed to. They have taken out things that they themselves have found controversial.

So, apparently, it is not the hermetically sealed chamber that it is purported to be and has been purported to be just moments ago by my friend and distinguished colleague, the Senator from Washington. And yet we are told that the cake is sufficiently baked, and not for their purposes but for ours. When we want to make a change to it, when we even want to have a debate about it, we are shut down. We are told: Sorry, no dice. That cannot happen.

That is unacceptable.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Madam President, there is also a measure in this legislation—a measure calling for \$2.5 million to be set aside for outdoor recreation purposes—funding kayaking and slalom facilities in Franklin, NH.

These sound like fun activities. They are fun activities. I mean, who doesn't like those kinds of activities? I think most of us could agree this is completely inappropriate. And it is an unnecessary use of Federal taxpayer dollars. This ought to be funded solely at the State and local level or with private funding and not here.

To that end, Madam President, I ask unanimous consent to reprint the joint explanatory statement to accompany H.R. 4366, the Consolidated Appropriations Act, 2024, that was printed in yesterday's RECORD with the following changes and that this amended version be considered the joint explanatory statement to accompany H.R. 4366:

[T]he removal of a Senate Community Development Fund project that would provide \$2,500,000 to the city of Franklin, NH for outdoor recreation, in THUD.

The PRESIDING OFFICER. Is there objection?

The Senator from Washington.

Mrs. MURRAY. Madam President, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. LEE. I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BRAUN. Madam President, here today, since I have been in the Senate, which has been a little over 5 years, I think I have been the most steadfast voice in terms of, whatever we want to do here, we shouldn't be borrowing it from our kids and our grandkids.

Any of you up there listening, it is a sad state of affairs in the sense that, just a little over 5 years ago, we were

\$18 trillion in debt, borrowing at the tune of about a trillion dollars a year to backfill for all the things we want to do here, and ask you and your kids to pay for it. To me, that is a bad business plan.

Sadly, it gets even worse. Over these 5 years, instead of a trillion dollars annually, it is now a trillion dollars every 6 months. For those of you who are good at math, take current interest rates and apply that to \$34 trillion—soon to be \$35 trillion, if it has not already crossed that threshold. That is a big figure with a lot of zeroes behind it. To put it in perspective, the interest on that alone is going to be about what we spend on defense in the next year or the discretionary side of our budget.

How we have ever gotten there, I don't know.

We are going to be considering another package tomorrow or Friday that takes the whole process of doing budgets, asking: Do you really need it? Aren't there some places that we could surely get back to where we don't spend more than we take in, because when we don't, we are borrowing every penny of it. And, on every dollar that we spend here, 5 years ago, it was about 20 cents of that dollar that we had to borrow. Now it is 30 cents. The arithmetic—the numbers—don't just go away.

It will be the single biggest thing all of you—this country—has to deal with over the next 5 to 10 years, and it is just starting to get to the point where it is going to, literally, break the back of the American public. Sooner or later, you won't have people lending us that money. Sooner or later, it is going to crowd out almost everything we do here, and it is shameful, in my mind.

I want to focus on one, actually, small part of it, but what is symbolic of what shouldn't be happening here: earmarks. Earmarks are justified because we ought to be able to maybe do it better here and should have input in it, and not let the executive branch do that. But to me, that would be valid if, in fact, we were balancing our budget in the first place.

Until we get total fiscal reform here and at least start to turn it around to where the deficits get smaller, the debt is never going to get smaller because, in general, if you take out a loan, imagine if you told your banker: I just want to pay interest only for as long as I have that loan.

They would laugh you out of the office.

So when it comes to earmarks, this bill is filled with them. It wasn't too many years ago that we got rid of them. Then the House started doing them again—both sides of the aisle. We are elective here, if you want to do it or not. But to me, that is fine, but not in the context that it is new money. For every earmark, you have to lend us the money or maybe somebody overseas. Who knows who will do it down the road?

It has a lot of other stuff in it that you are not going to like in terms of

policy that goes along with the spending. It is no wonder to me that Americans say: What is going on here?

How are we going to change it? We are not going to change it until you demand it. Two simple things: term limits and a balanced budget amendment. Then it would run like your households and most other governments around our own country.

Madam President, I ask unanimous consent to strike the joint explanatory statement to accompany H.R. 4366, the Consolidated Appropriations Act, 2024, that was printed in yesterday's RECORD.

The PRESIDING OFFICER. Is there objection?

The Senator from Washington.

Mrs. MURRAY. I object.

The PRESIDING OFFICER. Objection is heard.

#### NOMINATION OF MOSHE Z. MARVIT

Mr. SANDERS. Madam President, I support the nomination of Moshe Marvit to be a Member of the Federal Mine Safety and Health Review Commission.

Mr. Marvit is currently a supervisory attorney-advisor in the Commission's Pittsburgh field office, where he has served since 2012. In this role, he writes decisions for administrative law judges and mediates cases between mine operators and the Mine Safety and Health Administration.

Prior to working at the Commission, Mr. Marvit was in private practice where he represented the United Steelworkers and employees in pension and discrimination matters. Mr. Marvit has written extensively on labor law, including co-authoring a book titled "Why Labor Organizing Should Be a Civil Right," which explains the historical importance of the American labor movement, provides data on how current law fails to deter employer abuses, and compares U.S. labor protections to those of other developed nations.

Mr. Marvit has a B.A. in philosophy from the Pennsylvania State University, an M.A. in political science from the University of Chicago, an M.A. in history from Carnegie Mellon University, and a J.D. from the Chicago-Kent College of Law.

Mr. Marvit is a well-qualified nominee strongly supported by the United Mine Workers of America and the United Steelworkers, and I urge my colleagues to support his nomination.

#### VOTE ON MARVIT NOMINATION

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

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

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alabama (Mrs. BRITT).

The PRESIDING OFFICER (Ms. BALDWIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 71 Ex.]

YEAS—50

Baldwin	Heinrich	Reed
Bennet	Hickenlooper	Rosen
Blumenthal	Hirono	Sanders
Booker	Kaine	Schatz
Brown	Kelly	Schumer
Butler	King	Shaheen
Cantwell	Klobuchar	Smith
Cardin	Luján	Stabenow
Carper	Manchin	Tester
Casey	Markey	Van Hollen
Coons	Menendez	Warner
Cortez Masto	Merkley	Warnock
Duckworth	Murphy	Warren
Durbin	Murray	Welch
Fetterman	Ossoff	Whitehouse
Gillibrand	Padilla	Wyden

NAYS—49

Barrasso	Grassley	Risch
Blackburn	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Budd	Hyde-Smith	Schmitt
Capito	Johnson	Scott (FL)
Cassidy	Kennedy	Scott (SC)
Collins	Lankford	Sinema
Cornyn	Lee	Sullivan
Cotton	Lummis	Thune
Cramer	Marshall	Tillis
Crapo	McConnell	Tuberville
Cruz	Moran	Vance
Daines	Mullin	Wicker
Ernst	Murkowski	Young
Fischer	Paul	
Graham	Ricketts	

NOT VOTING—1

Britt

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

**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 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. 456, Cathy Ann Harris, of Maryland, to be Chairman of the Merit Systems Protection Board.

Charles E. Schumer, Gary C. Peters, Tim Kaine, Robert P. Casey, Jr., Catherine Cortez Masto, Margaret Wood Hassan, Jeanne Shaheen, Tammy Duckworth, Tina Smith, Christopher A. Coons, Chris Van Hollen, Mark R. Warner, Amy Klobuchar, Elizabeth Warren, Alex Padilla, Brian Schatz, Mark Kelly.

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 Cathy Ann Harris, of Maryland, to be Chairman of the Merit Systems Protection Board, 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. THUNE. The following Senator is necessarily absent: the Senator from Alabama (Mrs. BRITT).

The yeas and nays resulted—yeas 51, nays 48, as follows:

[Rollcall Vote No. 72 Ex.]

YEAS—51

Baldwin	Heinrich	Reed
Bennet	Hickenlooper	Rosen
Blumenthal	Hirono	Sanders
Booker	Kaine	Schatz
Brown	Kelly	Schumer
Butler	King	Shaheen
Cantwell	Klobuchar	Smith
Cardin	Luján	Stabenow
Carper	Manchin	Tester
Casey	Markey	Van Hollen
Coons	Menendez	Warner
Cortez Masto	Merkley	Warnock
Duckworth	Murphy	Warren
Durbin	Murray	Welch
Fetterman	Ossoff	Whitehouse
Gillibrand	Padilla	Wyden

NAYS—48

Barrasso	Graham	Paul
Blackburn	Grassley	Ricketts
Boozman	Hagerty	Risch
Braun	Hawley	Romney
Budd	Hoeven	Rounds
Capito	Hyde-Smith	Rubio
Cassidy	Johnson	Schmitt
Collins	Kennedy	Scott (FL)
Cornyn	Lankford	Scott (SC)
Cotton	Lee	Sullivan
Cramer	Lummis	Thune
Crapo	Marshall	Tillis
Cruz	McConnell	Tuberville
Daines	Moran	Vance
Ernst	Mullin	Wicker
Fischer	Murkowski	Young

NOT VOTING—1

Britt

The PRESIDING OFFICER (Ms. BUTLER). On this vote, the yeas are 51, the nays are 48, and the motion is agreed to.

The motion was agreed to.

**EXECUTIVE CALENDAR**

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Cathy Ann Harris, of Maryland, to be Chairman of the Merit Systems Protection Board.

The PRESIDING OFFICER. The majority whip.

**STATE OF THE UNION ADDRESS**

Mr. DURBIN. Madam President, tomorrow night, we will have the annual State of the Union Message from the President of the United States. Each year, Members of Congress are given a ticket to invite a guest to the State of the Union. I have invited several people over the years whom I will never forget. One of them, 15 years ago, was a woman in military uniform who came to see us from her hospital room. She had just been shot down in her helicopter over Iraq, and there she was a few weeks later as my guest at the State of the Union. Her name was TAMMY DUCKWORTH. Now she is my colleague in the U.S. Senate. So you never know what might happen when a Member of Congress offers an invitation to the State of the Union.

Tomorrow night, I am going to have a special guest and a special friend. I am hosting an extraordinary resident of my State, Dr. Zaher Sahloul. Dr. Sahloul is a critical care specialist at Advocate Christ Medical Center at Saint Anthony's Hospital.

He is an associate professor of clinical medicine at the University of Illinois in Chicago, but he is much, much more than that.

Dr. Sahloul has a long history of leading timely and often dangerous medical missions to some of the most desperate parts of the world, including recently a trip to Gaza. You see, Dr. Sahloul is the president of MedGlobal, a nonprofit that provides critical medical services in areas of crisis all over the world. His work was recently featured on "60 Minutes."

Before that, he led the Syrian American Medical Society, which led similar lifesaving missions. Through these efforts, he and other volunteer doctors have provided urgent care to desperate populations, including in Syria, Ukraine, Yemen, and Bangladesh. In fact, in 2017, when the Burmese military was attacking that country's Rohingya population with unspeakable cruelty, Dr. Sahloul and his colleagues helped the war-weary refugees who were fleeing into Bangladesh.

I had a chance to visit him and witness those efforts firsthand at one such camp in the Bangladeshi city of Cox's Bazar. I will never forget walking through that sea of humanity, desperate humanity, and seeing what Dr. Sahloul and his colleagues were doing to bring basic dignity and basic medical care to this traumatized population. It was truly heroic.

And what he and his colleagues similarly have done in Syria, with barrel bombs falling from the sky, or in Ukraine or in Gaza, has been equally moving. It is no wonder he has been awarded the Gandhi Award for Peace, the Heartland Alliance Kovler Center Dr. Robert Kirschner's Award for Global Activism, and UNICEF Chicago's Shine a Light on Global Refugee Crisis annual humanitarian award.

I believe that Dr. Sahloul epitomizes humanity's goodness during times of conflict and trauma. And it is my honor to have him as my guest tomorrow night. His most recent work in Gaza is a stark reminder of the dire humanitarian needs facing us in the unfolding crisis that started with the horrific October 7 Hamas attack on Israel.

He shared with me and several of my colleagues deeply troubling stories of innocent people caught in this conflict who are in desperate need of basic medical attention and supplies. Operations and amputations occurring using vinegar as an antiseptic or Tylenol for anesthesia in the amputation of children's limbs, expectant mothers without safe medical facilities to give birth.

The United States has started airdropping emergency supplies into Gaza. It is a relatively small step, but

it is a step in the right direction, although not a long-term solution to the conflict. I have long called for a ceasefire by all sides that includes the release of the remaining Israeli hostages. That seems to be the direction negotiators are aiming for before the start of Ramadan. I hope that is the case, and I hope that any such pause can be used to reunite hostages with their families and deliver desperately needed humanitarian aid into Gaza.

I continue to believe in the two-state solution, one with new leadership on all sides. I think it is the only viable long-term path forward. In tomorrow's State of the Union Address, President Biden will not only fulfill one of his most important constitutional obligations, he will also have the opportunity to highlight to America how his administration has been working with congressional Democrats to improve the lives of our Nation's working families.

In addition to the millions of Americans who will tune in to hear the address, there is no doubt that people across the world will be watching and hoping that he will say something that will lead us toward a more peaceful globe because, as we all know, America's influence extends way beyond our borders, and as Dr. Sahloul has proven, so, too, do our citizens.

I am honored to be joined by a guest who embodies the best of America—selflessness, a commitment to service, and a belief that a single individual has the ability to make the world a better place.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

UNANIMOUS CONSENT REQUEST—S. 160

Ms. ERNST. Madam President, today I rise to tell a preventable, horrific story: 22-year-old Laken Riley, a nursing student, was killed by an illegal immigrant. This bright, young woman had her whole life ahead of her. She represented what our country needs more of, a life dedicated to caring for others.

Like all Iowans, my heart goes out to her family and her friends who continue to grieve this tragic loss.

The reality is, Laken's heartbreaking story did not have to happen. In 2022, Jose Antonio Ibarra illegally crossed over the border into El Paso and claimed asylum. Instead of being detained while he was processed, he was released into our country, never to be heard from again; that is, folks, until he was arrested in New York City for endangering a child. Was he held to face trial for this crime in New York City? Nope. Nope.

Was he deported for this crime or even for coming here illegally? Nope.

New York officials released him so quickly that ICE couldn't even try to lodge a detainer, even if they wanted to. Meanwhile, Ibarra made his way to Georgia, where he disfigured and killed an innocent young girl who was simply out for a jog.

This could have been avoided, but Biden's failure to enforce the laws at

our border allowed it to happen. How many young Americans must die? How many families must be ripped apart for this administration to wake up and take border security seriously?

For more than 8 years, I have warned against the dangers of letting illegal immigrants, who have already broken our laws—again, those who have broken our laws—roam the country and continue their lawlessness. I have repeatedly called on this body to step up and protect innocent Americans from criminals who are here in our country illegally and pass my bill, Sarah's Law.

Eight years ago, Iowans Michelle and Scott Root woke up to every parent's worst nightmare, their daughter Sarah—right here, beautiful Sarah Root—was killed by a drunk driver. Sarah, a 21-year-old from Council Bluffs, had just graduated from Bellevue University in Nebraska with a 4.0 GPA and a bachelor's degree in criminal investigations. She was headed home after celebrating her important life milestone with family and friends. She had her entire life ahead of her. But while she was stopped at a traffic light, Sarah was struck and killed by Edwin Mejia, an illegal immigrant.

His blood alcohol level was three times over the legal limit. One would think her killer would clearly meet Immigration and Customs Enforcement's "enforcement priorities." But no—nope. Citing the Obama administration's November 2014 memo on immigration enforcement priorities, ICE declined—declined—to take custody of Mejia, despite his repeated driving offenses and history of skipping court dates.

Before the Root family could even lay their daughter to rest, Mejia posted a \$5,000 bond—5,000 bucks. He was released, and, just like in the past, folks, he disappeared never to be seen again.

Now, here we are, folks. We are over 8 years later. Sarah's killer is still at large, after that 5,000 bucks, and able to carelessly harm others. To rub salt in the wound, the Biden administration has removed Mejia from ICE's Most Wanted list.

No big deal, right?

No parent should have to endure the pain of losing a child, like the Root family did—and I know them personally—but, unfortunately, the Riley family is experiencing this same heartbreak. A loophole in our law means Sarah's killer escaped justice, but, today, we can do something to ensure no other family has to go through the pain Sarah's parents have felt every day for 8 long years.

My bill, named in Sarah's honor, would close the alarming loophole that let Sarah's killer go free. It would just require ICE to detain—just to detain—otherwise deportable illegal immigrants charged with killing or seriously injuring another person.

Is that too much to ask? To detain someone who has killed another American?

It also requires ICE to inform victims and family members of critical infor-

mation pertaining to the investigation. Right now, family members are left in the dark. Had Sarah's Law been enacted at the time of her death, law enforcement would have detained her killer instead of allowing him to flee from justice. The Root family would have been kept up-to-date on his status and Federal immigration authorities' efforts to remove him from the country.

Simply put, this should be an easy one, folks. Sarah and Laken's deaths are both tragic and, unfortunately, are doomed to be repeated, thanks to this administration's broken and ill-informed policies.

Those who come here illegally and harm our citizens should, without question, be a priority for removal. It is just common sense, folks.

Otherwise deportable illegal immigrants who commit violent crimes—they commit them here. They should face justice. We can no longer prioritize illegal immigrants over public safety. We must pass Sarah's Law to send this message loud and clear—for Sarah's family, for Laken's family, and for the countless American families that Sarah's Law would protect.

Madam President, as if in legislative session and notwithstanding rule XXII, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 160 and the Senate proceed to its immediate consideration; further, that the bill be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The majority whip.

Mr. DURBIN. Madam President, as chairman of the Senate Judiciary Committee and reserving the right to object, I want to make it clear that we can all agree: Noncitizens who are convicted of committing violent crime should be detained and removed from the United States, period.

Under current law—under current law—any noncitizen who entered the country illegally, violated the terms of their status, or had their visa revoked, can be ordered detained by ICE officials. Current law—current law—also requires the detention of individuals with serious criminal convictions and those who have committed murder, rape, or any crime of violence or theft offense with a term of imprisonment of at least 1 year.

The law also gives ICE the discretion to detain or release a noncitizen in cases where a noncitizen has merely been charged but not convicted.

This bill that we are considering now from the Senator from Iowa would require ICE to detain any individual charged with a crime that resulted in death or serious bodily injury of another person, pending their criminal case, no matter what the circumstances or the nature of the crime, and no exceptions.

As just one example, a victim of trafficking or domestic violence who defended themselves against an abuser would have to be detained under the law.

Most immigrants in the United States are law-abiding individuals who are seeking a better life. Studies have shown that immigrants have no impact on crime rates, and immigrants are less likely to commit crimes than ordinary U.S. citizens. But the sweeping approach in this bill would deprive immigrants of the due process that everyone is afforded to prove that they are innocent of a crime.

And I agree with many of my colleagues that we need a more orderly system to process recent arrivals at the border and assure that bad actors are detained, if they have serious criminal convictions.

Recently, a bipartisan group of Senators and the White House began negotiating a change in our immigration laws and a tough border deal. It was written by the Republican's designated negotiator, Senator JAMES LANKFORD of Oklahoma, along with two other Senators—one, an independent from Arizona, and the other, a Democrat from Connecticut. The bill that they wrote to make our border safer and to deal with immigration was endorsed by the National Border Patrol Council, which represents the men and women on the border who are risking their lives every day to keep us safe.

I had personal concerns about this bill, but I wanted to move it forward. And yet, when it came to a vote, the vast majority of Senators on the other side of the aisle opposed it, at the request of Donald Trump, who tanked the border agreement for his own cynical reasons.

What were those reasons? One House Republican said:

Let me tell you, I'm not willing to do too damn much right now to help a Democrat and to help Joe Biden's approval rating.

President Trump himself was crystal clear. He said: "Blame it on me" if the bill fails.

That bill was our vehicle and opportunity to work on a bipartisan basis, to change many of the provisions in immigration law, to make America safer, and to make our borders secure and more effective.

Some extremists have said the quiet part out loud: Donald Trump doesn't want a solution to our challenges at the border; he wants a political issue for November.

It is time that my Republican colleagues and Democratic colleagues stop talking about the border in one-off responses to it and start legislating, rather than vilifying all immigrants based upon a few bad actors.

It is a tragedy what happened to these two young women. There is no excuse for it, and those responsible should be held accountable.

I urge my colleagues to do the best that we can to come up with an immigration reform that resolves not only

this serious issue but all of the other issues we are haunted with on a regular basis.

I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Iowa.

Ms. ERNST. Madam President, I am very sad that we are on the floor today and that Sarah's Law has been objected to. We have been down this road before, many times over, through the years since Sarah Root's death.

Now, I do understand that ICE has discretion, and that is what we are discussing today. It is the fact that ICE had discretion and chose to allow Edwin Mejia to post bond of \$5,000 to disappear into the night. Before Sarah was even laid to rest, Edwin Mejia was long gone, and he has yet to face justice for Sarah's family.

In July 2020, a Mexican national was drunk-driving in Texas and struck and killed a Chicago resident and two retired U.S. Army officers. All were part of a pro-law enforcement motorcycle club. The Mexican national was out on bond and awaiting trial for allegedly striking a man with his truck in 2018, biting the victim's back, and biting off a portion of his ear. If Sarah's Law had been on the books, he would have been detained in 2018 to await trial.

In June 2011, a Chicago resident was killed in a drunk-driving accident. The driver, a Mexican national, was driving with a blood alcohol level four times over the legal limit. He struck and killed a Chicago resident, dragged the victim's body 300 feet, and then attempted to run away on foot. He was bailed out—again, bailed out, not held. He bailed out and fled to Mexico. He was extradited back to the United States in 2022.

If Sarah's Law had been on the books, he would have been detained and not been able to flee to Mexico.

In March 2021, a Mexican national shot and killed his next-door neighbor in Chicago. He then injured the three officers attempting to arrest him. The Mexican national was arrested in 2011 for driving with an open container. In 2015, he was arrested again for aggravated assault. In 2012, he attempted to lie his way into a visa reserved for victims of criminal activity. And he also twice unsuccessfully applied for the DACA Program in 2014 and 2015.

If Sarah's Law had been on the books, he would likely have been detained after the aggravated assault in 2015, and, again, we would have another innocent who was killed still alive today.

So these are just a handful of examples of where Sarah's Law would have made a difference.

I do understand that there is an objection to the discretionary part of this bill, and the example that was given is of those who are being trafficked for sex-type operations. Sex trafficking is very real. Because I have worked in this space of domestic violence and violence against women, I do and have

heard from those who have been sex-trafficked that sometimes the only way to break away from those who are trafficking them is actually to be arrested and pulled away from those johns or those sex traffickers. So maybe to put them in an area of safety would be the right thing to do.

So I appreciate having been heard. I will continue to work on behalf of the Root family, on behalf of the Riley family, and others who have lost loved ones to those who should not be here in our country.

I yield the floor.

The PRESIDING OFFICER (Ms. CORTEZ MASTO). The Senator from South Carolina.

Mr. GRAHAM. Madam President, I believe we have 15 minutes, and just for the order of battle here, I would like to recognize Senators GRASSLEY, CORNYN, and HAWLEY to make some brief remarks. I will make some brief remarks, and we will make a unanimous consent for the bills that I have indicated we are trying to call up.

With that, I would turn it over to Senator GRASSLEY.

#### UNANIMOUS CONSENT REQUESTS

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, first, I would like to thank Senator GRAHAM for his leadership for protecting our kids, and also I would like to thank him for giving me this opportunity to help him advance three bipartisan bills which could revolutionize child safety in the digital era.

As child predators have exploited the development of technology to harm and endanger our Nation's most vulnerable, our laws to address this grave and growing threat to our kids have fallen way, way behind.

We have three bills to talk about. One goes by the title of "STOP CSAM." It strengthens reporting requirements of suspected abuse by expanding mandatory reporting and enhancing the CyberTipline, and it also protects child victims in court.

Another bill goes by the title of "EARN IT." It modernizes section 230 to ensure that victims can secure justice.

And the last one, the SHIELD Act, would impose necessary criminal penalties for distributing illegal explicit material and hold sexual predators accountable.

I am proud to cosponsor both the STOP CSAM and the EARN IT Act and have supported all three bills in the Judiciary Committee as part of my efforts, joining with Senator GRAHAM, to protect American youth. These bills are essential to protect our children and are examples of the fine bipartisan work that this body is capable of doing when we put constituents first.

Nothing is more important than protecting our youth, their childhood, and their futures. It is time to send these bills to the House and then hopefully through the House to President Biden. The longer we wait, the more children

are victimized and more childhoods are lost. We owe it to them to do what is right.

Thanks again to Senator GRAHAM for deferring to me, and thank you for your leadership.

Mr. GRAHAM. I see the chairman of the committee, Senator DURBIN. Go anytime you like or, Senator CORNYN, if you want to go next, then we have KLOBUCHAR and HAWLEY and myself.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, last year the Center for Missing & Exploited Children received 32 million—32 million—reports of suspected child sexual exploitation.

As we are demonstrating here on a bipartisan basis, the Senate Judiciary Committee, chaired by the Senator from Illinois, passed six bipartisan bills that aim to protect those children, and you have heard of some of them.

Two of the bills have already passed the Senate, including my Project Safe Childhood Act. Four others still need to pass, including the SHIELD Act, which Senator from Iowa just mentioned, which I introduced with Senator KLOBUCHAR, from Minnesota, to ensure that criminals who share explicit photos of children online are held accountable.

Children are our Nation's most valuable resource, and yet we neglect them far too often when they fall prey to predators on line and in our streets.

But we need to move on these bills. It is not enough for us to pat ourselves on the back and say the Judiciary Committee did its job on a bipartisan basis. We need these bills to be taken up, passed, and sent to the President of the United States without further delay.

I want to thank Senator GRAHAM for his leadership on this issue, and I hope the Senate can finally advance these bills.

Mr. GRAHAM. Before I turn it over to Senator DURBIN and the Senator speaks, Senator DURBIN has been terrific. The committee worked together to get these bills passed unanimously. Thank you for your leadership.

Mr. DURBIN. I thank the Senator for bringing us together on the floor today.

Are you worried about what your kids are looking at on those phones they carry around all the time? You try to get their attention, and they just can't take their face away from the phone. You often may wonder, What is on there? They say: Don't worry, Mom and Dad, we are just fine.

Grandparents feel the same way. They look at it and think, What in the world are they looking at?

Sadly, we know that some of them are looking at horrible things that they should never look at in that stage of their life, and we also know that exploitation is taking place.

In January, we joined together on a bipartisan basis. Senator GRAHAM and myself, as chairman and ranking member of the committee, called a historic

hearing with five CEOs from Big Tech companies. That hearing demonstrated that kids' online safety has widespread bipartisan support. Perhaps no other topic—in fact, I can't think of another topic where we had a unanimous vote on these bills by every member on the committee, Democrat and Republican, all 21.

The emotion I witnessed during that hearing and the faces of survivors, parents, and family members were unforgettable. There were parents who lost their children to the little cell phone they were watching day in and day out. They committed suicide by the instruction of some crazy person on the internet. They were children then and had grown up into adults, still haunted by the images they shared with some stranger on that little telephone years and years ago.

And you think to yourself, Well, why didn't they step up and say something? If those images are coming up on the internet, why don't they do something about it? Why don't they go to the social media site? In many and most instances they did and nothing happened.

That is the reason why we need this legislation. The STOP CSAM Act will allow survivors of online child sexual exploitation to sue the tech companies that have knowingly and intentionally facilitated the exploitation.

In other words, one young woman told a story. She shared an image of herself, an embarrassing image of herself, that haunted her for decades afterward. She went to the website that was displaying this and told them: This is something I want to take down. It is an embarrassment to me. It happened when I was a little girl and still I am living with it even today. They knew that it was on their website because this young woman and her family proved it, and yet they did nothing—nothing—but continued to play this exploitation over and over again.

Why? How could they get away with it?

They asked and many people asked: I thought we had laws in this country protecting children; what is going on? Well, there is a section 230 which basically absolves these companies—these media companies—from responsibility for what is displayed on their websites on their social media pages.

That is exactly what we have changed here. We say something basic and fundamental. If the media, social media site knowingly and intentionally continues to display these images, they are subject to civil liability. They can be sued.

Want to change this scene in a hurry? Turn the lawyers loose on them. Let them try to explain why they have no responsibility to that young woman who has been exploited for decades.

That is what my bill works on. I am happy to have the cosponsorship of Senator GRAHAM and others. We believe that this package of bills should come to the floor today, and that is what Senator GRAHAM is asking for.

Let's have a debate. Let's hear the other side of the story if there is one. But for goodness' sake, for parents and grandparents across America and particularly for the kids, let's do something to protect them that is fundamental and basic.

To say that this industry is somehow beyond liability and beyond the law is not right; it is not American; and it shouldn't be allowed in this country.

I yield the floor.

Mr. GRAHAM. I just want to say amen and now pass it to Senator KLOBUCHAR.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I rise today to join Senator DURBIN and Senator GRAHAM—thank you for organizing this—Senator CORNYN and Senator HAWLEY and others who believe it is long past time to update and change our laws in this digital world.

As my colleagues know, I have been trying to do this in the area of competition policy. We had a setback this week with losing the increased antitrust fees that were supposed to go to the Justice Department. But we carry on and hope that won't be the same next year and then join our colleagues across the aisle to try to change the law. If we are not going to give the resources, we better change the laws.

For too long social media companies have turned a blind eye when children joined their platforms and built algorithms that pushed harmful content out to kids. Despite hollow apologies and empty promises, these companies haven't fixed the problem.

The problem has gotten worse and every single parent knows it and every single person in this room. You don't even have to have a kid or grandkid to know it. You heard it from your friends, and we certainly heard it in testimony before our Judiciary Committee.

That is why I support Chair DURBIN's bill, the STOP CSAM Act—I am a co-sponsor—the EARN IT Act that Senator BLUMENTHAL and Senator GRAHAM have, and that is why I am working with Senator CORNYN to pass the SHIELD Act.

I am going to focus on the SHIELD Act because that is my bill, but I support these other bills.

In 2016, 1 in 25 Americans reported being threatened with or being a victim of so-called "revenge porn." Now, just 8 years later, studies show that 1 in 12 people report being a victim. Yet there is no current statute addressing these serious privacy violations, violations which have enormous social, emotional, and even financial impacts on victims.

According to one survey, 93 percent of victims report suffering significant emotional distress due to having intimate images shared against their will; 13 percent report difficulty getting a job or getting into school because these images are on the internet; and more than half experienced suicidal thoughts as a result of the violation.

FBI Director Wray—if you don’t want to believe us—FBI Director Wray testified that the Bureau has recently reported an increase in sextortion scams, which in 2022 alone resulted in at least 20 victims committing suicide—20 victims committing suicide—including Jordan DeMay, a high school senior and straight A student who took his life after he was blackmailed with the threat of distributing nude photos over Instagram.

What happens is these kids think they have met a girlfriend or a boyfriend. They give them a photo, and it turns out to be a scam. And then they threaten them that they are going to put the pictures online, and these kids don’t know who to turn to. They are just dumb kids—and they commit suicide. It is that straightforward. The Washington Post has done a review of a number of these cases.

So are we just going to sit there and let this get worse and worse and worse? I just don’t think that is the answer. The Stopping Harmful Image Exploitation and Limiting Distribution, or, as it is known, the SHIELD Act, gives law enforcement the tools it needs to stand up for victims of serious privacy violations.

Our bill establishes Federal criminal liability for people who distribute or threaten to distribute others’ explicit images online without consent. It also fills in gaps in existing Federal law so that prosecutors can hold all those who share these images intentionally of these kids accountable.

Let me make clear that we have—of course, as a former prosecutor and as the Presiding Officer is from the great State of Nevada—we understand that you have to narrowly define these bills and these laws. That is what we have done, and we made many changes after the markup of this bill. We listened, and we made changes to the bill. I have worked to refine the bill to address the concerns, and I continue to work with my colleagues to do so. But at some point—this was last May, and we are still sitting here. So that is why I join my colleagues in asking to get these bills through now, not tomorrow, not a month from now—now.

When that Boeing plane lost a door midflight in January, nobody questioned the decision to ground the planes to see what was wrong. No one thought that it was the mom who should have done something and checked out those bolts ahead of time or that it was the kid who should have been able to figure out that something was going wrong here.

We have laws on the books. As Senator DURBIN said, we have the ability to sue. We have laws on the books. These companies are no longer little companies that started in a garage and that should be shielded from all liability and that should have no rules applied to them. If we just want to leave the status quo and leave it to parents and see how it works out for these kids, I am not going to go that path. That is

why I am joining my colleagues across the aisle to get these bills done, and when they do their unanimous consent, I will join in that as well.

Mr. GRAHAM. I just want to say that Senator KLOBUCHAR has been tenacious in trying to find common ground and in bringing people together but also in getting a result.

Senator HAWLEY will be next. Then I will wrap it up and make the request.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. HAWLEY. Madam President, a few weeks ago, Mark Zuckerberg and a train of other tech executives traipsed in front of the Senate Judiciary Committee, took their oaths, and answered questions.

Mark Zuckerberg did something really quite remarkable for the first time, I think, ever. Zuckerberg stood up and turned to the parents who were there that day and spoke to every parent in America and said that he was sorry for what his company has done to the young people whose lives have been lost, to the families whose lives have been destroyed, to the parents whose dreams have been dashed and shattered. He apologized.

You know, I will say apologies are good, and his apology was long, long overdue, but an apology is not enough.

Now, these tech companies—they are bad actors. We all know that. If you are a parent—I have three kids at home—you know they are. What are they trying to do to your kids? They are trying to get them to spend as much time on that cell phone as possible. They are willing to push anything to them. Child exploitation material? You bet. You bet. Whatever it takes to get them online longer so they can take their data and sell them stuff. That is their bottom line—money, money, money. Those are the companies.

But what about this body? See, I think the question today is not so much about these companies. We know what they are doing. We know what their bottom line is. What about the U.S. Senate?

I think the question we have to ask is, Is this Senate—are they going to demonstrate some independence? Because here is what it looks like to me: It looks like, to me, the biggest corporations in the world, the biggest corporations in the history of the world, have a hammer lock on the U.S. Senate. It looks like, to me, no piece of legislation that those companies don’t want will move across this floor. If they don’t want it, it doesn’t move on the floor. If they don’t want it, it doesn’t get a vote. If they don’t want it, it doesn’t happen. They call the shots.

We have seen this before in American history. We have seen corporations try to buy this body. The railroads did it. Other companies tried it a century ago. Here we are. The robber barons of this era want to own the Senate just like they have owned it in the past. It is

time that we stood up and demonstrated that our oath is not to some corporation and their bottom line, which comes at exploiting our children. Our oath is to the Constitution of the United States and to serve our constituents—to serve the families, to serve the children, to serve the people who have no voice. That is the choice in front of us.

It is time for the Senate to show that the Senate is not bought and paid for. It is time for the Senate to show that the people are in charge of this House, not the corporations—not Mark Zuckerberg, not the people who write campaign checks, but the people. That is what we are doing here today on this floor.

I am proud to join Senator GRAHAM and Senator DURBIN and to come as many times as it takes until we can get a vote to protect our children and to reclaim the independence of the United States Senate.

I yield the floor.

Mr. GRAHAM. Madam President, to my colleagues, thank you for coming down. I really appreciate it.

Senator DURBIN, you have been a great partner on this journey. We have some victims groups, and we are going to keep doing this until we get the result we think America needs.

Very quickly, in 2024, here is the state of play: The largest companies in America, social media outlets that make hundreds of millions of dollars a year, you can’t sue if they do damage to your family by using their product because of section 230.

Now, if you wanted to give complete liability protection to a group of people, this would be the last group I would pick. So in the 1990s, there was a law on the books that, to make sure the internet could get up and running, the platforms couldn’t be sued for the content that is on their platforms.

Now these platforms enrich our lives, but they destroy our lives. These platforms are being used to bully children to death. They are being used to take sexual images involuntarily obtained and send them to the entire world, and there is not a damned thing you can do about it.

We had a lady come before the committee, a mother, saying her daughter was on a social media site that had anti-bullying provisions. They complained three times about what was happening to her daughter. She killed herself. They went to court. They got kicked out by section 230.

The sexual exploitation of children is just mind-boggling, so we have legislation to strip away section 230 absolute liability protections. One is called the EARN IT Act, and I will make a request for that to come to the floor.

All of these bills have passed the Judiciary Committee—made up of the hardest of the hard in the body—unanimously. We have seen and heard the same thing. We have different views about the way the world should work, about the role of government in our

lives, but we come together on this. DICK DURBIN and LINDSEY GRAHAM and JOSH HAWLEY and—you just name it; all of us—we see the problem the same. We hear from our constituents, who are helpless and hopeless. So we are going to keep this up until we bring these people to heel.

There are three ways to protect the consumer. If the consumer is damaged, they can go to court and seek relief. They have the burden to prove their case, but they have a chance to right a wrong that they believe has been done to them by a business. You can't do that here.

Another way to protect the consumer is to have regulatory agencies, licensing agencies, deride hurt on businesses to make sure they perform effectively and don't abuse the consumer. There is no such thing here.

The third is to have a series of laws on the books to protect consumers. There are no laws on the books. We are zero for three—you can't sue them, there is no regulatory body, and there are really no laws on the books to protect the consumer. That needs to change.

With that, I want to call up—as in legislative session, notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 70, S. 1207; that the committee-reported amendments be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate on the EARN IT Act. That is my request.

The PRESIDING OFFICER. Is there an objection?

The Senator from Oregon.

Mr. WYDEN. Madam President, I reserve my right to object.

I have heard this discussion about parents. My wife and I are older parents, the youngest child being a charming 11-year-old redhead. As I say, she is 11. So we are all in for protecting kids from these monsters, and there is no disputing that that is what we are talking about.

I say to Senator GRAHAM, we have talked about a lot of issues over the years—no disagreement about these people being monsters. CSAM is a toxic plague on the internet, perpetrated by people who, in my view, are evil to their core. These are real victims, and they need support. The criminals have got to be hunted down and locked up.

I want to be clear. As I have said in the Senate before, I don't take a back seat to anybody when it comes to helping kids and punishing predators. In a minute, I will talk about my approach, which I think is going to be effective. It might not sound effective, but it is going to be effective, and it has been endorsed by the National District Attorneys Association, made up of district attorneys across the land.

Now, the specific reason I oppose EARN IT is that it will weaken the sin-

gle strongest technology that protects children and families online, something known as strong encryption. It is going to make it easier to punish sites that use encryption to secure private conversations and personal devices. This bill is designed to pressure communications and technology companies to scan users' messages. I, for one, don't find that a particularly comforting idea.

The sponsors of the bill have argued—and Senator GRAHAM is right; we have been talking about this a while—that their bills don't harm encryption. Yet the bills allow courts to punish companies that offer strong encryption. In fact, while it includes some vague language about protecting encryption, it explicitly allows encryption to be used as evidence for various forms of liability. Prosecutors are going to be quick to argue that deploying encryption was evidence of a company's negligence in preventing the distribution of CSAM, for example.

The bill is also designed to encourage the scanning of content on users' phones or computers before information is sent over the internet, which has the same consequences as breaking encryption. That is why 100 groups, civil society groups, including the American Library Association—people whom I think all of us have worked for—and the Human Rights Campaign and Restore the Fourth—all of them oppose this bill because of its impact on essential security.

Weakening encryption is the single biggest gift you could give to these predators and these god-awful people who want to stalk and spy on kids. Sexual predators are going to have a far easier time stealing photographs of kids, tracking their phones, and spying on their private messages once encryption is breached.

It is very ironic that a bill that is supposed to make kids safer would have the effect of threatening the privacy and security of all law-abiding Americans.

My alternative—and I want to be clear about this because I think Senator GRAHAM has been sincere about saying that this is a horrible problem involving kids. We have a disagreement on the remedy. That is what is at issue. What I want us to do is to focus our energy on giving law enforcement officials the tools they need to find and prosecute these monstrous criminals who are responsible for exploiting kids and spreading vile, abusive materials online. That can help prevent kids from becoming victims in the first place.

So I have introduced a bill to do this, the Invest in Child Safety Act, to direct \$5 billion to do three specific things to deal with this very urgent problem.

What I have proposed in the Invest in Child Safety Act—I am very pleased to be able to say it has been endorsed by the National District Attorneys Association—is, one, give law enforcement

agencies the tools and personnel they need to catch the predators who are creating and spreading CSAM; two, fund community-based programs to prevent at-risk kids from becoming victims in the first place; and three, invest in programs to support survivors of abuse.

Any legislation that doesn't include these pieces, I would just say particularly to Senator GRAHAM because he and I have talked about this many times over the years and just have a difference of opinion, any legislation that doesn't include the three pieces I mentioned, I don't think is up to the task of protecting these kids that we all feel so strongly about.

Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRAHAM. Very quickly, and I will move to CSAM, Senator DURBIN's bill.

There is nothing in this bill about encryption. We say that this is not an encryption bill. The bill, as written, explicitly prohibits courts from treating encryption as an independent basis for liability. We are agnostic about that. What we are trying to do is hold these companies accountable by making sure they engage in best business practices.

The EARN IT Act simply says: For you to have liability protections, you have to prove that you have tried to protect children. You have to earn it. It is just not given to you. You have to have the best business practices in place, have voluntary commissions that lay out what would be the best way to harden these sites against sexual exploitation. If you do those things, you get liability. It is just not given to you forever. So this is not about encryption.

As to your idea, I would love to talk to you about it. Let's vote on both. But the bottom line here is there is always a reason not to do anything that holds these people liable. That is the bottom line. They will never agree to any bill that allows you to get them in court—ever. If you are waiting on these companies to give this body permission for the average person to sue you, it ain't never going to happen.

Now, CSAM, Senator DURBIN has been tenacious on this. We are talking about making sure that sexually explicit material is taken down when you notify people. Is that unreasonable?

And if they don't take it down, knowing that it is up there, you ought to be able to sue them. My God, if we can't do that, what good are we? There are millions of these photos out there.

Senator DURBIN has been terrific to empower consumers with some hope they don't have to live this over and over and over again. Is it too much to ask the company, once notified, to take this stuff down?

With that, as in legislative session and notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 69, S. 1199; that

the committee-reported substitute amendment be agreed to; the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there an objection?

Mr. WYDEN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, again, I have made my point that I don't disagree in the least with Senator GRAHAM on the seriousness of the problem. Unfortunately, this bill suffers from exactly the same matters that I objected to earlier.

So I am not going to repeat myself and put everybody through that. But here are the main points to make sure they are heard on CSAM, as I did with respect to EARN IT.

CSAM is a horrifying plague on the internet. Senator GRAHAM and I do not disagree on that point at all. Again, weakening encryption, though, is not going to help victims or make kids safer. And that is what this bill does.

The Leadership Conference for Civil Rights opposes this bill and the earlier bill because they threaten secure private communications that are essential for communities of color and every single family in the country.

I would only say, in terms of wrapping this up—and Senator GRAHAM and I have talked about this—my door is open in terms of talking about approaches that will work. I believe that focusing our energy on giving law enforcement, finally, the tools to lock these horrible criminals behind bars for exploiting kids is something that we ought to get on with. And we ought to invest in programs that support survivors.

The Invest in Child Safety Act that I have written, with the support of the National District Attorneys Association, is endorsed by the National Center for Missing & Exploited Children and leading child welfare groups.

That is what this bill does. It finally offers a measure of real protection for these kids who we have been talking about over the last hour or so who deserve it. Their families deserve it. The legislation that I have proposed, endorsed by influential voices like the National District Attorneys Association, the National Center for Missing & Exploited Children, with respect to CSAM, are the way to go. Again, anything less—and I don't criticize anybody's motives—just doesn't solve the problem. For that reason, I object to this bill as well.

The PRESIDING OFFICER. The objection is heard.

Mr. GRAHAM. We have one more. And I will just respond that I will take you up on your offer. You are a good friend and a good man. The bottom line is, there are 21 of us on the committee from every corner of the political spec-

trum, and we are not buying any of this.

Again, what does Senator DURBIN want to do? He wants to make sure companies, when they are notified that there are sexually explicit material involving you or somebody you love, that they will have to take it down. If they don't, you can sue them. Who in America is against that, except the people making money off the images?

We will keep talking, but this ain't going to stop. There will be a day when every seat is full up here because word is going to spread about what we are trying to do.

Senator TILLIS, you have been terrific. I don't think you are a lawyer, are you? You are the smartest guy on the committee, then.

He figured this out really quickly. You don't have to be a lawyer to figure this out, just common sense and human decency.

The SHIELD Act—as in legislative session, notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 78, S. 412; that the committee-reported substitute amendment be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid on the table with no intervening action or debate.

The PRESIDING OFFICER. Is there an objection?

The Senator from New Jersey.

Mr. BOOKER. Madam President, reserving the right to object, I want to thank the Presiding Officer, and I also want to thank my friend Senator LINDSEY GRAHAM, who has been a partner on so many things involving criminal justice, on so many good things involving safety, has been a partner on, obviously, many things, and foreign policy as well.

I want to object to the request by the Senator from South Carolina to pass the SHIELD Act by unanimous consent. But I really want to start by saying that I know we are talking about a deeply vital issue today that we must address as the U.S. Senate.

I believe that the Senator from South Carolina and I have a common goal, and we see eye to eye. Anytime a person's privacy or bodily autonomy is violated, we have a duty to address the harm that they have experienced and seek solution so that we prevent the same thing from happening to others. He and I have talked about this in the committee multiple times.

Congress must act when there are people who exploit others or harass them or set out to exact some twisted revenge on them by sharing nonconsensual images. They should be held accountable for the serious, emotional, psychological, and professional harm it can cause to victims. I believe this is what the sponsors of the SHIELD Act intend to do.

But the bill offered today stands to have unintended consequences that I

have discussed in committee and that need to be addressed. Many of these issues were addressed in committee in our markup of the bill. Senator KLOBUCHAR, who leads this bill, has been working with me to correct those problems. We are working diligently and in good faith to address these issues so that this Congress can pass a bill to vindicate the victims. When we were in committee, I spoke and asked for the opportunity to do that work, and I am hoping that we continue to have that now.

It is our obligation to get this right, and I am grateful to the Senator from Minnesota and her staff who are working with me to make sure we do so. Thus, I object.

As in legislative session and notwithstanding rule—

The PRESIDING OFFICER. Senator, the objection is heard.

Mr. BOOKER. Oh, thank you very much. I was doing what I was told. Forgive me.

Mr. GRAHAM. If you want to keep going, I will yield you some time.

Mr. BOOKER. Anytime you defer to me, Senator, to give me a chance to speak to you, that is one of my higher honors in the U.S. Senate. Thank you very much.

Mr. GRAHAM. Madam President, we will be back. We will work with Senator BOOKER. We have tried in committee. Senator WYDEN will keep talking, but I think 21 of us are pretty determined that there be some consumer protection laws in this space on the books this year.

I am going to talk to President Trump. Looks like he is going to be the Republican nominee. I have known President Biden a long time. He has been on the Judiciary Committee. I hope both of them will see this as something they would agree to.

Senator DURBIN, I will let you wrap up. I just cannot thank you enough. We have our differences for sure; but on this, you have been a great leader of the committee.

No matter what happens in 2025, if we take over or you all keep the Chamber, we are going to keep doing this.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I want to thank Senator GRAHAM. This has truly been a bipartisan effort.

People are saying: Why don't they work together? Why don't the two parties work together? Well, 21 members of the Senate Judiciary Committee unanimously voted for these six bills—unanimously. And we come to the floor today saying we want to bring these to the floor for consideration.

This Chamber is largely empty day in and day out. We have got plenty of time and opportunity to use these desks and these microphones to consider issues.

What are the issues we might take up? The issues that keep families up at night. Why in the world is our little girl on that telephone night and day?

What is she doing on there? She promises us she is safe and not to worry, Mom and Dad. But we don't know any better. And for goodness' sake, what is a parent supposed to do?

Now consider the worst case scenario: Someone takes advantage of your little girl or granddaughter on the internet and displays an image which is horrifying. You know it, you see it, and you can't believe it. You finally go to the media platform and say: For goodness' sakes, take that image down. This is exactly where you will find it. Bring it down. We don't want that to be broadcast anymore.

And if the media platform, at that point, knowingly and intentionally ignores the information you have given them to protect your family, then they can be held civilly liable. They can be sued. Do you think they will pay attention then? Why, of course, they will. That is why the objections are being heard.

I am going to keep working on this. I thank Senator GRAHAM for making it a bipartisan effort. He is a wonderful partner on these issues.

We are coming back. I am working on a modification of my bill to bring some more support and make sure we consider everybody's point of view. But we do not take any position on encryption. As Senator GRAHAM said, we are agnostic on that subject, but we do believe that something should be done to protect these families once and for all and to let these media platforms—these multimillion-dollar, profitable platforms—know they have a responsibility to the people of this country.

Madam President, I ask unanimous consent that the following Senators be permitted to speak prior to the scheduled vote: Senator COLLINS for up to 5 minutes and Senator MURRAY for up to 10 minutes.

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

The PRESIDING OFFICER. The Senator from Maine.

#### GOVERNMENT FUNDING

Ms. COLLINS. Madam President, I urge my colleagues to support the six-bill fiscal year 2024 appropriations package that is before us.

I am pleased to report that the House of Representatives overwhelmingly passed this bill earlier today by a vote of 339 to 85. It was strongly bipartisan. And now the Senate should follow suit.

I want to express my thanks to the Republican ranking members on each of the six subcommittees—Senators MURKOWSKI, MORAN, HOEVEN, BOOZMAN, KENNEDY, and HYDE-SMITH—for their tremendous work in assembling this package.

I also want to recognize the chair of the committee, Senator PATTY MURRAY, who has worked so hard—since she was named chair and I, vice chair—in order to bring us to this point.

I also want to salute the Democratic chairs for their work.

My point is that everyone involved, including our incredibly hard-working

staff, has worked night and day to bring us to this point.

The measure before us includes the following fiscal year 2024 appropriations bills: Interior; Commerce, Justice, and Science; Agriculture-FDA; Military Construction and Veterans' Affairs; Energy and Water Development; and Transportation and Housing.

And, again—although I wish this had happened months ago—these are full-year appropriations bills. In other words, this is not another continuing resolution, not a short-term patch, but, rather, a package of bills that will fund these important programs and Agencies and Departments through the end of the fiscal year.

This package fully funds veterans' medical care; supports our farmers, fishermen, and ranchers; protects our Nation's food and drug supply; provides critical resources for law enforcement; helps us better compete with China; advances American energy independence; and invests in our Nation's infrastructure and public lands.

This legislation also complies with the Fiscal Responsibility Act, as well as the top-line spending agreement reached between Speaker JOHNSON and Senator SCHUMER. Under that agreement, defense funding for this fiscal year will increase by 3.3 percent relative to fiscal year 2023 enacted levels, while nondefense funding will be held flat.

That is not easy to do, particularly given the impact of inflation and the 5.2 percent Federal employment pay raise, which many of these Agencies are going to have to absorb. So it took a great deal of negotiation and hard work for us to get to this point.

It certainly has not been easy, but I am proud of the legislation we are bringing to the floor today. I urge my colleagues to join me in voting to move this important legislative package forward toward enactment.

I look forward to further floor discussion tomorrow, but, right now, I do urge a "yes" vote on the motion to proceed.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I want to thank the vice chair, who spent innumerable hours with me for a very long time, through many, many different discussions and meetings and hearings, and for her incredible work to get here tonight to this vote. Thank you so much.

This week, we will, at long last, be voting on our bipartisan, bicameral full-year funding bills. In fact, this package passed the House in a huge bipartisan vote today, with over 300 Members voting in favor.

It has been a long road and a tough negotiation to get here. We are not done yet, and I will have more to say. But I come to the floor tonight to briefly talk a bit about what is actually in these bills and why this is so important to families across the country and to people in States like mine everywhere.

My focus all the way through this process, from day one, has been: How can we produce the strongest bills given some very tight constraints? And how can we get a result that will make people's lives better?

While this package may not be what I would have written on my own—and I am sure my vice chair would say it would not have been what she would have written on her own—we fought very hard to protect investments that matter to working people everywhere and to help keep our economy strong, rejecting devastating cuts to housing, nutrition assistance, and a lot more.

Importantly, we blocked countless extreme Republican policies, like efforts to restrict abortion rights, that would have set our country back decades.

This package includes investments in our economy, like cutting-edge research, renewable energy, key programs to continue rebuilding America's infrastructure, and funding for my 21st Century Cures Act to support America's world-class biomedical research enterprise.

Democrats fought hard to protect investments in rural communities in support of our farmers.

It includes investments to keep America safe, like funding for more air traffic controllers, rail safety inspectors, food safety inspectors, and to implement the law I passed, along with Senator COLLINS, starting up FDA's cosmetics oversight. That is a major achievement in this bill.

And our bills reject unthinkable cuts proposed by House Republicans to Federal law enforcement—the people who go after drug traffickers and do so much else to keep our families and communities safe.

Not to mention, these bills protect pay for Federal firefighters, boost our investments in preventing violence against women, and fund a new program to increase sexual assault nurse exam access that I have worked on.

This package also includes investments in our environment and allows Democrats to continue to deliver on historic climate action, even as House Republicans sought to gut Agencies like EPA and Interior.

We deliver in this bill investments to keep our commitments to Tribes, including by continuing to provide advance appropriations so the Indian Health Service can serve patients with certainty and hire staff for hospitals.

It also includes investments supporting our servicemembers, which is especially important to me as a daughter of a World War II veteran.

It has crucial resources for military construction projects, including childcare centers, housing, and other quality-of-life improvements for our troops and their families.

It increases funding for the Veteran Caregivers Program that I helped establish and expands and makes record investments to help end veteran homelessness, deliver mental healthcare for

our veterans, and support women veterans' healthcare—all longtime priorities for me.

And, of course, it includes support for American families. And that means protecting investments to address the housing crisis—something important to my home State of Washington—programs that the House Republicans wanted to hollow out. But we together were able to protect and strengthen essential rental assistance, boost investments to reduce homelessness, and increase our Nation's affordable housing supply.

And it means full funding for food assistance programs families rely on, like SNAP, the Summer EBT Program I helped establish, which will help half a million kids in Washington State alone, and WIC.

As someone whose family relied on food stamps after my dad was diagnosed with multiple sclerosis, I know firsthand that action here can be the difference between families having food on the table for dinner or kids going to bed hungry.

So when I saw that the House Republicans proposed devastating cuts that would have forced States to deny families with benefits for the first time ever, that was never going to be an acceptable outcome.

I said from the outset I would move mountains to fully fund WIC, and that is exactly what I did. But let's be clear: WIC should never have even been put into question, because ignoring the mountains of evidence that this program works, the long history of bipartisan support for WIC, and the fact that this program actually saves us money in the long term—ignoring all of that, there is still just no ignoring the fact that the basic question with WIC is: Can the richest country in the world afford to feed babies? And the answer is yes. It has to be.

I can't believe I have to say that, but I will say it as many times as it takes. And I am glad that we were able to work together to reach a good outcome and fully fund WIC in this bill.

And here is the thing about our appropriations bills. They reflect the input and priorities of nearly every Senator. As a voice for Washington State, I am proud of the ways these bills invest in the communities that I know from every part of my State, with funding for researchers, salmon recovery, infrastructure projects, fixes to make sure that our ferries and harbors are getting their fair share, a historic amount of funding for Hanford Cleanup, and more.

I will have a lot more to say about these efforts and other Washington State projects I fought hard to include in these bills, but I am so excited to see this funding make progress and make a difference for folks back home.

We said from day one that partisan poison pills were nonstarters. We said that together. Getting a result in divided government means putting aside that partisanship and working to find

common ground. That is how we managed to put together these six strong, bipartisan, bicameral bills. And it is the only way we will wrap up the next six as well, which, you should all know, we are working very hard on right now.

I think we all recognize that some far-right House Republicans have been trying to derail this entire process from the start. But as we saw today in the House, an overwhelming 300-plus Members voted to pass this bill. The vast majority from both sides want to get this done. By passing these bills, we can turn the page and show America that the vast majority of Congress is still focused on doing its job, working through tough negotiations so we can help people and solve problems.

Again, I want to thank my partner, Senator COLLINS, who has been just tremendous in working with us, and all of our staffs, who have been working on this 24/7 for so long. They are exhausted, and they still have six more bills to go.

I want to thank our chairs of the Appropriations subcommittees that are in this bill: Senators SCHATZ, HEINRICH, SHAHEEN, and MERKLEY for their tremendous work, and their Republican counterparts as well, who having really put in a lot of time and energy and have had to say "yes" and "no" way too many times. But we got this done.

So I hope all of our colleagues tonight will join us in sending that message by voting on the motion to proceed this evening—voting yes—and then working together to make sure we get this to the President's desk before the deadline on Friday.

#### VOTE ON HARRIS NOMINATION

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

Mrs. MURRAY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alabama (Mrs. BRITT).

The result was announced—yeas 51, nays 48, as follows:

#### [Rollcall Vote No. 73 Ex.]

#### YEAS—51

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

#### NAYS—48

Barrasso	Graham	Paul
Blackburn	Grassley	Ricketts
Boozman	Hagerty	Risch
Braun	Hawley	Romney
Budd	Hoover	Rounds
Capito	Hyde-Smith	Rubio
Cassidy	Johnson	Schmitt
Collins	Kennedy	Scott (FL)
Cornyn	Lankford	Scott (SC)
Cotton	Lee	Sullivan
Cramer	Lummis	Thune
Crapo	Marshall	Tillis
Cruz	McConnell	Tuberville
Daines	Moran	Vance
Ernst	Mullin	Wicker
Fischer	Murkowski	Young

#### NOT VOTING—1

Britt

The nomination was confirmed.

The PRESIDING OFFICER (Mr. OSOFF). The Senator from Washington.

#### LEGISLATIVE SESSION

#### CONSOLIDATED APPROPRIATIONS ACT, 2024

Mrs. MURRAY. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 4366.

The PRESIDING OFFICER. The Chair lays before the Senate the following message from the House of Representatives on H.R. 4366, which the clerk will report for the information of the Senate.

The senior assistant legislative clerk read the message as follows:

Resolved, That the bill from the House of Representatives (H.R. 4366) entitled "An Act 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.", do pass with an amendment.

The PRESIDING OFFICER. The majority leader.

#### MOTION TO CONCUR

Mr. SCHUMER. I move that the Senate concur in the House amendment to the Senate amendment.

#### CLOTURE MOTION

Mr. SCHUMER. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment 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.

Charles E. Schumer, Patty Murray, Brian Schatz, Tammy Duckworth, Jack Reed, Tim Kaine, Christopher A. Coons, Benjamin L. Cardin, Margaret Wood Hassan, Richard J. Durbin, Sheldon Whitehouse, Jeanne Shaheen, Richard Blumenthal, Angus S. King, Jr., John W. Hickenlooper, Tina Smith, Alex Padilla.

MOTION TO CONCUR WITH AMENDMENT NO. 1618

Mr. SCHUMER. I move to concur in the House amendment with an amendment numbered 1618, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] moves to concur in the House amendment to the Senate amendment with an amendment numbered 1618.

The amendment is as follows:

(Purpose: To add an effective date)

At the end add the following:

**SEC. EFFECTIVE DATE.**

This Act shall take effect on the date that is 1 day after the date of enactment of this Act.

Mr. SCHUMER. I ask that further reading be dispensed with.

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

Mr. SCHUMER. I ask for the yeas and nays on the motion to concur with the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

AMENDMENT NO. 1619 TO AMENDMENT NO. 1618

Mr. SCHUMER. I have an amendment to amendment No. 1618, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 1619 to amendment No. 1618.

The amendment is as follows:

(Purpose: To add an effective date)

On page 1, line 3, strike “1 day” and insert “2 days”.

Mr. SCHUMER. I ask that further reading be dispensed with.

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

MOTION TO REFER WITH AMENDMENT NO. 1620

Mr. SCHUMER. I move to refer the House message to the Committee on Appropriations with instructions to report back forthwith with an amendment numbered 1620.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] moves to refer the bill H.R. 4366 to the Committee on Appropriations with the instructions to report back forthwith an amendment numbered 1620.

The amendment is as follows:

(Purpose: To add an effective date)

At the end add the following:

**SEC. EFFECTIVE DATE.**

This Act shall take effect on the date that is 3 days after the date of enactment of this Act.

Mr. SCHUMER. I ask that further reading be waived.

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

Mr. SCHUMER. I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

AMENDMENT NO. 1621

Mr. SCHUMER. I have an amendment to the instructions, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 1621 to the instructions of the motion to refer H.R. 4366 to the Committee on Appropriations.

The amendment is as follows:

(Purpose: To add an effective date)

On page 1, line 3, strike “3 days” and insert “4 days”.

Mr. SCHUMER. I ask that further reading be waived.

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

Mr. SCHUMER. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

AMENDMENT NO. 1622 TO AMENDMENT NO. 1621

Mr. SCHUMER. I have an amendment to amendment No. 1621, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 1622 to amendment No. 1621.

The amendment is as follows:

(Purpose: To add an effective date)

On page 1, line 1, strike “4 days” and insert “5 days”.

Mr. SCHUMER. I ask that further reading of the amendment be waived.

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

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

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

U.S. SUPREME COURT

Mr. WHITEHOUSE. Mr. President, I am back today for the 29th time on my “scheme” series to explain to the

American people how the rightwing managed to capture the Supreme Court. Today, I would like to discuss the scheme’s deliverables—how the Court rewarded its big donors with favorable outcomes that benefited partisan Republican or corporate interests and, particularly today, how the Roberts Court used false facts to produce decisions like Shelby County and Citizens United.

This speech is the short form. For the full analysis or the long form, you can read my recently published law review article in the Ohio State Law Journal, 84 Ohio St. L.J. 837 (2023).

False factfinding is the trick that has enabled the Court to do a lot of damage in recent years. Let’s start with some basic principles about how factfinding is supposed to work in the American judicial system.

Facts are an important part of every case, and it matters to get them right, and it also matters that courts stay within their constitutional boundaries. To achieve those two purposes, the American system has facts ascertained at the trial court level—the trial court level.

First, the trial judge is closest to the facts on the ground. That is where the evidence comes in. That is where each party can challenge each other’s facts, where facts receive robust adversarial scrutiny. That is where the judge can evaluate credibility and dedicate the time to compiling a robust factual record.

In all of this, one key point is that the judge relies on the parties to bring the facts to the court. With only limited exceptions, a court isn’t supposed to venture off looking for its own facts.

Once the trial court makes its decision and assembles its record of the facts, that record travels with the case when a party appeals to a higher court.

As to facts, an appellate court is not supposed to find its own; it is supposed to give the lower court a lot of deference.

A lower court’s factfinding can usually be overturned only if there was what is called clear error—a very hard standard to meet, as any lawyer will tell you. Even after a clear error finding, the ordinary rule is that the case is remanded back to the trial court for whatever further factfinding is required to comply with the appellate court’s edict.

These rules make our system honest and efficient. They allow robust challenge to the facts at trial but deference to the judge’s findings on appeal. They do not set appellate courts up as factfinders. Appellate courts focus on questions of law using the record established by the trial court.

These factfinding rules also protect our American separation of powers. Under the Constitution, courts are limited to deciding only what the Constitution calls “cases or controversies.” By obvious implication, that means actual cases or controversies with their actual facts. Without that,

judges could make decisions based on hypothetical facts—in effect, offer unconstitutional advisory opinions.

A court can't honor the Constitution's case or controversy requirement without cabining its decision to the actual facts of the case or controversy and to this established factfinding process. If that limitation did not exist, appellate judges could become, as one famous judge warned, "a knight-errant, roaming at will in pursuit of his own ideal of beauty or of goodness."

One other factfinding body needs to be mentioned, and that is Congress. Congress is the Constitution's policy-making body—that is our job—not because we are geniuses but because if our ideals of beauty or of goodness don't match the public's, the public can throw us out. That is democracy. The democratic process provides the public protection.

Congress has its own factfinding authority under the Constitution. We often find facts ourselves, creating a legislative record—not the trial record of a trial court, a legislative record of the proceedings leading to a bill. This factfinding authority merits deference from courts—again, not because we are smarter, but because we are correctible through democratic process.

Which brings us to the mischief at the Roberts Court. For more than a decade now, the Roberts Court has violated these basic principles, replacing facts found by Congress and facts found by lower courts with fake facts that they made up on their own—fake facts that over and over just happen to suit the big donors who put so many Republican-appointed Justices on the Supreme Court.

Shelby County and Citizens United—both of those decisions—stood upon falsehoods presented as facts. These weren't just drive-by errors in passing, of no moment; these were false factual findings that were essential to prop up the logic of the Court's holdings. No false facts; no desired outcome.

Tellingly, even after events thoroughly disproved the false facts, the Republican Supreme Court refused to correct its mistakes, and so these faulty decisions founded on false facts live on like zombies plaguing our democracy.

Let me talk about those two cases because they are probably the worst examples.

In Shelby County, the Supreme Court said that the most important part of the Voting Rights Act—the part that required States with a history of racist voter suppression to get clearance before new voting laws went into effect—was no longer justified. That part of the law was just no longer justified because "things had changed."

According to Chief Justice Roberts, conditions in those States had improved so much that Congress should no longer screen their laws for racist voter suppression. That false fact was key to the analysis overturning this

part of the Voting Rights Act, but there was no record support for that false fact. It just popped out of the heads of the Justices who wrote that decision.

In actuality, in Shelby County, Congress had compiled thousands of pages of evidence, a record of facts collected through extensive hearings and research regarding the danger of minority voter suppression in those so-called preclearance States. The Court ignored that.

Worse still, preclearance States, no longer subject to these Voting Rights Act protections, immediately proved that the dangers that the Court said weren't there were, in fact, there, that these dangers were true, moving immediately to enact laws that targeted minority voters "with almost surgical precision," as one court put it. Despite the evidence before and after disproving the Court's so-called finding in Shelby County that everything was OK now, the Roberts Court has refused to budge, leaving that zombie decision in place.

The trick was even clearer in Citizens United. The bipartisan campaign finance law at issue was supported again by a robust congressional, factual record. Congress had held hearings, gathered firsthand accounts, and wrote lengthy reports on the problems plaguing our campaign finance system. Lower courts had also assembled similar records with evidence of these problems, many of which suggested corruption. All of that was ignored.

The Republican-appointed Justices in Citizens United had a problem. Congress gets to legislate to protect the integrity of elections. We get to legislate to protect elections from either corruption or the appearance of corruption. So to get around that—to keep Congress out of protecting the integrity of our elections—the Justices had to come up with a way of arguing that unlimited political spending in politics wouldn't and, indeed, couldn't harm election integrity. They had to manufacture that finding to subvert Congress' power, and to get there, they had to make two factual findings.

First, they argued that there was no risk of corruption or even the appearance of corruption because all this new spending they were going to unleash would be independent—Independent—from the campaigns the spending was supporting. Well, that has been proven abundantly false.

Even more obviously, they said that all this new political spending they were unleashing would be transparent—not just independent but also transparent. The voters would know who was behind the big, unlimited political spending and could make their decisions accordingly; and therefore, the danger of corruption was lifted by the fact that the voters would know whose money was behind the ads.

Well, folks, it is nondebatable that that fact is false. Partisan billionaires and corporate special interests have

spent billions in dark money. This is so widely reported and incontestable that an honest court could probably even take judicial notice of the billions in nontransparent and, therefore, corrupting political spending. A lot of this money is supposedly independent, but in reality, the groups that spend it use all sorts of well-documented loopholes to coordinate with candidates and campaigns right in broad daylight. The tsunami of dark money that Citizens United unleashed has, as predicted, corrupted our democracy.

The Court didn't have to wait for the newspaper to know that the facts it found were false. Shortly after Citizens United, a State campaign finance case came to the Supreme Court from Montana. The Montana Supreme Court upheld a 100-year old State campaign finance law on the basis of an extensive factual record about the history of campaign corruption specific to Montana. John McCain and I submitted a bipartisan brief to the Supreme Court in that case. Our brief pointed out the factual falsity of the Citizens United decision—that the spending was not independent; that the spending was not transparent; and, therefore, those factual predicates of Citizens United failed, and the decision should fall.

Not only did the Republican-appointed Justices summarily reverse the Montana Supreme Court, not even allowing oral argument where, perhaps, this false factfinding might have been pointed out, the Court did so on the grounds that the Montana decision was inconsistent with Citizens United—no mention of the problem that Citizens United was inconsistent with the truth. Talk about a zombie decision. Since then, the Court has stubbornly refused to reexamine its false facts despite several billion instances of disproof of the transparency of the funding.

Worse, a couple of terms ago, these Federalist Society Justices started paving the way even for a constitutional right to spend dark money. The billionaire rightwing donors who packed the Court did very well by these two decisions—by Shelby County and Citizens United. The suppression of minority voters across the South post-Shelby County likely flipped some elections to the Republican Party. The flood of dark money by billionaires and corporate interests was, for years, essentially entirely dedicated to funding Republicans in elections.

If you want a specific example of corruption, look at how fossil fuel industry dark money has, since Citizens United, stopped Congress from passing any serious bipartisan climate legislation. I was here in 2007, 2008, and 2009 when climate legislation was very current in the Senate and very bipartisan—three or four major bills being worked on, strong bills, that would have helped solve the climate problem. Then came January of 2010, that date of infamy when Citizens United was decided. Since then, that is it—no serious bipartisan climate bill.

These cases happened because the Court disregarded rules about proper factfinding, ignored mountains of evidence that Congress and that lower courts had assembled, and made up facts—just made up their own facts—that helped them strike down the laws, delivering those big wins for Republican donor political interests.

This free-range factfinding problem at the Court is going to get worse after the Court's recent move in cases like Dobbs and Bruen to base constitutional decisions under their new theory of history and tradition. This new theory opens whole new fields to judicial factfinding knight-errantry, cherry-picking historical facts to get the outcomes that they want to reach.

Dobbs, the case that overruled Roe v. Wade, stood on dubious historical sources—like a 1600s treatise by someone who sentenced accused witches to death and defended marital rape—to subject women's reproductive autonomy to the whims of State legislatures.

Bruen, the guns case, stood on an NRA-funded version of history that one historian called an “ideological fantasy” to put the proliferation of guns on our streets behind constitutional protection.

When the Supreme Court goes on these last-minute, no-argument, “made it up in our chambers,” “no chance of correction” factfinding expeditions, there is no one to tell them: Hey, you got some stuff wrong. There is no one else the parties can appeal to. The factual errors slipped in at the end are protected from correction, and then the zombie cases march on.

I wrote my law review article because this factfinding trickery hasn't gotten the attention it deserves either here in Congress or by professors and judges. There is no shortage of mess to clean up at the Supreme Court, whether it is the Court's ethics crisis or the phony front group *amici curiae*, who often show up to offer those false facts to the Court without any transparency or vetting themselves. My Supreme Court Ethics, Recusal, and Transparency Act would clean up a lot of the mess. But even if we passed that law and it helped clean up the ethics mess and even if we managed to unpack the Court that dark money built, these zombie decisions standing on false facts would remain effectual unless—unless—we have the legal theory to address them. My article proposes one way to scrub away these tainted decisions—by returning to the historic, basic, well-established factfinding principles of the American system of justice.

Why should we in Congress not confront the false facts of this stubbornly wrong Court? Why should lower court judges be expected to blindly adopt false facts that never went through proper factfinding procedures? Why should Congress honor decisions that are, on their face, founded on false facts?

Remember in *Marbury v. Madison* that the Supreme Court famously gets

to say what the law is, but it is not the last word on what the facts are. Nothing in the Constitution says: We in Congress have to pretend that we really live in the alternative bizarro world of the Supreme Court's false facts. Congress need not be an idiot and accept rulings that we plainly see could not stand without indisputably false facts propping them up. The fact that the Supreme Court won't go back and clean up its false facts mess should not disable us from addressing the zombie decisions. If this requires circumscribing the Court's authority, as far as I am concerned, too bad. Better that than to have citizens have to obey flawed decisions founded on false facts just because the Court liked who the winners were.

This should not even be an issue. These factfinding rules have stood for centuries. It is only this politically driven Court that has stepped outside the bounds of history and tradition to go on these false factfinding galivants that have no proper role in judicial factfinding and that violate the boundaries of separation of powers. Reining it back in, in that circumstance, is a proper response, and if the Court doesn't like this, I would say: Heal thyself; quit breaking the historic process of factfinding, and quit finding obviously false facts, and go back and clean up those false-fact decisions.

That is one option. They could do it, but, of course, the Federalist Society Justices won't because this is a captured Court, and the false fact outcomes are the outcomes the billionaires who pack the Court want.

To be continued.

I yield the floor.

The PRESIDING OFFICER (Ms. HAS-SAN). The Senator from Rhode Island.

#### MORNING BUSINESS

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the Senate 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

#### TRIBUTE TO OFFICER MATT DAVIS

• Mr. PAUL. Madam President, today I rise to honor Officer Matt Davis from the Bowling Green Police Department. On July 6, 2023, Officer Davis responded to a call of a disturbance at a used car dealership in Bowling Green, unknowingly stepping into an incredibly volatile and dangerous situation.

Upon entering the establishment, Officer Davis encountered an armed suspect. Without hesitation, he raised his voice, alerting and instructing others to take cover. The assailant fired at Officer Davis, resulting in multiple gunshot wounds and severe, life-threatening injuries. Despite his injuries, Of-

ficer Davis was able to neutralize the assailant, and no one else was injured.

Thankfully, Officer Davis survived the shooting. However, he has had to endure a long road of surgeries and rehabilitation. He plans to one day make it back to the force, and I look forward to the day that he returns to work.

Despite the grave risks, Officer Davis put his life on the line and likely saved the lives of many of the patrons in the car dealership that day. His bravery exemplifies the dedication and sacrifice of those who serve and protect our communities. Officer Davis' actions that day are a testament to the resilience and valor exhibited by members of law enforcement and first responders across Kentucky and our Nation.●

#### TRIBUTE TO OFFICER ANTHONY ROACH AND OFFICER RICHARD ISAACS

• Mr. PAUL. Madam President, today I rise to honor Officers Anthony Roach and Richard Isaacs of the Louisville Metro Police Department. On August 16, 2023, Officers Roach and Isaacs responded to a call of a woman screaming for help from a home in West Louisville. Upon arriving at the scene, the officers saw a woman in distress on the second floor but discovered that all the windows and doors on the first floor were barricaded. Fortunately, neighbors lent a ladder to the officers, and they were able to enter a window on the second floor that had been shattered.

Once inside the house, Officers Roach and Isaacs found the woman with a chain around her neck that was bolted to the floor. The officers sprang into action with a hatchet found in the room, and they freed her from the floor. Once outside, first responders used bolt cutters to remove the chain and finally free the victim. Within 2 days, Louisville Metro police officers were able to make an arrest in the case.

Officers Roach and Isaacs are to be commended for their heroic and life-saving actions. Despite the potential risk to themselves, the officers put the life of victim before their own. Louisville is fortunate to have these brave men serving our communities and protecting Kentuckians. May the actions of each of these officers be forever remembered as a clear display of heroism in action.●

#### TRIBUTE TO LIEUTENANT GENERAL BRUCE “ORVILLE” WRIGHT, USAF (RET.)

• Mr. WICKER. Madam President, today I congratulate Lt. Gen. Bruce “Orville” Wright, USAF (Ret.), upon his retirement as president and chief executive officer of the Air and Space Forces Association, or AFA.

Not satisfied with serving only 34 years in the Air Force, General Wright continued his service to our airmen, guardians, their families, and our Nation's veterans by leading the AFA and

its 113,000 plus members for another 5 years, through a dramatic period of growth and transformation for the storied association.

In fact, for this latest period of service, General Wright was recognized by the Secretary of the Air Force for distinguished public service and was presented the highest award issued by the Air Force to a non-employee civilian.

Retiring as a three-star general, General Wright's last assignment was commander of 5th Air Force and U.S. Forces Japan. During his time in the Air Force, he was extensively involved in joint and coalition combat operations. He led 65 combat missions as an F-16 squadron commander during Operation Desert Storm and was awarded the Distinguished Flying Cross in 1991 during that conflict. He also commanded a composite operations group during Operation Provide Comfort in northern Iraq and Operation Deny Flight in Bosnia-Herzegovina.

He also commanded the U.S. Air Force Intelligence Agency and then rose again to become vice commander of Air Combat Command. In this role, General Wright successfully fielded the F-22, the Sniper targeting pod, which was critical to the close air support mission for the next 15 years, and the Predator UAV capabilities into combat operations.

General Wright earned a bachelor of science degree in aerospace physiology from the U.S. Air Force Academy and a master of arts degree in public administration from Golden Gate University. He is also a graduate of Syracuse University's Senior Executives in National Security Course, the Air War College, the U.S. Air Force Weapons School, and MIT Seminar XXI.

On a personal note, I would like to add that I know of no one who cares more about achieving the Air Force's mission and taking care of our airmen, guardians, their families, and veterans than General Wright. I know I join the entire Senate in wishing him well in this next phase of his life and extending our heartfelt thanks to him. We give special thanks to his wife Kerri and their daughters for all the support they have shown General Wright over the years. •

#### MESSAGES FROM THE HOUSE

At 11:15 a.m., a message from the House of Representatives, delivered by Mrs. Cole, 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. 498. An act to amend title V of the Public Health Service Act to secure the suicide prevention lifeline from cybersecurity incidents, and for other purposes.

H.R. 3277. An act to amend the Department of Energy Organization Act with respect to functions assigned to Assistant Secretaries, and for other purposes.

H.R. 3385. An act to direct the Secretary of Commerce to submit to Congress a report containing an assessment of the value, cost, and feasibility of a transAtlantic submarine

fiber optic cable connecting the contiguous United States, the United States Virgin Islands, Ghana, and Nigeria.

H.R. 3391. An act to extend the Gabriella Miller Kids First Pediatric Research Program at the National Institutes of Health, and for other purposes.

H.R. 3836. An act to facilitate direct primary care arrangements under Medicaid.

H.R. 3838. An act to amend title III of the Public Health Service Act to reauthorize Federal support of States in their work to save and sustain the health of mothers during pregnancy, childbirth, and the postpartum period, to eliminate disparities in maternal health outcomes for pregnancy-related and pregnancy-associated deaths, to identify solutions to improve health care quality and health outcomes for mothers, and for other purposes.

H.R. 4403. An act to amend the Homeland Security Act of 2002 to make improvements to the Securing the Cities program, and for other purposes.

H.R. 4467. An act to direct the Under Secretary for Management of the Department of Homeland Security to assess contracts for covered services performed by contractor personnel along the United States land border with Mexico, and for other purposes.

H.R. 5969. An act to direct the Secretary of Homeland Security to revise certain regulations to permit certain children to accompany their parents or legal guardians through Global Entry airport lanes, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 93. Concurrent resolution providing for a joint session of Congress to receive a message from the President.

The message also announced that pursuant to 22 U.S.C. 276h, clause 10 of rule 1, and the order of the House of January 9, 2023, the Speaker appoints the following Members on the part of the House of Representatives to the Mexico-United States Interparliamentary Group: Mrs. CHAVEZ-DEREMER of Oregon, Mr. MIKE GARCIA of California, Mr. VICENTE GONZALEZ of Texas, Ms. ESCOBAR of Texas, and Mr. CARBAJAL of California.

At 4:49 p.m., a message from the House of Representatives, delivered by Mrs. Alli, one of its reading clerks, announced that the House agreed to the amendment of the Senate to the bill (H.R. 4366) 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, with an amendment in which it requests the concurrence of the Senate.

At 5:24 p.m., a message from the House of Representatives, delivered by Mrs. Alli, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 94. Concurrent resolution directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 4366.

#### MEASURES REFERRED

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

H.R. 498. An act to amend title V of the Public Health Service Act to secure the suicide prevention lifeline from cybersecurity incidents, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3385. An act to direct the Secretary of Commerce to submit to Congress a report containing an assessment of the value, cost, and feasibility of a trans-Atlantic submarine fiber optic cable connecting the contiguous United States, the United States Virgin Islands, Ghana, and Nigeria; to the Committee on Commerce, Science, and Transportation.

H.R. 3836. An act to facilitate direct primary care arrangements under Medicaid; to the Committee on Finance.

H.R. 4403. An act to amend the Homeland Security Act of 2002 to make improvements to the Securing the Cities program, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4467. An act to direct the Under Secretary for Management of the Department of Homeland Security to assess contracts for covered services performed by contractor personnel along the United States land border with Mexico, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5969. An act to direct the Secretary of Homeland Security to revise certain regulations to permit certain children to accompany their parents or legal guardians through Global Entry airport lanes, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6976. An act to amend the Immigration and Nationality Act to provide that aliens who have been convicted of or who have committed an offense for driving while intoxicated or impaired are inadmissible and deportable; to the Committee on the Judiciary.

#### MEASURES PLACED ON THE CALENDAR

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

H.R. 3838. An act to amend title III of the Public Health Service Act to reauthorize Federal support of States in their work to save and sustain the health of mothers during pregnancy, childbirth, and the postpartum period, to eliminate disparities in maternal health outcomes for pregnancy-related and pregnancy-associated deaths, to identify solutions to improve health care quality and health outcomes for mothers, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3716. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Reauthorization of Dairy Forward Pricing Program" (RIN0581-AE27) (Docket No. AMS-DA-23-0085) received in the Office of the President of the Senate on February 28, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3717. A communication from the Acting Director of the Regulations Management Division, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Rural eConnectivity Program for Fiscal Year 2024" received in the Office of the President of the Senate on February 28, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3718. A communication from the Under Secretary of Defense (Acquisition and Sustainment), transmitting, pursuant to law, a report relative to waiving the Full-Up System Level requirement for survivability testing of the Armed Overwatch OA-1K aircraft; to the Committee on Armed Services.

EC-3719. A communication from the Under Secretary of Defense (Intelligence and Security), transmitting, pursuant to law, a report relative to fiscal year 2022 data mining (OSS-2024-0303); to the Committee on Armed Services.

EC-3720. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to a strategic assessment of the Joint Force readiness to accomplish the National Security Strategy (OSS-2024-0126); to the Committee on Armed Services.

EC-3721. A communication from the President of the United States, transmitting, pursuant to law, a report of the continuation of the national emergency that was originally declared in Executive Order 13660 of March 6, 2014, with respect to Ukraine; to the Committee on Banking, Housing, and Urban Affairs.

EC-3722. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13664 with respect to South Sudan; to the Committee on Banking, Housing, and Urban Affairs.

EC-3723. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Changes in Branch Office Registration Requirements" (RIN2502-AJ63) received in the Office of the President of the Senate on February 29, 2024; to the Committee on Banking, Housing, and Urban Affairs.

EC-3724. A communication from the Associate General Counsel for Legislation and Regulations, Office of General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Adjustment of Civil Monetary Penalty Amounts for 2024" (RIN2501-AE10) received in the Office of the President of the Senate on March 5, 2024; to the Committee on Banking, Housing, and Urban Affairs.

EC-3725. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Rent Adjustments in the Market-to-Market Program" (RIN2502-AJ48) received in the Office of the President of the Senate on March 5, 2024; to the Committee on Banking, Housing, and Urban Affairs.

EC-3726. A communication from the Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Form PF; Reporting Requirements for All Filers and Large Hedge Fund Advisers" (RIN3038-AF31) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2024; to the Committee on Banking, Housing, and Urban Affairs.

EC-3727. A communication from the Secretary of the Securities and Exchange Com-

mission, transmitting, pursuant to law, the report of a rule entitled "Form PF; Reporting Requirements for All Filers and Large Hedge Fund Advisers" (RIN3235-AN13) received during adjournment of the Senate in the Office of the President of the Senate on February 14, 2024; to the Committee on Banking, Housing, and Urban Affairs.

EC-3728. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the issuance of an Executive Order that terminates the national emergency declared in Executive Order 13288 of March 6, 2003, and revokes that Executive Order; to the Committee on Banking, Housing, and Urban Affairs.

EC-3729. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Energy Conservation Standards for Consumer Conventional Cooking Products" (RIN1904-AF57) received during adjournment of the Senate in the Office of the President of the Senate on February 22, 2024; to the Committee on Energy and Natural Resources.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WHITEHOUSE, from the Committee on the Budget, without amendment:

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.

#### EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. WYDEN for the Committee on Finance.

\*Corey Anne Tellez, of Illinois, to be a Deputy Under Secretary of the Treasury.

\*Nomination was reported with recommendation that it be a confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### 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 Ms. KLOBUCHAR (for herself and Ms. MURKOWSKI):

S. 3875. A bill to amend the Federal Election Campaign Act of 1971 to provide further transparency for the use of content that is substantially generated by artificial intelligence in political advertisements by requiring such advertisements to include a statement within the contents of the advertisements if generative AI was used to generate any image, audio, or video footage in the advertisements, and for other purposes; to the Committee on Rules and Administration.

By Mr. Kaine (for himself and Mr. RUBIO):

S. 3876. A bill to direct the Secretary of State to establish a national registry of Korean American divided families, and for

other purposes; to the Committee on Foreign Relations.

By Mr. PETERS (for himself, Mr. BUDD, and Mr. HICKENLOOPER):

S. 3877. A bill to amend the Workforce Innovation and Opportunity Act to permit greater flexibility in carrying out incumbent worker training programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASSIDY (for himself and Mr. BENNET):

S. 3878. A bill to establish a regional trade, investment, and people-to-people partnership of countries in the Western Hemisphere to stimulate growth and integration through viable long-term private sector development, and for other purposes; to the Committee on Finance.

By Mr. CRUZ (for himself, Mr. TUBERVILLE, and Mrs. BRITT):

S. 3879. A bill to require the Under Secretary of Commerce for Standards and Technology and the Administrator of National Oceanic and Atmospheric Administration to develop a standard methodology for identifying the country of origin of red snapper imported into the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAMER (for himself and Mr. KELLY):

S. 3880. A bill to amend the Federal Assets Sale and Transfer Act of 2016 to make improvements to that Act, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. BLACKBURN:

S. 3881. A bill to provide for enhanced Federal, State, and local assistance in the enforcement of the immigration laws, to amend the Immigration and Nationality Act, to authorize appropriations to carry out the State Criminal Alien Assistance Program, and for other purposes; to the Committee on the Judiciary.

By Mr. CASEY:

S. 3882. A bill to amend title XIX of the Social Security Act to provide States with resources to support efforts to integrate or coordinate Medicare and Medicaid benefits for individuals that are eligible for both programs; to the Committee on Finance.

By Mr. CASEY (for himself, Mr. FETTERMAN, Ms. ROSEN, Mrs. GILLIBRAND, Mr. SANDERS, Ms. BUTLER, and Mr. Kaine):

S. 3883. A bill to appropriate funds for the Office for Civil Rights of the Department of Education; to the Committee on Appropriations.

By Mrs. GILLIBRAND (for herself and Mr. TILLIS):

S. 3884. A bill to establish a grant pilot program to provide child care services for the minor children of law enforcement officers to accommodate the shift work and abnormal work hours of such officers, and to enhance recruitment and retention of such officers; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SINEMA (for herself and Mr. MORAN):

S. 3885. A bill to expand medical, employment, and other benefits for individuals serving as family caregivers for certain veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RISCH (for himself, Mr. BOOZMAN, Mr. CRAPO, and Mr. LEE):

S. 3886. A bill to require the Secretary of Veterans Affairs to waive certain domestic content procurement preferences with respect to certain State home projects, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. COTTON:

S. 3887. A bill to amend title 18, United States Code, to increase the penalty for rioting; to the Committee on the Judiciary.

By Mr. SCHATZ (for himself, Mr. LUJAN, Ms. BUTLER, and Mr. WELCH):

S. 3888. A bill to mandate the use of artificial intelligence by Federal agencies to adapt to extreme weather, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRUZ (for himself and Mr. KING):

S. 3889. A bill to provide for the standardization, publication, and accessibility of data relating to public outdoor recreational use of Federal waterways, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CASSIDY (for himself, Mr. BAR-RASSO, Mrs. BLACKBURN, Mr. BRAUN, Mr. BUDD, Mrs. CAPITO, Ms. COLLINS, Mr. CORNYN, Mr. COTTON, Mr. CRAMER, Mr. CRAPO, Mr. DAINES, Ms. ERNST, Mrs. FISCHER, Mr. HAGERTY, Mr. HOEVEN, Mrs. HYDE-SMITH, Mr. KENNEDY, Mr. LANKFORD, Mr. LEE, Mr. MARSHALL, Mr. MCCONNELL, Mr. MORAN, Mr. MULLIN, Mr. RISCH, Mr. ROMNEY, Mr. SCOTT of Florida, Mr. SCOTT of South Carolina, Mr. THUNE, Mr. TILLIS, Mr. TUBERVILLE, and Mr. WICKER):

S.J. Res. 63. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Labor relating to "Employee or Independent Contractor Classification Under the Fair Labor Standards Act"; to the Committee on Health, Education, Labor, and Pensions.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. SCOTT of Florida:

S. Res. 574. A resolution expressing support for starting and growing a family through in vitro fertilization; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN (for himself, Mr. BOOKER, Mr. PADILLA, Ms. HIRONO, Mr. CARDIN, Mr. WARNOCK, Mr. BLUMENTHAL, Ms. STABENOW, Ms. BUTLER, and Ms. BALDWIN):

S. Res. 575. A resolution declaring racism a public health crisis; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Ms. COLLINS, Ms. DUCKWORTH, Mr. BLUMENTHAL, Mr. KING, Mr. BOOKER, Ms. BUTLER, Mr. SANDERS, and Mr. VAN HOLLEN):

S. Res. 576. A resolution expressing support for the designation of the week of March 4 through March 8, 2024, as "National Social and Emotional Learning Week" to recognize the critical role social and emotional learning plays in supporting the academic success and overall well-being of students, educators, and families; to the Committee on Health, Education, Labor, and Pensions.

By Ms. KLOBUCHAR (for herself and Ms. SMITH):

S. Res. 577. A resolution recognizing and honoring Burnsville, Minnesota, law enforcement and first responders for their heroic actions; considered and agreed to.

By Mr. HAWLEY (for himself, Mr. SCHMITT, Mr. MORAN, and Mr. MARSHALL):

S. Res. 578. A resolution congratulating the Kansas City Chiefs on their victory in Super Bowl LVIII in the successful 104th season of the National Football League; considered and agreed to.

By Mr. SCHUMER (for himself and Mr. MCCONNELL):

S. Res. 579. A resolution to authorize testimony and representation in United States v. Kenyon; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 70

At the request of Mr. THUNE, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 70, a bill to require the Bureau of Indian Affairs to process and complete all mortgage packages associated with residential and business mortgages on Indian land by certain deadlines, and for other purposes.

S. 344

At the request of Mr. TESTER, the name of the Senator from Oklahoma (Mr. MULLIN) was added as a cosponsor of S. 344, a bill to amend title 10, United States Code, to provide for concurrent receipt of veterans' disability compensation and retired pay for disability retirees with fewer than 20 years of service and a combat-related disability, and for other purposes.

S. 494

At the request of Mr. MURPHY, the name of the Senator from California (Ms. BUTLER) was added as a cosponsor of S. 494, a bill to require a background check for every firearm sale.

S. 582

At the request of Mr. RUBIO, the name of the Senator from Missouri (Mr. HAWLEY) was added as a cosponsor of S. 582, a bill to make daylight saving time permanent, and for other purposes.

S. 722

At the request of Ms. KLOBUCHAR, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 722, a bill to amend the Internal Revenue Code of 1986 to permit certain expenses associated with obtaining or maintaining recognized postsecondary credentials to be treated as qualified higher education expenses for purposes of 529 accounts.

S. 928

At the request of Mr. TESTER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 928, a bill to require the Secretary of Veterans Affairs to prepare an annual report on suicide prevention, and for other purposes.

S. 1336

At the request of Mrs. GILLIBRAND, the name of the Senator from California (Ms. BUTLER) was added as a cosponsor of S. 1336, a bill to amend the Food and Nutrition Act of 2008 to require that supplemental nutrition assistance program benefits be calculated using the value of the low-cost food plan, and for other purposes.

S. 1656

At the request of Ms. HIRONO, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 1656, a bill to protect the privacy of personal reproductive or sexual health information, and for other purposes.

S. 2372

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. DAINES) 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. 2415

At the request of Mrs. CAPITO, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 2415, a bill to amend title III of the Public Health Service Act to reauthorize Federal support of States in their work to save and sustain the health of mothers during pregnancy, childbirth, and the postpartum period, to eliminate disparities in maternal health outcomes for pregnancy-related and pregnancy-associated deaths, to identify solutions to improve health care quality and health outcomes for mothers, and for other purposes.

S. 2821

At the request of Mr. BOOKER, the name of the Senator from California (Mr. PADILLA) was added as a cosponsor of S. 2821, a bill to amend title XXVII of the Public Health Service Act to require group health plans and health insurance issuers offering group or individual health insurance coverage to provide coverage for prostate cancer screenings without the imposition of cost-sharing requirements, and for other purposes.

S. 2888

At the request of Mr. KING, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2888, a bill to amend title 10, United States Code, to authorize representatives of veterans service organizations to participate in presentations to promote certain benefits available to veterans during prepreparation counseling under the Transition Assistance Program of the Department of Defense, and for other purposes.

S. 2937

At the request of Mr. BROWN, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 2937, a bill to increase the rate of duty applicable to certain ferrosilicon produced in the Russian Federation or the Republic of Belarus and to require a domestic production assessment before increasing rates of duty applicable to products of the Russian Federation and the Republic of Belarus under the Suspending Normal Trade Relations with Russia and Belarus Act, and for other purposes.

S. 3220

At the request of Mr. KELLY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3220, a bill to expand the tropical disease product priority review voucher program to encourage prevention and treatment of coccidioidomycosis.

S. 3324

At the request of Ms. CORTEZ MASTO, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 3324, a bill to modify the penalties for violations of the Telephone Consumer Protection Act of 1993.

S. 3423

At the request of Mr. WELCH, the name of the Senator from California (Ms. BUTLER) was added as a cosponsor of S. 3423, a bill to guarantee the right to vote for all citizens regardless of conviction of a criminal offense, and for other purposes.

S. 3490

At the request of Mr. TUBERVILLE, the name of the Senator from Iowa (Ms. ERNST) was added as a cosponsor of S. 3490, a bill to prohibit the Secretary of Veterans Affairs from providing health care to, or engaging in claims processing for health care for, any individual unlawfully present in the United States who is not eligible for health care under the laws administered by the Secretary.

S. 3502

At the request of Mr. REED, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3502, a bill to amend the Fair Credit Reporting Act to prevent consumer reporting agencies from furnishing consumer reports under certain circumstances, and for other purposes.

S. 3593

At the request of Ms. ROSEN, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 3593, a bill to provide for economic development and conservation in Washoe County, Nevada, and for other purposes.

S. 3825

At the request of Mr. ROMNEY, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 3825, a bill to amend the Workforce Innovation and Opportunity Act to establish a State innovation demonstration authority.

S. 3853

At the request of Mr. HAWLEY, the name of the Senator from Arizona (Ms. SINEMA) was added as a cosponsor of S. 3853, a bill to extend the period for filing claims under the Radiation Exposure Compensation Act and to provide for compensation under such Act for claims relating to Manhattan Project waste, and to improve compensation for workers involved in uranium mining.

S.J. RES. 62

At the request of Mr. TESTER, the names of the Senator from Nevada (Ms. CORTEZ MASTO) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S.J. Res. 62, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Animal and Plant Health Inspection Service relating to “Importation of Fresh Beef From Paraguay”.

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 574—EXPRESSING SUPPORT FOR STARTING AND GROWING A FAMILY THROUGH IN VITRO FERTILIZATION

Mr. SCOTT of Florida submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 574

Whereas in vitro fertilization (IVF) is a type of assisted reproductive technology developed and used for infertility treatment in adult women;

Whereas the first successful birth of a child conceived through the IVF process occurred in 1978, and since that time, millions of children worldwide have been conceived using IVF;

Whereas, according to a 2015 report from the Centers for Disease Control and Prevention (CDC), more than 1,000,000 children have been born in the United States between 1987 and 2015 through the use of assisted reproductive technologies, including IVF; and

Whereas, according to the CDC, in the United States—

(1) about 1 in 5 women with no prior births are unable to get pregnant after 1 year of trying to conceive a child, leading to a diagnosis of infertility;

(2) about 1 in 4 women experiencing infertility have difficulty carrying a pregnancy to term; and

(3) in 2021, more than 97,000 children were born using assisted reproductive technologies, including IVF; Now, therefore, be it

*Resolved*, That the Senate—

(1) affirms the desire of parents trying to conceive a child to start or grow a family;

(2) expresses sympathy for the millions of parents experiencing infertility issues as they strive to start or grow a family and recognizes the immense physical, emotional, and psychological toll of pursuing medical assistance for infertility, including in vitro fertilization;

(3) cherishes the millions of children born through the use of medical assistance to overcome infertility, including through in vitro fertilization;

(4) recognizes that medical assistance for infertility, including in vitro fertilization, is, and remains, legal in all States and territories of the United States;

(5) affirms that laws enacted by Congress should promote the sanctity of human life and support the development and growth of families in the United States;

(6) encourages further clinical research to improve outcomes for parents seeking medical assistance to overcome infertility as they strive to start or grow a family; and

(7) supports State legislative and regulatory actions to establish health, safety, and ethical standards for medical facilities offering assisted reproductive technologies, including in vitro fertilization.

## SENATE RESOLUTION 575—DECLARING RACISM A PUBLIC HEALTH CRISIS

Mr. BROWN (for himself, Mr. BOOKER, Mr. PADILLA, Ms. HIRONO, Mr. CARDIN, Mr. WARNOCK, Mr. BLUMENTHAL, Ms. STABENOW, Ms. BUTLER, and Ms. BALDWIN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 575

Whereas a public health crisis is an issue—  
(1) that affects many people, is a threat to the public, and is ongoing;

(2) that is unfairly distributed among different populations, disproportionately impacting health outcomes, access to health care, and life expectancy;

(3) the effects of which could be reduced by preventive measures; and

(4) for which those preventive measures are not yet in place;

Whereas public health experts agree that significant racial inequities exist in the prevalence, severity, and mortality rates of various health conditions in the United States;

Whereas examples of significant racial inequities include that—

(1) life expectancies for Black, American Indian, and Alaska Native people in the United States are significantly lower than those of non-Hispanic White people in the United States;

(2) Black, American Indian, and Alaska Native women are 2 to 4 times more likely than White women to suffer severe maternal morbidity or die of pregnancy-related complications;

(3) Black, Native Hawaiian, Pacific Islander, American Indian, and Alaska Native infants are 2 to 3 times more likely to die than White infants;

(4) the Black infant mortality rate in the United States is higher than the infant mortality rates recorded in 27 of the 36 democratic countries with market-based economies that are members of the Organization for Economic Co-operation and Development;

(5) Hispanic women are 40 percent more likely to be diagnosed with, and 30 percent more likely to die from, cervical cancer compared to non-Hispanic White women;

(6) Asian Americans are the only racial group in the United States who experience cancer as the leading cause of death; and

(7) Native Hawaiians and Pacific Islanders are 2.5-times more likely to die from diabetes than non-Hispanic white women;

(8) Native Hawaiians suffer from coronary heart disease, stroke, heart failure, cancer, and diabetes at a 3 times greater rate than other ethnic populations in Hawaii, and become afflicted with those diseases a decade earlier in their lives compared with other ethnic populations; and

(9) during the COVID-19 pandemic, Black, Hispanic or Latino, Asian American, Native Hawaiian, Pacific Islander, and Native American communities experienced disproportionately high rates of COVID-19 infection, hospitalization, and mortality compared to the White population of the United States;

Whereas inequities in health outcomes are exacerbated for people of color who are LGBTQIA+;

Whereas inequities in health outcomes are exacerbated for people of color who have disabilities;

Whereas, historically, explanations for health inequities have focused on false genetic science, such as eugenics;

Whereas, historically, explanations for health inequities have focused on incomplete social scientific analyses that narrowly focus on individual behavior to highlight ostensible deficiencies within racial and ethnic minority groups;

Whereas modern public health officials recognize the broader social context in which health inequities emerge and acknowledge the impact of historical and contemporary racism on health;

Whereas racism is recognized in modern public health discourse as 1 of many social determinants of health, which—

(1) are a broad range of nonmedical factors that can enhance or hinder quality of life and influence health outcomes;

(2) are the conditions in which people are born, grow, work, live, and age, and include the wider set of forces and systems shaping the conditions of daily life;

(3) include factors such as housing, employment, education, health care, food, transportation, social support, poverty, crime, violence, segregation, and environmental toxins;

(4) are linked to a lack of opportunity and resources to protect, improve, and maintain health; and

(5) taken together, create health inequities that stem from unfair and unjust systems, policies, and practices, and limit access to the opportunities and resources needed to live the healthiest life possible;

Whereas, since its founding, the United States has had a longstanding history and legacy of racism, mistreatment, and discrimination that has perpetuated health inequities for members of racial and ethnic minority groups;

Whereas that history and legacy of racism, mistreatment, and discrimination includes—

(1) the immoral paradox of freedom and slavery, which is an atrocity that can be traced throughout the history of the United States, as African Americans lived under the oppressive institution of slavery from 1619 through 1865, endured the practices and laws of segregation during the Jim Crow era, and continue to face the ramifications of systemic racism through unjust and discriminatory structures and policies;

(2) the failure of the United States to carry out the responsibilities and promises made in more than 370 treaties ratified with sovereign indigenous communities, including American Indians, Alaska Natives, Native Hawaiians, and Pacific Islanders, as made evident by the chronic and pervasive underfunding of the Indian Health Service and Native Hawaiian health care, the vast health and socioeconomic inequities faced by American Indian and Alaska Native people, and the inaccessibility of many Federal public health and social programs in Native American communities;

(3) the enactment of immigration laws in the United States that scapegoated Asians, separated families, and branded Asians as perpetual outsiders, such as—

(A) the Act entitled “An Act supplementary to the Acts in relation to immigration”, approved March 3, 1875 (commonly known as the “Page Act of 1875”) (18 Stat. 477, chapter 141), which effectively prohibited the entry of East Asian women into the United States;

(B) the Act entitled “An Act to execute certain treaty stipulations relating to Chinese”, approved May 6, 1882 (commonly known as the “Chinese Exclusion Act”) (22 Stat. 58, chapter 126), which banned thousands of Chinese-born laborers, who were essential in the completion of the transcontinental railroad and development of the West Coast of the United States; and

(C) the Act entitled “An Act to regulate the immigration of aliens to, and the residence of aliens in, the United States”, approved February 5, 1917 (commonly known as the “Immigration Act of 1917”) (39 Stat. 874, chapter 29), which barred all immigrants from the “Asiatic zone” and prevented the migration of individuals from South Asia, Southeast Asia, and East Asia;

(4) during the Great Depression Era, the deportation of approximately 1,800,000 individuals based on their Mexican ethnic identity, although approximately 60 percent of the deported individuals were citizens of the United States, and the targeting of individuals of Mexican descent for “repatriation”

due to scapegoating efforts, which blamed those individuals for “stealing” jobs from “real” Americans; and

(5) in 1942, the issuance of Executive Order 9066 which began the forced evacuation and detention of Japanese American West Coast residents, placing 70,000 citizens of the United States into “relocation centers”;

Whereas, in 1967, President Lyndon B. Johnson established the National Advisory Commission on Civil Disorders, which concluded that White racism is responsible for the pervasive discrimination and segregation in employment, education, and housing, causing deepened racial division and the continued exclusion of Black communities from the benefits of economic progress;

Whereas overt racism was embedded in the development of medical science and medical training during the 18th, 19th, and 20th centuries, causing disproportionate physical and psychological harm to members of racial and ethnic minority groups, including—

(1) the unethical practices and abuses experienced by Black patients and research participants, such as the Tuskegee Study of Untreated Syphilis in the Negro Male, which serve as the foundation for the mistrust the Black community has for the medical system; and

(2) the egregiously unethical and cruel treatment of enslaved Black women who were forced to be the subject of insidious medical experiments to advance modern gynecology, including those perpetuated by the so-called “father of gynecology”, J. Marion Sims;

Whereas structural racism cemented historical racial and ethnic inequities in access to resources and opportunities, contributing to worse health outcomes;

Whereas examples of structural racism include—

(1) before the enactment of the Medicare program, the United States health care system was highly segregated, and, as late as the mid-1960s, hospitals, clinics, and doctors’ offices throughout the northern and southern United States complied with Jim Crow laws and were completely segregated by race, leaving Black communities with little to no access to health care services;

(2) the landmark case *Simkins v. Moses H. Cone Memorial Hospital*, 323 F.2d 959 (4th Cir. 1963), which challenged the use of public funds by the Federal Government to expand, support, and sustain segregated hospital care and provided justification for title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the Medicare hospital certification program by establishing Medicare hospital racial integration guidelines that applied to every hospital that participated in the Federal program;

(3) that Pacific Islanders from the Freely Associated States experience unique health inequities resulting from United States nuclear weapons tests on their home islands while they have been categorically denied access to Medicaid and other Federal health benefits;

(4) that language minorities, including Spanish-speaking, Chinese-speaking, and Tagalog-speaking people in the United States, were not assured nondiscriminatory access to federally funded services, including health services, until the signing of Executive Order 13166 (42 U.S.C. 2000d-1 note; relating to improving access to services for persons with limited English proficiency) in 2000;

(5) that the COVID-19 pandemic exacerbated economic, health, housing, and food security barriers for Black, Hispanic or Latino, Asian American, Native Hawaiian, Pacific Islander, and Native American households, which already suffer from disproportionately higher rates of food insecurity; and

(6) that members of the Black, Native American, Alaska Native, Asian American,

Native Hawaiian, Pacific Islander, and Hispanic or Latino communities are disproportionately impacted by the criminal justice and immigration enforcement systems and face a higher risk of contracting COVID-19 within prison populations and detention centers due to the over-incarceration of members of those communities;

Whereas subtle or implicit racism in all sectors of the medical service profession continues to cause disproportionate physical and psychological harm to members of racial and ethnic minority groups;

Whereas examples of subtle or implicit racism in the medical service profession include that—

(1) the history and persistence of racist and nonscientific medical beliefs, which are associated with ongoing racial inequities in treatment and health outcomes;

(2) implicit racial and ethnic biases within the health care system, which have an explicit impact on the quality of care experienced by members of racial and ethnic minority groups, such as the undertreatment of pain in Black patients;

(3) nearly 1/6 of Hispanic or Latino Americans avoid medical care due to concern about being discriminated against or treated poorly;

(4) the United States health care system and other economic and social structures remain fraught with biases based on race, ethnicity, sex (including sexual orientation and gender identity), and class that lead to health inequities;

(5) women of color, including Black, Native American, Hispanic or Latina, Asian American, Native Hawaiian, and Pacific Islander women, have faced and continue to face attacks on their prenatal, maternal, and reproductive health and rights; and

(6) through the early 1980s, physicians routinely sterilized members of racial and ethnic minority groups, specifically American Indian and Alaska Native women (with 1/4 of childbearing-aged American Indian and Alaska Native women being sterilized by the Indian Health Service) and African American and Latina women, performing excessive and medically unnecessary procedures without their informed consent;

Whereas structural racism perpetuates racial and ethnic inequities in the social determinants of health, which produces unintended negative health outcomes for members of racial and ethnic minority groups;

Whereas examples of that structural racism include—

(1) that there are fewer pharmacies, medical practices, and hospitals in predominantly Black and Hispanic or Latino neighborhoods, compared to White or more diverse neighborhoods;

(2) that environmental hazards, such as toxic waste facilities, garbage dumps, and other sources of airborne pollutants, are disproportionately located in predominantly Black, Hispanic or Latino, Asian American, Native Hawaiian, Pacific Islander, and low-income communities, resulting in poor air quality conditions, which can increase the likelihood of chronic respiratory illness and premature death from particle pollution;

(3) that employed Black adults are 10 percent less likely to have employer-sponsored health insurance than employed White adults because of racial segregation in occupation sectors and the types of organizations in which they work;

(4) that 1 in 4 American Indian and Alaska Native people lack health insurance and that Native Hawaiians, Pacific Islanders, and certain groups of nonelderly Asian American adults have lower levels of insurance than White adults;

(5) that several States with higher percentages of Black, Hispanic or Latino, American

Indian, and Alaska Native populations have not expanded their Medicaid programs, continuing to disenfranchise minority communities from access to health care as of the date of adoption of this resolution;

(6) discriminatory housing practices, such as redlining, which have, for decades, systematically excluded members of racial and ethnic minority groups from housing by robbing them of capital in the form of low-cost, stable mortgages and opportunities to build wealth, and the use of financial power by the Federal Government to segregate renters in public housing;

(7) social inequities, such as differing access to quality health care, healthy food and safe drinking water, safe and affordable neighborhoods, education, job security, and reliable transportation, which affect health risks and outcomes;

(8) exclusionary disciplinary practices (such as detention and suspension) in primary education and even early education settings, which disproportionately affect children from racial and ethnic minority backgrounds, particularly Black children; and

(9) that, as much as 60 percent of the health of a person in the United States can be determined by their zip code;

Whereas structural racism perpetuates ongoing knowledge gaps in data, research, and development, which produces unintended negative health outcomes for members of racial and ethnic minority groups;

Whereas examples of that structural racism include that—

(1) most participants in clinical trials are White, so there is insufficient data to develop evidence-based recommendations for people from racial and ethnic minority groups;

(2) medical research equipment and medical devices are typically developed by majority-White teams and therefore can have racial blind spots unintentionally built into their design, rendering them less effective for people from racial and ethnic minority groups, such as—

(A) electroencephalogram electrodes used in neuroimaging research do not collect reliable data when used on scalps with thick, curly hair; and

(B) pulse oximeters produce less accurate oxygen saturation readings when used on fingers with darker skin;

(3) a lack of images depicting darker skin in medical textbooks, literature, and journals contributes to higher rates of under-diagnosis or misdiagnosis in patients with darker skin; and

(4) many health-related studies fail to include data on American Indians, Alaska Natives, Asian Americans, Native Hawaiians, and Pacific Islanders, or do not disaggregate data among those groups, leading to their invisibility in health data and unjust resource allocation and policies;

Whereas racism produces unjust outcomes and treatment for members of racial and ethnic minority groups, with such negative experiences serving as stressors that over time have a negative impact on physical health (leading, for example, to high blood pressure or hypertension) and mental health (leading, for example, to anxiety or depression);

Whereas there is evidence that racial and ethnic minority groups continue to face discrimination in the United States, examples of which include that—

(1) social scientists have documented racial microaggressions in contemporary United States society, including—

(A) assumptions that members of racial and ethnic minority groups are not citizens of the United States;

(B) assumptions of lesser intelligence;

(C) statements that convey color-blindness or denial of the importance of race;

(D) assumptions of criminality or dangerousness;

(E) denial of individual racism;

(F) promotion of the myth of meritocracy;

(G) assumptions that the cultural background and communication styles of an individual are pathological;

(H) treatment as a second-class citizen; and

(I) environmental messages of being unwelcome or devalued;

(2) compared to White Americans, Black Americans are 5 times more likely to report experiencing discrimination when interacting with the police, Hispanic or Latino Americans and Native Americans are nearly 3 times as likely, and Asian Americans, Native Hawaiians, and Pacific Islanders are nearly twice as likely;

(3) 42 percent of employees in the United States have experienced or witnessed racism in the workplace;

(4) Muslims, South Asians, and Sikhs were unjustly targeted for profiling, surveillance, arrest, discrimination, harassment, assault, and murder after 9/11;

(5) xenophobic rhetoric, including anti-immigrant rhetoric and the scapegoating of people of East Asian and Southeast Asian descent for the COVID-19 pandemic, resulted in a surge of hate against Asian Americans, Native Hawaiians, and Pacific Islanders, including increased harassment, discrimination, bullying, vandalism, and assault;

(6) nearly ½ of Asian Americans, Native Hawaiians, and Pacific Islanders throughout the United States have experienced discrimination or unfair treatment that may be illegal and the majority of victims of discrimination name race or related characteristics as the reason for the discrimination; and

(7) more than 50 percent of Hispanic or Latino adults experience at least 1 form of discrimination due to their racial or ethnic heritage, such as being treated as if they were not smart, criticized for speaking Spanish, told to return to their country, called offensive names, or unfairly stopped by the police;

Whereas Black people in the United States experience overt and direct forms of violence that, when not fatal, can cause severe physical or psychological harm;

Whereas examples of such forms of violence include—

(1) that Black people are confronted and threatened by armed citizens while performing everyday tasks, such as jogging in neighborhoods, driving, or playing in a park;

(2) that Black people are 3 times more likely to be killed by police than White people, and police violence is the sixth leading cause of death for young Black men;

(3) the killings of Tamir Rice, Ahmaud Arbery, Breonna Taylor, George Floyd, Elijah McClain, Jayland Walker, Jeenan Anderson, Timothy McCree Johnson, Jordan Neely, and countless other Black Americans by law enforcement;

(4) that it took the United States 66 years after the senseless and brutal murder of 14-year-old Emmett Till to make lynching a Federal crime;

(5) that, since 2015, mass shootings around the country, such as in Buffalo, New York, and Charleston, South Carolina, serve as reminders of the unresolved history of racism in the United States and highlight the threats Black people must take into consideration when going about their daily lives, both when outside their communities and within those communities; and

(6) the threat of brutality and violence adversely impacting mental health among Black communities;

Whereas American Indians and Alaska Natives experience historical trauma, systemic oppression, and cultural genocide that, even

when not fatal, can cause severe physical or psychological harm;

Whereas examples of such forms of violence include—

(1) forced relocation, termination, and assimilation policies, such as boarding schools, that contributed to health disparities and legacies of trauma inflicted on indigenous people;

(2) the Army attempting cultural genocide by instigating numerous massacres, including the mass execution of 38 Dakota men in Minnesota, and the murder of 300 Lakota people at the Battle of Wounded Knee, to eradicate American Indians and Alaska Natives;

(3) murder being the third leading cause of death for Native women, and ½ of indigenous women experiencing violence in their lifetime;

(4) that, since 2016, there have been 5,712 cases of missing and murdered indigenous women and people across the United States, including 506 cases in 71 urban cities and 153 cases missing from law enforcement databases, with those missing cases likely undercounting the actual number of cases due to the underreporting of cases within American Indian and Alaska Native communities;

(5) that the overall death rate from suicide among American Indians and Alaska Natives is 20 percent higher compared to non-Hispanic White populations; and

(6) cycles of violence that have overburdened indigenous communities to respond to increased levels of violence, including gender-based violence, human trafficking, suicide, and homicide with minimal resources;

Whereas American Indian, Alaska Natives, Hispanics or Latinos, Asian Americans, Native Hawaiians, and Pacific Islanders experience racially motivated kidnapping, murders, and mass violence, such as shootings in Oak Creek, Wisconsin, El Paso and Allen, Texas, Atlanta, Georgia, and Indianapolis, Indiana, that, even when not fatal, can cause severe physical or psychological harm;

Whereas, throughout the history of the United States, members of racial and ethnic minority groups have been at the forefront of civil rights movements for essential freedoms, human rights, and equal protection for marginalized groups and continue to fight for racial, environmental, and economic justice today;

Whereas racial inequities in health continue to persist because of historical and contemporary racism;

Whereas public health experts agree that racism meets the criteria of a public health crisis because—

(1) the condition affects many people, is seen as a threat to the public, and is continuing to increase;

(2) the condition is distributed unfairly;

(3) preventive measures could reduce the effects of the condition; and

(4) those preventive measures are not yet in place;

Whereas the Centers for Disease Control and Prevention—

(1) declared racism a serious threat to public health; and

(2) acknowledged the need for additional research and investments to address that serious threat;

Whereas a Federal public health crisis declaration proclaims racism as a pervasive health issue and alerts the people of the United States to the need to enact immediate and effective cross-governmental efforts to address the root causes of structural racism and the downstream impacts of that racism; and

Whereas such a declaration requires the response of governments to engage significant resources to empower the communities that are impacted: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the resolutions drafted, introduced, and adopted by cities and localities across the United States declaring racism a public health crisis;

(2) declares racism a public health crisis in the United States;

(3) commits to—

(A) establishing a nationwide strategy to address health disparities and inequities across all sectors in society;

(B) dismantling systemic practices and policies that perpetuate racism;

(C) advancing reforms to address years of neglectful and apathetic policies that have led to poor health outcomes for members of racial and ethnic minority groups; and

(D) promoting efforts to address the social determinants of health for all racial and ethnic minority groups in the United States; and

(4) places a charge on the people of the United States to move forward with urgency to ensure that the United States stands firmly in honoring its moral purpose of advancing the self-evident truths that all people are created equal, that they are endowed with certain unalienable rights, and that among these are life, liberty, and the pursuit of happiness.

---

**SENATE RESOLUTION 576—EXPRESSING SUPPORT FOR THE DESIGNATION OF THE WEEK OF MARCH 4 THROUGH MARCH 8, 2024, AS “NATIONAL SOCIAL AND EMOTIONAL LEARNING WEEK” TO RECOGNIZE THE CRITICAL ROLE SOCIAL AND EMOTIONAL LEARNING PLAYS IN SUPPORTING THE ACADEMIC SUCCESS AND OVERALL WELL-BEING OF STUDENTS, EDUCATORS, AND FAMILIES**

Mr. DURBIN (for himself, Ms. COLLINS, Ms. DUCKWORTH, Mr. BLUMENTHAL, Mr. KING, Mr. BOOKER, Ms. BUTLER, Mr. SANDERS, and Mr. VAN HOLLEN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 576

Whereas, according to research conducted by both the Centers for Disease Control and Prevention and Harvard University, the COVID-19 pandemic heightened the urgency to provide greater assistance to students, educators, and families to address the mental health, behavioral, and other systemic challenges that impede the academic and developmental improvement and success of students;

Whereas decades of research demonstrate how social and emotional learning (referred to in this preamble as “SEL”) promotes academic achievement, mental wellness, healthy behaviors, and long-term success;

Whereas, according to a study by researchers at the Collaborative for Academic, Social, and Emotional Learning, Loyola University of Chicago, and the University of Illinois at Chicago, SEL programs that addressed the 5 core competencies (self-awareness, self-management, social awareness, relationship skills, and responsible decision making) increased academic performance by 11 percentile points, improved the ability of students to manage stress, and improved the attitudes of students about themselves, others, and school;

Whereas, according to a study by researchers at Yale University, the University of

Rochester, the University of Maryland, and Loyola University of Chicago, students participating in SEL at school had higher “school functioning”, including grades, test scores, attendance, homework completion, and engagement;

Whereas a study in the Journal of Benefit-Cost Analysis found that, on average, for every dollar spent on the evidence-based SEL programs examined, there was an \$11 return on investment;

Whereas, according to a study published by the American Public Health Association, the development of social and emotional skills in kindergarten has been associated with improved outcomes for young adults later in life, resulting in reduced societal costs for public assistance, public housing, police involvement, and detention;

Whereas, in response to a Pew Research Center survey of parents of K-12 students, 66 percent of the parents said that schools teaching children to develop social and emotional skills was “very important” and another 27 percent of the parents said that such teaching was “somewhat important”;

Whereas EdWeek Research Center found that 83 percent of educators indicated that SEL is “somewhat” or “very” helpful for the academic learning of students;

Whereas research from Yale University, the University of Cantabria, Jagiellonian University, and Pennsylvania State University indicates that educators who demonstrate greater social and emotional competence are frequently more capable of protecting themselves from burnout; and

Whereas the week of March 4 through March 8, 2024, would be an appropriate period to designate as “National Social and Emotional Learning Week”; Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses deep condolences to the families and colleagues of Burnsville, Minnesota, Police Officers Paul Elmstrand and Matthew Ruge and Firefighter/Paramedic Adam Finseth, who made the ultimate sacrifice in the line of duty and whose sacrifice will not be forgotten;

(2) honors the bravery of Police Sergeant Adam Medlicott;

(3) recognizes all of the countless selfless and heroic actions carried out by local law enforcement and first responders;

(4) expresses strong support for law enforcement and first responders in Minnesota and across the United States who protect and serve their communities; and

(5) acknowledges the importance of honoring and remembering fallen law enforcement and first responders killed in the line of duty.

---

**SENATE RESOLUTION 577—RECOGNIZING AND HONORING BURNSVILLE, MINNESOTA, LAW ENFORCEMENT AND FIRST RESPONDERS FOR THEIR HEROIC ACTIONS**

Ms. KLOBUCHAR (for herself and Ms. SMITH) submitted the following resolution; which was considered and agreed to:

S. RES. 577

Whereas Burnsville Police Officers Paul Elmstrand and Matthew Ruge and Firefighter/Paramedic Adam Finseth died in the line of duty on February 18, 2024, while responding to a domestic situation in Burnsville, Minnesota;

Whereas Officer Paul Elmstrand dedicated over 6 years of service to the Burnsville Police Department, joined the department in 2017 as a Community Service Officer and was promoted to Officer in 2019, and served as part of the department’s mobile command staff, peer team, honor guard, and field training unit;

Whereas Officer Matthew Ruge dedicated over 3 years of service to the Burnsville Po-

lice Department, joining the department in 2020, where he was a physical evidence officer and a member of the crisis negotiation team;

Whereas Firefighter/Paramedic Adam Finseth dedicated 5 years of service to the Burnsville Fire Department, served as a water rescue trainer and on Burnsville’s Health and Wellness Committee, and was an Army veteran serving during Operation Iraqi Freedom;

Whereas Officers Paul Elmstrand and Matthew Ruge and Firefighter/Paramedic Adam Finseth will be remembered as heroes who protected their community and loved their families and friends;

Whereas Police Sergeant Adam Medlicott was injured and hospitalized while responding to the call; and

Whereas Sergeant Adam Medlicott has served with the Burnsville Police Department since 2014 in various roles, including as a patrol officer, drug recognition specialist, and field training officer, and was promoted to sergeant in 2022; Now therefore be it

*Resolved*, That the Senate—

(1) expresses deep condolences to the families and colleagues of Burnsville, Minnesota, Police Officers Paul Elmstrand and Matthew Ruge and Firefighter/Paramedic Adam Finseth, who made the ultimate sacrifice in the line of duty and whose sacrifice will not be forgotten;

(2) honors the bravery of Police Sergeant Adam Medlicott;

(3) recognizes all of the countless selfless and heroic actions carried out by local law enforcement and first responders;

(4) expresses strong support for law enforcement and first responders in Minnesota and across the United States who protect and serve their communities; and

(5) acknowledges the importance of honoring and remembering fallen law enforcement and first responders killed in the line of duty.

---

**SENATE RESOLUTION 578—CONGRATULATING THE KANSAS CITY CHIEFS ON THEIR VICTORY IN SUPER BOWL LVIII IN THE SUCCESSFUL 104TH SEASON OF THE NATIONAL FOOTBALL LEAGUE**

Mr. HAWLEY (for himself, Mr. SCHMITT, Mr. MORAN, and Mr. MARSHALL) submitted the following resolution; which was considered and agreed to:

S. RES. 578

Whereas, on Sunday, February 11, 2024, the Kansas City Chiefs defeated the San Francisco 49ers by a score of 25 to 22 to win Super Bowl LVIII in Las Vegas, Nevada;

Whereas the Chiefs made their fourth Super Bowl appearance and third Super Bowl win in 5 years;

Whereas this win marks the first time in nearly 20 years and the ninth time in NFL history that a team has won back-to-back Super Bowls;

Whereas the Chiefs came back after trailing the 49ers by 10 points with under 4 minutes remaining in the first half, making this the third time in 5 years that the Chiefs have recovered from a 10-point deficit in the Super Bowl;

Whereas head coach Andy Reid led the Chiefs to victory and became the fifth head coach to earn 3 Super Bowl victories;

Whereas quarterback Patrick Mahomes completed 34 of 46 pass attempts for 333 yards and 2 touchdowns, rushed 9 times for 66 yards, and was named Super Bowl Most Valuable Player, making him the third player to have won the award 3 times;

Whereas kicker Harrison Butker completed a perfect postseason in field goal attempts, set a new Super Bowl record with a 57-yard field goal, scored more than half of the Chiefs' total points by being 4-for-4 in field goal attempts and 1-for-1 in point-after-touchdown attempts, and made a crucial field goal at the end of the fourth quarter that tied the score and sent the game into overtime;

Whereas tight end Travis Kelce led the team in receiving with 9 receptions for 93 yards;

Whereas running back Isiah Pacheco rushed 18 times for 59 yards and had 6 receptions for 33 yards;

Whereas wide receiver Mecole Hardman had 3 receptions for 57 yards and scored the game-winning touchdown with 3 seconds remaining in overtime;

Whereas, in overtime, defensive tackle Chris Jones prevented the offense from making a critical touchdown, creating a pathway to victory for the Chiefs;

Whereas the Chiefs' defense blocked a point-after-touchdown attempt by the 49ers in the fourth quarter;

Whereas, for the second time in NFL history, the Super Bowl went into overtime, and the Chiefs completed a 75-yard drive to win the game;

Whereas the game-winning drive started with a fourth-and-1 scramble from Patrick Mahomes and ended with a pivotal 7-yard catch from Travis Kelce, setting up a first-and-goal championship-winning touchdown for Mecole Hardman;

Whereas the entire Chiefs' roster contributed to the Super Bowl victory;

Whereas the Chiefs had 3 players ranked in the top 10 of the NFL Top 100 Players of 2023, being the only team with multiple top 10 selections this year and the second team ever with 3 players in the top 10;

Whereas Arrowhead Stadium, home of the Chiefs, holds the world record for loudest crowd roar at a sporting event with 142.2 decibels;

Whereas the victory of the Kansas City Chiefs in Super Bowl LVIII instills a sense of pride for Chiefs fans in the State of Missouri, the State of Kansas, and across the Midwest; and

Whereas people all over the world are asking, "How 'bout those Chiefs?": Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Kansas City Chiefs and their entire staff, Mayor of Kansas City Quinton Lucas, Governor of Missouri Mike Parson, and fans everywhere of the Kansas City Chiefs for their victory in Super Bowl LVIII; and

(2) respectfully directs the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the chairman and chief executive officer of the Kansas City Chiefs, Clark Hunt;

(B) the president of the Kansas City Chiefs, Mark Donovan; and

(C) the head coach of the Kansas City Chiefs, Andy Reid.

---

**SENATE RESOLUTION 579—TO AUTHORIZE TESTIMONY AND REPRESENTATION IN UNITED STATES V. KENYON**

Mr. SCHUMER (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 579

Whereas, in the case of *United States v. Kenyon*, Cr. No. 23-101, pending in the United States District Court for the District of Co-

lumbia, the prosecution has requested the production of testimony from Daniel Schwager, a former employee of the Office of the Secretary of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent current and former officers and employees of the Senate with respect to any subpoena, order, or request for evidence relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved*, That Daniel Schwager, a former employee of the Office of the Secretary of the Senate, is authorized to provide relevant testimony in the case of *United States v. Kenyon*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Mr. Schwager, and any current or former officer or employee of the Secretary's office, in connection with the production of evidence authorized in section one of this resolution.

---

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 1616. Mr. ROUNDS (for himself and Ms. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 4366, 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; which was ordered to lie on the table.

SA 1617. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 4366, supra; which was ordered to lie on the table.

SA 1618. Mr. SCHUMER proposed an amendment to the bill H.R. 4366, supra.

SA 1619. Mr. SCHUMER proposed an amendment to amendment SA 1618 proposed by Mr. SCHUMER to the bill H.R. 4366, supra.

SA 1620. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 4366, supra.

SA 1621. Mr. SCHUMER proposed an amendment to amendment SA 1620 submitted by Mr. SCHUMER to the bill H.R. 4366, supra.

SA 1622. Mr. SCHUMER proposed an amendment to amendment SA 1621 proposed by Mr. SCHUMER to the amendment SA 1620 submitted by Mr. SCHUMER to the bill H.R. 4366, supra.

SA 1623. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 4366, supra; which was ordered to lie on the table.

SA 1624. Mr. CRAPO (for himself, Mr. RICKETTS, Mr. RISCH, Mr. COTTON, Mr. BARRASSO, and Mr. BRAUN) submitted an amendment intended to be proposed by him to the bill H.R. 4366, supra; which was ordered to lie on the table.

SA 1625. Mr. CRAPO (for himself, Mr. RICKETTS, Mr. RISCH, Mr. COTTON, Mr. BARRASSO, Mrs. CAPITO, and Mr. BRAUN) submitted an amendment intended to be proposed by him to the bill H.R. 4366, supra; which was ordered to lie on the table.

SA 1626. Mr. SCHMITT submitted an amendment intended to be proposed by him to the bill H.R. 4366, supra; which was ordered to lie on the table.

---

**TEXT OF AMENDMENTS**

**SA 1616.** Mr. ROUNDS (for himself and Ms. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 4366, 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; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division F, insert the following:

SEC. \_\_\_\_\_. (a) In fiscal year 2024, the Secretary of Housing and Urban Development (referred to in this section as the "Secretary") may waive or specify alternative requirements for any provision of section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) (as in effect before the date of enactment of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12701 et seq.)) and section 811 of the American Homeownership and Economic Opportunity Act of 2010 (12 U.S.C. 1701q note; Public Law 106-569), except for requirements relating to fair housing, non-discrimination, labor standards, and the environment, in order to facilitate prepayment of any indebtedness relating to any remaining principal and interest under a loan made under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) (as in effect before the date of enactment of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12701 et seq.)) for a property that consists of not more than 15 units, is located in a municipality with a population of not more than 15,000 individuals, is within 5 years of maturity, is no longer effectively serving a need in the community, is functionally obsolete, and for which the Secretary has determined that the property prepayment is part of a transaction, including a transaction involving transfer or replacement contracts described in subsection (b), that will provide rental housing assistance for the elderly or persons with disabilities on terms of at least equal duration and at least as advantageous to existing and future tenants as the terms required by current loan agreements entered into under any provisions of law.

(b) Notwithstanding any contrary provision of law, in order to preserve affordable housing resources, upon a prepayment of a loan described in subsection (a), the Secretary may transfer or replace the contract for assistance at such prepaid property with a project-based subsidy contract under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to 1 or more multifamily housing projects located in the same State as the prepaid property, for the benefit of the elderly or persons with disabilities who are eligible to receive housing assistance under such section 8, to assist the same number of units at the receiving multifamily housing project or projects.

(2) The Secretary may fund a transferred or replaced contract described in paragraph (1) from amounts available to the Secretary under the heading "Project-Based Rental Assistance".

**SA 1617.** Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 4366, 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; which was ordered to lie on the table; as follows:

At the appropriate place in title VII of division B, insert the following:

SEC. 7. In addition to amounts otherwise available, there is appropriated \$75,000,000 to the Farm Service Agency to make livestock indemnity payments under section 1501(b) of the Agricultural Act of 2014 (7 U.S.C. 9081(b)) to eligible producers that have incurred eligible losses due to wildfires occurring in calendar year 2024.

**SA 1618.** Mr. SCHUMER proposed an amendment to the bill H.R. 4366, 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; as follows:

At the end add the following:

**SEC. EFFECTIVE DATE.**

This Act shall take effect on the date that is 1 day after the date of enactment of this Act.

**SA 1619.** Mr. SCHUMER proposed an amendment to amendment SA 1618 proposed by Mr. SCHUMER to the bill H.R. 4366, 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; as follows:

On page 1, line 3, strike "1 day" and insert "2 days".

**SA 1620.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 4366, 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; as follows:

At the end add the following:

**SEC. EFFECTIVE DATE.**

This Act shall take effect on the date that is 3 days after the date of enactment of this Act.

**SA 1621.** Mr. SCHUMER proposed an amendment to amendment SA 1620 submitted by Mr. SCHUMER to the bill H.R. 4366, 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; as follows:

On page 1, line 3, strike "3 days" and insert "4 days".

**SA 1622.** Mr. SCHUMER proposed an amendment to amendment SA 1621 proposed by Mr. SCHUMER to the amendment SA 1620 submitted by Mr. SCHUMER to the bill H.R. 4366, 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; as follows:

On page 1, line 1, strike "4 days" and insert "5 days".

**SA 1623.** Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 4366, making ap-

propriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V of division C, insert the following:

SEC. . None of the funds made available by this Act may be used in contravention of section 9-27.260 of the Justice Manual (relating to impermissible considerations for initiating and declining charges).

**SA 1624.** Mr. CRAPO (for himself, Mr. RICKETTS, Mr. RISCH, Mr. COTTON, Mr. BARRASSO, and Mr. BRAUN) submitted an amendment intended to be proposed by him to the bill H.R. 4366, 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; which was ordered to lie on the table; as follows:

At the appropriate place in title I of division F, insert the following:

SEC. 1. None of the funds made available by this Act may be made available to finalize, implement, administer, or enforce the proposed rule of the National Highway Traffic Safety Administration entitled "Corporate Average Fuel Economy Standards for Passenger Cars and Light Trucks for Model Years 2027-2032 and Fuel Efficiency Standards for Heavy-Duty Pickup Trucks and Vans for Model Years 2030-2035" (88 Fed. Reg. 56128 (August 17, 2023)), or any substantially similar rule.

**SA 1625.** Mr. CRAPO (for himself, Mr. RICKETTS, Mr. RISCH, Mr. COTTON, Mr. BARRASSO, Mrs. CAPITO, and Mr. BRAUN) submitted an amendment intended to be proposed by him to the bill H.R. 4366, 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; which was ordered to lie on the table; as follows:

At the appropriate place in title IV of division E, insert the following:

**LIMITATION**

SEC. 4. None of the funds made available by this Act may be used to finalize, implement, administer, or enforce the proposed rule of the Environmental Protection Agency entitled "Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles" (88 Fed. Reg. 29184 (May 5, 2023)), or any substantially similar rule.

**SA 1626.** Mr. SCHMITT submitted an amendment intended to be proposed by him to the bill H.R. 4366, 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; which was ordered to lie on the table; as follows:

In division C, strike section 542.

**AUTHORITY FOR COMMITTEES TO MEET**

**Mr. WHITEHOUSE.** Madam President, I have eight requests for commit-

tees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leaders.

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

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, March 6, 2024, at 10 a.m., to conduct a hearing.

**COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS**

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, March 6, 2024, at 10 a.m., to conduct a hearing.

**COMMITTEE ON FINANCE**

The Committee on Finance is authorized to meet during the session of the Senate on Wednesday, March 6, 2024, at 2:15 p.m., to conduct an open executive session.

**COMMITTEE ON FOREIGN RELATIONS**

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, March 6, 2024, at 10 a.m., to conduct a hearing.

**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, March 6, 2024, at 9:30 a.m., to conduct a business meeting.

**COMMITTEE ON THE JUDICIARY**

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, March 6, 2024, at 10 a.m., to conduct a hearing on nominations.

**COMMITTEE ON VETERANS' AFFAIRS**

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on Wednesday, March 6, 2024, at 10 a.m., to conduct a joint hearing.

**SELECT COMMITTEE ON INTELLIGENCE**

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, March 6, 2024, at 2:30p.m., to conduct a closed briefing.

**AIRPORT AND AIRWAY EXTENSION ACT OF 2024**

**Mr. WHITEHOUSE.** Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 7454, which was received from the House and is at the desk.

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

The legislative clerk read as follows:

A bill (H.R. 7454) to amend title 49, United States Code, to extend authorizations for the airport improvement program, to amend the

Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

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

Mr. WHITEHOUSE. I further ask that the bill be considered read a third time and passed, and the motion 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 bill (H.R. 7454) was ordered to a third reading, was read the third time, and passed.

---

**PROVIDING FOR A JOINT SESSION OF CONGRESS TO RECEIVE A MESSAGE FROM THE PRESIDENT**

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 93, which is at the desk.

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

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 93) providing for a joint session of Congress to receive a message from the President.

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

Mr. WHITEHOUSE. I ask unanimous consent that the concurrent resolution be agreed to and the motion 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.

---

**AUTHORIZING APPOINTMENT OF ESCORT COMMITTEE**

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the Presiding Officer of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of the United States into the House Chamber for the joint session to be held at 9 p.m. on Thursday, March 7, 2024.

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

---

**RESOLUTIONS SUBMITTED TODAY**

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the Senate now proceed to the en bloc consideration of the following Senate resolutions submitted earlier today: S. Res. 577, S. Res. 578, and S. Res. 579.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. SCHUMER. Madam President, in this criminal case pending in Federal district court in the District of Colum-

bia and arising out of the events of January 6, 2021, the prosecution has requested testimony from a Senate witness.

In this case, brought against Jay Matthew Kenyon, trial is expected to commence on March 11, 2024, and the prosecution has requested testimony from Daniel Schwager, formerly counsel to the Secretary of the Senate, concerning his knowledge and observations of the process and constitutional and legal bases for Congress' counting of the Electoral College votes. Senate Secretary Berry would like to cooperate with this request by providing relevant testimony in this trial from Mr. Schwager.

In keeping with the rules and practices of the Senate, this resolution would authorize the production of relevant testimony from Mr. Schwager, with representation by the Senate legal counsel.

Mr. WHITEHOUSE. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and that the motions to reconsider be considered made and laid upon the table, all en bloc.

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

(The resolutions, with their preambles, are printed in today's RECORD under "Submitted Resolutions.")

---

**APPOINTMENT**

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to the provisions of S. Res. 64, adopted March 5, 2013, appoints the following Senators as members of the Senate National Security Working Group for the 118th Congress: the Honorable JOHN CORNYN of Texas, Administrative Co-Chair; the Honorable DEB FISCHER of Nebraska, Co-Chair; the Honorable JAMES LANKFORD of Oklahoma, Co-Chair; the Honorable MARCO RUBIO of Florida; the Honorable LINDSEY GRAHAM of South Carolina; the Honorable ROGER WICKER of Mississippi; the Honorable JAMES RISCH of Idaho; the Honorable MITT ROMNEY of Utah; and the Honorable PETE RICKETTS of Nebraska.

---

**ORDERS FOR THURSDAY, MARCH 7, 2024**

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. on Thursday, March 7; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following the conclusion of morning business, the Senate proceed to executive session to resume consideration of the Noti nomination; further, that the cloture motion with respect to the Noti nomination ripen at 11:45 a.m.; further,

that if cloture is invoked on the Noti nomination and notwithstanding rule XXII, the Senate resume legislative session to execute the order of February 29, 2024, with respect to S. 3853, and that the Senate vote on passage of that bill at 2:15 p.m.; further, that upon disposition of S. 3853, the Senate resume executive session and all time on the Noti nomination be considered expired; that if the nomination is confirmed, the motion 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.

---

**ORDER FOR ADJOURNMENT**

Mr. WHITEHOUSE. Madam President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order, following the remarks of Senator SANDERS.

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

The PRESIDING OFFICER. The Senator from Vermont.

---

**ISRAEL**

Mr. SANDERS. Madam President, I think that as human beings, we have a tendency to try to avoid thinking about horrifying situations. Who wants to think about, focus on things that are painful and terrible?

But whether we like it or not, there is, today, a horrifying catastrophe unfolding in Gaza, where hundreds of thousands of children are facing starvation because of Israel's indiscriminate bombardment and unacceptable restrictions on humanitarian aid getting across the border.

And let me remind every American and every Member of Congress, this is not some faraway natural disaster that we as Americans have nothing to do with. This is not an earthquake in Japan. It is not a drought in Sudan. It is not flooding in China. The reality is that we as American taxpayers are complicit in this humanitarian disaster. And as Americans, we must end it.

First, let me briefly recap where we are today. Hamas started this terrible war with a brutal terrorist attack that killed 1,200 innocent Israelis and took 253 hostages—more than 100 of whom remain in Hamas's hands, including Americans.

And just the other day, the U.N. reported that there is strong evidence that Hamas also committed horrific sexual assaults against Israeli women of the worst kind imaginable. Nobody will or should forgive or forget those atrocities.

As I have said many times, Israel had the right to respond to that attack and go after Hamas, but it did not—and it does not—have the right to go to war against the entire Palestinian people. And that is what Israel has done.

For 5 months now, Israel has unleashed total war on Gaza, relying on widespread bombardment, including the use of 2,000-pound bombs. The results have been catastrophic.

In the last 5 months, Israel has killed nearly 31,000 Palestinians and injured more than 72,000, two-thirds of whom are women and children—two-thirds of whom are women and children.

The United Nations has had 165 staff killed by Israeli forces, more than in any other previous war. Some 364 health workers—people who are there trying to take care of the sick and the wounded—and 132 journalists who are reporting on the situation have been killed as well.

As this terrible photograph shows, the Israeli bombardment has left Gaza in ruins. Now, 70 percent—let me repeat, 70 percent—of the housing units in Gaza have been damaged or destroyed. Unbelievably, 1.7 million people in Gaza have been driven from their homes—taken out of their homes—and sent away without really knowing where they are going to go or whether or not they will ever return or, in fact, be able to return to this disaster. And that 1.7 million people is 80 percent of the population of Gaza.

The civilian infrastructure in Gaza has been devastated, making life unbearable for the people who reside there. There is virtually no electricity and little running water. There is not a single fully functional hospital for the 2.2 million Gazans, despite the enormous medical needs that the bombardment has caused. People are getting injured, no place to go.

As horrible and as unspeakable as all of this destruction is, we are seeing something today that is even worse. For months, the U.N. has warned that because of the Israeli blockade of food and water, starvation and disease were growing threats. They warned in December that a quarter of the population of Gaza—over half a million people—were one step away from famine.

Since then, the situation on the ground has only worsened. People have been reduced to eating leaves and animal feed. They are starving to death. They are starving to death.

And, in the last week, reports of children dying from malnutrition and dehydration have begun to emerge. At least 15 children have starved to death. Unfortunately, these reports are likely to be the first of many.

Despite this nearly unprecedented crisis, despite hundreds of thousands of children facing starvation, humanitarian access has actually deteriorated—deteriorated—during the last month. The needs are significantly greater, but the aid that is coming in is less.

In February, an average of 97 trucks got into Gaza each day, down from about 150 in January and well short of 500 trucks per day before the war.

The situation is now so desperate and so inhumane that many of the trucks entering Gaza are unable to reach their

destination because they are set upon by starving people who are ripping food boxes from the trucks. In other words, people are seeing the trucks coming; they are unable to get to the destinations that they are supposed to because starving people are fighting for food.

Let us be crystal clear about why this is happening. It is happening because Israel is not letting in enough humanitarian aid. And it is actually that simple. They are not letting in the food, the water, the medical supplies, the fuel that desperate people need.

Israeli restrictions on aid mean that only a tiny fraction of what is needed is getting into Gaza today. And even when that aid gets in, we are seeing Israeli military activities that result in very little of that aid reaching the most desperate areas.

In the north, almost no aid has gotten through, leading to the terrible incident of last week, where desperate Palestinians, pulling sacks of flour off of the few trucks that got through, were met with gunfire from Israeli troops. Earlier in February, Israeli forces fired on a U.N. food convoy trying to reach the north, despite it having been previously cleared by the Israelis. And just yesterday, the Israeli military turned back a World Food Programme convoy carrying 200 tons of food to starving people in North Gaza.

None of what is going on in Gaza today is a secret. Anyone who wants to know does know.

And let me share with you what some of our leading U.S. officials have said about the war and the current situation.

President Biden has repeatedly called the Israeli bombing “indiscriminate” and called Israel’s response in Gaza “over the top.”

He said: “There are a lot of innocent people who are starving. A lot of innocent people in trouble and dying. And it has to stop.”

President Biden this week said: “There’s got to be a cease-fire,” and “we must get more aid into Gaza.”

He also said: “We’re going to insist”—insist—“that Israel facilitate more trucks and more routes to get more and more people the help they need. No excuses, because the truth is aid flowing to Gaza is nowhere nearly enough. Now, it’s nowhere nearly enough. Innocent lives are on the line and children’s lives are on the line.”

President Joe Biden. That is not BERNIE SANDERS. That is President Biden.

Vice President KAMALA HARRIS said, on Sunday:

We have seen reports of families eating leaves or animal feed, women giving birth to malnourished babies with little or no medical care, and children dying from malnutrition and dehydration.

The Vice President also said:

The Israeli government must do more to significantly increase the flow of aid. No excuses. They must open up new border crossings. They must not impose any unnecessary restrictions on the delivery of aid. They must ensure humanitarian personnel, sites, and convoys are not targeted.

Vice President KAMALA HARRIS.

Secretary of State Tony Blinken and National Security Advisor Jake Sullivan have repeatedly emphasized these points to the Israelis, pushing and urging them to be more targeted, to protect civilian life, and to let food and water into Gaza so that children do not starve.

You have got the President, you have got the Vice President, you have got the Secretary of State, you have got the National Security Advisor saying over and over again: Israel must change its policies.

And in the midst of all of that, how has Israeli Prime Minister Netanyahu responded to those requests and those comments? Here is the American Government saying one thing. How has Netanyahu responded? Well, his response has not been complicated. He has ignored them. He has ignored what the President of the United States said, what the Vice President of the United States said, what many of us in Congress are saying, what the Secretary of State is saying, what the National Security Advisor is saying. He has ignored it all.

Despite all of this—despite Netanyahu’s refusal to adhere to any of the requests and concerns that our government has conveyed to him, the United States continues to pull out all the stops to support his devastating war against the Palestinian people.

Year after year, we have provided \$3.8 billion in military aid to Israel—U.S. taxpayer money. More recently, the administration requested and the Senate has approved—against my vote, I should add—another \$14 billion in military aid to this rightwing extremist Israeli Government. Ten billion of that money is completely unrestricted military aid that will buy more of the bombs Netanyahu is using to destroy Gaza.

Just today—today—the Washington Post reported that the United States has delivered more than 100 military sales to Israel since the war began. That is right. Despite the scale of the devastation, U.S. taxpayers continue to fund this war, and today we learned that the administration has been breaking up these arm sales into Israel into smaller tranches to avoid triggering congressional notification requirements. That is unacceptable, and that is a brazen violation of the spirit and intent of the law.

That is not the only way that the administration is refusing to adhere to U.S. law. Israel’s interference in U.S. humanitarian operations is in clear violation of section 620I of the Foreign Assistance Act, and that law and its language could not be clearer.

I want everybody to hear what the law says:

No assistance shall be furnished . . . to any country when it is made known to the President that the government of such country prohibits or otherwise restricts, directly or indirectly, the transport or delivery of United States humanitarian assistance.

That is the law. The law is that if a country prevents humanitarian assistance coming to these starving children, it is violating the law. It could not be clearer than it is, and I think very few people doubt that Israel is in violation of that law. Yet the administration and the Congress do nothing.

The State Department doesn't even pretend to apply the Leahy law to Israel, refusing to properly track U.S. arms or even identify which Israeli units receive U.S. security assistance, a basic requirement of the law and a standard applied to every other country.

As I go around Vermont and around the country, it is my strong feeling that the American people are increasingly disgusted by the destruction of Gaza and the unbelievable misery that is befalling the Palestinian people who are there. The American people want it to end. They don't want to be part of seeing children go hungry. They don't want to be part of seeing entire communities literally destroyed.

Just the other day—and I hope my colleagues in Congress hear this. Just the other day, a YouGov poll showed that 52 percent of Americans agree that the United States should halt weapon shipments to Israel until Israel stops its attacks on Gaza—52 percent. A lot of people were undecided, and those who supported it was much, much less—a small number. Fully 62 percent of respondents who voted for President Biden agreed the United States should stop weapon shipments until Israel discontinues its attack on the people of Gaza, while just 14 percent disagree. In other words, the American people, in general, and those who voted for President Biden, in particular, want this war ended. They want the destruction stopped.

The American people understand a simple truth that we here in the Nation's Capital continue to ignore, and that is that it is absurd and hypocritical to publicly profess horror at Netanyahu's inhumane war while, at the same time as we say how terrible it is, how awful Netanyahu is—at the same time—we ship tens of thousands of bombs to his army. It is absurd to criticize Netanyahu's war in one breath and provide him another \$10 billion to continue that war in the next.

Perhaps the most remarkable thing about this disaster is the fiction we tell ourselves here in Congress, and that is that there is nothing—just nothing—that we can do. Isn't this awful? My goodness, look at all of those buildings that have been destroyed—70 percent of the housing. It is terrible. Children going hungry—terrible. Children coming down with disease—terrible, terrible. Nothing we can do.

Really? Everybody knows what is happening. We see it every day in the news, and we see the pictures of the emaciated children, of people bombed while they sleep. And yet Congress pretends as if we are powerless to stop it.

Well, the fact is, this is not a natural catastrophe. This is a manmade catastrophe. And if we had the political will and if we had the courage to stand up to some very powerful special interests, yes, we could stop it. We could stop the destruction, and we could make sure that these kids do not starve to death.

But doing so will require that the U.S. Government and Members of Congress have the courage to stand up to Netanyahu and to use the incredible leverage that we have over the Israeli Government to secure a fundamental change in their disastrous policies.

Of course, we have the leverage. We are funding the war. And if that is not leverage, I don't know what leverage is.

The current reality is, frankly, embarrassing. I supported the President's decision to airdrop supplies to desperate civilians in North Gaza. Airdrops will buy time and save lives. I am glad the President did it. The truth is, there is no substitute for sustained ground deliveries and many, many hundreds of trucks every single day getting into Gaza.

Right now, we have the incredible situation where a U.S. ally is using U.S. weapons and equipment to block the delivery of U.S. humanitarian aid. We are funding them to stop us from doing what we want to do. And if that is not crazy, I don't know what is.

It is far, far past time for us to stop asking Israel to do the right thing and to start telling Israel what must happen if they want the support of U.S. taxpayers. Israel must open the borders and allow the U.N. to deliver supplies in sufficient quantities. The U.S. Gov-

ernment should make it clear that failure to open up access immediately and feed starving people will result in the Netanyahu government not getting another penny of U.S. taxpayer military aid. The United States simply cannot allow hundreds of thousands of children to starve to death. Whether Netanyahu likes it or not, the United States must do what is necessary to get supplies into Gaza.

We all know that there will be a very long and tortuous road to achieve lasting peace in the region and self-determination for both Israelis and Palestinians. The people of Israel have the absolute right to live in peace and security without worrying about terrorist attacks. The Palestinian people have the absolute right to self-determination, to live in peace, and to have a state of their own.

Madam President, I hope very much that there will be new leadership that will emerge on both sides within Israel and within the Palestinian community to make that happen and to achieve a meaningful peace process. But one thing is very clear: Given the unprecedented humanitarian disaster that is occurring in Gaza right now, the United States must end its complicity.

I yield the floor.

---

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 7:44 p.m., adjourned until Thursday, March 7, 2024, at 10 a.m.

---

#### CONFIRMATIONS

Executive nominations confirmed by the Senate March 6, 2024:

##### MERIT SYSTEMS PROTECTION BOARD

CATHY ANN HARRIS, OF MARYLAND, TO BE CHAIRMAN OF THE MERIT SYSTEMS PROTECTION BOARD.

##### DEPARTMENT OF DEFENSE

RONALD T. KEOHANE, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

##### FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

MOSHE Z. MARVIT, OF PENNSYLVANIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2028.