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

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No. 42

## Senate

The Senate met at 10 a.m. and was called to order by the Honorable ALEX PADILLA, a Senator from the State of California.

### PRAYER

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

Let us pray.

O Lord, our God, Your majestic Name fills the Earth. Your mighty hand has brought our Nation to this moment in its destiny.

Lead us all to do Your will. Help us to see that You desire us to do justly, love mercy, and to embrace humility. Remind us that You came to our world to empower us to find true freedom through the power of Your truth.

Bless our Senators. May they produce legislation that reflects Your priorities. Lord, help them to see that You are more impressed with how they obey Your precepts than the eloquence of their words. Guide them by Your light so that their lives reflect Your purposes.

We pray in Your matchless 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 8, 2024.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ALEX PADILLA, a Senator from the State of California, to perform the duties of the Chair.

PATTY MURRAY,  
President pro tempore.

Mr. PADILLA 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.

### LEGISLATIVE SESSION

#### CONSOLIDATED APPROPRIATIONS ACT, 2024—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 4366, which the clerk will report.

The legislative clerk read as follows: House message to accompany 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.

Pending:

Schumer motion to concur in the amendment of the House to the amendment of the Senate to the bill.

Schumer motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Schumer amendment

No. 1618 (to the House amendment to the Senate amendment), to add an effective date.

Schumer amendment No. 1619 (to amendment No. 1618), to add an effective date.

Schumer motion to refer the message of the House on the bill to the Committee on Appropriations, with instructions, Schumer amendment No. 1620, to add an effective date.

Schumer amendment No. 1621 (to (the instructions) amendment No. 1620), to add an effective date.

Schumer amendment No. 1622 (to amendment No. 1621), to add an effective date.

#### RECOGNITION OF THE MAJORITY LEADER

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

#### SUPPLEMENTAL FUNDING

Mr. SCHUMER. Mr. President, well, we have until tonight for the Senate to send an appropriations package to the President or else the government will begin to shut down.

For the information of Senators, we are going to hold a live quorum call in a few moments, and we will vote on cloture at approximately noon.

I hope my Republican colleagues will work with us on a reasonable agreement so we can get this funding package done today and send it to the President's desk before a shutdown.

#### QUORUM CALL

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll, and the following Senators entered the Chamber and answered to their names:

Bennet	Hyde-Smith	Romney
Carper	King	Rosen
Casey	Lee	Schatz
Collins	Lujan	Schumer
Cornyn	Marshall	Tester
Durbin	Murray	Young
Heinrich	Padilla	
Hickenlooper	Peters	

The ACTING PRESIDENT pro tempore. A quorum is not present.

The majority leader.

#### MOTION TO INSTRUCT

Mr. SCHUMER. Mr. President, I move to instruct the Sergeant at Arms

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



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to request the presence of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from Virginia (Mr. KAINE) and the Senator from West Virginia (Mr. MANCHIN) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Alabama (Mrs. BRITT), the Senator from Arkansas (Mr. COTTON), the Senator from Texas (Mr. CRUZ), the Senator from Missouri (Mr. HAWLEY), the Senator from Louisiana (Mr. KENNEDY), the Senator from Wyoming (Ms. LUMMIS), and the Senator from Mississippi (Mr. WICKER).

The result was announced—yeas 72, nays 18, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—72

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

NAYS—18

Blackburn	Lee	Schmitt
Braun	Moran	Scott (FL)
Budd	Mullin	Scott (SC)
Cassidy	Paul	Sullivan
Crapo	Risch	Tuberville
Daines	Rubio	Vance

NOT VOTING—10

Booker	Hawley	Manchin
Britt	Kaine	Wicker
Cotton	Kennedy	
Cruz	Lummis	

The motion was agreed to.

The PRESIDING OFFICER (Mr. VAN HOLLEN). A quorum is present.

The Senator from Kentucky.

H.R. 4366

Mr. PAUL. Mr. President, porkbarrel spending elicits images of politicians, fists full of cash to be passed out to the special interests.

Porkbarrel spending sounds bad and smells worse. Porkbarrel spending is the original sin of Congress that Big Government types can't rid themselves of, can't rinse themselves clean of. Porkbarrel spending is the grease that eases billions and trillions of deficit dollars to flow.

What did our Founders have to say about porkbarrel spending, about ear-

marks? The Constitution is quite clear: Taxation and spending are only allowed if they are for the general welfare.

Justice Story, in our history, ruled that the general welfare clause was not a general grant of unlimited powers but, rather, a limiting clause that meant that government taxation and spending must be for the general welfare of the people, not for parochial interests.

It is not for a sex club in Philadelphia. It has to be for the general welfare of all people in the United States. It is not for a parade in Detroit. It is for the general welfare of people.

The earmarks are porkbarrel spending, and they are not included in the Constitution.

Justice Story referred to Jefferson in reaching this conclusion. Jefferson wrote that "the laying of taxes is the power, and the general welfare is the purpose." So you can tax people generally, but you have to spend the money generally. It has to be what is good for everyone in America.

It can't be good for the "Bubba Gump Shrimp Museum" in Louisiana. It can't be good for sugar cane in Louisiana.

It is supposed to be for the general welfare of the entire United States. That is what Jefferson said.

He said that "to lay taxes ad libitum for any purpose they please," it shouldn't be so but "only to pay [for] the debts or provide for the general welfare of the Union."

Jefferson continued: "In like manner, Congress is not to do anything they please to provide for the general welfare, but only to lay taxes" for what truly is "for the general welfare" of everyone in the country.

Madison argued that spending must be tied to the specifically enumerated powers in article I, section 8 of the Constitution. Why would the Founders have written the Constitution and said we have specific powers that we are allowed to spend money on? Why would they write those specific powers and then say, "Oh, well, whatever, just spend money on whatever you want to spend it on"? They wrote these specific powers because that is what they intended us to follow.

The 9th and 10th Amendments said if the powers weren't granted to Congress, they were left to the States. A lot of these earmarks could be funded by the States, but States have to balance their budget. Why do the earmarks bump from the State to the Federal Government? Because there is a printing press up here, and it is going full stop, 24 hours a day—printing, printing, printing—and putting the next generation into debt.

If you read article I, section 8, which enumerates the powers for spending in the Constitution, you will find no references to funding organizations that host sex parties.

The Senators from Pennsylvania stuck an earmark in here for an organization that has public sex parties

with whomever, whenever—groups, no numbers—in a public forum. That is what your money is going for. The Senators from Pennsylvania put an earmark in here for public sex parties—really.

Does anybody think that that is in the general welfare? Does anybody not see our Founding Fathers rolling over in their graves that Democrat Senators from Pennsylvania wanted to fund sex parties in Philadelphia? There is nothing in the Constitution that allows that.

They also want to fund environmental justice centers—whatever that means—hell-bent on banning gas stoves. Really?

The bill has 6,000 earmarks, over \$12 billion in spending. So this is the cusp of it, but the overall spending is hundreds of billions of dollars, and the spending at this rate will lead to \$1.5 trillion borrowed.

What happens to the borrowing? The Federal Reserve buys it, and your prices go up at the store. Why does a steak cost 20 bucks in the grocery store now? Because they have diluted the value of your currency by all these earmarks, all this giving, and all this unconstitutional spending.

Decades ago, William Proxmire rose in this esteemed body to tell the American people about government waste. He was a conservative Democrat, back when that existed. He awarded the "Golden Fleece Award" to the worst examples of government spending. Every month for 13 years, he did this.

Among the things he pointed out: A \$27,000 study to investigate why prison inmates try to escape. Really? We couldn't figure that one out on our own?

A \$6,000 guide on how to use Worcestershire sauce.

But here is my favorite, and Proxmire himself said this was one of his favorites: \$100,000 research grant to study whether sunfish that drink tequila are more aggressive than sunfish that drink gin.

This is where your money goes. This is why we are bankrupt. It never gets better.

The organizations that fund this, like the National Science Foundation, they doubled their budget last year. Do you think we are going to have more or less of this crazy spending on drunk fish if you give them more money? They doubled the amount of money to the people who are studying whether sunfish getting drunk on tequilas are more aggressive than sunfish getting drunk on gin.

There was always a certain amount of punch to Proxmire's proclamations. We could laugh at the lunacy of government. But that was in 1988, when our overall debt was only \$2 trillion. Now it is \$34, going on \$35 trillion as we speak. Perhaps government waste is not so funny anymore.

There are 600 pages of earmarks in this bill—over 6,000 earmarks of porkbarrel spending for which the Constitution does not approve. It adds up to \$12 billion.

It would be difficult to choose which single earmark is the worst, but here are some of the top 10: \$4 million for a waterfront walkway in New Jersey. You heard that right—\$4 million for a walkway, for a fancy new boardwalk to help the New Jersey shoreline compete with Staten Island's. We are \$34 trillion in debt, and they are going to take money that is supposed to be for the general welfare to help one specific town. This is a town with a median income of \$100,000. Do you think maybe they could pay for their own boardwalk?

And \$3.5 trillion for Detroit's Thanksgiving parade float maker's new headquarters. So the people who make the floats for the parade in Detroit are going to get a new headquarters. Does anybody think that is for the general welfare? This actually is giving money to a private company. Where in the Constitution does it say we can take money from everyone and give it to a private company? That is unconstitutional.

The Metropolitan Museum of Art is given \$1.75 million. You say: Well, I love art. We need to fund art.

This is a regional art museum, and it is a museum that has a \$5 billion endowment. Some of the richest people in our country give to this museum, and that is great. Their names are on the wings of the museum. That is great. We have always had support by rich people in our country for museums. That is great. But we don't need to be taxing the everyday working man in our country to send another million dollars to a museum in New York that has a \$5 billion endowment.

They also have a million dollars for the environmental justice center in New York. It used to be justice that we thought should be color blind. Now we have justice that is meted out based on the shade of your ideology. So if you are a crazy climate alarmist and you think the world is going to end and the polar bears are drowning from too much water—note to self: Polar bears swim in the water; they live in the water. The polar bears are not drowning because of global warming.

So we have the environmental justice center, which is full of a bunch of crazy people who are only on one side of the issue. They believe that we should ban everything: cars, gas stoves. Your money is being sent to fund this politically charged nonsense that has nothing to do with justice.

And \$500,000 for gardens in San Francisco. Now, I understand the smell is bad in San Francisco from the human feces, from the waste, from the trash, from the litter, from the drug addicts who strew all of their needles across the place. It is a bad deal in San Francisco. But do you know what? They need to clean their city up. They don't need to be asking for taxpayers in Kentucky and around the country to plant flowers for them to obscure the smell of their problem because they have let their city go to rotten ruin.

A million dollars to a nonprofit in Minnesota to build a coffee shop for refugees. Think about this. You have just come to this country. Many of these are good people. They are some of the best Americans. They just got here, but we want to teach them about America. So instead of teaching them frugality—someone who is new, who doesn't have much money, they should go to the grocery store, and for 26 cents a cup, you can make your own coffee—instead we say: Why don't we give a million dollars to a refugee center so they can have a coffee shop and serve up \$7 lattes to teach the immigrants that this is what is great about America? No, what is great about America is to get \$7 lattes when you are paying for it, not when the government is paying for it.

And \$500,000 for a cyber crime vehicle for the Honolulu Police. Who the heck knows if that is a competitive price? But for \$500,000, you can apparently get 2 Ferraris, 10 Teslas, and 20 Toyotas. The question I have about cyber crime is: Are they using warrants? Are they eavesdropping on all of us? Or are they actually doing warrantless searches of innocent Americans? But this is not something the Federal Government should be funding.

A \$1.2 million earmark for bike paths in Rhode Island. Look, I am a bike rider. I like bike paths as much as the next person. They should be funded locally. That is not the general welfare. A bike path in Rhode Island is the business of Rhode Island. Why should Rhode Island pay for it? Because Rhode Island balances their budget. Like every other State, they only can spend what comes in because they have no printing press. Why do they ask the Federal Government to fund their bike paths? Because we have a printing press. But that only is not for the general welfare. It hurts the general welfare by causing inflation. Deficit spending causes inflation, and that is what you get with this bike path. Rhode Island has 28,000 millionaires. Why don't they tax their millionaires? I don't care what they do to their millionaires for their bike paths. Let them take care of it. But don't tax the rest of the people of the country to pay for a bike path in one State.

The final earmark we have today is \$209,000 for an air conditioner in the Charles Town Old Opera House in West Virginia. You might ask yourself how that is of general interest or in the general welfare, and you would be right. It is not. It is very parochial. But you would also ask why they spent \$100,000 last year fixing the air conditioner that is going to cost another \$200,000 this year. Maybe competitive bidding is not so good when you actually get free money from the government.

These are the 10 of over 6,000 wasteful earmarks included in this minibus. I don't know which single one of them would receive Senator Proxmire's Golden Fleece Award, but these are my terrible 10, and there are more.

And this is only funding half of government. In a couple more weeks, they are coming back. And if there were 6,000 earmarks this week, I am guessing they will have 6,000 next week.

It gets worse. It is leading to generalized inflation. So not only are they ignoring the general welfare clause, which means that spending and taxation are supposed to help everyone equally—it has to be for a general cause, such as the national defense, that we don't have for Maine or Rhode Island or Kentucky. The national defense is for everyone. It is a general cause. But when we spend it on parochial causes, when we run up this enormous deficit, it hurts us all generally. Inflation is a general punishment.

So I would say this bill is not for the general welfare of the country; it is for the general punishment of the country because it continues a \$1.5 trillion deficit that leads to inflation that causes all of us to not be able to afford food, clothing, gasoline. That is what this is. This bill is an insult to the American people; the earmarks are all the wasteful spending that you could ever hope to see; and it should be defeated.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Utah.

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

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

UNANIMOUS CONSENT REQUEST—H.R. 4366

Mr. LEE. Mr. President, I ask unanimous consent the cloture motion with respect to the House message be withdrawn and the only motions and amendments in order to the House message to accompany H.R. 4366 be the following: Hagerty No. 1634, Crapo No. 1625, Johnson No. 1633; Budd No. 1635, Lee amendment No. 1623, Schmitt No. 1626, Scott of Florida amendment No. 1645, and Scott of Florida motion to refer; further, that the Senate vote on the above motion and amendments in the order listed with only the Budd amendment subject to 60 affirmative votes required for adoption; that upon disposition of the Scott motion to refer, the pending amendments and motion be withdrawn and the Senate vote on the motion to concur in the House amendment to the Senate amendment to H.R. 4366, as amended, if amended, with 60 affirmative votes required for adoption of the motion to concur, without further intervening action or debate, and with 2 minutes for debate equally divided prior to each vote.

The PRESIDING OFFICER. Is there objection?

The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask that the Senator modify his request so

that the cloture motion with respect to the House message be withdrawn and the only motions and amendments in order to the House message to accompany H.R. 4366 be the following: Lee amendment No. 1623, Schmitt amendment No. 1626, Scott of Florida amendment No. 1645, and Scott of Florida motion to refer; further, that the Senate vote on the above motion and amendments in the order listed, with 60 affirmative votes required for adoption; that upon disposition of the Scott motion to refer, the pending amendments and motion be withdrawn and the Senate vote on the motion to concur in the House amendment to the Senate amendment to H.R. 4366, as amended, if amended, with 60 affirmative votes required for adoption of the motion to concur, without further intervening action or debate, and with 2 minutes for debate equally divided prior to each vote.

The PRESIDING OFFICER. Is there objection to the modification?

The Senator from North Carolina.

Mr. BUDD. Mr. President, reserving the right to object because this modification would remove my amendment.

We are in the middle of the worst border crisis in U.S. history. The story of this crisis is one of preventable tragedies compounding day after day. And, sadly, we have seen it in my home State of North Carolina less than 2 years ago when Wake County Deputy Sheriff Ned Byrd was killed in the line of duty. He was murdered by illegal aliens who never should have been in this country.

I believe that if an illegal alien commits the crime of assaulting a police officer, he or she must be subject to immediate deportation.

Any Senator who claims to support the police should have no problem supporting my amendment, which would attach the POLICE Act to this funding package. The POLICE Act simply states that an alien can be deported for assaulting a police officer, a firefighter, or other first responder.

The bill has already passed the House, and it can be sent to the President's desk by passing it right now. We have had good-faith negotiations on this. We are even willing to have it at a 60-vote threshold.

So I would ask that my fellow Senators support my amendment. Help remove dangerous individuals before another tragedy strikes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, reserving the right to object because this modification also removes my amendment.

Mr. President, in just the last 5 months, we have seen a string of heinous crimes in which all of the suspects are illegal immigrants. In September, a disabled person was brutally raped. In December of 2023, a mother and her 16-year-old son were senselessly killed by a drunk driver. The

suspect was an illegal immigrant. A 16-year-old cheerleader was stabbed to death in Edna, TX. In my State, a 20-year-old nurse was run down by a drunk driver. The suspect was an illegal immigrant. In January, again in my State, a Special Olympian was killed by yet another drunk driver. In Campbell County, VA, a 14-year-old girl was sexually assaulted. In February, a 10-year-old boy was slain in a hit-and-run in Midland, TX. A 2-year-old was gunned down in a gang-related shooting in Maryland. In Kenner, LA, a 14-year-old girl was raped and another individual stabbed by the same illegal immigrant suspect. In Montgomery County, MD, an 11-year-old girl was raped. And on February 22, Laken Riley was beaten to death while jogging in Athens, GA.

Now, yesterday, on the House floor, 170 Democrats—I believe the number was—voted against a bill that simply would have made it law to deport people in this country illegally that have committed crimes. Now, that is just common sense to do that, and yet 170 Democrats voted against that common-sense measure.

This must stop. My amendment is pretty simple. It is designed to pass on a vote of a mere majority because it is completely germane to what we are talking about. It prohibits Federal housing funding from going to sanctuary cities that do not comply with a request from DHS to provide advance notice of the date and time an illegal alien is scheduled to be released from local custody. It is just very common-sense. Let's force these cities, these declared sanctuary cities, to follow the law and provide notice to DHS.

Now, the U.S. Senate is supposed to be the world's greatest deliberative body. Why are we prevented from voting on an amendment that is germane to the piece of legislation on the floor? This simply is so commonsense. If the Senate doesn't think it is common-sense and the Senate doesn't believe this is good to force cities to follow the law, to provide notice to DHS of an illegal immigrant being released from custody so that possibly that individual could be deported so they wouldn't be around to rape and pillage and murder, why aren't we allowed to vote?

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. HAGERTY. Mr. President, reserving the right to object. This modification removes my amendment, and my amendment removes a very perverse incentive for illegal immigration and for sanctuary cities. It is very straightforward.

My amendment preserves the equal weight of each American citizen's vote because it prevents the use of illegal immigrants coming into sanctuary cities from diluting the votes of American citizens like those in my home State of Tennessee.

Therefore, Mr. President, the Senate should be voting on this; it is germane; and, therefore, I object.

The PRESIDING OFFICER. The objection to the modification is heard.

Is there an objection to the original request?

Mrs. MURRAY. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Utah.

MOTION TO TABLE

Mr. LEE. Mr. President, just days ago, we saw the text of this legislation in its entirety. We saw that it contained, among other things, more than 600 pages of earmarks, totaling over 6,000 earmarks. It spends a lot of money. It is significant legislation. Whether you love it or hate it, you can't dispute the fact that the legislation does a lot of things in government; it funds a lot of things in government.

There are a handful of us who tried to get votes on amendments because, after all, if this is to be put together by one committee of the Senate without other Members having the opportunity to offer up amendments and debate it and discuss it, we are neither a deliberative body, certainly not the world's greatest legislative body, but it is hard to even call us a legitimate, authentic legislative body more than a rubber stamp for the Appropriations Committee if we are not allowed to offer modifications to what the Appropriations Committee, in its infinite wisdom and glory, decides to put on the floor of the U.S. Senate.

This has always been a distinguishing characteristic of this body. It is different in material respects from the House of Representatives. It is different in that each State is represented equally, allowing each State to be represented as a State, and it is also different in that it is a body where we are supposed to allow for open amendment.

We have been blocked out of this. We offered up, just moments ago, eight Republican amendments. The Democrats countered by saying: We will give you votes on only four of them. Now, most of those four to which they are objecting to having any votes are themselves germane. Those that are not germane, they are willing to take up a vote at 60. Yet they are still not willing to allow us to vote on them, including vote on some things that are very significant and have enormous impact on the safety, security, and prosperity of the American people.

Why? What are they so afraid of? Why are they willing to ignore 2½ centuries of custom, precedent, and practice? Why are they willing to disregard many more centuries of legislative tradition that goes back to long prior to the time that we were even a country? Why are they unwilling to do this?

So the reason they are able to do it is because the Senate has resorted, time and time again, to this procedure known as filling the tree. The majority leader fills the tree, and it is shorthand for he is not going to allow any amendments.

So what I would like to do is set that aside, to table the tree-filling amendment. To that end, Mr. President, I move to table the pending motion to refer, and I ask for the yeas and nays.

VOTE ON MOTION TO TABLE

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) and the Senator from West Virginia (Mr. MANCHIN) are necessarily absent.

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

The result was announced—yeas 45, nays 52, as follows:

[Rollcall Vote No. 78 Leg.]

YEAS—45

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

NAYS—52

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

NOT VOTING—3

Booker	Britt	Manchin
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The motion was rejected.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the mandatory quorum call be waived and that there be 6 minutes equally divided between myself and Senator COLLINS.

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

The Senator from Washington is recognized.

H.R. 4366

Mrs. MURRAY. Mr. President, we are nearly there, and I am hopeful that we can all come together and get an agreement to pass this bipartisan, bicameral, full-year funding bill as soon as possible. We all know the deadline. We are here in the Senate, ready to move quickly in order to avoid a senseless shutdown. As I have said for

months, we actually can fund the government when everyone sits down at the table and works in a reasonable, bipartisan way, and that is what we have done.

Getting here has not been easy. We had to work through some really tough top lines. We had to fight hard to keep out dozens and dozens of extreme poison pills. We had to work long days and nights and through weekends to hammer out the tricky details of this bill and make sure Members had the chance to weigh in with their priorities.

Our work is not done yet. We have six more bills. We are working on all of them right now. But this first package is evidence that we can get things done when everyone is focused on what can actually help folks back at home and what can actually pass in a divided government.

This isn't the package I would have written on my own, but I am proud that we have protected absolutely vital funding that the American people rely on in their daily lives. This package fully funds WIC, so moms and babies will not be denied nutrition assistance. It sustains our investments to help people keep a roof over their heads. It protects core programs to make sure we can continue to deliver on historic climate action while safeguarding our environment. It invests in keeping Americans safe and in keeping America moving forward as we rebuild our country's infrastructure. It strengthens our investments in cutting-edge scientific research, from advanced manufacturing, to AI, to clean energy. Critically, it delivers record investments in supporting our veterans.

Really, I could be here all day talking about the many investments in this bill that we all care about, but time is of the essence now.

This bill, I will remind everyone, received overwhelming support in the House. It won the vote of a clear majority of both Democrats and Republicans—339 votes in favor. That doesn't happen every day.

I have to say it wouldn't have happened at all without a heck of a lot of people who have been working a long, long time on these bills. So I want to thank everyone who put in the long days and nights for weeks on end to get us here, including my staff on the Appropriations Committee; Vice Chair COLLINS and her staff; our subcommittee chairs, Senators HEINRICH, SHAHEEN, MERKLEY, and SCHATZ; and our vice chairs, Senators HOEVEN, MORAN, KENNEDY, MURKOWSKI, BOOZMAN, and HYDE-SMITH; and both of our leaders, Senators SCHUMER and MCCONNELL. There are many people who worked hard to get us to where we are today.

These are strong bills. They provide crucial support to all of our communities. And, by the way, they are long overdue.

I urge all of my colleagues to vote "yes" so we can finish these bills.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I had intended in my remarks to go through each of these bills and point out how critical they are to our communities across America. The chair has done that to some extent, and she has also thanked our great team of appropriators for their very hard work.

Instead of going through the provisions, I want to offer my colleagues a warning. If we do not act, at midnight tonight, we will have a partial government shutdown. It will affect the Department of Agriculture. It will impair the work of the Food and Drug Administration. It will prevent military construction projects from going forward. Do we really want a veteran who has bravely and loyally served his country and is now trying to file a claim for benefits to find that the Veterans Benefits Administration's doors are closed to him or her? Is that what we want to have happen? It also would affect the Transportation and Housing and Urban Development Departments. We have an affordable housing crisis. Do we want more notices to go out to those who are working on transportation projects that they may lose their jobs if they are in the private sector because we didn't get our work done? It would affect the Department of Energy and the Army Corps of Engineers.

Why in the world would we want to shut down government and stop serving the American people?

I have heard a lot of statements made on the Senate floor and elsewhere that, regrettably, are not accurate. One is that none of these bills has been subjected to the opportunity for debate and amendments. The fact is, every single one of these appropriations bills was individually considered by the Appropriations Committee. Every single one of them was subject to robust debate and amendments—every single one of them. Many of them were passed unanimously, others with only one dissenting vote.

Furthermore, three of the bills we are talking about right now—the Ag and FDA bill, the MILCON-VA bill, and the Transportation-HUD bill—were brought to the Senate floor. So to say, as one of my colleagues did, that there was no opportunity for amendments and debate is flat-out wrong. Those bills were on the floor for about 7 weeks. We had 40 amendments.

So I would urge my colleagues to stop playing with fire here. The House, controlled by Republicans, passed these bills as a package—the six bills—with a very strong bipartisan vote, with a majority of the majority voting for them.

It would be irresponsible for us not to clear these bills and do the fundamental job we have of funding government. What is more important?

So I urge my colleagues to vote "yes" on cloture, and I hope next year that we can bring all of the bills to the Senate floor for the kind of robust debate and amendments that we had on

three of the six bills before us. But keep in mind that each and every bill passed in committee after we had 50 public hearings and briefings.

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 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.

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 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, 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 called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. MANCHIN) is necessarily absent.

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

The yeas and nays resulted—yeas 63, nays 35, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—63

Baldwin	Heinrich	Romney
Bennet	Hickenlooper	Rosen
Blumenthal	Hirono	Rounds
Booker	Hyde-Smith	Sanders
Boozman	Kaine	Schatz
Brown	Kelly	Schumer
Butler	King	Shaheen
Cantwell	Klobuchar	Sinema
Cardin	Luján	Smith
Carper	Markey	Stabenow
Casey	McConnell	Tester
Cassidy	Menendez	Tillis
Collins	Merkley	Van Hollen
Coons	Moran	Warner
Cortez Masto	Mullin	Warnock
Duckworth	Murkowski	Warren
Durbin	Murray	Welch
Fetterman	Ossoff	Whitehouse
Gillibrand	Padilla	Wicker
Grassley	Peters	Wyden
Hassan	Reed	Young

NAYS—35

Barrasso	Fischer	Paul
Blackburn	Graham	Ricketts
Braun	Hagerty	Risch
Budd	Hawley	Rubio
Capito	Hoeben	Schmitt
Cornyn	Johnson	Scott (FL)
Cotton	Kennedy	Scott (SC)
Cramer	Lankford	Sullivan
Crapo	Lee	Thune
Cruz	Lummis	Tuberville
Daines	Marshall	Vance
Ernst	Murphy	

NOT VOTING—2

Britt Manchin

The PRESIDING OFFICER (Mr. KELLY). On this vote, the yeas are 63, the nays are 35.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Cloture having been invoked, the motion to refer and the amendments pending thereto fall.

The Senator from Rhode Island.

APPROPRIATIONS

Mr. WHITEHOUSE. Mr. President, as the Senate considers the minibuss appropriations bill setting funding levels for fiscal year 2024, as Budget chairman, I want the record to reflect that I filed the requisite statements in the record adjusting the appropriations topline, known as the 302(a)s, to allow this bill to proceed. It complies with the spending agreement reached in January between the Senate majority leader and the Speaker of the House.

This bill has major wins for workers, families, and for our climate safety.

First, it resisted House Republicans' attempts to include harmful anti-environmental riders. These toxic anti-environment poison pills have no place in any bipartisan spending deal. They have nothing to do with Federal spending; they are backdoor attempts to jam through unpopular legislation that would never withstand the scrutiny of regular order.

Second, this bill continues funding our clean energy future. It includes nearly \$1.7 billion to continue nuclear energy research and development, including funds for microreactors and accident-tolerant fuels; \$60 million for DOE's new Grid Deployment Office to aid in the development of much needed interregional electric transmission; more than \$950 million for industrial decarbonization to make American companies more competitive in the global marketplace and address major sources of greenhouse gas emissions; and \$137 million for Department of Energy's Wind Energy Technologies Office to accelerate the deployment of wind energy. These are meaningful clean energy provisions that will help pave the way to a sustainable future for our children and grandchildren, while providing green jobs now.

Third, this bill provides a combined \$480 million for carbon management technologies to assist industries in removing carbon dioxide from industrial facilities, powerplants, and even directly from the air. These technologies will reduce the harmful effects of fossil

fuel emissions and decarbonize the industrial sector, while spurring American innovation and increasing economic opportunities across our entire country.

While this bill includes important climate wins, it also includes many other policy wins that will promote a stronger, safer, and more prosperous American future.

We all benefit from passing these bipartisan spending bills and avoiding a harmful government shutdown, and I am glad to be able to make the necessary budget adjustments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS

Ms. MURKOWSKI. Mr. President, I wanted to take a few minutes today to talk about the Interior, Environment, and Related Agencies bill. I happen to be the ranking member on that Appropriations Subcommittee.

I thought it might be interesting to actually talk about what is contained in one of these six appropriations bills that are on the floor while discussions are going on as to how we move forward now.

I am one who is proud of the committee product that we have produced. It was not easy, by any stretch of the imagination. It is always hard, but this year it has been even harder.

This is an Agency within the Interior that really has oversight of all of our major Federal land management agencies. This is the National Park Service, this is the Bureau of Land Management, Fish and Wildlife Service, Forest Service, as well as the Environmental Protection Agency—the EPA.

Included in this broader bill is funding for essential Indian health, education, and resource management programs through the Bureau of Indian Affairs and Indian Health Service. And then, just to add more complexity in terms of the scope of our committee, we also provide funding for important cultural institutions like the Smithsonian, the National Gallery of Art, the National Endowment for the Arts, and the Humanities. So it is a pretty broad appropriations priorities.

I want to recognize the work of the chairman of the committee, Senator MURRAY, and the vice chair, Senator COLLINS, who have worked to advance these 12 appropriations bills through the committee. It seems like decades ago—in fact, it was last summer—that we were able to move them through. The Interior Subcommittee bill moved through unanimously. It is pretty good, given the complexity and, again, the scope within the Interior Department. But it is a process that allows Members to have meaningful input.

Now, I understand that not everybody in the Senate is on the Appropriations Committee, but that committee process that we went through was a good, honest, robust, transparent process, and I appreciate the effort that

went into it by Members as well as their staffs and then the outcomes that we were able to advance.

The Interior budget is pretty important to a State like mine, where some 60-plus percent of our lands are held under Federal management. So there is a lot of space here where, when we are trying to advance priorities, it seems that we can't move without permission from one Federal Agency or another. So we pay attention to these budgets.

And it is not just the land management Agencies. It is the fact that we have such a significant Native population in the State of Alaska. So the BIA, the IHS, these have great implications for us. And then, within the EPA Agency itself, when it comes to funding for clean and safe drinking water, these are clearly areas where, in States like Alaska, where our infrastructure is so delayed, these budgets are important.

So as we are moving through a somewhat tortured process to get these bills through to avoid a government shutdown, for this Senator, there is no value in seeing the Department of the Interior being shut down because we have failed to meet our requirements when it comes to delivering on a budget.

The Interior bill's allocation is \$38.5 billion. This is a reduction of \$1.5 billion from the enacted level. So this is about a 3.8-percent cut. This is pretty substantial. And when you have cuts of that nature, it really does require some very difficult funding choices. So how you balance all this, how you work to address the most pressing needs within the bills while ensuring that you do have meaningful reductions that are able to help us meet the terms under the Fiscal Responsibility Act—it isn't an easy endeavor.

One of the significant areas that we are responsible for within the Interior bill is when it comes to wildland fires. The Presiding Officer comes from a State where you have seen your share of wildfires. Certainly in Alaska, but in so many of our States, this is a very real and an immediate threat. So one of the most important investments that we made was in our wildland firefighters, to protect capacity to fight fire by maintaining the salary increases that we provided in the infrastructure bill.

Without this additional support, those who are fighting on the frontlines of wildfires were facing up to a 50-percent cut. We have already seen the impact, the hard times that we have in being able to attract and retain. You are not going to be able to keep many folks if they are going to be looking at a 50-percent pay cut. So we were able to make that investment.

For those of us who come from States where, again, a significant part of the State is held in—where Federal lands occupy so much of your State, whether it is Alaska, Nevada, or Utah—PILT, or payments in lieu of taxes, is a very, very important account. We have fully funded this. It is estimated at \$515

million. But what this helps do: When you don't have a tax base in your State because so much of your State is occupied as Federal land, where do you generate that tax base to provide for the needs of local communities, whether it is for county roads, public safety, or schools? Well, PILT helps with that, to support energy development critical to our Nation's economy, recreation activities that power our rural communities, conservation efforts to protect our public lands and wildlife. So much of this comes under this category.

We also are very focused on making sure that we are providing investments for the general operation and delivery of critical programs throughout Indian Country, and I will speak to that in just a moment here.

Within the EPA account, we provide the Environmental Protection Agency with \$9.2 billion in grants and program funding. This is close to a 10-percent funding cut within EPA to the enacted level. What we attempted to do within this budget is to prioritize funding for those programs that result in concrete actions to improve the quality of the environment across the country. And I think we tried to ensure that the mission moved forward in a way that does, again, allow for that protection of the environment but recognizing that there are many areas within the EPA budget that we could look to reduce.

One of the things that was pretty important to me was ongoing funding for contaminated lands. We have significant issues in the State of Alaska when, under the Alaska Native Claims Settlement Act, the Native people were promised lands, and many of those lands that were conveyed to them were conveyed as contaminated properties. So we have critical funding to help clean up ANCSA contaminated lands.

We also addressed the issues of air quality—in one of my interior communities, Fairbanks, they have struggled to meet the PM2.5 requirements—and providing for these types of issues for our communities as they try to meet these attainment levels of cleaner air. What we do within the EPA account to invest in critical water and wastewater projects—and again, in many places where you lack existing infrastructure, these funds are critically important.

There has been some discussion about what the Interior bill does when it comes to the Superfund Program because we did take reductions to the Superfund Program itself. That was not something that I was initially comfortable to do. I think we recognize that we have such an obligation to address the contaminated lands throughout this country. But what we have allowed for is funds that will help to address the needs in front of us but also recognizing that we are receiving significant resources from recently reinstated taxes. So that will allow for the funding levels to really address the needs within the Superfund Program.

Wildland fire activities, again, as I mentioned, are key for so many of us

in the West. The Forest Service receives an increase, as well as the Department of the Interior, to address wildland fire activities. But what we needed to do was to end the practice of paying for annual wildland fire preparedness and suppression out of emergency funds. These are happening across the landscape every year, and so how we have, in our budget, accounted for the increased demand that we see in this account has been important.

I mentioned the support throughout Indian Country, particularly as it relates to the Indian Health Service and many programs that we have an obligation to fund that are so vital. Many of the costs within these programs have grown, particularly within compact support services and leasing and staffing costs associated with new healthcare facilities that are operated by IHS or by Tribes under compact. So these are not nice to fund; these are required to fund. So the bill supports these necessary increases.

And I mentioned the cultural institutions like the Smithsonians, the National Gallery of Art, the National Endowment for the Arts and Humanities. We basically have just kept the funding levels for the operation and maintenance of our museums and centers.

But we were able to, in a tough budget environment, put together a bipartisan bill. It is a bipartisan bill that protects our land and people. It enables infrastructure projects that provide clean and safe drinking water. It helps communities provide vital basic services that I think many take for granted.

But we also helped to shape this bill so that it reflects the priorities of Members on both sides of the aisle, and I am proud of the good work that we have done to make sure that we are really targeting and directing Federal resources where they are needed most.

There has been a lot of discussion on this floor, particularly on this side of the aisle, about earmarks or congressionally directed spending. I am one who—again, you hear me talk about the needs, whether it is for infrastructure, water and sewer, and some of the statistics that drive our State that make us so unique. I am not afraid to stand on this floor and say, when my constituents come to me, when I have city leaders, when I have legislators, when I have the State of Alaska come to me and say: These are our priorities. These are where we would like you to focus your energy. This is how you can make a difference for our communities—and I look at those. We go through a very transparent process.

In my office, when we get a CDS request, we post. You can go to an interactive map of the State where you can click on and see what congressionally directed spending requests have been allowed to advance. And so I view this as my job because I don't really feel comfortable in telling my State legislators, Governor, my mayors, my city councils: Thank you for letting us



know what your priorities are. But in order for you to make sure that they are going to be included in the President's budget or that that Agency is going to hear you, you have got to go visit the BLM, you have got to go visit the EPA, you have got to petition, you have got to make your case.

That is why we are here. That is why we are here: to advocate and stand up for the people whom we represent. So I will stand in front of any of my colleagues and, again, remind them that these are not priorities that LISA MURKOWSKI has invented. These are priorities that have come to us from communities, from the regions where they have debated and weighed and analyzed and stacked and ranked. And they come to us and say: We need help. Can you help us?

So I am going to be there for them. I am going to stand up, and I am going to say yes. This is our job. This is our role. This is Congress's role. It is not the Agency's role to determine what that targeted spending is for.

So we are dealing with those issues today. My hope is that we are going to be able to advance to this measure, that the issues that have kind of brought us to this midafternoon already will be worked forward.

I know that there are requests for amendments. I don't know why we are having such a hard time figuring out how we deal with amendments around here. It is just not that hard. It is just not. I don't think that there is anything out there that should scare any of us about taking an amendment. And if you win, you win. If you lose, you lose. But the fact that we cannot figure out how to get to a time agreement because the Democrats don't want to entertain amendments or they want to direct what amendments we have—I think we can do a little bit better.

The last thing I am going to conclude with is something that Senator SULLIVAN and I have been working on for a while. And I actually regret saying that it is just the two of us who have been working on it because this is a national issue. This is a national security issue, and this relates to icebreakers, polar security cutters. You all might not think about them, in Arizona, as being something that is important to you, but I would suggest that every State, every corner of this country, needs to know that we have security through our waters, and, sometimes, our waters are not always wide open. Sometimes, they are choked with ice.

Hopefully, the Presiding Officer and I are going to have an opportunity to go up and see some ice and understand what is going on in the Arctic, understand what is going on in the Bering Straits, understand what is happening around us, and to appreciate the fact that, as an Arctic nation, we have one polar security cutter that is in the water, and—you know what—she doesn't even go to the Arctic.

She plows out McMurdo every year. And she is so old and she is so tired

that she has to go back into dry dock. She sits there until she is all done, and she goes back, and she plows out McMurdo. So we are probably never going to see her in the Arctic. What a shame. What a shame. Russia has more than their share of icebreakers up there. By some counts, it is over 50—54. China has their icebreakers that they are working on. They have six that we know of, probably more by now.

We are not engaging as an Arctic nation when others can move in the Arctic and we can't—we can't. So what we have been working towards and what this body has done and agreed to, we have a program with the Coast Guard and authorized three polar security cutters. We funded one; funding for the other two for design.

Things have slowed and stalled and are beyond frustrating. It is pushing their arrival here far too many years. We have known that this was going to be a multiyear initiative with the PSCs, so we planned for that. We worked with the Coast Guard, and we worked with everyone in the Department of Defense. They all agree that we need assets in the water; we need to have icebreakers.

So what we are looking at is what we call a commercially available icebreaker. In other words, you don't have to take 10 years to go out and build yourself one; we have one that is built. It is sitting down in the gulf right now. But we need to be able to buy it.

We had this approved in the President's budget last year. It was authorized at all levels. It was funded until the very, very end—literally in the middle of the night before we closed out—and, boom, \$150 million for a commercially available icebreaker gone. Gone. Nobody is claiming credit or blame, but it is gone. So we are here again.

Funding for the commercially available icebreaker has been in the President's budget. It has been approved on all sides. It has been submitted. But somehow or other, it is still kind of in play. What does that mean?

This is not on this tranche of bills that we are dealing with because the Coast Guard's budget is in Homeland, but I am standing on the floor because this is an issue for us. Colleagues need to understand that as we are moving forward and we are talking about our priorities and what should be included as we advance, I just want people to realize that these are not matters that are LISA and DAN'S to work through; these are ours as U.S. Senators, making sure we are addressing our national security concerns. National security also includes our ability to navigate through ice and our ability to be prepared in the eventuality or the prospect of anything coming our way.

So we are going to keep pushing to make sure that everybody understands what a significant priority this is. My hope is that once we get through this initial minibus and we get onto the second tranche, that this will not even

be a matter of debate because it will be resolved and people will recognize that we will soon have, coming from the United States, an icebreaker that is capable of operating in the Arctic.

With that, I yield the floor.

The PRESIDING OFFICER (Ms. BUTLER). The Senator from Ohio.

Mr. VANCE. Madam President, I am mindful here that we have 30 hours of debate, if we want it, on a problem and on a question that has completely devastated our country. I think it is worth actually starting out by observing some of the procedural background that actually led us here.

If you go back a few months ago, there was pretty broad consensus that this country has a very serious problem at the southern border. Even some of my Democratic friends admit this and worked I think in good faith in an effort to help us try to solve that problem.

The legislation that came out of that bipartisan negotiation had a couple of problems, the first of which is that the negotiation itself was completely shrouded in secrecy from some of my colleagues on my side of the aisle. That naturally breeds mistrust of the process. So when you see a process unfolding where you don't actually know what is in the legislation, you don't actually know what you are voting on, I think you are understandably worried that what you are voting on is not going to be that good for your constituents or for the country at large.

The second problem with that piece of legislation is that the details weren't revealed to my colleagues and me until right up to the moment we were expected to vote for it. My memory is a little foggy, but I believe we were given some sense of the details in a very high level a couple of weeks before the text of the legislation dropped. The text of the legislation—confirming some of those details and disconfirming other of those details—we were given on a Sunday, and then we were expected to vote on that legislation just a few short days later.

Now, we have to ask ourselves whether the bipartisan compromise that wasn't actually that bipartisan because I believe it had a few Republicans and universal Democratic support—near universal Democratic support—whether it actually would have solved the underlying crisis. I think you can make a very good—indeed, a completely airtight argument that it would not have solved the crisis at the American southern border.

Let me walk through three problems with that legislation.

The first is that the legislation did nothing on the question of parole. If we go back to the Obama administration, the last Democratic President this country had—no fan of Republican border policy—Barack Obama paroled and his administration paroled about 5,000 people per year. What that does is effectively grant some measure of legality to people who cross the border illegally.



Now, that is meant to be used in a narrow and tailored way. You have one person coming across the border illegally, and maybe some special circumstance necessitates that we should give that person parole and temporarily relieve them from immigration enforcement.

What the Biden administration has done is radically different. So if Barack Obama paroled 5,000 illegal aliens every single year, Joe Biden is paroling close to 1 million illegal aliens every single year.

Now, we know that isn't just bad for the direct reason that that is a million people who are coming into the country illegally who should not be here, but we also know that it invites others. In fact, if you go to the southern border or you watch a media report of someone going to the southern border and sticking a microphone in the face of somebody who is crossing the border illegally, they will say: Well, we are coming here because Joe Biden and Kamala Harris have thrown open the American southern border. They have invited everyone in, so that is what we are doing.

You don't just legalize a million people every single year; you also invite people en masse to come into your country illegally, with the knowledge that their conduct will not be penalized and that the immigration laws of the country will not be enforced.

So the compromise on border security did nothing on parole—perhaps the single biggest problem of the Biden administration.

The second thing that it did is that it actually imposed a so-called border shutdown that would run for 270 days per year, but there were a couple of big exceptions. First of all, the shutdown only applied when nearly 5,000 people per day crossed our southern border. That is close to 2 million people per year. So why are we shutting down the border only after 2 million people cross illegally in a given year? Why shouldn't we shut it down much, much sooner than that? I would say as close to zero as possible, but I recognize reasonable minds disagree. But certainly we can all agree that 2 million border crossings per year is a significant problem. We should shut down the border far before that.

Now, that shutdown authority had a couple of other big problems. First of all, it allowed the President of the United States an emergency exception to the shutdown authority for 45 of the 275 days that applied. It also gave the Secretary of Homeland Security—a man whose job performance has been so terrible that the House of Representatives has impeached him—it gave him 180 days of discretionary authority to limit that border shutdown in the law.

So you have 365 days in a year. You have shutdown authority that only applies once you hit a threshold of 2 million illegal aliens every single year. On top of that, for the 270 days out of 365 that the shutdown authority can even

be applied, you give discretionary authority to Joe Biden and Secretary Mayorkas for 235 of those 275 days, to waive it.

So if we had been lucky, we would have gotten 45 days of emergency shutdown authority—again, with the baseline of 2 million people coming into the country illegally every single year. That doesn't sound like border security to me; it sounds like more recipe for an open border.

The third and final problem, something that I have to say my colleagues on my side of the aisle, who negotiated in good faith—they negotiated a border provision that—it is hard to imagine anyone who takes border security seriously being more critical or more skeptical of that border security provision.

In particular, it took the question of whether to grant asylum away from immigration law judges, commonly called ILJs, and put it with USCIS agents—people who are generally considered some of the least interested in border enforcement in our country. So you are taking it away from immigration law judges and giving the ability to grant asylum to some of the most leftwing people within our immigration bureaucracy. We know exactly what would happen. Whatever standard those folks are meant to apply to the immigration system, whatever standards are meant to limit them in granting asylum, if they are committed to granting asylum, they are going to find way to grant asylum, and that is exactly what they would have done.

That single provision made this the worst border security law perhaps that has ever been attempted in this country. It is the opposite of border security to give the right to grant asylum with the wave of a pen to the people in our bureaucracy who are most committed to open borders.

So those three problems created a border enforcement package that would have made the crisis at our southern border much worse. Now, I don't say that because I think that was the intent of everybody who negotiated it, but sometimes when these things get translated from high-level policy talking points into actual legislative text, the details are terrible. In fact, the details of this particular piece of legislation were terrible.

That led us to this brave new world in the border security debate in our country where, having had a complete and utter failure for a border security package that would have made the border crisis worse, my friends on the other side of the aisle have now pivoted to a new talking point that, in fact, because of this border security proposal that was terrible, they are the ones who are actually interested in border security.

Now, we know anybody who has paid attention to this problem knows the reason why we have a problem at the U.S. southern border. In fact, the Biden administration, when they took over a little over 3 years ago, openly bragged

about changing every single policy from the previous administration that actually did something meaningful on border security. They ended "Remain in Mexico," and they bragged about it. They radically increased parole, as we have already discussed, and they bragged about it.

On issue after issue after issue, the Biden administration has taken a series of Executive orders and has put those orders in place knowing they would cause border security problems, predicting they would cause border security problems, and then doing them anyway because they didn't want to enforce the border laws of this country.

They wanted to throw the border open for a whole host of reasons. They accomplished it, they were effective, and now, in the runup to an election, with the President's poll numbers sagging, they have decided that they really care about an issue they haven't cared about for 3 years and that, in fact, if the Republicans had just gone along with their legislation that would have made the border security problem worse, then somehow the border security problem would magically go away. This doesn't make any sense.

Right now on the books, immigration law in our country allows the President of the United States to issue an emergency border shutdown. He does not need additional statutory authority from this Chamber. He doesn't need a single piece of policy change. He could do it with the wave of a pen. Immigration law in this country grants the President of the United States extremely broad discretion to shut down the border when he believes that he must do so. So if the President actually cares about this problem, as he now pretends that he does, why doesn't he actually implement the authorities he currently has under existing law?

Well, the reason, of course, is he doesn't actually care about the border; or if he does, he feels politically constrained from the left wing of his party. He cannot care about border security because certain members of his own party would go after him.

That is not just hypothetical.

For those who watched the State of the Union last night, they will know that the question of the murder of Laken Riley came up. To recap, Laken Riley was a beautiful young woman with a lot of promise. She was a nursing student, and she was brutally murdered by somebody who was illegally in this country. She was brutally murdered by somebody who shouldn't have been in this country in the first place. Indeed, if Joe Biden had done his job, Laken Riley would still be with us today, may God rest her soul.

I can't help but feel not just a sense of heartbreak over the loss of somebody who shouldn't have been taken from us, but also a sense of anger over the way in which this young woman's death has been used politically by the other side to avoid taking responsibility for the border crisis.

Let's just recap. The person who killed Laken Riley was in this country having been granted parole. Remember what I said, that Barack Obama granted parole 5,000 times, and Joe Biden has granted parole a million times. Those additional parole cases all—call it 900,000 because it is just short of a million people that Joe Biden is paroling every single year—approximately 900,000 additional parolees every single year, and it is probably going to be closer to 995,000 parolees this year because he is doing even more paroles this year than he was doing last year. If you take those additional people, some of them are, unfortunately, going to be criminals. Some of them are going to commit crimes of violence, and some of them are going to do terrible things like murder young nursing students who deserve to have a chance at life and certainly deserve to be safe and protected in their own country.

Not only was this person granted parole—the person who murdered Laken Riley—but this illegal immigrant also had lived in multiple sanctuary cities. Policies that have been promoted in this Chamber—policies adopted by some very leftwing people at the local level—gave sanctuary to this person who should not have been in our country to begin with. Because that person was granted sanctuary, they weren't deported; they weren't sent back to their home country. They were in our neighborhoods and in our communities, and this person committed a terrible crime.

Now, we should ask ourselves, if you were serious about border security, why not do something about the parole problem that Joe Biden has completely blown up? If you go from 5 million parole cases a year, you add 995,000, you get to a million parole cases a year, that seems like a pretty bad set of policies, especially when we know some of the people receiving those paroles are actually going and killing American citizens.

Why don't we do something about that? Why can't this Chamber pass legislation that would make it impossible for Joe Biden to grant so many paroles every single year? Well, we don't do that.

Why wouldn't we do something like limiting funding for sanctuary cities, legislation that has broad support—bipartisan support, I should say, in the House of Representatives and, frankly, I think, even has bipartisan support in this Chamber? But we are not going to vote on it. I want to talk about that later because the procedural part of this really does matter.

If we wanted to fix the border crisis, why not make it harder for people to come and access asylum in this country instead of easier for people to come and access asylum in this country? Remember, asylum exists for the purpose of protecting people who are fleeing tyranny. Most of the people who are coming across our southern border, they may be perfectly good people, but

they are classically understood as economic migrants. They are coming to this country in search of better opportunities and higher wages and better living conditions; they are not coming into this country because they are fleeing tyranny and persecution. They should not be able to claim asylum. Yet the Biden administration has facilitated them claiming asylum, and this body has refused to do anything meaningful about it.

Why aren't we working on the obvious roots of the border problem? Why aren't we fixing it? Why aren't we doing something about the incredibly pressing challenges that confront us at the southern border?

Instead, we have a political party in this country that has, for 3 years, ignored border security and wants to use it as a political tool these days instead of actually solving the problem. And, again, the way we know they are using it as a political tool is because if they wanted to solve it, the President has every single emergency authority he has right now to solve it.

Because of this, because we have a President who has the authority to solve this problem but chooses not to, one of the things that we are confronted with in this Chamber is how to force his hand. Indeed, if you try to understand American immigration policy in 2024 under the administration of Joe Biden, Congress needs to fundamentally ask the question: How do we force the President to do the job he refuses to do—not, how do we give him additional discretionary authorities, because he won't use those discretionary authorities; not, how do we give him additional powers, because we know he won't use those powers. The question is, How do we ensure Joe Biden does the job he doesn't want to do? How do we force his hand to engage in commonsense border security? There are a number of things we could do, a number of things we have already discussed, but, unfortunately, this Chamber refuses to do it.

That brings me to my procedural point. Why did you have the gross majority of Republicans opposing cloture on this bill? It is not because we like government shutdowns or want to shut the government down; it is because my colleagues on the other side of the aisle refuse to give us some amendment votes on immigration policy that were germane to this legislation and would have addressed the problem at the southern border.

Some of my colleagues will talk about those amendments, but there are a couple in particular I want to point out. One, legislation—I believe an amendment from my colleague, Senator RON JOHNSON—that would have made it much harder to have sanctuary cities in this country. It would have significantly defunded the sanctuary cities in this country that were the source of the protection given to the person who killed Laken Riley.

Why should these municipalities receive unlimited resources from their

Federal Government if they are actively fighting the Federal Government in the enforcement of immigration laws? Just defund them.

And what is going to be more likely is you are not going to defund them, but the threat of defunding them will actually make them undo their terrible policies and get serious about border enforcement. But when you have a violent criminal living in your city who happens to be an illegal immigrant, maybe you report them to immigration authorities so that person could be deported as opposed to protect them. That is what this legislation would facilitate—getting criminal migrants out of our country and protecting our citizens. If that bill came to a vote, you might say I am frustrated because that bill would not pass this Chamber. But, in fact, the reason it is not coming for a vote is not because it wouldn't pass this Chamber but because it would. If that bill was voted, a bipartisan majority of the U.S. Senate would vote for it. So why aren't we voting on it? Well, we are not voting on it because my colleagues on the other side of the aisle who are the majority won't actually let us vote on it.

There is a second provision, a second amendment that really matters here from my colleague, Senator BILL HAGERTY of Tennessee. Now, I won't say that none of the other amendments matter, but these two amendments, I think, are really important and meaningful. Senator HAGERTY's amendment would do something very, very simple. It would say that for the purposes of apportioning congressional representation, you can only count lawful permanent residents, meaning American citizens plus people who are in this country legally. That is what Senator HAGERTY's legislation would do.

Now, you might ask: Who could possibly oppose only counting people who are legally in this country for purposes of apportioning congressional representatives? And the answer, of course, is people who believe that they benefit politically from counting illegal immigrants as part of congressional apportionment.

I wasn't here January 6, 2021. But to hear my colleagues who were here, especially on the other side of the aisle, January 6 was the biggest threat to American democracy in our country's history. Hundreds of thousands were killed in the Civil War, but that doesn't compare to January 6. World War II saw 330,000 Americans die—not nearly as big a tragedy as January 6. September 11, 3,000 innocent civilians were brutally murdered by terrorists, but a walk in the park compared to the terrible incident of January 6, 2021. It was a threat to democracy—an assault on democracy—the worst threat to democracy that this country has ever seen. I have actually seen people repeat that phrase multiple times who are representatives of this Chamber, and they do it with a straight face.

Here is the problem with that. What is a bigger threat to democracy? Is it

what happened on January 6, which, of course, was not a good thing? There are people who committed violent crimes, and they ought to be prosecuted. But what is a bigger threat to democracy, that day or giving congressional representatives to people who shouldn't be in this country in the first place?

California has five additional representatives in the U.S. House of Representatives relative to my home State of Ohio. Why? Because California has a large illegal immigrant population and those are counted for purposes of congressional apportionment. So they are destroying the democratic value of the people of Ohio's participation in their own country by giving congressional representation to people who shouldn't be in the country in the first place.

How does that make an ounce of sense? How is that not a major assault on democracy? What if we have a Democratic administration for the next 4 years and another 50 million people come into this country illegally? You rapidly get to a point where the people who belong here—the people who are in this country legally—have a significantly lower representation from their own Congress than they otherwise should. Why is it that if you come into this country and break its laws, you get rewarded with greater congressional representation; whereas if you are in this country legally, you actually have your congressional representation stolen from you? It is not just the inflation of Congress's value, which is to say the destruction of the actual democratic power of people; it is also the vote.

Multiple municipalities all across our country have proposed giving illegal aliens the right to vote in this country. I am sure—though it hasn't, I believe, happened in this Chamber—it will eventually happen where somebody in this Chamber proposes we should give illegal aliens the right to vote in this country. Isn't that a threat to democracy? I think so. In fact, I think it is a far bigger threat to democracy than anything we have seen in the last few years—maybe the single biggest threat to democracy we have seen in the history of this country.

Never before have you had Senators and representatives of the people refusing to allow a vote on whether we should only count U.S. citizens for purposes of doling out Congressmen. I just can't believe it.

I can't believe that anybody would disagree that Congressmen and women should be given to the American people, not to criminal migrants in this country. Does Laken Riley's killer deserve a congressional representative? Well, that person gets one now, thanks to the failure of this body to even vote on Senator BILL HAGERTY's amendment. Again, it is not because they wouldn't support it; it is not because this Chamber would refuse to vote on Senator HAGERTY's amendment. It would. And that is why it is not being allowed to vote because certain people

in this Chamber—certain Senators of this Chamber—do not want to force their colleagues to take tough votes. And for that reason, Senator BILL HAGERTY's amendment will not even be voted on, though it is germane and though it would make this country much safer, much more secure, and much more democratic.

Bear to point in this immigration debate where you have to believe some pretty absurd things to actually continue to operate immigration policy in this country with a straight face. Who would have believed—I am 39 years old—who would have believed you would have a major political party that is committed to the basic principle that illegal aliens should have congressional representation? I can't believe that. In fact, I am shocked that we are here, and yet we are. Not only so committed to it, not only do they believe in it, but they are so dedicated to it they won't even let amendments that would correct that problem come to the floor for a vote.

I want to talk a little bit about one of the core problems here with immigration in our country. I want to get a little more philosophical here. I am going to read something from the Center for Immigration Studies about the political importance of solving the immigration debate in the minds of the American people. This is from the Center for Immigration Studies:

Biden's Executive Actions: President Unilaterally Changes Immigration Policy.

Let's talk about all the Executive actions the President of the United States has taken to make the border more open and less secure. We are just going to run through a laundry list of them because I couldn't possibly remember all of them, there are so many—in fact, over 90—only some of which I am going to actually report on here today.

I might ask, Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has approximately 35 minutes.

Mr. VANCE. Thank you, Madam President.

So these are a reminder, a laundry list—but not a complete laundry list—of all of the executive actions taken by the Biden administration over the last 3 years—especially in the early part of his administration.

This was issued on January 20, 2021, the very day that Joe Biden took office as President of the United States, just 14 days after January 6, which we just talked about.

Now, the Trump policy—one of Trump's major immigration policies during his administration—was to complete the construction of a wall along the southern border to help thwart illegal aliens from entering the country. When Congress refused to appropriate the money necessary to accomplish this task, the Trump administration declared a national emergency at the southern border, which allowed it to reprogram unspent money from the De-

partment of Defense toward the building of the border wall.

As of October 23, 2020, the Trump administration completed construction of 386 miles of physical infrastructure, with 195 miles under construction and 157 miles in the preconstruction phase. DHS states that illegal drug border crossings and human smuggling activities have decreased in areas with the barriers.

You often hear my colleagues on the other side say that walls don't work. Well, of course, they don't work perfectly. Nothing is perfect. But walls do substantially reduce the flow of sex trafficking, of drug trafficking, and of illegal migration across the places where the wall exists.

But here is the Biden policy—here to rescue the open borders agenda. On January 20, the Biden administration fully rescinded the Trump administration's proclamation that declared a national emergency at the southern border. Biden's proclamation explicitly states that “no more American taxpayer dollars be diverted to construct a border wall,” and “authorities invoked in [the Trump] proclamation will no longer be used to construct a wall at the southern border.” It also calls for an “assessment of the legality of the funding and contracting methods used to construct the wall.”

This immediately and instantly ended further construction of the border wall. In fact, further wasting American taxpayer dollars, there are pieces of the border wall that are just like lying in the desert in certain parts along the border between Mexico and Texas, Mexico and New Mexico, and Mexico and Arizona that could just be easily built up. It actually costs more money to leave them rotting there in the desert, and yet the Biden administration refuses to put them up.

And we know, of course, that over 100,000 Americans a year die from the fentanyl that the Mexican drug cartels bring into this country, that untold thousands of children and young adults are sex trafficked into the country by those drug cartels. It is just an unbelievably tragic situation.

Why you would stop completion of the physical border wall is perhaps the least rational of all the Biden administration policies, besides the fact that they want to give Congressional representation to illegal aliens.

This is No. 2, question of interior enforcement. This is Executive Order 13993, Revision of Civil Immigration Enforcement Policies and Priorities.

Now, the Trump policy was that President Trump issued an Executive order enhancing public safety in the interior of the United States. This EO scrapped the Obama administration's immigration enforcement priority, which exempted nearly all aliens from removal, and replaced it with a policy that made all removable aliens an enforcement priority. This Trump order also targets sanctuary cities and made

them ineligible for Federal grants, except when deemed necessary by law enforcement. Imagine that, defunding sanctuary cities rather than paying municipalities to thwart the immigration laws of our country.

The Biden policy fully rescinds this Executive order. In the policy section, President Biden generically says:

The task of enforcing the immigration laws is complex and requires setting priorities to best serve the national interest.

Well, who disagrees with that?

However, this EO fails to detail new enforcement priorities and merely says the Biden administration will reset the policies and practices for enforcing civil immigration laws. In other words, they completely undid a set of immigration policy that was actually facilitating the enforcement of our border laws. They kind of promised that they would eventually return to it. They said enforcing the border is in our national interest—well, thank you for stating the obvious—and then they did nothing to actually reimplement the policy—maybe adjust it a little bit, make it a little bit better, make it a little bit different, make it a little bit worse, in my view, but to actually do something meaningful. They just rescinded an order and let it lie, and now, of course, we are living with additional terrible consequences.

The Trump administration—this is the third of these. The Trump administration implemented policies that focused on benefits integrity, ensuring that illegal immigration did not harm American taxpayers.

In the “public charge” final rule, the Trump administration instituted for the first time the regulatory definition of this ground of admissibility found in the Immigration and Nationalization Act section 212(a)(4). Through Trump’s Presidential Memorandum on Enforcement of Legal Responsibilities of Sponsors of Aliens, relevant Federal Agencies were directed to update procedures, guidance, and regulations to comply with current law and ensure that ineligible immigrants did not receive Federal means-tested benefits.

In accordance, USCIS required sponsors to reimburse the benefits-granting Agency for every dollar of benefits received by sponsored immigrants. USCIS—this is the U.S. Citizenship and Immigration Services—and other Federal Agencies thus placed the responsibility on sponsors and employers, rather than American taxpayers, to finance foreign workers benefitting from social programs, such as SNAP, Medicaid, and Temporary Assistance for Needy Families.

Now, here is an interesting thing about this. We live in a world of scarce resources. And though I know some people disagree, I would hope that most of the Members of this Chamber—I think it is true of both Republicans and Democrats—believe that we ought to have social insurance in this country. People fall down on their luck. They get hurt at work. Some things

happen. Bad things happen, and people sometimes suffer for no reason and certainly through no cause of their own.

Now, when that happens, they can’t afford healthcare because of something terrible that happened, or they can’t afford to put food on the table because something bad had happened. We have a social insurance system in this country to ensure that we take care of the neediest people in our country. Certainly, for children who through no fault of their own are suffering from poverty, we want to make sure these kids are able to get a bite to eat or go to the doctor when they have to. That is a good thing, and I think most of my colleagues, to be fair, on both sides of the aisle agree with that.

Here is the problem with that: We have scarce resources. The American social welfare system—that social insurance system that ensures that down-on-their-luck kids and parents are able to access food and medicine—that thing is funded by money that doesn’t grow on trees. It is funded by American taxpayers.

And if you poll the American taxpayer, paying for healthcare for children is one of those things that they are actually enthusiastic about being taxed for. Most people don’t like taxes for most reasons. I am certainly no different. But when it comes to putting food on the table or giving medicine to a kid who needs it, most Americans think they are OK with supporting that. I am certainly among them.

But what happens when you take the number of needy children in our country and you magnify it and multiply it by two times or three times or five times because you have a number of illegal immigrants coming into this country who need those same benefits—again, through no fault of their own? Many of these children did not ask to be trafficked into this country. They were allowed to be trafficked into this country by the terrible, porous border policies of the Biden administration.

But we have to pick and choose, and we have to prioritize. And my way of prioritizing would be this: that you give resources to people who are citizens of this country.

All of us are members of an American national community, and we take care of our own. We take care of our fellow Americans, but we cannot and should not take care of every person who is down on their luck who wants to come into this country even if they violate our laws to do so.

So on a Trump administration policy that would set the simple standard that Americans take care of Americans, that we prioritize our food stamps and our Medicaid for American citizens, did the Biden administration say, yeah, that is actually a pretty good idea that Americans should take care of Americans? No, the Biden administration rescinded this policy too.

On February 2, 2021, Groundhog Day of 2021, the Biden administration issued

Executive Order 14012 which fully revoked the Presidential Memorandum on Enforcing the Legal Responsibilities of Sponsors of Aliens and took steps to rescind the public charge rule.

This Executive order announced the review of many standard procedures in the existing naturalization process, including the N-400 application, fingerprints, background security checks, interviews, civics and English language tests, and the oath of allegiance. It also seeks to prevent the Trump era USCIS fee schedule from going into effect and to find ways to further reduce the cost of naturalization, while simultaneously increasing the use of fee waivers.

Finally, the Executive order created a Task Force on New Americans, “which shall include members of agencies that implement policies that impact immigrant communities.”

Now, the effect of this Biden administration policy is predictably that a lot of people who are here in this country illegally are receiving benefits and receiving benefits that ought to go to American citizens first. This is predictable. In fact, it was, you might argue, an explicit design and purpose of the Biden administration policy.

Now, my friends on the other side of the aisle will sometimes counter that, well, there are certain benefits that illegal aliens can’t get, and we all agree with that. At least, I would hope all of us would agree with that. But it is not so simple. For example, section 8 housing vouchers—I have known a lot of people in my life, a lot of friends and family in my community, who have benefitted at one time in their lives from a section 8 housing voucher. Now, under the letter of the law, just to be clear, the section 8 housing voucher ensures that people who are, again, down on their luck are able to keep a shelter over the heads of themselves and their children—an important program for people who need it.

Now, the section 8 voucher program cannot be used by illegal aliens. OK, that is a good policy. Again, I would hope most of my Democratic colleagues would agree. However, if a person is related to an illegal alien, even a minor child, then an illegal alien can receive the section 8 benefit on behalf of the minor child.

So there are millions of people receiving housing benefits and other government benefits that shouldn’t be receiving them because they are enjoying and benefitting from this particular loophole.

So the idea that illegal aliens don’t benefit from some of our most generous welfare programs is just false. They do. And, again, I say this not because we are angry at them but because we are angry at our own country’s leaders for allowing our citizens to be taken advantage of.

Just to pose a hypothetical to make this point especially clear, could we possibly—could we possibly—support the generous American social welfare

system if our country had a billion people in it? We have 300 million people now.

Given our funding problems, given our budget deficit, could we possibly support a billion people, meaning three times as many people receiving Medicare, Medicaid, Social Security? Of course, we couldn't. The math simply doesn't make sense.

So, at some level, we have to say: These benefits were paid for by American citizens. These benefits ought to go to American citizens, and we should limit them to American citizens.

Another problem with inviting the entire world to come and benefit from generous American social insurance is that it encourages people to come to the country. If you, sort of, send a release out to the entire world saying, "If you come into the United States—even if you come in illegally, even if you break this country's laws—if you come into our country, you will receive generous food, medical, and dental benefits, even though you broke the laws of the country in coming here," that is going to bring in a lot of people that ought not be in the country in the first place.

Again, you have got to set a standard, and you have got to set some limits, and I propose that we set the limit at American citizens and lawful residents.

When you become part of our community, we take care of each other. That is part of the deal. But if you are not part of this national community and you violated the laws to become part of it, then you shouldn't benefit from Americans' generosity.

No. 4, the fourth Executive order the Biden administration has talked about—by the way, the Biden administration took over 90 Executive orders in the immediate aftermath of Joe Biden's being sworn in as President of the United States. I am only on No. 4—only on No. 4.

Executive Order 14010, Creating a Comprehensive Regional Framework to Address the Causes of Migration, to Manage Migration Throughout North and Central America, and to Provide Safe and Orderly Processing of Asylum Seekers at the United States Border.

Again, the Trump policy was to take numerous steps to combat the surge of fraudulent, frivolous, or otherwise non-meritorious asylum claims; discourage illegal aliens from taking the journey from the Northern Triangle to the United States; and refine the standards for asylum eligibility.

First, the Trump administration implemented the Migrant Protection Protocols, also known as "Remain in Mexico," which required non-Mexican aliens seeking asylum in the U.S. to wait in Mexico until they were able to be seen by an immigration judge.

Now, why does this matter? Because when people come into our country illegally, they are often released for 6 years, for 8 years, for 10 years, with no consequences and with no enforcement

action. So if you know you can come into the United States illegally and, even if it is acknowledged that you came into the country illegally, you can be released into the Nation to await a court date for sometimes over a decade, it is a massive invitation to illegal migration in this country. And what the Trump administration very smartly did is it said: If you come into the country illegally, we are not going to release you in the United States, and you come back for your court date in 10 years, but you are going to have to stay in Mexico. You can await your court date there.

And, of course, a lot of people, knowing they wouldn't be able to benefit from this massive loophole, didn't come to begin with. It is one of the reasons why border crossings were so much lower during the Trump administration. The Biden policy was—portions of Biden's EO are substantive, while other sections merely call for reviewing certain Trump policies. Through this particular Executive order, Biden has ended "Remain in Mexico" and a number of other title 42 authorities that allowed the President—you might even say forced the President—to engage in some common-sense border security. So that is No. 4.

No. 5, Executive Order 14011, establishment of interagency task force on the reunification of families. The Trump administration reversed the catch-and-release policies of the Obama administration that fueled a surge of family units and those fraudulently posing as family units coming to the southern border with no lawful basis to enter the United States.

And the "posing" word is really, really important because, of course, all of our hearts break when we see children separated from their moms and dads, but we also know that the cartels traffic children into this country and tell them to pretend that some person they are coming with is a mom or a dad. That is, in fact, one of the ways in which they benefit from our charity. It is one of the ways they benefit from our kindness, and it is one of the ways that they manipulate and get around our immigration laws.

Now, an overly broad application of the Flores settlement ordered by Judge Dolly Gee frustrated these efforts by severely limiting the ability and length of time the Department of Homeland Security could detain family units. In response, in 2018, Attorney General Sessions issued a memorandum entitled "Zero-Tolerance for Offenses" under this particular provision of the law, which resulted in the decoupling of family units. The children were sent to HHS custody and treated as unaccompanied minors, while the adults were treated as single adults for enforcement purposes.

Due to a disjointed—sorry. One of the problems—Madam President, you will forgive me—as you get older is that your eyesight gets worse and worse, and I should have had my reading glasses.

This Biden Executive order officially rescinds then-Attorney General Sessions's zero-tolerance policy memo and establishes a task force to identify all children who were separated from their families in the United States and the Mexican and southern border between January 20, 2017, and January 20, 2021, in connection with the operation of the zero-tolerance policy.

Now, again, we have to remind ourselves here that the people who are claiming that they are bringing their children in are very often not bringing their children at all. They are someone else's children. A number of my colleagues have visited the border and talked with young people—sometimes under the age of 12—who have been brought in by people who claim to be their parents, but, in fact, are sexually abusing them. They haven't seen their parents in months, maybe in years.

Eliminating the Trump administration policies on this issue facilitates the very kind of predation that the Trump policy prevented in the first place. It actively encourages the cartels to traffic children and to coach these children to tell U.S. Customs and Border Patrol that the people who are abusing them, the people who sometimes abducted them are, in fact, their parents, and these poor children don't know any better. What an absolute travesty and a humanitarian disaster.

Madam President, may I ask how much time I have?

THE PRESIDING OFFICER. The Senator has about 16 minutes remaining.

MR. VANCE. Madam President, I am not sure which of us is happier about that reality.

I will make one more observation here from a report before I make some concluding remarks, being mindful of time. So this is something published by the Center for Immigration Studies report: "Three Years of Biden Immigration Policies Have Benefitted Criminal Aliens." This was published by Jon Feere on January 9 of 2024.

For three years the Biden administration has claimed that its policies are designed to focus on criminal aliens to a greater degree than the policies under the Trump administration. As DHS Secretary Alejandro Mayorkas put it in a September 2021 memo, "By exercising our discretionary authority in a targeted way, we can focus our efforts on those who pose a threat to national security, public safety, and border security and thus threaten America's well-being."

It is now clear that the promised outcome has not been met and that the Biden administration's policies have gutted the nation's immigration enforcement system, with no concern about the number of criminal aliens that are being released into our communities.

Official data from U.S. Immigration and Customs Enforcement . . . reveals that the Biden administration has arrested and removed significantly fewer criminal aliens than the Trump administration. (This data comes from both ICE public releases as well as a Freedom of Information Act . . . request by the Center for Immigration Studies.) Contrary to Secretary Mayorkas's claim, public safety and national security have been significantly undermined by the Biden administration's reckless policies, and the threats

the administration has created will continue to inflict damage on American society for many years to come.

This analysis compares the first three years of ICE criminal alien data under the Trump administration—

Which was 2017, 2018, and 2019—

to the first three years of ICE criminal alien data under the Biden administration—

Which was 2021, 2022, and 2023—

and finds that criminal aliens have been top beneficiaries of the Biden administration's immigration agenda. A criminal alien is one who—

To define this term—

has a criminal conviction or pending criminal charges.

These aren't people, again, who just came across the country illegally, which no person should do. These are people who actually have criminal charges on top of the fact that they came across the border illegally.

The data shows the Biden administration is responsible for the following when comparing . . . years 2017, 2018, and 2019 to . . . 2021, 2022, and 2023:

57 percent decrease in arrests of criminal aliens

They are arresting far fewer of these criminal migrants.

68 percent decrease in at-large arrests of criminal aliens

44 percent decrease in detainer requests issued on criminal aliens

67 percent decrease in deportations of criminal aliens

[And a] 55 percent decrease in immigration-related criminal convictions

They are explicitly undoing the previous administration's immigration policies, and they have the gall to say that this is all the Republican Party's fault.

I wish that we had a Republican in charge of the White House right now who could undo these things, but we don't. We have President Biden, who refuses to enforce the border policies.

It should be noted that total annual arrests and removals are larger than the numbers discussed here as this analysis looks only at data related to aliens with criminal histories and does not include data on aliens without known criminal histories.

The Biden administration has cut arrests of criminal aliens by 57 percent. I just want to dig into this just a little bit more in greater detail.

In the first three fiscal years under the Trump administration, ICE made 389,237 administrative arrests of aliens with criminal convictions or pending criminal charges.

That is 389,000 during the Trump administration.

In the first three fiscal years under the Biden administration, ICE made [165,000] administrative arrests.

Now, remember that during this time—2021, 2022, and 2023—crime has been going up relative to 2017, 2018, and 2019. In fact, 2021 and 2022 were the most violent years in about three decades, not just for assaults and other things but also for murders. I believe 2022 was one of the worst years for murders in this country in a very, very long time. And yet the Biden administration is arresting fewer than half of

the criminal migrants in this country compared to the Trump administration.

They can't say it is lower crime because the crime is a lot worse in 2022 than it was in 2018. What they can say is that it is lower enforcement, lower enforcement that is endangering the people of this country and endangering the citizens of our Nation.

Now, I have heard some say—and I want to address this comment—that, in fact, crime is going down in this country. And it is one of those things that is, like, half true but is completely and utterly dishonest to the actual reality that we confront.

So if you look at the number of murders that exist in the United States—the statistics aren't final, by the way—but in 2023, there were less murders in this country than 2022, right? Good news. That is the half-true part of the statistic, and that is why many of my colleagues on the other side of the aisle will say it is hoax to say that we have a problem with criminal aliens. There is a problem with that.

Madam President, 2022 is one of the worst years on record for murders in this country. Thirty-nine years old, it is one of the worst years of my life for murders in this country, and 2021 was not much better.

So the 2 years of the Biden administration, they had skyrocketing murders, some of the worst violent crime statistics in the history of the country, and they are patting themselves on the back because it came down a little in 2023.

That is not how this works. That is not a good thing to be a little bit lower than the record highs of 2022. In fact, the number of murders we saw in this country in 2023 is still much higher than what we would have expected in this country 5 years ago, 10 years ago, 20 years ago.

We have too much crime in this country. We have too many young people like Laken Riley who are being killed or assaulted simply for living their lives in their country, and the reason why we have this problem is, at least in part, right here, because Joe Biden refuses to deport criminal aliens. It has been the explicit policy of his administration.

And I have to say that Secretary Mayorkas said something I actually agreed with here in referencing the discretionary authority of the Biden administration because it is the discretionary authority of the Biden administration that is the problem. The Biden administration refuses to use that discretionary authority to actually do its job.

It is so funny to me, coming from outside of politics and spending the last year in this Chamber talking to people, almost every single one of my colleagues from across the political spectrum is fundamentally a good person, but, in private, there is a broad recognition that what we are trying to do is force the Biden administration's

hands. We are trying to identify tools that will force Joe Biden to do what he already has the authority to do under existing law.

We talk about the border shutdown in the border security deal that went down just a few weeks ago in this Chamber. The border shutdown authority was triggered at a point when nearly 2 million illegal aliens came into this country every single year. Why do we need to wait for 2 million illegal aliens to come into this country before we shut down the border? Can't we shut it down a lot earlier?

But, again, this makes sense in the very weird and deranged world that we live in where we have a President who is less committed to border enforcement than almost any President—probably any President that we have ever had.

I was not a fan, largely, of the policies of the last Democratic President, Barack Obama, but say what you will about Barack Obama, he was substantially more committed to border enforcement than Joe Biden is.

Now, there is one last point that I want to make for some of my friends and colleagues, especially those on the other side of the aisle. We have a real problem of social stability in this country. A lot of people talk about our rancorous political debates. A lot of people talk about politics seems more zero-sum today than it has been in a very long time. Well, I believe that one of the reasons why we have such a broken political debate is because we have a set of policies that has promoted social division.

I hear from constituents all the time who will walk into an emergency room—and they go to an emergency room because their kid, you know, they broke their leg on the playground or they hurt themselves in some way or maybe it is a Sunday and you couldn't get into the doctor and your kid has a bad sore throat. We all go to the emergency room for a whole host of reasons, some serious and some a little bit less so.

Emergency room wait times in this country are near alltime highs, and we know why they are at alltime highs: because there are 30 million people who might be good people, but they shouldn't be in this country, and they are making American citizens wait in line for healthcare.

This is a big problem in the State of Ohio: rural school districts, districts that are already incredibly stressed by the fentanyl problem and by a lack of funding, school districts that have a family or maybe multiple families of migrant children who are dropped at their doorstep. These kids don't speak a lick of English. These kids have never been in the country. Many of them are traumatized because they were brought into this country by drug cartels and sex traffickers. These kids are not bad people, but why are we expecting American citizens who are already working in overstressed public



schools to educate these kids? And do we honestly think that when you take a rural school district and you drop a dozen kids who can't speak a lick of English, that it actually makes life easier for the rural kids in those districts to get a good education? Of course it doesn't. Of course it doesn't.

You don't have to believe anything bad about the children who are in those school districts. You just have to believe that every country has its limits, and the thing that we need to be focused on right now is the education of our own children and the well-being of our own citizens.

That doesn't make us heartless. That just means that we recognize that the first and most important obligation that we owe is to our families, our communities, our neighborhoods, and our country, not to people who have illegally crossed the border to come into this Nation.

We don't have enough services. We don't have enough resources, and we don't have enough wealth to support the entire world at the level of generosity that we support the American citizen. Overcrowded hospitals, overcrowded schools, rising violent crime rates—all of these things are the recipe for social dysfunction and social disaster.

We are dividing our citizens against one another. We are taking away some of the critical resources and supports that make living in this country a good and nice thing. And then we are surprised when our politics is angrier than it used to be, or we are surprised when Americans feel like their elected leaders don't care about them. Well, if you are flooding rural Ohio schools and rural Ohio hospitals with a bunch of people who shouldn't be there in the first place, then they are right to think that their leaders don't care about them. If you are creating an immigration system that is seeing rapid murder rates, even as you radically reduce the amount of criminal migrants that you arrest, then they are right to think that their leaders don't care about them.

I don't know what is wrong with this President, but he seems to care far more about the people who live outside of this country than he does the people who live inside of this country. They don't just feel that something is wrong with the political leadership in this country, they are right that there is something wrong with the political leadership in this country. And we could have taken real steps—very real steps—to fix some of the problems that exist if only we were allowed to vote on Senator HAGERTY's amendment, on Senator JOHNSON's amendment, on a number of other amendments that were offered by my colleagues that would receive bipartisan majorities in this chamber if only we were allowed to vote on them.

So with that, I say what a travesty that we haven't had the debate the American people deserve and what a

tragedy that we haven't voted on legislation that would make their lives better and would make the criminal migration problem improved in this country. They certainly deserve it. I wish we would have done our jobs.

With that, I yield to my friend from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Madam President, what we have here is a pork fest of epic proportions. You can't imagine how much pork barrel spending is going on in this bill, but you should know about it. There are 6,000 earmarks in this bill.

What is an earmark? An earmark is where a Congressman or Senator says: Hey, I have this special interest—maybe they are a donor; maybe they are somebody important in their area; maybe they are a relative—and they want to name Bubba Gump Shrimp Museum after them or they want to name some kind of museum after one of their donors, and that is what gets put into these bills and bloats them beyond imagination. It is also sort of the grease that eases in billions and trillions of other dollars, because you get people to buy into the total package by giving them a little bit of pork for their town, a little bit of pork for their donors.

Porkbarrel spending elicits the images of politicians with hands and fists stuffed with dollars, passing these out to the special interests. And that is exactly what it is.

In 2010, 2009, there was this Tea Party uprising. There were people concerned that their government had gone beyond its constitutional limits and had begun spending money like there was no tomorrow, and that the debt was rising at an extraordinary pace.

People came to Washington, and one of the things Republicans vowed to do was be better. We voted within our conference to ban earmarks. And for nearly a decade—maybe a little more than a decade—Republicans didn't put forth earmarks. But it is sad to say that when we look at the blame for the debt, that the blame goes to both parties.

People often ask me: Whose fault is it, Democrats or Republicans?

My answer is, yes, it is both parties. Now, both parties have different priorities, but they do get together and they support each other. They pat each other on the back, and everybody gets more money, because the one truism about Washington is, they believe there are no limits to the money.

In your State capitol, the revenue that comes in is spent. In your county government and your city government, the revenue that comes in is spent. The one place where there are no restraints, where there are no tradeoffs, where the printing press runs 24 hours a day is Washington. The Federal Reserve simply buys the debt.

But it is not without repercussions. As the deficits spiral upwards and as the Federal Reserve prints more money

to buy the debt, the value of your dollar goes down. And the people who get the money first are able to profit by the inflation before it trickles down to the regular working class.

If you are a banker on Wall Street and you buy and sell the bonds, you get the money right when it is printed, when the ink is still fresh, and you get to spend it on par. You get to spend the money while it still has 100 percent of its value. When it gets to you, when it gets to America, and when it gets to all of us, it has lost its purchasing power, so it no longer buys as much; and we see the prices in the grocery store going up, and we saw wages sluggishly chasing those prices.

This is inflation. Inflation is the bait and switch of Big Government. People in Big Government on both sides of the aisle offer you something for nothing. It is a bait and switch. The emperor has no clothes. The emperor has no money. Your government has nothing to give you but borrowing. They borrow from the future, and they give you stuff. They give you these items that glisten in the Sun, and they are shiny objects. And they say: Here, have this. More food stamps. You don't have to work for a living. Or if you are a corporation, they will give you a special perk or a benefit. You get all these things that are not supposed to cost anything. The cost is inflation.

It is a deceitful way of running your government; it is a deceitful way of borrowing from the future. But it is what goes on day in and day out.

The Republicans, at least, put up a pretense. They say to the people at home, and they go home, and they pound the desk and say: We are the conservatives, and we believe in balanced budgets. But when you see how the voting goes, it is not true. Some of the Republicans are conservative.

So we had a vote recently to get on this bill. All the Democrats voted for the 6,000 earmarks and all of the spending. There hasn't been a spending bill that there has been significant Democrat opposition to that I know of in modern history. They all vote for the spending.

But the secret unknown to a lot of people at home is that there are 12 or 15 Republicans—the Big Government Republican caucus—who vote with the Democrats; because, see, what has happened is we have abdicated the power of the purse.

The power of the purse we hold and could use at any time. See, 41 Members of a party or a caucus or a conservative group could stop legislation and demand that the other side compromise.

But that is not what happens. The conservatives can never muster 41 votes because there are 10 or 15 Big Government Republicans who side with the Democrats; and, therefore, there is really no power to the purse. There is no ability to restrain spending. In fact, the opposite happens.

A lot of people don't understand this. They think there is no compromise in



Washington, and the opposite is true. There is compromise every day on every spending bill; but it is not compromise between Big Government and constitutional government, it is compromise between Big Government Democrats and Big Government Republicans.

The Big Government Republicans want to send foreign aid to all far-flung reaches of the planet. They also want to fund the wars in all far reaches of the planet, and they want to fund the military-industrial complex. That is the traditional Republican condition. The Democrats take that position now, too. So they are all together on this.

And then on the welfare proposition—the idea that you don't have to work and, basically, we will just pay you not to work and that the payment for nonwork is actually now exceeding the payment you get for work—that is a Democratic proposition. But the Big Government Republicans say: Oh, that is fine; if we can get the military-industrial complex money, we will give you the welfare money. So it is welfare and warfare. And they do come together.

The media won't report this. They either don't understand it or are ignorant or just incompetent. They don't report it to you. They say that the problem is not enough compromise, the problem is not enough dialogue. No. The country is bankrupt because there is too much compromise and too much dialogue between people who believe in Big Government.

And so we have, on an annual basis, a deficit of \$1.5 trillion. Now during COVID, it was even worse. During COVID, it was like \$3 trillion. But we are now adding debt at about \$1 trillion every 3 months. It used to take a decade to add a trillion in debt; now we are adding a trillion in debt in 3 months.

Our interest payment has doubled. Interest, within a year or two, will be the largest item in our budget. Now, interest doesn't let you buy anything. It is just paying the bankers for the privilege of borrowing from the future. As your interest payment grows and crowds out everything else—it is sort of like having credit card interest, and all of a sudden you have got so much on your credit card and your interest payment is so high that it crowds out all of the spending and forces bankruptcy.

That is where we are headed.

But we don't use the power of the purse because Big Government Republicans are really no different than Big Government Democrats. They all have come together, and they have compromised. We get the warfare and the welfare State, and they are more than adequately funded.

We spend about \$6 trillion, and we bring in about \$4.5 trillion. And you ask: Well, how long can that last? I, frankly, don't think much longer. We bring in \$4.5 trillion. That is a lot of money. It is not like we do nothing for

people. We should do 4.5 trillion dollars' worth. People say: Are you for no government? I say: No, I am for what we bring in. We bring in \$4.5 trillion. That is not a tiny government. I would probably actually be for smaller than that, but I would settle for: Let's have 4.5 trillion dollars' worth of government. Let's have what comes in is what we spend.

But if you put it in perspective and you try to say: What would \$4.5 trillion buy of our government expenditures? How much would the tax base that we have pay for? It is interesting. If you add up Medicare, Medicaid, Social Security, and food stamps, it equals about \$4.5 trillion. The four entitlement programs, the big entitlement programs, would consume all of the money.

So we vote on a budget every year. You think that is all of the spending. No. We only vote on a budget that is one-third of the spending. Two-thirds of the spending is entitlements, and nobody ever votes on it. It is never reformed. If you touch entitlements or say anything about it, AARP will send out notes to all your constituents saying: Tell them to take his hands off my Social Security—even if your goal is actually trying to preserve Social Security for another generation by actually reforming it.

It is the only way it will last. I will tell you the honest truth that nobody else will tell you. Social Security is going to have to rise in age—the eligibility rate. We did it once in 1983; the age rose from 65 to 67. We did it gradually a couple months a year over 20 years. And, really, once it was enacted, there weren't that many complaints. Did people love it? No. Do I want to raise the age? No. But if you want to preserve Social Security, you have to raise the age. And to do nothing, to stick your head in the sand and say "we are not going to talk about entitlements" means you are not a serious person. Because the entire budget that we vote on excludes all of the entitlements and is military and non-military—they call it discretionary spending. It is about \$1.5 trillion. So the deficit actually equals our budget. If we zeroed out our budget, that is how we would balance the budget. We are not going to do that. But if you were to take everything and cut a very small amount of every program, including the entitlement costs—not necessarily the benefits but the costs—if you were to cut across the board, you could actually begin to balance your budget. It is what any normal business would do. It is what any family would do. And yet we do none of that, and it goes on and on and on.

So this year, we will have a deficit of \$1.5 trillion. The bill before us codifies that. It is not all the spending; there will be a little bit more spending next week. But all the spending together is still at the rate that we will borrow \$1.5 trillion.

Some people don't quite grasp this. They are like, oh, it is this big number,

but it does not mean anything. We have had a debt forever. But what it means is higher prices in the grocery store. If you are not bothered by higher gas prices or higher grocery prices or higher electricity prices, then you don't need to listen to me. Just forget about it and pay the higher prices.

But people are being squeezed. The people being squeezed are those at the lowest part of the socioeconomic ladder, those with fixed incomes, or those retired. But we have now linked most of the retirement benefits and most of welfare to inflation. So they are kind of getting their bumps to try to keep up with inflation. It is actually more the working class, those who are working for a living, being paid privately, who are having more trouble keeping up with this. This is the problem we face.

But we add to this the parochial interests of letting people get stuff for their city or for their State or a bike path here or there. Our Founders looked at this, and they put it into our Constitution. Our Founders said that spending and taxation should be for the general welfare. And this was discussed over and over again because if it only said "the general welfare," the argument would be, what does that mean? That could mean anything, right? But that isn't where they left it.

They said that all spending and all taxation should be for the general welfare, and then they listed what they thought were the Federal prerogatives or powers that apply through general welfare. They are things like the national defense. We don't think it would be very convenient or very efficient for each State in the United States to have their own defense, so we agreed that was a Federal problem. We agreed that commerce between the States shouldn't be interrupted. We agreed that the border surrounding us should be—they aren't being currently—but should be a national concern. But for most other things like a bike path or a museum, we agreed that was a parochial interest. We didn't tell your State government they can't do it. So there is nothing in the Constitution that says that your State can't provide museum funding or for a bike path, but it is in the Constitution that the Federal Government doesn't do that.

Now, why do they want to buy a bike path up here—so there is a bike path in Rhode Island that they want? Why do they want that?

Well, the people from Rhode Island stuck it in there. It is an earmark. They want it so they can go home and they can get their name put on the bike path, and then people will love them because they act as if it was their money that they brought back. Well, it is not. It is everybody's money, and it is not being spent constitutionally because it is being taken to Rhode Island, and nobody in the rest of the States authorized that in the Constitution. You can tax the people of Rhode Island to pay for bike paths, and you can tax

the people of Kentucky, but it is not constitutional to take our money and send it back.

It is also unwise for another reason. Why do you not want earmarks? Why do you not want pork-barrel politics coming from Washington? Why? Because we have no limits. We have got a printing press. I mean, we just print money 24/7, all day long. The debt? We borrow—I think it is—more than \$2 million a minute. We have probably borrowed \$40 million since I started talking a few minutes ago. I mean, it is just out of control.

But why do we want the bike path in Rhode Island to be paid for with U.S. tax money instead of Rhode Island tax money? Because Rhode Island only has so much money coming in—so does Kentucky, so does Texas, so does Tennessee. Now, States will borrow, but they typically have to borrow against some sort of capital or they have to sell bonds. You know, we just borrow. We borrow from ourselves up here. States don't have a Federal Reserve, for the most part, and cities don't, so you want the spending to be local. Why? Because your local mayor or your city council or your State legislature has to make a decision.

So, for example, everybody wants something. Let's say that there are 10 roads in your town that you want to be paved or improved, and everybody kind of agrees we need to improve these 10 roads. You list them 1 through 10, but you only have got enough money to fund repaving 8 roads. Do you repave all 10 or do you repave 8? No. If you work for a city government, whether you are a Republican or a Democrat or an Independent, you pave what you have money for that year, and you put the last two that you couldn't pay for this year first on the list for the next time.

When I mention that here, that is such a foreign concept that I had a chairman from the opposite party of one of the committees look at me and say: We shouldn't have to choose.

I said: What do you mean?

He said: Well, we shouldn't have to choose. If it is a good cause, we should give them money.

Well, everything is a good cause, but we don't have the money. But in Washington, it is not a choice; it is "Put it on my tab." There is never really the realization that there is a finite amount of money. There is never really a realization of the pros and cons of spending money we don't have. Like I have said, look, we bring in \$4.5 trillion. There are a lot of things we can do with \$4.5 trillion, but we would have to look for some savings places.

Both Republicans and Democrats are guilty of saying: We can look everywhere but not at entitlements. So we had a big debate about a year ago when McCarthy was the Speaker over there, and he ended up losing his Speakership over this. They made a deal to raise the debt in an unlimited amount for 2 years, beyond the next election, in ex-

change for these spending caps, but the spending caps were high enough that it still looked like many on the other side wanted more money, so they made a side deal.

All of these deals, though, were to expand the amount of spending. It didn't really cause any restraint. Then, when you looked at how much was actually being spent by this debt deal, you found that we were still leading to a \$1.5 trillion deficit in 1 year.

The spending goes on and on and on. There doesn't seem to be any sort of restraint. People say: Well, we are in the minority. Republicans are in the minority. What could we do? It only takes 41 of us. About an hour ago, we had a vote. If 41 Republicans would have said no, we would have exerted the power of the purse, and they would have had to compromise.

Instead, we don't compromise conservative with liberal, Big Government with constitutional government; we compromise with the Big Government Republicans siding with the Big Government Democrats to spend more money. There is no conservative influence on the spending of money because it just goes out the door—it flies out the door—and it is printed up, and the debt is bought, and your prices at home go up. This has been going on for a very long time.

Our Founding Fathers looked at the general welfare clause and said that the money should be spent for the general welfare. Justice Story ruled in 1833 that the general welfare clause was not a general grant of unlimited power but, rather, a limiting cause that meant government taxation and spending must be for the general welfare. It must be for something that is for everyone, as opposed to something that is just for one State or one city. Jefferson agreed, and Justice Story quoted Jefferson in his argument.

Jefferson wrote that the laying of taxes is the power and that general welfare is the purpose for which the power is to be exercised. Taxes were not to be laid or spending was not to occur for any purpose that Congress pleases but only to pay the debt or provide for the welfare of the Union.

Congress was not to do anything they pleased to provide for the general welfare but only to lay taxes for the purpose that would be beneficial to the entire country. It wasn't for bike paths. It wasn't for museums. It wasn't for sex parties in Philadelphia. The Pennsylvania Senators actually had an earmark in here for sex parties—communal sex parties—in Philadelphia. Even they were embarrassed after that one came out, and that earmark they have taken out now, but that is the kind of stuff that gets stuck in here. There was a road to nowhere in Gravina, AK, from a few years ago—all kinds of parochial interests that are not part of the general welfare and not allowed by the Constitution.

Madison reiterated this in the sense that he said that the money to be spent

for the general welfare must be tied to one of the specifically enumerated powers from article I, section 8. Article I of the Constitution has to do with the spending powers, the powers granted to us. The Tenth Amendment to the Constitution says those powers not granted to us are left to the States and people, so just because our Federal Government is not supposed to build bike paths doesn't mean your State can't. That is left to your State, and you can decide if you have enough money to do it and how you want to spend your money.

People have written, if the Constitution only said you have to spend for the general welfare but listed nothing else, that it could be interpreted that the general welfare meant anything, but because we said for the general welfare and then we listed specifically the powers of Congress, the understanding is that the powers of spending for the general welfare are limited to the specific powers given to Congress, and we listed them.

They wanted to be very certain that this wouldn't become an all-encompassing government, taking all of our taxes, and government would become so huge that it couldn't be controlled, but that is largely what has happened over time, is that government has grown and grown and grown.

William Proxmire was a conservative Democrat back when there used to be conservative Democrats. There really aren't any left—they have either become Republicans or gone extinct—but William Proxmire used to talk about spending in the way Republicans do now, and he would point out some of the worst spending.

One of the things he pointed out, I remember, was a study about happiness—\$50,000 to study what made people happy and another \$100,000 to study what made people fall in love. But my favorite one is this—and this was one of Proxmire's favorites. It was \$100,000 spent to study whether or not sunfish drinking tequila were more aggressive than sunfish drinking gin. So we did a study on fish to see which made them more aggressive, tequila or gin. This is the kind of insanity we live with.

You think, Well, maybe it got better over time; maybe we instituted reforms, and they quit wasting our money so much. I will give you a recent example. Because the dollar is no longer worth as much—this is a recent example—I think it was three-quarters of a million dollars to study whether or not Japanese quail on cocaine are more sexually promiscuous than Japanese quail that are not on cocaine. This is the craziness of your government. So any time you think, Well, government is doing everything possible, and we can't possibly cut one penny, remember what they are spending your money on.

A lot of the worst waste from government comes from the National Science Foundation. You say: Well, certainly, they have put some reforms in place

since they were studying what made people love each other or what made people happy; certainly, they have put some reforms in place. No. They just give them more money. We had a bill just 2 years ago that nearly doubled the amount of money going to the National Science Foundation. Do you think they are more or less likely to be frugal and wise and less wasteful with our money if we double the amount of money we give them? This is what passes for oversight in this town, and this is a real problem.

The earmarks are the tip of the spear that make it worse because, often, if you have got someone wavering in the wind and they actually think that they might be conservative and that they might not vote for the spending bill, they say: What if we give you this? What if we give you this airport? We will even name the airport after you in your district. An airport named after you? Boy, that is a bonus. Then, if you do that, you need to vote for the entire bill. So what happens is the entire bill gets bigger and bigger as everybody gets an airport or a park named after them.

I personally think we shouldn't name any parks after politicians. It is not their money; it is your money. I mean, it is taxpayer money. If you are a person who worked hard and gave money to build a park in your town, by all means, put your name on it, but we shouldn't have any politicians' names on it. At the very least, they ought to be dead. I am not saying we should cause their deaths. I am just saying they ought to be at least dead before you put their names on it. But we have living politicians with dozens and dozens of parks with their names on them. It is not their money to give.

There is a famous story of Davy Crockett, who was a Congressman here, and it is called "Not Yours to Give." There had been a fire in Georgetown, and they raced over there to put the fire out. In those days, there was a communal fascination and a communal eagerness to help put fires out. There weren't as many official fire departments. Georgetown is a pretty good, probably, buggy or horse ride from here.

But they raced over there—even the Members of Congress—to try to put the fire out. Sure enough, the next day, they said: Well, we need to give them money. And Davy Crockett was persuaded. He voted to give them money. But he got home, and he got to talking to a farmer across the fencepost.

The farmer said: Well, you know, you saw that fire, and you saw that damage, and you saw the calamity of those people. You wanted to help them, and I understand that sympathy, but you are not here at home, in Tennessee, to see the suffering of the people in your own community who have an equal need and an equal right to that.

But, really, charity is not something that was part of the government's mission. Government was supposed to be

the law-and-order parameters to allow the engine of capitalism to create the wealth that allows us to take care of people, but more and more, it has become to replace charity and to become the bread and to become the sole focus of generation after generation who don't know the wonder of work.

I have often said to people that I think everybody ought to work. Everybody who can work should work. I wouldn't give out any benefits to anybody who can work who doesn't work. It sounds harsh, but, really, you have got to think work is actually a bonus; work is a benefit; work is a privilege; work is something that everybody should want. I don't care whether you clean the carpets here or you own the building. Work is a redeeming value, and it is how people get their self-esteem.

But we now live in a generation where everybody gets a trophy if you participate: Hey, come participate in the welfare program; here is your trophy. But it actually is demeaning to the people, and it keeps more and more people on this.

People say: We need Medicaid for everyone. I say: No. We want Medicaid for only those who can't help themselves. We want that number to be 5 or 10 percent of the public, not 40 percent of the public or 50 percent of the public. That means you are failing. We want to grow business where people have their own insurance, where there is private insurance, where there is a marketplace where prices would come down, but that doesn't happen as government becomes more and more involved.

If you look at the two areas where prices are rising the fastest—education and healthcare—what do they have in common? Government dominates these spaces. Government gives free tuition—the endowment of Harvard's billions of dollars—and the tuition goes like this. You would think there would be some sort of semblance of competition, some sort of semblance of price competition, and there doesn't appear to be because the government subsidizes it. It is the same with our drug policy as well.

We are here today to discuss spending, but the other side is just discussing, Oh, well, the government will shut down. While I don't want the government to shut down—I think it is chaotic to have interruptions in government—I do think that there is an argument for whether or not keeping the government open and spending money at the same level we are spending it and causing the debt to rise at this same degree—whether keeping it open and borrowing so much money is actually good or bad for the country.

I actually think we are damaging our country. The greatest threat to our national security is actually our debt. The threat is from within. We are not going to be overrun by foreign armies. We really are not in danger of being invaded by a foreign army. Now, you can't tell the people who spend the

money on military that because they want more, more, more.

So when you look at the negotiations over the debt deal from last year, they first said that two-thirds of the spending entitlements wouldn't be touched. So how do you expect to balance your budget or do anything significant to your budget if two-thirds of the spending is taken off the table? So all of the entitlement spending was taken off the table. We were not going to look at that.

So the remaining third is what we vote on, on the budget, when we have a budget. We haven't had one in years. I produced my own budget, just from my office, just so we can actually have a vote on what a balanced budget would look like. But whether it is Republicans or Democrats, most of the time, they don't even put forward a budget. We spent \$6 trillion with no budget. Can you imagine a corporation of any kind of size spending that kind of money and having no budget?

So two-thirds of the spending is entitlement spending. The remaining third is half military and half nonmilitary. We call it discretionary spending. The budget we vote on is about \$1.5 trillion. That is about equal to the debt. So, if you eliminated all of that spending, that is what it would take to actually balance the budget. But when we did this big debt deal about a year ago, the people who wrote it said it was the greatest thing since sliced bread. They said: Well, we are not going to put any caps on entitlement.

So two-thirds of the spending is rising at about 5 to 6 percent a year. This is the bulk of the growth of government. It is coming from the entitlements—Medicare, Medicaid, food stamps, and Social Security.

Of the remaining third of spending that we vote on, half is military. The hawks on the Republican side said "We have to grow the military" even though our military budget is bigger than the next 10 countries combined. We have an enormous military-industrial complex, but they said it has to grow at 3 percent.

So the entitlements are two-thirds of the spending. They are growing at 5 to 6 percent. Then a sixth of the spending, which is military, is growing at 3 percent. So now we are looking at 16 percent of the government—the non-military discretionary budget—it is about \$700 billion.

McCarthy actually made a decent point on this. He said: Look, you don't want me to look at entitlements. They are going to go up. You don't want me to look at the military. It is going up. You want me to look at the non-military discretionary spending. Sixteen percent of the budget, and you expect me to do something with it.

I think this deal was a bad deal. It went along with just continuing the status quo. But his point was well made and well taken. If you don't look at all of the budget, you really can't do anything with it. It is just going to

keep growing and growing. If you take entitlements off the table and you say "We are not going to look at entitlements," that is a fearful way of looking because you are afraid the people will be unhappy with you.

We have a trillion-dollar Medicare budget. Is there anybody in America who doesn't believe we couldn't save some money in that without actually cutting patient care? A trillion dollars. If you talk to executives from hospitals or executives from big corporations and you tell them you have a trillion-dollar budget, is there no place that you could reduce spending—there are all kinds of improper payments in Medicare and Medicaid, to the tune of hundreds of millions of dollars. There are problems with efficiency. There are problems that—through leverage and size, we could reduce costs, but it doesn't happen.

You ask yourself, why is government so inefficient? I think the best way to look at it is—Milton Friedman put it this way. He said that nobody spends somebody else's money as wisely as their own. That is the difference between government and the free market.

If I ask you for \$1,000, and we are going to put it all together, and 50 people are going to give me \$1,000, you are all going to think about, what did it take to make that thousand dollars? What was the work and the labor expended in that? What are the chances that I lose my investment? You are going to make a heartfelt decision. It is not always going to be perfect. But if I ask you who is going to make the wiser decision—the person giving up \$1,000 of their own money or a city council man giving up a million of someone else's money—they can never have quite the same heartfelt, feeling-in-the-gut decision making if it is not their money. Nobody spends somebody else's money as wisely as their own.

The other difference is this: When a business spends money, they get automatic feedback. They get, every day, a report. They get a report if it is a profit or loss. They know whether they are making money every day, every week. They can lose money for a while, but if they do—they have to make payments to the bank—they will have to adjust their practices. There is a constant feedback loop.

Government doesn't have that. Government, in fact, has really the opposite. It may be a lag time of years, and, really, things can go on decades up here losing money. We can go on decades doing something that is horrific, and nobody figures it out; nobody ever changes it or even reauthorizes it.

I will give you an example, and this has come up recently—the child tax credit. The Democrats love this. This is a refundable program. It is not really a tax credit. You get it if you show some effort to work. But you don't get your tax money back, you get somebody else's tax money.

The problem with this program is that 25 percent of the people getting

the tax credit are cheating. It has a 25-percent fraud rate.

There are people abusing the system who came into the country illegally, had a child here, and then they are putting the Social Security number down of the child who got here even though they came here illegally. There are people putting fictitious names down. And the government will issue you a taxpayer identification number even if you don't have a child.

Twenty-five percent of the money is going out fraudulently, but about half of it is being refunded to people who don't pay taxes. So it is an enormous welfare program. This is the problem.

What we need to do is incentivize work. Instead, there are reforms being looked at for this program. The Democrats have decided: Well, we think work should be like maybe work once every 3 years. Currently, the work requirement is a little bit of work each year, and you still get other people's money, but now the Democrats want to change it to, well, if you work once every 3 years, you still get somebody else's money.

Everything is to dilute the value of work, all within the context of a government that borrows \$1.5 trillion a year.

We are borrowing money so rapidly. We have never, ever before borrowed money like this. We are exceeding even the level of borrowing of World War II.

Am I the only one bringing this up? The Chairman of the Federal Reserve, who is not typically seen as a partisan Republican or a partisan conservative, said that the problem of the debt is urgent. Jamie Diamond, head of one of the biggest banks in our country, Morgan Chase, said essentially the same thing about 2 weeks ago. Nassim Taleb, who wrote the book "The Black Swan," is saying the same thing.

Various economists are warning us that this is a predictable crisis coming. This is a slow-moving but yet one of the most predictable crises in our history, the debt crisis. It is coming. You are already seeing the signs of it. You see the signs of it when you go to the grocery store. You see the rising meat prices. You see the rising gas prices. You see the rising electricity prices. It is not really the prices that are going up; it is the value of your dollar that is shrinking. It is basically—they are inverses of the same principle, but the value of your dollar is shrinking because we print more dollars to pay for the debt. The debt is paid for by printed money, so the supply increases.

We have been lucky probably for decade after decade. It has been somewhat of a scheme in a way. We are the world's reserve currency. So as we print up money to buy our debt—some of the people who buy our debt don't live here. China has about \$1 trillion worth of our debt. Japan has close to \$1 trillion. England and Europe have another trillion. About a third of our debt is owned by foreign countries, so often, when they buy our debt, the money doesn't necessarily circulate here.

We also tend to import more than we export. So when we import goods, we pay foreigners with our dollars. The dollars often go overseas as well. You can go to the far-flung reaches of our planet, to small villages, and there will be people trading in dollars. Why is that good? We give them our inflation. We have passed on our inflation. If all that money came home, we are chasing our goods, and you might see 20 percent inflation at this point.

But even as it exists now, realize that inflation is a hidden tax that hurts the working class and the poor the most. The rich can always do well. The expenses for the rich, you know, are a small fraction of their salaries. If you are working class or poor, most of your salary goes to your rent, to your mortgage, to your gas, to your electricity, to your food, to your clothing. So as the pressure of the prices rises, wages struggle to keep up with it.

But the people who get the money first—the people on Wall Street; the people who buy and sell the bonds; the people who then buy the equities and buy the stocks—they are getting the money first before it loses its value. They have been known to bid up the stock market, and the rich have gotten richer, and it has become harder and harder for the middle class.

This is the bait-and-switch because your politicians—they run for office, and they promise you something for nothing. It is a scheme. It has been going on since the beginning of time. They will come and say "You don't want to work? Here is money for not working" or "If you want money for the military-industrial complex, we will give you this money, it is free, and there are no repercussions to handing this money out." But there are; there is just a delay or a lag time.

What happens is, the inflation is this hidden tax that you pay. It is not free. There is no such thing as a free lunch. Something for nothing doesn't exist. It only exists as a figment or as a fairytale or as something that people who want to run for office use to try to trick you. They are saying: Take this; it is manna. Take this; it is free. Here—dangle this shiny object—take this, and you will be better off.

But in the end, the country is teetering in the balance, and people sense this. People have a way of sensing this more than the leaders. The elite up here think they know everything, but talk to the common man. I tell any politician up here: Talk to a man or a woman who has grease on his hands and ask them what they think about the welfare state. Ask them how much sympathy they have for people who don't work. Ask the guy or the woman who has grease on their hands and works hard. You can tell they work hard. You can tell by the grip on their hand that they work with their hands each day. Ask them what they think about people who don't work. You will get less sympathy than you will get from anybody you ever meet because

they work hard, and they are tired of their tax dollars going to people who are not working.

Are there people who can't work? There is a very small percentage. Of those who aren't working, it might be 1 or 2 percent who can't work. The vast majority are able-bodied; they can work. The vast majority should be sent back to work immediately. The vast majority should be told: Get a job or your benefits run out.

We don't do that. We go on and on and on. Through the pandemic, we kept adding Federal benefits. At one point, we had \$52,000 a year for not working between State and Federal benefits. If you were a couple, two, you could be getting over \$100,000 a year not working. Who is going to work when you can get a hundred grand for not working? This why there has been a sluggishness getting people back into the workforce.

The thing to remember about our country is the incredible engine that freedom and capitalism and volunteerism and trade has brought to this country. People are dying to get into this country. It shouldn't be lost in the debate over immigration what a great place this is and how many people want to get here.

Some of the best Americans just got here. I know many people are first-generation Americans, and they are great people. They bring a work ethic. In fact, sometimes there is a better work ethic from the people who just got here than the people who have been coddled generation after generation after generation of not working.

It is not that anybody is inherently bad, but we bring out the worst tendencies in people by offering them things. It is not good for people not to work. There is an interconnection between addictiveness and lack of work.

There is a self-fulfilling—there is a reward, a self-esteem-building aspect to work. Everyone should work—not as punishment but as a reward. But we have a system where, if you say that people should work and that we shouldn't pay people for not working or that the wage for not working shouldn't be anywhere near the wage for working, you are seen as somehow being too harsh, but the opposite is true. If you truly care about your fellow man and woman, you would want them to work. You would want to have in place very few obstacles to work. The benefits for not working should be short-lived and small and, frankly, not that good to get people back to work.

There are millions of jobs unfulfilled right now. We often think, well, there is only, you know, 3, 5, 8 percent unemployment, but it is really about 30 to 40 percent not participating. They have something called the labor force participation rate. It hovers around 60, 62 percent, which means you have a high 30 percent of people eligible for work not working. This is the problem we have.

If we look at what made our country great, what made America great in the

first place, it is freedom, being left alone, low taxes, low regulation, a small Federal Government, a small footprint for government everywhere so people can thrive.

I have traveled this country, and I have seen amazing things. I have seen amazing success, from the vast wealth of the wealthiest to the vast wealth of the middle class. In this country, in my State, you could be of modest income, two people of modest income, and own your own house and live on several acres of land.

The American dream is out there. It is still waiting. We have too many people, though, proclaiming victimhood. The color of my skin, my ethnicity, or this and that—I am a victim. Nobody will hire me. It is completely untrue.

People need to know that actually there has never been a better time to be alive. There has never been less racism, less bigotry, less unfair business tactics than at any time in the history of the world. If you don't believe that, you need to know more about history because history is replete with really awful kinds of situations for people from different races and different backgrounds.

This is the best time ever to be alive. Don't let anybody tell you that there is not something great around the corner for you. If you get a college degree, people want to hire you. They don't care the color of your skin, I promise you. There is not a publicly traded company in our country discriminating against people. If anything, they want you more because they want diversity.

Don't let us get absorbed in this idea of victimhood. What we need to understand is what made the country great, or there is not going to be all these jobs; there is not going to be this engine. This engine of prosperity is from letting people be free, leaving people largely alone, and keeping government out of their way.

But it can't be a government that coddles us from cradle to grave. It can't be a government that says you can't have a gas grill. It can't be a government like California, where they say everything causes cancer.

My favorite is, if you are at home putting together a gas grill, which is an impossible task, if you ever did it—it can take hours, but maybe that is just me. When you are putting your gas grill together and you look at the warning sign on it, the warning sign will be: This gas grill is safe in every State, but it causes cancer in California.

I mean, that is the kind of stuff we have. Unfortunately, they have been leading the way with stifling-type regulations that, then, the rest of the country emulates until they run into problems with it.

We now have people wanting to ban cars. They want to have no internal combustion cars like within the next 10 years. Well, when you have mandates coming from elites who don't work, have never worked, don't know any-

thing about work, never been to the grocery store, and they are telling you that you can't drive a car or that all the trucks are going to be electric within 10 years, you have got people who are elitist who think they know best for you.

But, really, what our country is about is choice. It is about freedom of choice.

These are the same elitists who would tell you: Oh, you have to take the COVID vaccine.

If you look at the science of taking a COVID vaccine, there is no indication for a COVID vaccine for young people—none, zero. There hasn't been from the very beginning. Most of Europe doesn't require it for under age 12 or even suggest it for under age 12.

If you look at parameters, usually, you have to prove some kind of parameter to prove why you should take a vaccine. The vaccine in children—actually, and adults—doesn't stop transmission. They have all finally admitted this. The vaccine does not stop transmission. So it is not about you protecting other people. It is only about you.

Now, there is still a question on hospitalization and death. If you look at targeted categories of people who might die from COVID, particularly back in 2020, 2021, over age 65, there was a reduction in hospitalization and death for the vaccine. I have admitted that from the beginning. But it varies wildly depending on your age.

If you look at healthy and under 25, what you find is virtually zero deaths among healthy individuals—unless you have an extraordinary problem, virtually zero deaths from COVID.

So, when they look at it, they try to say: Does it improve things?

It doesn't stop transmission. That is the key to a lot of vaccines. They stop you from getting it. This one doesn't.

But if you look at hospitalization and death, you can't find a difference because, under age 25, it is virtually zero. The death is very close to zero, if not zero. The hospitalization is very close to zero. So you can't really prove it.

So when I have challenged the so-called experts on this, they have said: Well, we decided that kids should take it from 6 months on because they will make antibodies. If you give them a vaccine, they make antibodies.

My response to Anthony Fauci was: I can give your kid 100 vaccines. He will make antibodies every time. It doesn't mean he needs to be vaccinated 100 times. It is really supposed to be about efficacy and preventing disease.

But this is the same sort of loss of belief in individual choice. The choice of whether or not you give your kid a vaccine should be yours.

A lot of people don't realize this, but the CDC's vaccine advisory committee and the FDA's vaccine advisory committee suggested that only people at risk for COVID should end up taking the booster. It didn't suggest anybody

under 65 really needed to take the booster.

The Biden administration, though, came forward and decided they would make it 6 months based on antibody production. You can give any foreign protein and cause the body to make any foreign protein, and you will make antibodies. That is not proof that you need something.

If you want valid studies to know whether or not you should vaccinate your children, you would have to have a variable within the study that says: Has my child been previously infected. Why? Because inoculation—vaccines are basically based on natural inoculation. When you get COVID and you have an immune response, that is what the vaccine is trying to emulate.

We now know, by looking at the studies of this, that, actually, among those who were infected but not vaccinated, compared to those who were vaccinated but not infected, you find that the chance of getting infection again is much less in those who were naturally infected.

Now, some have taken this to argue and say: Oh, you just won't be able to be infected.

That is not true at all. That is ridiculous. No one has said that or would say that. What I have said is people want to know the truth if they have already been infected.

Much of the country over age 65 got vaccinated at least twice. Like 97 percent of people over 65 got vaccinated twice. Most of them have been infected at least once or twice. What they would want to know is the truth: What is my chance of dying or going to the hospital if I have had two vaccines and been infected twice?

Well, the studies aren't including—this is from our government, and we wonder the reasoning—they aren't including whether you have been infected. Well, if you don't include the variable of whether you have been infected or not, how would you know whether to get vaccinated again or whether you need to.

We know a couple of things for certain. The virulence of the virus was much greater in 2020 and 2021. It has gotten less each year. So the virus has mutated to be less dangerous. We also know that the amount of immunity, both from vaccine and from natural immunity, has grown. And as the two have grown, what we have now is an endemic virus.

Unfortunately, even in this body, we still have a crazy rule telling our pages that they have to have three vaccines. With kids, it actually goes against, I think, medical advice to do that because there is a risk of a heart inflammation with the vaccine. It is not a huge risk, but it is about 4 in 15,000. But what is their risk of hospitalization and death at this age? Virtually zero.

So if you categorize or section this out by age, what you end up finding is that, in the elderly population at risk

for COVID, it, in all likelihood, still makes sense for vaccination. In the younger crowd, where the death rate and hospitalization rate are virtually zero, what you find is that the risk of the vaccine actually exceeds the risk of the disease.

If you want to be vaccinated, you should be allowed. It is a free country. But we shouldn't have mandates throughout government that actually may well be malpractice. Most of Europe doesn't recommend vaccination for COVID for kids. Most of it doesn't recommend that, when you are sick, you get vaccinated.

I heard a story recently, and this is just bizarre in its nature. It has to do with the idea of submission. A man took his mom to the hospital in California. She was 83 years old, and she was very sick with COVID. They would not admit his mom to the hospital until she was vaccinated. She was sick with COVID, and they would not admit her until she was vaccinated. She is in the process of getting the worst inoculation you have ever seen, she is about to die, and they want to vaccinate her.

The reason you don't do that and the reason why it should be malpractice for these idiots to have done that—it is mandated by government. That is the first problem. But even the CDC, for a year or 2, admitted that you don't vaccinate people while they are sick, and you don't vaccinate people within a couple of months of being sick because they have already had a significant immune response. And we know that the side effect of heart inflammation is an exuberance of the immune response. So when someone is already mounting an immune response, you don't want to accentuate that.

In most of the deaths in COVID, by the time you die from COVID, you are no longer testing positive. You are now dying from this overly exuberant immune response, this cytokine storm that is flooding your system and causing your blood vessels to leak fluid into the tissue of your lungs. It is a terrible situation and a situation where we can learn more.

But the interesting thing, as we went through the treatment for COVID, that we discovered was that the one thing that worked better than any of the newer drugs and almost anything was actually an old drug, probably discovered in the thirties or forties. That was Solu-Medrol, or IV steroids. It had a 37-percent reduction in death among those severely ill.

When I asked some of the elites—when I asked Anthony Fauci about using IV steroids in March of 2020, his response was: We have tried that, and it doesn't work. We are going to use remdesivir.

In the end, remdesivir may have helped, but there were a lot of people who have equivocations as to whether or not, in the end, that remdesivir was of great benefit.

Ultimately, when we look at healthcare, we should let the individ-

uals make their choice. I met a doctor this week from Maine who had her license removed simply because she chose to give alternative treatment.

The alternative treatment—I am not positive of the efficacy, but I do know that one of the alternative treatments that people were giving was already an off-label treatment for malaria.

If you look at hydroxychloroquine, it was originally given for malaria. And then you look at hydroxychloroquine, and what it is most commonly used now for is rheumatoid arthritis. One of the brand names is Plaquenil.

I saw thousands of patients with this because we examined them to see if there was an eye complication. So a drug that is being used off label was used off label again, and they took this doctor's license away. We have been using drugs off label for a long, long time. Sometimes, they are used off label because it costs so much to get an approval. It might cost billions of dollars to get an approval and to prove to the FDA to say it has this efficacy.

Colchicine is another medicine like this that has been used in arthritis—severe arthritis of the feet—and colchicine has never been given the exact approval because of the money entailed it would take to get there.

As we look at this spending bill and as we look at whether or not we should continue spending money like there is no tomorrow, I think it is important that we realize that this is a debt that is being passed on to the next generation. It is being passed on to the working class, the poor, and those on fixed incomes as we speak, but it is also being shoved onto the next generation.

There is a lag time between the printing of the money and the spending of the money and the rising of the prices. Now, for 2 years, we have been told by this administration that it is transitory, that inflation is transitory, and inflation has persisted. I think there is so much money that has been put into the system. When we had COVID, the entire economy was shut down, and they passed out free checks to everyone. I thought it was a mistake then. We never should have shut the economy down.

I don't think it affected, really, the transmission rate. If you look at the transmission rate and you look at the culprits of it, most of the deaths in the early stages came from group homes. In New York, nearly 50 percent of the people who died in New York died in group homes.

Before we had the vaccine, there were some things we could have done, if we understood or at least appreciated natural immunity. One of the things you could have done early on, when there was no vaccine, would be to have the people staffing the COVID wing be people who had recovered. I actually suggested this for the Secret Service guarding the President—that you should put Secret Service agents who have already recovered from COVID as the primary people around the President—before we had a vaccine.



There are things that we could have done. But in discounting natural immunity and sort of acting as if it wasn't a thing, that it did not have potential, it was a real disservice to people. It also was used to fire people. They fired firemen, policemen, doctors, nurses.

It is kind of interesting that, in the beginning, they were firing all these people for not having a vaccine, and, in the end, they were letting doctors and nurses work with masks on who were still positive for COVID. In fact, if you look around this body and you see somebody with a mask, it is usually somebody who has COVID. So we kind of still do the opposite of what historically we would do. If you were sick or you had a disease, you stayed home. Now, we tell people: Oh, wear a cloth mask with your favorite sports team on it to work, and you can still work positive with COVID—the opposite of good sense. Good sense went out the window.

But when we look at whether or not we can spend this money—spend money we don't have—we need to look at the ramifications of that. The ramifications are basically inflation, rising prices. And so I think that it is a disservice.

But it is a bait and switch. It is people saying: Oh, let's help people by just giving them stuff, giving them stuff they want.

And when we give them stuff they want, we don't tell them there really is a hidden price, and that the price will be inflation—that your steaks might cost \$20 at the store; that gasoline will go up; that potatoes, vegetables, all these things will rise; but that your salary will not rise as much.

We don't talk about the disincentive to work. We pay people more not to work than to work.

Our Founding Fathers were quite clear about this. Our Founding Fathers said that generalized spending from Washington should be for the general welfare. It shouldn't be for bike paths for Rhode Island. It shouldn't be for an S and M club in Philadelphia. It shouldn't be for some environmental alarmist museum that wants to ban gas grills in New York City.

It was supposed to be about the general welfare, things that we all kind of agreed to. National defense, something we can't do city by city, protecting our borders—those are the things that the general welfare is to provide for.

If you wanted other things, it was to be provided for by States and by localities and by charities. We got away from this. And as we have gotten away from this, we are damaging our country. There is a rot and ruin that is coming from within, and that rot and ruin is threatening. It is threatening our very existence.

There may come a time in which there is a panic, and the panic may be when people suddenly lose confidence.

Right now, they say the dollar is like the cleanest shirt in a closet full of

dirty shirts. All the currencies of the world are dirty shirts. They all have their imperfections, and they all have inflated, and they all have leveraged their currencies. They say: Well, the dollar is the least bad of all these bad currencies. That has been largely true. The dollar has been the reserve currency, so it goes around the world to finance both sides of transactions around the world, so it hasn't all come home.

But there is always the possibility of a loss in faith. We are accumulating debt like no other country in the world. Most of Europe actually balances their annual budget. The fact that we don't and the fact that our debt accumulation has risen—there may come a time in which there is a panic, in which the world says: No more. We are going to quit buying the dollar.

Does it happen gradually or does it happen suddenly? If it happens suddenly, what happens in the calamity of a dollar losing 25 percent of its value in a day instead of 25 percent of its value over several years?

These are my concerns, and I think that it behooves all of us to do something very simple, very practical, something that every American family has to do, and that is simply to spend what comes in. It doesn't mean we won't be able to help people who are poor, people who are hungry. It doesn't mean we won't have a military. It just means we can't be everything to everyone all the time, and there needs to be some limitations. The limitations need to be basically, let's spend what comes in. It is a reasonable proposition for the American family. It should not be an unreasonable proposition for our country.

I recommend that we say to this deficit spending: No more. Let's make America great again by balancing our budget and being responsible about our money.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. BENNET). The Senator's time is reserved.

The Senator from Tennessee.

Mr. HAGERTY. Mr. President, I rise this afternoon to explain why the Senate should vote on my amendment to the funding bill and why the Democratic leader is wrong to hold up this process. This is a process that should already be concluded by now. It is simply because he wants to avoid voting on my amendment.

My amendment is simple. It would require that the census determine basic population statistics—like the number of citizens, noncitizens, and illegal aliens who live in this country; you know, what the census is supposed to do—and it would require that only U.S. citizens be counted in determining the number of House seats and electoral votes that go to each State. That is pretty simple. That is pretty straightforward. That is how most Americans think things should work here in America.

Unfortunately, illegal aliens are currently counted for the purposes of determining how many congressional seats and how many electoral votes a given State may obtain. The more illegal aliens, the more noncitizens in your State or your district, the greater your voting power in Congress and the greater your voting power in Presidential elections. This means that in a State like California—millions of illegal aliens result in California getting several more congressional seats, several more electoral college votes.

This not only destroys the principle of one person, one vote by making some Americans' votes more powerful than others, but it encourages illegal immigration in sanctuary cities as a way to increase political power. Think about that.

Over the past 3 years, Americans have seen the devastating consequences of this perverse incentive to bring illegal migrants into this country to leverage them, to build more congressional districts and more electoral votes on the backs of these illegal migrants.

Joe Biden has allowed nearly 10 million migrants to come into our country illegally just since he took office 3 years ago. That is significantly more than the entire population in my State. That is more than 13 congressional seats and electoral votes that are wrongly distributed.

Several weeks ago, video emerged of a Democrat House Member from New York calling for more illegal immigration to her district for redistricting purposes. Yes, you heard that. What she means is that Americans are fleeing blue cities and States en masse because of bad government. But congressional seats are allocated based on population, so if you are losing population, you either have to backfill it or lose congressional seats. This Representative stated that because of population loss, she needs to fill her district with illegal aliens. She has to do that just to keep from losing her congressional seat. She is inviting these illegal aliens to come into her district in New York just to do that. Congresswoman YVETTE CLARKE, if you want to know who it is.

The Representative who made these comments represents New York's Ninth Congressional District. That is the same district in which the James Madison High School resides. That is the same district—James Madison High School recently had to clear out its rooms, recently had to clear out the school for illegal immigrant housing. The children were told to go home, to study by Zoom. Their school was now being confiscated to place illegal aliens in their school.

Interestingly, that is also the very same district that the Democratic leader formally represented when he served in the House of Representatives. Even more interesting than that, James Madison High School is the very high school that our Democratic leader attended.



The weight of every American's vote should be equal. More illegal alien resettlement shouldn't mean more political power. My amendment would ensure just that.

Currently, a sanctuary city with hundreds of thousands of illegal aliens not only gets more electoral votes and congressional seats because these illegal aliens are counted, but the weight of residents' votes are stronger because their voting power includes the population of noncitizens despite the fact that these noncitizens can't vote. These illegal aliens provide leverage to citizens in these sanctuary cities.

For instance, in a sanctuary city congressional district that contains 50 percent illegal aliens, the number of actual voters is half, and the power of their votes is double relative to a district that contains only citizens. Think about it. Your district is 50 percent illegal aliens. Those citizens who are allowed to vote have twice as much power as those congressional districts like those in my State that don't have these illegal aliens counted.

Only citizens should be counted in determining the power of citizens' votes.

If this perverse incentive and dilution of Americans' votes is allowed to continue, the surge in illegal immigration under President Biden will also continue, and it will continue because they want to increase power in sanctuary States. This destroys the one person, one vote principle.

All of this is to backfill congressional districts, just like the one in Brooklyn, NY, that Congresswoman CLARKE was calling for.

That is why I am offering my amendment, Hagerty No. 1634, to preserve the one person, one vote principle and to ensure that only citizens are counted in determining the power of citizens' votes. If Democrats allowed a vote on it, we could have resolved this whole process already. Yet we are still here.

The question is pretty simple: Are Democrats willing to vote on my amendment to stop illegal aliens from being counted in determining congressional seats and electoral votes or are they so desperate to preserve this political power grab that they can't possibly risk the chance of losing it and bringing my amendment to a vote?

There is no question where the blame should lie for any delay or government shutdown that might occur from this. I am not asking my Democrat colleagues to vote for this; I am simply asking that they vote on it—although I hope they would consider the implications of putting their interests over the interests of the citizens of this country on an issue this important to the American people. Our citizens deserve to know where their representatives stand.

I thought I might take our audience back in time, back to when this began, back to when President Joe Biden took office in January of 2021.

When Joe Biden came into office, he immediately began to repeal the suc-

cessful policies that President Trump had instated to ensure security at our southern border. He did this in an effort to precipitate the border crisis we currently are experiencing.

I warned back in January of 2021, and I am going to read a direct quote here, that "these proposals inspire lawlessness, [they] enable the flow of illegal drugs and human trafficking and [they will] threaten Tennessee communities [that are] already hurting due to the ongoing pandemic." My warning back in January of 2021 has come true.

Then President Biden appointed Secretary Mayorkas to head up the Department of Homeland Security. I warned against appointing Secretary Mayorkas at the time. I explained to my colleagues that the DHS inspector general found that Secretary Mayorkas intervened outside the normal protocol to push through visas when he worked in the Department before, including securing a visa for an executive from Huawei, the communist Chinese technology firm that has so aggressively in a predatory manner tried to take over our own telecommunications and information systems. Can you imagine that? A person who was using their influence as a member of the Federal Government, in the Department, to push for visas for executives from Huawei. That was Secretary Mayorkas. My warnings were ignored. Secretary Mayorkas was placed into office, and we have seen what has precipitated from that.

In February of 2021, I warned against President Biden's repeal of the National Emergency Act at the southern border, the radical amnesty proposal that President Biden came up with, and his termination of the Migrant Protection Protocols that had been so effective. I warned against all of these things because it would encourage more illegal immigration, and in doing so, it would reduce opportunity for American workers and place American citizens at greater risk of losing their children and loved ones to overdose and at greater risk of crimes like we have seen perpetrated in New York and Georgia.

Just under 3 years ago, I visited Guatemala and Mexico to get to the heart of America's border security problems and to underscore the fact that this is urgent, and it clearly needs to be dealt with. When I met with President Giammattei in Guatemala, he spent an hour and a half with me. He said: I can tell you what the "root cause" is of this immigration crisis. It is the messages coming out of the White House. He told me that we had precipitated a national security crisis in his own country of Guatemala because now caravans were moving through his country to get to ours. He said: I don't know who is coming into my country. The danger that that places Guatemalans under is a direct consequence of the actions that are being taken by your President in America.

He told me this in the spring of 2021.

He also said something else. He said: The coyotes are smart. They take the messages and they extract those messages from your President and they market them to the most vulnerable people in my country. They persuade them to take their life savings and, generally, their most promising child and entrust those lifesavings and that child to a criminal cartel that will then move that young person on an extraordinarily dangerous journey from Guatemala all the way up to the northern border of Mexico.

I just got back from our southern border. It is a disaster like nothing I have ever seen. If you saw the risk that these young people were undertaking by following the cartels on this journey—they have given all their money to the cartels. Now these young people are trapped and ensnared by them. They are placed in unbelievable conditions and unbelievable risks.

What I saw down there would shock any of us in this room. This is the type of risk that we are creating. This was the complaint that the President of Guatemala made in no uncertain terms to me.

When I talked to the Foreign Minister of Mexico on the same trip, he explained to me that we were destabilizing the economy of his country as well. No idea where these people are coming from who are flying into Mexico who are getting there by boat or any other means of transit, but they have to deal with them as they march through his country.

The cartels are becoming so strong that the Mexican Government cannot contend with them. The cartels today are multibillion-dollar criminal organizations that are working hand in hand with the communist Chinese. They are delivering poison into America every day. The precursor chemicals from fentanyl are coming in from China to Mexico. The Chinese criminals are working hand in hand with the Mexican cartels. They set up operations to poison young people in America.

Now, the No. 1 cause of death for young people in America between the ages of 18 and 45 is drug overdose. You can thank our open borders; you can thank the cartels and the CCP; and you can thank President Biden for enabling all of this.

I introduced the Migrant Resettlement Transparency Act that would require the Secretary of Health and Human Services and the Secretary of Homeland Security to consult in advance with State and local officials of those jurisdictions that would be impacted by the movement of these migrants regarding the federally administered program of migrant resettlement.

Don't you think our communities should at least know who is coming, when they are coming, and where they are going to come? Can their schools withstand it? Can the hospitals withstand it? Can our police forces and social services withstand it?

These are very legitimate questions to bring forward, but we have had a

dearth of information coming from the Biden administration. In fact, the first discovery of their movement of these migrants into towns and States away from the border was in my home State of Tennessee. They filmed them flying in after midnight to Chattanooga, TN. These illegal migrants were brought off planes, they were deposited in Chattanooga, and then bused off to points unknown.

Our communities need to know what sort of impact they can expect from all of this illegal activity. That information resides with the Federal Government within the executive branch of this administration, an administration that is acting in such a lawless manner that they won't even tell us who is coming, what is coming, or when. It is destabilizing cities and towns and counties across America, and it is happening in my home State of Tennessee every day.

You know, back in May of 2021, when he appeared before the Appropriations Committee, I asked Attorney General Merrick Garland if he would be willing to echo Vice President KAMALA HARRIS's message that she had given: "Do not come."

Think about it, Attorney General Garland, our chief law enforcement officer in America. I heard Vice President HARRIS say this: "Do not come."

Would he be willing to echo that sentiment, send that message to those who would illegally enter our country? He declined to do so. I think that should tell you all you need to know when America's chief law enforcement officer is unwilling to tell people to not enter our country illegally.

In August of 2021, I asked my colleagues for support on my amendment to ensure ICE has sufficient resources to detain and deport all illegal aliens who have been convicted of a criminal offense in the United States. Even though the Senate adopted it, SCHUMER and his Democratic colleagues stripped it out of the final bill. Again, the leader allowed his Members to vote for it for political purposes, but at the end of the day, they stripped away ICE's ability and ICE's resources to actually deport people who have committed criminal acts here in America. Outrageous.

In 2022, it was revealed that while the Biden DHS was not securing our border, they were actively working to censor Americans' speech. I introduced the Disclose Government Censorship Act to require the administration to disclose its coordination with social media companies and its censorship activities. Well, I guess you can imagine what that met with here in the Congress—again, an unwillingness to require our executive branch to disclose when it works with Big Tech companies to censor Americans' speech. They want the ability to do this. They want the ability to police and censor Americans. Yet they will not police our own southern border.

In August of 2022, all 50 Senate Democrats voted against my amend-

ment to direct the Judiciary Committee to ensure that ICE has sufficient resources to detain and deport just a greater number of criminal illegal aliens. Again, the response was no from every Democrat in this body.

What are you saying when you vote no to providing the resources to ICE to deport criminal illegal aliens? You are saying that you are willing to support their criminal activity here in this country and that you are not going to send them back to their country of origin when they come here and do something like that.

They have also objected to my bill, the Stop Fentanyl Border Crossings Act. And that objection has been made on multiple occasions because I brought it to the floor on multiple occasions every time I hear of another child dying in Tennessee and I talk with a parent or grandparent who has learned from law enforcement or from healthcare providers that their son or grandson or daughter or granddaughter will not be coming home ever again because of being poisoned by fentanyl that has come illegally across our border. My bill would have allowed HHS to exercise its title 42 authority to combat this fentanyl trafficking, to combat these overdoses.

Let me put this into perspective. Just last week, I looked at data from 2021. I can tell you, the charts are moving in absolutely the wrong direction, ramping up year after year after year. The latest data the Tennessee Bureau of Investigation shared with me was 2021. I took the annual number of overdoses, and I divided that number by 365 to get to a daily count of drug overdoses in Tennessee of 86 drug overdoses a day in our State—86 a day. That is just in 2021. It is probably up to 100 by now. It gets worse. When I looked at the number of deaths from drug overdose in my home State of Tennessee, that calculated to 11 kids per day dying in my State every day from drug overdose, from fentanyl poisoning in most cases. When you extrapolate that across the Nation, we are talking about 300 kids a day dying here in America. Why are we tolerating this? Why is America tolerating this? Why would this body not pass my Stop Fentanyl Border Crossings Act? Why is the administration and my colleagues in this body, why are they willing to look the other way?

It goes back to the amendment that I am here to talk about today. It goes back to the very essence of power here in America and the way that power is distributed. When you think about it, the simplest answer is usually the right one. The simplest answer is usually the correct one. It is called Occam's razor.

In this case, the simple answer is this: Illegal immigrants are counted for the purpose of allocating congressional districts and electoral votes in America. The more illegal immigrants that you have in your State, the more congressional votes you get, and the

more electoral votes you get, the more say your State and your citizens have when it comes to elections and legislation.

Look at what is happening in States like California, Illinois, and New York. People are fleeing these States. I should say citizens are fleeing these States. They are moving to States like my own in Tennessee. They are moving to Florida. They are moving to other places. They are leaving because of terrible policies. They are leaving because of rampant overspending. They are leaving these blue States en masse where the sanctuary cities are located. You won't be shocked to know that sanctuary cities are located in New York, in Illinois, and Chicago, Los Angeles, San Francisco. These sanctuary cities act as a giant magnet to attract the illegal migrants that have come across our border. These migrants have already broken the law once coming into our country.

Where are they more likely than not to go? Would it be to those cities or States that have pledged not to enforce the immigration laws? I think you know the answer. That is the motive behind the crime that is taking place at our southern border.

I have been working to prevent the Biden administration from giving plane tickets to migrants. You all probably heard about this. Illegal migrants who come to our border are given plane tickets to fly anywhere they want to in the United States.

Let me explain how it happens. A Biden program called SSP provides, through FEMA, enormous sums of money to nonprofits that then, in turn, take those funds to transport illegal aliens into American communities. It has gotten much worse every year under President Biden. SSP and its precursor program received \$800 million to do this back in fiscal year 2023. That is up from just \$150 million the year before it. The recently rejected Senate border bill had an eye-popping \$1.4 billion extra for this SSP program that is used to fly illegal immigrants to the cities of their choice in America. DHS's own website expressly confirms that these funds can be spent on plane tickets to the migrants' chosen destination. It says:

Onward destination transportation is defined as transportation from a shelter and services provider to a noncitizen migrant's—

That is a polite term—

final destination or point of contact.

It is limited in that it can't exceed 10 percent of the total funding requested by the applicant. But that is a significant sum of money when you look at numbers like this: \$800 billion, \$1.4 billion. These funds are going to fly illegal migrants around the country at your taxpayer expense.

The Biden administration is also giving migrants cash assistance in multiple ways. More than \$517 million in Biden ARP funds went to illegal aliens in the United States, including one-time cash grants. Think about that,

America. We are handing out over half a billion dollars in cash grants to people who come to our country illegally. I am sure there are people in my home State who would like to get a cash grant; not so for the taxpayer, not so for the American citizen.

President Biden has also created massive new parole programs that are attracting hundreds of thousands of Haitian and Cuban migrants. If you look at USCIS's own website, it announces these migrants are eligible for cash and myriad other government benefits.

Can you imagine this? Go check out the website of USCIS and see for yourself. Migrants from Cuba and from Haiti are encouraged to come here, and they are encouraged by telling them that they are eligible for cash grants.

You know, I visited the southern border the other week. I spoke with the Border Patrol officials there. I spoke with local officials and sheriffs. I talked with ranchers there. And what the Border Patrol told me was actually quite shocking—it is probably going to be quite shocking to many Americans—that the Border Patrol has encountered over 20,000 Chinese nationals coming across our southern border just in the past year.

You think about that. That is an incredible number of people coming from China. The Chinese Communist Party knows who is leaving their country. They have an ironclad control over the citizens of their country. What are these people coming here for? Why are they here? Ask yourselves that.

When I was in Texas, I went to a place called Shelby Park, in Eagle Pass along the Del Rio sector. There, they have seen thousands of illegal immigrants come in. I think many Americans have seen this. If you recall that embarrassing image for this administration under the bridge at Eagle Pass, that is Shelby Park. That section of bridge that had thousands of migrants under it, that is Shelby Park. That is a place where control had been completely ceded to the cartels. That is Shelby Park.

But Governor Greg Abbott of Texas has now stepped in. He is enforcing Texas law. He is subjecting people who set foot in Shelby Park to criminal trespass. Guess what has happened since Texas has taken that section of the border back? Illegal trespassing has stopped. What Governor Abbott has proven is that when you enforce the law, illegal immigration will stop.

The Tennessee National Guard has now gone down to assist in another sector. Governors from across the country are stepping up and sending National Guardsmen there to demonstrate that if you can secure the border, even parts of the border, you can stop this illegal migration.

But it has got to take place across the entirety of the southern border. Think about squeezing a balloon. You can stop it at one place, but the migration just flows out to other points. But

we can prove and we have proven and it is being proven that enforcing the law will curtail illegal immigration.

You know, perhaps the most striking thing that I learned two weeks ago when I was down at the border was from visiting a rancher there. And I have been to our border in California. I have been to it in Arizona. I have been to it multiple times in Texas. But this last visit was absolutely shocking to me.

Let me tell you the story of this rancher. He has 1,500 acres between the Rio Grande River and the Union Pacific rail line. That rail line is a target for what they call the "got-aways." That rail line is what they use to hop on and ride into the interior of our country.

The fencing along the border of his property has been absolutely destroyed by the cartels and the illegal migrants. He told me he has tried to fix the fence every night, and it gets cut down again. He will fix it; it will be cut the next day. He cannot maintain the fence. He has stopped running cattle on his ranch.

This is a rancher that is in the fifth generation of living and working out their livelihood on this ranch. His livelihood has been destroyed because of what is happening at our southern border and because we have turned over control of our southern border to these drug cartels that are moving the "got-aways" through his property.

He told me that he found 15 Syrians on his property the other day—15 Syrian males. What were they doing there? Well, they didn't come and present themselves for asylum. They could have done that down at Eagle Pass. They could have done that someplace else. No, they were on his property as "got-aways." They did not want to be caught. They didn't want the white-glove treatment that I just described before where you get a plane ticket and where you get cash. They are there for a different reason. This is deeply concerning.

And many of you might have seen FBI Director Christopher Wray talk about this. The national security alerts here in the United States and across the world are at levels he hasn't seen since 9/11.

We should be deeply concerned about the national security crisis that is unfolding at our southern border. Just this past year, over 170 different nationalities have been apprehended at our southern border. Think about that. Over 170 different nationalities have been apprehended at our southern border. That doesn't include those who got away. Where are these people coming from? Why are they here?

I will tell you something else that was shocking that the rancher told me. It was getting to be about dusk. He said, look over on the horizon there. You are about to see some blinking blue lights. Sure enough, in a few minutes, the lights started going off. He said: That is your taxpayer dollars at

work. Those are comfort stations, comfort stations for those who have come across the border illegally. These are comfort stations for the "got-aways." He said: Here is what you will find at the comfort station. First, and most important, at the comfort station is a charging bar for your cell phone. A cell phone charging bar is at the comfort station.

I asked: Why is that? Why do you need a cell phone charger there? And he said: Because the people that come across illegally here use GPS pin drops that are provided to them by the cartels and their coyotes to help them find their way illegally into our country. That is the path, he said, for them to find rides that have been arranged over WeChat or some other overseas application that the cartels can use with impunity to direct their illegal trafficking of humans and, I presume, drugs into our country undetected.

They are marching right across this property, and we are providing comfort stations for them to recharge their cell phones so they can continue that process of coming into our country illegally. Also, you will find water and food at these comfort stations. That is our taxpayer dollars at work.

This is the Biden administration encouraging illegal immigration at every level into our Nation. And if you think about the people that are coming across that border that don't want to be caught, I can certainly tell you there is quite a contrast between what they are going through and what they are willing to go through versus the white-glove treatment they would receive if they simply come to America and claim asylum.

This is extraordinarily dangerous, my friends. Extraordinarily dangerous. And it is wrong.

Speaking of being wrong, why should Americans have to live like this? The rancher told me that his wife heard something in the middle of the night. She said: I hear something out in the kitchen.

He said he grabbed his pistol, he went into the kitchen, there were 20—and he said—adult, military-aged males in his kitchen, eating from his refrigerator and drinking everything in it.

He told them to leave. He used a different term with me, but he told them to leave his home. Their response to him, he said, was: You are out of beer. Go get me some more. He said he cocked his pistol. He said these invaders slowly backed out. They went to his barn.

He said he thought for a minute about going to the barn, then he realized he only had six bullets and there are 20 of them.

He has been advised by law enforcement not to allow his 18- and 12-year-old children to go on the property unless they are armed or with someone who is.

This is how we are treating Americans? This is how we are treating a farmer, a Texas farmer at our southern

border? He and his family have to be subjected to this sort of treatment, this sort of violence, this sort of horror.

Let me tell you what else he told me. He said, one day—he pointed over to a bridge on his property near the railroad lines. He said there were two men there with their arms zip-tied behind their backs and bullets through their heads. Evidently, a cartel deal gone wrong. This is organized crime taking place on his property in the United States, and we are doing nothing about it.

He said, one day, his child found a woman whose leg had been severed because she tried to jump on that Union Pacific rail line and missed it, and the train ran over it. She crawled over to his property. She was up in the bed of their pickup truck. His child found this woman, and they came in and life-flighted her out.

He doesn't know whether she lived or not. But this is the carnage that is taking place at our southern border because we are creating these incentives to draw people in, to risk their very lives, and come here illegally.

Americans should not have to live with this. American grandmothers and mothers shouldn't have to take those calls from the sheriff or the police chief saying that your son or daughter or your grandson and granddaughter are not coming home because they have touched or somehow encountered fentanyl that, again, has entered our country illegally across that border.

This is a crisis of proportions that we have never seen before. And I will reiterate the national security crisis, because it is getting worse by the day. The Biden administration is now using their CBP app to allow people to fly in directly to the United States from other countries.

So it is not just at the border; it is at our airports. We tried to get information about what airports are being used, where this is taking place. Again, the Biden administration will reveal no information. It is extraordinary; it is dangerous; and it is placing American lives at risk every day.

If you think about that, if you think about the kind of crisis that we are encountering every day, you have got to go back to the most fundamental of questions, and that is: Why? What is the incentive for putting Americans' lives at risk? What is the incentive for attracting young people from throughout Latin America and other places to undertake such a dangerous journey and to be entrapped by drug cartels and criminal organizations?

What is the incentive to exposing our own children to the risks of death by fentanyl? What is the incentive to overwhelm our schools—to even kick kids out of the school that our Senate majority leader attended as a child—so that illegal migrants can be moved into it?

What is the incentive for overweighting our system and creating

disaster across the cities in America? The incentive is simple: That incentive is power. Power is what this is all about because power is what is delivered when illegal migrants are allowed to be counted for the purposes of allocating congressional districts and electoral votes. They are allowed to be counted for allocating power in the Congress and in the Presidential election.

And they are allowed to be leveraged by citizens in these sanctuary cities to gain even more power than they deserve, taking away legislative power and electoral power from States like mine, because these illegal migrants magnify the votes of those people and those districts.

They are getting greater representation because they are allowed to count illegal migrants. Greater representation than they otherwise would desire. And, again, look no further than the statements of Congresswoman YVETTE CLARKE in Brooklyn when she says the quiet part out loud, when she says she needs those illegal migrants for the purposes of redistricting; she needs those illegal migrants to maintain her district—because people are fleeing New York. She doesn't want to lose her congressional seat. The simplest way to do that is create a sanctuary city, a magnet, and bring those people in, stick them into the high school there in Brooklyn, and allow them to be counted for the purposes of allocating her Congressional district and, therefore, adding another electoral vote to New York State. This is wrong. This is the incentive, and my bill would correct that.

My bill would get right at this incentive, and it would stop this perverse incentive to bring people here illegally just for the purpose of being counted to expand power. That is what we need to do today. We can step up and vote on this bill. We need to address this problem now.

I think when Americans find out the shocking news that this means of counting electoral votes and congressional seats is being so abused that it is standing as the incentive to subject our Nation to incredible pain and misery, and it is standing as an incentive to incite incredible misery for those people who undertake these journeys that they should not.

I go back to what President Giammattei told me in Guatemala. He said: Not only are you creating a national security risk with all of the people who are moving through my country to get to yours, but, he said, you are destabilizing families in my country. You are taking the most promising young people in my country and creating a brain drain right here because these families are handing their life savings to these coyotes and these cartels, and they are sending their most promising child on this dangerous, dangerous journey.

That should not be happening. We should not be destabilizing other na-

tions throughout Latin America, but that is precisely what is the result of this perverse incentive back here in America. That is precisely the result of the policies that have collapsed the protection of our southern border and is precisely the reason you have people showing up at the southern border now with "Vote Biden" T-shirts on wanting entry into America because they see this. They see this opportunity as a way to change their lives.

What it is, is a way to endanger their lives, and it is also allowing these cartels to enrich themselves every day to a point that we can't contend.

The Border Patrol tell me that they are outmanned and outsourced at the southern border; that the cartels have better technology. They use drones. They use technology, again, as I described, to put GPS pinpoints along the way that they have mapped out to illegally enter our country.

When I stopped by to visit with the Tennessee Bureau of Investigation after I got back from the southern border 2 weeks ago, I explained to them what I saw. And then I asked them what they were seeing.

They told me that Venezuelan gangs are rampantly operating in our State. They told me about the sex trafficking that is going on. They told me about the so-called Detroit Boys and Operation 313. That is the area code for Detroit, and this is their effort to try to get these criminal elements here in America who are partnering with the criminals in Mexico to spread drugs and human trafficking across America.

They said that these Venezuelan gangs are moving young people in sex trafficking from Nashville to New York to Houston and back. These young people may never get out of their servitude to the Venezuelan cartels.

They told me how violent they are. This criminal activity is happening on our soil. It is expanding because we are allowing it to happen, and their supply chains—their supply lines are moving right across that southern border into America. So not only are they operating on the northern border of Mexico, but now they are freely operating here in our country.

I will take you back to the remarks of our FBI Director, Christopher Wray, who recently said the threat level that he has seen here in America is greater than since 9/11.

We need to be deeply, deeply concerned about what is happening, what has been happening, and, frankly, what may yet come from this national security crisis that we are creating.

The dangers are very, very real, and the opportunity is before us today to address these dangers by stopping this perverse incentive. I hope we will undertake that opportunity. I hope we will have an opportunity to vote on this today and bring it to an end.

I assure you we should have voted on this already. We should have voted on it a long time ago but delay after delay after delay because evidently our leader doesn't want to vote on it. Again, I

am not asking my colleagues to vote with me, but I am asking my colleagues for the opportunity to vote on this.

And I appreciate all of you who are here today to listen to the story about what is happening to America and to allow me to peel back to the very core of the incentive that is causing all of this.

Let's address this. Let's stop this illegal trafficking. Let's stop the drugs coming into our country. Let's stop the crisis at our southern border. Let's allow our Texas ranchers and Arizona ranchers and California ranchers to get back to business. Let's bring safety back to our cities again.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. SCHMITT. Mr. President, I rise—maybe there are some discussions happening about amendments actually happening. I would hope in a Chamber that has historically been known as the world's most deliberative body that we can actually do that. I find it hard to believe—and it has happened on occasion—that Senators who were elected here by entire States actually don't have the opportunity to offer amendments to have them voted on. But here we are, and those are, I guess, some discussions that are taking place.

I do have an amendment and one that saves \$110 million and displaces a position dedicated to algorithmic justice, whatever in the world that is. But I thought it would be a good opportunity—because “algorithmic justice” sounds very Orwellian to me—to highlight some of the real abuses we have seen of free speech in the last few years.

I am 48. So I suppose I am one of the younger members in the Senate. But I am also old enough to remember when people of all political stripes, including liberals, actually believed in free speech; that it was something that we believed provided a part of our national identity. What makes America exceptional is that we can tolerate different points of view—agree and disagree, persuade, be willing to be persuaded—that that is a core American value.

I think what has happened in the last few years is this debate has somehow gotten off the rails about the willingness of some to actually censor because they disagree or they think something is threatening or it might be misinformation. That might well be true, but the government certainly doesn't have a right to tell you what you can hear and what you can say. It just doesn't. It is fundamental, and they also don't get to outsource that censorship to private parties.

In my last job, I filed a lawsuit *Missouri v. Biden*. And *Missouri v. Biden* exposed a vast censorship enterprise. It is actually being heard in the U.S. Supreme Court in about 2 weeks. So we filed the lawsuit—Missouri and Louisiana filed it—and we were actually able to obtain discovery in advance of

the preliminary injunction hearing, which was a win.

So thousands, literally tens of thousands of pages of emails and text messages were exposed. And all I can say is—if I have the opportunity to use all of my time, I could use—by the way, I would be more than willing to go more than an hour—we will get to the court's ruling. But I thought it might be worth highlighting because many Members—maybe this will boost C-SPAN viewership. I don't know—but many of the Members may not have heard the allegations and then ultimately what was proven to the court in their opinion.

In 1783, George Washington warned that if “the freedom of Speech may be taken away—[then] dumb & silent we may be led, like sheep, to the Slaughter.”

That was in George Washington's Address to the officers in the Army on March 15, 1783.

I think what I will do for the sake of cutting out some of this is leave the citations out. You will have to trust me, but it is all on the record. So you can find this. The citations are, in fact, noted.

The freedom of speech in the United States now—this is, by the way, from the second amended complaint that was filed on June of 2022 in the United States District Court for the Western District of Louisiana, the Monroe Division.

The freedom of speech in the United States now faces one of its greatest assaults by federal government officials in our nation's history.

A private entity violates the First Amendment “if the government coerces or induces it to take action the government itself would not be permitted to do, such as censor expression of a lawful viewpoint. The government cannot accomplish, through threats of adverse government action what the Constitution prohibits it from doing directly.”

That is exactly what occurred over the past several years, beginning with express and implied threats from government officials and culminating in the Biden administration's open and explicit censorship programs.

Having threatened and cajoled social media platforms for years to censor viewpoints and speakers disfavored by the left, senior government officials in the executive branch have moved into place—does anybody—can you find some readers? I mentioned 48, but here we go. The font on this, that I printed off, is more difficult to read than I would have thought.

... moved into a phase of open collusion with social-media companies to suppress disfavored speakers, viewpoints, and content on social-media platforms under the Orwellian guise of halting so-called “disinformation,” “misinformation,” or “malinformation.”

4. The aggressive censorship that Defendants have procured constitutes government action for at least five reasons: (1) absent federal intervention, common-law and statutory doctrines, as well as voluntary conduct and natural free-market forces, would have restrained the emergence of censorship and

suppression of speech of disfavored speakers, content, and viewpoint on social media; and yet, (2) through Section 230 of the Communications Decency Act (CDA) and other actions, the federal government subsidized, fostered, encouraged, and empowered the creation of a small number of massive social-media companies with disproportionate ability to censor and suppress speech on the basis of speaker, content, and viewpoint; (3) such inducements as Section 230 and other legal benefits (such as the absence of anti-trust enforcement) constitute an immensely valuable benefit to social-media platforms and incentive to do the bidding of federal officials; (4) federal officials—including, most notably, certain Defendants herein—have repeatedly and aggressively threatened to remove these legal benefits and impose other adverse consequences on social-media platforms if they do not aggressively censor and suppress disfavored speakers, content, and viewpoints on their platforms; and (5) Defendants herein, colluding and coordinating with each other, have also directly coordinated and colluded with social-media platforms to identify disfavored speakers, viewpoints, and content and thus have procured the actual censorship and suppression of the freedom of speech. These factors are both individually and collectively sufficient to establish government action in the censorship and suppression of social-media speech, especially given the inherent power imbalance: not only do the government actors here have the power to penalize noncompliant companies, but they have threatened to exercise that authority.

So, in this case, government officials—so a lot of these lawsuits about what social media companies were doing, were filed against social media companies themselves who moved to the Northern District of California and were never to be seen again.

What made this lawsuit unique was government actors in their official capacity were sued because of their activity and their censorship by way of social media companies by threatening investigations, threatening to pull section 230 protections if they weren't censoring enough, threatening anti-trust actions.

The complaint continues:

As a direct result of these actions, there have been an unprecedented rise of censorship and suppression of free speech—including core political speech—on social-media platforms. Many viewpoints and speakers have been unlawfully and unconstitutionally silenced in the modern public square. These actions gravely threaten the fundamental right of free speech and free discourse for virtually all citizens in Missouri, Louisiana, and America, both on social media and elsewhere. And they have directly impacted individual Plaintiffs in this case, all of whom have been censored and/or shadowbanned as a result of Defendants' actions.

Under the First Amendment, the federal Government should play no role in policing private speech or picking winners and losers in the marketplace of ideas. But that is what federal officials are doing, on a massive scale—the full scope and impact of which yet to be determined.

Secretary Mayorkas of DHS commented that the federal Government's efforts to police private speech on social media are occurring “across the federal enterprise.” It turns out that this statement is quite literally true. This case involves a massive, sprawling federal “Censorship Enterprise,” which includes dozens of federal officials

across at least eleven federal agencies and components, who communicate with social-media platforms about misinformation, disinformation, and the suppression of private speech on social media—all with the intent and effect of pressuring social-media platforms to censor and suppress private speech that federal officials disfavor.

Moving to the General Allegations.

A. Freedom of Speech Is the Bedrock of American Liberty.

The First Amendment of the U.S. Constitution states that “Congress shall make no law . . . abridging the freedom of speech, or of the press . . .” et cetera.

Article I, subsection 8 of the Missouri Constitution provides something similar. I won’t read the whole paragraph.

The freedom of speech and expression guaranteed by the First Amendment is one of the greatest bulwarks of [our] liberty. These rights are fundamental and must be protected against government interference. . . .

If the President or Congress enacted a law or issued an order requiring the suppression of certain disfavored viewpoints or on social media, or directing social media to demonize, shadow-ban, or expel certain disfavored speakers, such a law or order would be manifestly unconstitutional under the First Amendment.

“If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion.”

That was in the West Virginia State Board of Education v. Barnette.

In another case the First Amendment was noted:

“[T]he First Amendment means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content.”

That is Ashcroft v. ACLU.

“In light of the substantial and expansive threats to free [speech] posed by content-based restrictions, the Supreme Court has rejected as ‘startling and dangerous’ a ‘free-floating test for First Amendment coverage . . . [based on] an ad hoc balancing of relative social costs and benefits.’”

U.S. v. Alvarez.

Section 2 of the General Allegations: Merely labeling speech “misinformation” or “disinformation” does not strip away First Amendment protection.

Labeling disfavored speech “misinformation” or “disinformation” does not strip it of First Amendment protection. “Absent from those few categories where the law allows content-based regulation of speech is any general exception to the First Amendment for false statements. This comports with the common understanding that some false statements are inevitable if there is to be open and vigorous expression of views in public and private conversation, expression the First Amendment seeks to guarantee.”

The Supreme Court has thus rejected the argument that “false statements, as a general rule, are beyond constitutional protection.”

“Permitting the government to decree this speech to be a criminal offense, whether shouted from the rooftops or made in a barely audible whisper, would endorse government authority to compile a list of subjects about which false statements are punishable. That governmental power has no clear limiting principle. Our constitutional tradition stands against the idea that we need Oceania’s Ministry of Truth.”

That is cited from the previous case as well and also cited, by the way, “Nineteen Eighty-Four” by George Orwell.

“Were the Court to hold—

In that same case—

“Were the Court to hold that the interest in truthful discourse alone is sufficient to sustain a ban on speech . . . it would give government a broad censorial power unprecedented in this Court’s cases or in our constitutional tradition. The mere potential for the exercise of that power casts a chill, a chill the First Amendment cannot permit if free speech, thought, and discourse are to remain a foundation of our freedom.”

Section 3. Counterspeech, not censorship, is the proper response to “misinformation.”

When the Government believes that speech is false and harmful, “counterspeech,” not censorship, must “suffice to achieve its interest.” The First Amendment presumes that “the dynamics of free speech, of counterspeech, of refutation, can overcome the lie.”

“The remedy for speech that is false is speech that is true. This is the ordinary course in a free society. The response to the unreasoned is the rational; to the uninformed, the enlightened; to the straightout lie, the simple truth.”

“The theory of our Constitution is ‘that the best test of truth is the power of the thought to get itself accepted in the competition of the market.’”

It is in the same case, also quoting Abrams v. United States, 1919.

“The First Amendment itself ensures the right to respond to speech we do not like, and for a good reason. Freedom of speech and thought flows not from the beneficence of the state but from the inalienable rights of the person. And suppression of speech by the government can make exposure of falsity more difficult, not less so. Society has the right and civic duty to engage in open, dynamic, rational discourse. These ends are not well served when the government seeks to orchestrate public discussion through content-based mandates.”

Section 4. Americans have a First Amendment right to be exposed to a free flow of speech, viewpoints, and content, free from censorship by government officials.

The First Amendment also protects the right to receive others’ thoughts, messages, and viewpoints freely, in a free flow of public discourse. “[W]here a speaker exists . . . , the protection afforded is to the communication, to its source and to its recipients both.”

That is Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council, from 1976.

The right to receive information is “an inherent corollary of the rights to free speech and press that are explicitly, guaranteed by the Constitution,” because “the right to receive ideas follows ineluctably from the sender’s First Amendment right to send them.”

“The dissemination of ideas can accomplish nothing if otherwise willing addressees are not free to receive and consider them. It would be a barren marketplace of ideas that had only sellers and no buyers.” Lamont v. Postmaster General.

“A fundamental principle of the First Amendment is that all persons have access to places where they can speak and listen, and then, after reflection, speak and listen once more.” Packingham v. North Carolina.

“[A]ssuring that the public has access to a multiplicity of information sources is a governmental purpose of the highest order, for it promotes values central to the First Amendment.” Turner Broadcasting Sys., Inc. v. FCC.

I am going to skip a little bit here.

Section 5. Government officials may not circumvent the First Amendment by inducing, threatening, and/or colluding with private entities to suppress protected speech.

It is “axiomatic” that the government may not “induce, encourage, or promote private persons to accomplish what it is constitutionally forbidden to accomplish.” *Norwood v. Harrison*.

A private entity violates the First Amendment if the government coerces or induces it to take action the government itself would not be permitted to do, such as censor expression of a lawful viewpoint.” *Knight First Amendment Institute*.

“The government cannot accomplish through threats of adverse government action what the Constitution prohibits it from doing directly.”

Threats of adverse regulatory or legislative action, to induce private actors to censor third parties’ speech, violate the First Amendment. See *Hammerhead Enters. v. Brezenoff* (“Where comments of a government official can reasonably be interpreted as intimating that some form of punishment or adverse regulatory action will follow the failure to accede to the official’s request, a valid claim can be stated.”)

I am going to save you all the citations from that.

The unprecedented control over private speech exercised by social-media companies gives government officials an unprecedented opportunity to circumvent the First Amendment and achieve indirect censorship of private speech. “By virtue of its ownership of the essential pathway,” a social media platform “can . . . silence the voice of competing speakers with a mere flick of the switch.” *Turner*.

“The potential for abuse of this private power over a central avenue of communication cannot be overlooked.”

Part B. The Dominance of Social Media as a Forum for Public Information and Discourse.

Social media companies have become, in many ways, “the modern public square.” Social media platforms provide “perhaps the most powerful mechanisms available to a private citizen to make his or her voice heard.”

“Today’s digital platforms provide avenues for historically unprecedented amounts of speech, including speech by government actors.”

By the way, you can follow that online. You can also listen to the Supreme Court arguments in 2 weeks.

I will just close with this. This is a case that is being argued, and as we talk about these issues, I would hope that, as a body, we could come together to allow individual Senators to offer amendments. I would hope that, over time, we can also find common ground on this idea that the government shouldn’t have any business in suppressing speech. The temptation to control so-called misinformation is great, and this case stands for the proposition that you cannot outsource that to social media companies. It is an Orwellian scheme that played out



among a whole host of government agencies and bureaucracies, and I hope that case, which I think is the most important free speech case in the history of our country, spells it out very clearly.

Mr. President, I ask unanimous consent that the general allegations from the seconded amended complaint of *Missouri v. Biden* be printed in the RECORD.

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

#### GENERAL ALLEGATIONS

##### A. FREEDOM OF SPEECH IS THE BEDROCK OF AMERICAN LIBERTY

94. The First Amendment of the U.S. Constitution states that “Congress shall make no law . . . abridging the freedom of speech, or of the press . . .” U.S. CONST. amend. I.

95. Article I, §8 of the Missouri Constitution provides “[t]hat no law shall be passed impairing the freedom of speech, no matter by what means communicated: that every person shall be free to say, write or publish, or otherwise communicate whatever he will on any subject, being responsible for all abuses of that liberty . . .” MO. CONST. art. I, §8. Article I, §7 of the Louisiana Constitution provides that “[n]o law shall curtail or restrain the freedom of speech or of the press. Every person may speak, write, and publish his sentiments on any subject, but is responsible for abuse of that freedom.” LA. CONST. art. I, §7. All other State Constitutions likewise protect the freedom of speech as a fundamental right of the first order.

96. The freedom of speech and expression guaranteed by the First Amendment is one of the greatest bulwarks of liberty. These rights are fundamental and must be protected against government interference.

##### 1. GOVERNMENT OFFICIALS LACK AUTHORITY TO CENSOR DISFAVORED SPEAKERS AND VIEWPOINTS

97. If the President or Congress enacted a law or issued an order requiring the suppression of certain disfavored viewpoints or speakers on social media, or directing social media to demonetize, shadow-ban, or expel certain disfavored speakers, such a law or order would be manifestly unconstitutional under the First Amendment.

98. “If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion.” *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943).

99. “[T]he First Amendment means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content.” *Ashcroft v. ACLU*, 535 U.S. 564, 573 (2002) (quotations omitted).

100. “In light of the substantial and expansive threats to free expression posed by content-based restrictions,” the Supreme Court has rejected as ‘startling and dangerous’ a ‘free-floating test for First Amendment coverage . . . [based on] an *ad hoc* balancing of relative social costs and benefits.’” *United States v. Alvarez*, 567 U.S. 709, 717 (2012) (plurality op.) (quoting *United States v. Stevens*, 559 U.S. 460, 470 (2010)).

##### 2. MERELY LABELING SPEECH “MISINFORMATION” OR “DISINFORMATION” DOES NOT STRIP AWAY FIRST AMENDMENT PROTECTIONS.

101. Labeling disfavored speech “misinformation” or “disinformation” does not strip it of First Amendment protection. “Absent from those few categories where the law

allows content-based regulation of speech is any general exception to the First Amendment for false statements. This comports with the common understanding that some false statements are inevitable if there is to be an open and vigorous expression of views in public and private conversation, expression the First Amendment seeks to guarantee.” *Id.* at 718.

102. The Supreme Court has thus rejected the argument “that false statements, as a general rule, are beyond constitutional protection.” *Id.*

103. “Permitting the government to decree this speech to be a criminal offense, whether shouted from the rooftops or made in a barely audible whisper, would endorse government authority to compile a list of subjects about which false statements are punishable. That governmental power has no clear limiting principle. Our constitutional tradition stands against the idea that we need Oceania’s Ministry of Truth.” *Id.* at 723 (citing *G. ORWELL, NINETEEN EIGHTY-FOUR* (1949) (CENTENNIAL ED. 2003)).

104. “Were the Court to hold that the interest in truthful discourse alone is sufficient to sustain a ban on speech . . . it would give government a broad censorial power unprecedented in this Court’s cases or in our constitutional tradition. The mere potential for the exercise of that power casts a chill, a chill the First Amendment cannot permit if free speech, thought, and discourse are to remain a foundation of our freedom.” *Id.* at 723.

##### 3. COUNTERSPEECH, NOT CENSORSHIP, IS THE PROPER RESPONSE TO SUPPOSED “MISINFORMATION”

105. When the Government believes that speech is false and harmful, “counterspeech,” not censorship, must “suffice to achieve its interest.” *Id.* at 726. The First Amendment presumes that “the dynamics of free speech, of counterspeech, of refutation, can overcome the lie.” *Id.*

106. “The remedy for speech that is false is speech that is true. This is the ordinary course in a free society. The response to the unreasoned is the rational; to the uninformed, the enlightened; to the straightout lie, the simple truth.” *Id.* at 727.

107. “The theory of our Constitution is ‘that the best test of truth is the power of the thought to get itself accepted in the competition of the market.’” *Id.* at 728 (quoting *Abrams v. United States*, 250 U.S. 616, 630 (1919) (Holmes, J., dissenting)).

108. “The First Amendment itself ensures the right to respond to speech we do not like, and for good reason. Freedom of speech and thought flows not from the beneficence of the state but from the inalienable rights of the person. And suppression of speech by the government can make exposure of falsity more difficult, not less so. Society has the right and civic duty to engage in open, dynamic, rational discourse. These ends are not well served when the government seeks to orchestrate public discussion through content-based mandates.” *Id.* at 728.

##### 4. AMERICANS HAVE A FIRST AMENDMENT RIGHT TO BE EXPOSED TO A FREE FLOW OF SPEECH VIEWPOINTS, AND CONTENT, FREE FROM CENSORSHIP BY GOVERNMENT OFFICIALS

109. The First Amendment also protects the right to receive others’ thoughts, messages, and viewpoints freely, in a free flow of public discourse. “[W]here a speaker exists . . . the protection afforded is to the communication, to its source and to its recipients both.” *Va. State Bd. of Pharmacy v. Va. Citizens Consumer Council*, 425 U.S. 748, 756 (1976).

110. The right to receive information is “an inherent corollary of the rights to free speech and press that are explicitly, guaran-

teed by the Constitution,” because “the right to receive ideas follows ineluctably from the sender’s First Amendment right to send them.” *Bd of Educ., Island Trees Union Free Sch. Dist. No. 26 v. Pico*, 457 U.S. 853, 867 (1982). “The dissemination of ideas can accomplish nothing if otherwise willing addressees are not free to receive and consider them. It would be a barren marketplace of ideas that had only sellers and no buyers.” *Lamont v. Postmaster Gen.*, 381 U.S. 301, 308 (1965) (Brennan, J., concurring).

111. “A fundamental principle of the First Amendment is that all persons have access to places where they can speak and listen, and then, after reflection, speak and listen once more.” *Packingham v. North Carolina*, 137 S. Ct. 1730, 1735 (2017).

112. “[A]ssuring that the public has access to a multiplicity of information sources is a governmental purpose of the highest order, for it promotes values central to the First Amendment.” *Turner Broadcasting Sys., Inc. v. FCC*, 512 U.S. 622, 663 (1994). Indeed, “the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public.” *United States v. Midwest Video Corp.*, 406 U.S. 649, 668 n.27 (1972) (plurality op.) (quotations omitted).

##### 5. GOVERNMENT OFFICIALS MAY NOT CIRCUMVENT THE FIRST AMENDMENT BY INDUCING, THREATENING, AND/OR COLLUDING WITH PRIVATE ENTITIES TO SUPPRESS PROTECTED SPEECH

113. It is “axiomatic” that the government may not “induce, encourage, or promote private persons to accomplish what it is constitutionally forbidden to accomplish.” *Norwood v. Harrison*, 413 U.S. 455, 465 (1973) (quotations omitted).

114. A private entity violates the First Amendment “if the government coerces or induces it to take action the government itself would not be permitted to do, such as censor expression of a lawful viewpoint.” *Knight First Amendment Institute*, 141 S. Ct. at 1226 (Thomas, J., concurring). “The government cannot accomplish through threats of adverse government action what the Constitution prohibits it from doing directly.” *Id.*

115. Threats of adverse regulatory or legislative action, to induce private actors to censor third parties’ speech, violate the First Amendment. See *Hammerhead Enters. v. Brezenoff*, 707 F.2d 33, 39 (2d Cir. 1983) (“Where comments of a government official can reasonably be interpreted as intimating that some form of punishment or adverse regulatory action will follow the failure to accede to the official’s request, a valid claim can be stated.”); see also *Bantam Books v. Sullivan*, 372 U.S. 58, 68 (1963) (holding that a veiled threat of prosecution to pressure a private bookseller to stop selling disfavored books could violate the First Amendment).

116. The unprecedented control over private speech exercised by social-media companies gives government officials an unprecedented opportunity to circumvent the First Amendment and achieve indirect censorship of private speech. “By virtue of its ownership of the essential pathway,” a social media platform “can . . . silence the voice of competing speakers with a mere flick of the switch.” *Turner*, 512 U.S. at 656; see also *Knight First Amendment Inst.*, 141 S. Ct. at 1224 (Thomas, J., concurring). “The potential for abuse of this private power over a central avenue of communication cannot be overlooked.” *Turner*, 512 U.S. at 656.

Mr. SCHMITT. With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.



## ORDER OF BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the only motions and amendments in order to the House message to accompany H.R. 4366 be the following: motion to concur with Lee amendment No. 1623; motion to concur with Schmitt amendment No. 1626; Scott of Florida motion to refer; and motion to concur with Hagerty amendment No. 1634; further, that the Senate vote on the above motions and amendments in the order listed; that upon disposition of the Hagerty motion to concur with further amendment, the pending motion to concur with a further amendment be withdrawn and the Senate vote on the motion to concur in the House amendment to the Senate amendment to H.R. 4366 without further intervening action or debate and with 2 minutes for debate, equally divided, prior to each vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, after months of hard work, we have good news for the country. Tonight, the Senate has reached an agreement, avoiding a shutdown, on the first six funding bills. We will keep important programs funded for moms and kids, for veterans, for the environment, for housing, and so much more. Because both sides cooperated today, we have taken a major step toward our goal of fully funding the government. Today's bipartisan agreement gives us momentum and space to finish the remaining appropriations bills by March 22. Of course, it is going to take both sides working together to keep that momentum alive.

To folks who worry that divided government means nothing ever gets done, this bipartisan package says otherwise. It helps parents and veterans and firefighters and farmers and school cafeterias and more. We have fully funded WIC so 7 million moms and kids won't be malnourished. We have built on the infrastructure law by providing billions to repair our roads and bridges and highways. We have given our Federal firefighters a raise. We will be able to hire more air traffic controllers and rail safety inspectors, and we are taking care of our veterans with support for veterans' homelessness, mental health, and women veterans.

Now, to my colleagues, please be on notice. We expect five votes, including a final vote to approve the bill. We want to move quickly. So I ask Senators to come here quickly for the first vote—so we don't have to drag that out—and then stay in their seats or near the floor until we finish our work. We are seeking 10-minute votes on the final four votes.

I want to thank our appropriators, who have done such a fine job—Chair MURRAY and Vice Chair COLLINS—as well as the Appropriations staff and my staff.

Thank you to Leader MCCONNELL, Speaker JOHNSON, and Leader

JEFFRIES. This is an outcome both parties can be proud of because we have found the way to put the needs of our country first.

The PRESIDING OFFICER. The Senator from Utah.

## AMENDMENT NO. 1623

Mr. LEE. Mr. President, for the past few years, Americans have watched with a certain degree of dismay and even horror as the U.S. Department of Justice—an institution that has long been revered by many Americans, including myself, now a former Federal prosecutor—has been weaponized by the left to go after those whose views are deemed unacceptable and who have been deemed targets by political appointees in the Biden administration's Justice Department because they have been perceived as a threat to their own political interests.

From the text messages of illicit lovers Peter Strzok and Lisa Page at the FBI to the Crossfire Hurricane scandal, to the current prosecution of Donald Trump, Americans have lost faith in the Department of Justice, and they want the political weaponization of the DOJ to stop.

Unfortunately, this weaponization has only gotten worse under this administration as we have seen with the use of unnecessary force and the prosecution of peaceful protesters at abortion clinics; the investigation of Catholics based on their religious beliefs and their attendance of traditional Latin mass; and, of course, the labeling of concerned parents as domestic terrorists based solely on their decision to show up to a school board meeting and raise legitimate concerns about how their children are being taught and otherwise treated at school.

My amendment would prohibit the Department of Justice from prosecuting any individual in contravention of the Justice Manual. The Justice Manual is a bible of sorts within the Department of Justice. It is the Department of Justice's rule book for Federal prosecutors. Now, Justice Manual section 9-27.260 is clear.

It reads as follows:

Federal prosecutors and agents may never make a decision regarding an investigation or prosecution, or select the timing of investigative steps or criminal charges, for the purpose of affecting any election, or for the purpose of giving an advantage or disadvantage to any candidate or political party.

The prosecution of former President Donald Trump by the Department of Justice through special prosecutor Jack Smith would appear, at least outwardly, to violate these "impermissible considerations"—considerations they are not allowed to make—and is intended to give the sitting President, who is polling miserably with the American people, an unfair advantage this November. This is a clear violation of the Justice Manual, of its plain terms. That is exactly why my amendment would prohibit funding for these prosecutions based on impermissible considerations—considerations that

violate the Department of Justice's own policy manual, not just for the prosecution of former President Trump but also all Americans.

The American people want our Federal law enforcement to get back to its mission: keeping America safe by taking violent criminals who are destroying our cities and our communities and our families off the streets instead of focusing on destroying the Biden administration's political opponents. They expect and demand more of the Department of Justice, and we should too.

## MOTION TO CONCUR WITH AMENDMENT NO. 1623

To that end, Mr. President, I move to concur in the House amendment to the Senate amendment to H.R. 4366 with my amendment No. 1623.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. LEE] moves to concur in the House amendment to the Senate amendment to H.R. 4366 with an amendment numbered 1623.

The amendment is as follows:

(Purpose: To prohibit the use of funds to initiate or decline a Federal criminal charge based on impermissible considerations)

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).

The PRESIDING OFFICER. There shall be 2 minutes of debate equally divided.

The Senator from Utah.

Mr. LEE. Mr. President, at the end of the day, the American people understand something is terribly wrong. They understand that, when the Department of Justice is politically weaponized to prosecute again and again political opponents of this administration, including and especially the 45th President of the United States—a man who is the principal rival, the lead political opponent of the current President—something is terribly wrong. They are violating the Justice Manual. That is not right. This amendment would fix that, and I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, the Lee amendment has such good language that it is already in law. The Justice Manual already establishes a standard with virtually verbatim language as in the Lee amendment.

Furthermore, the Justice Manual reflects the express prohibitions against discrimination by law enforcement, enacted by Congress in the Omnibus Crime Control and Safe Streets Act of 1968 and in title VI of the Civil Rights Act. It also reflects consistent holdings by the Supreme Court on due process and equal protection.

The only time they believe this has been successfully implemented was during the Trump administration,

when there was fear that they were going to weaponize the Department of Justice, and this standard, which is already in the law, at least discouraged many from participating in that exercise.

The good news is this language is redundant, and it is unnecessary. The bad news is, if we adopt it, we are going to stop the process of appropriating and avoiding closing the government this evening. I urge my colleagues to vote no on the Lee amendment.

Mr. LEE. Mr. President, I ask unanimous consent for an additional 15 seconds.

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

Mr. LEE. To the extent this is already law, fine. We shouldn't hesitate for a second in attaching a spending condition to this. The truth is it is not part of law; it is part of the Justice Manual. We ought to make it a condition of the spending bill.

As far as this causing a shutdown, this is going to take 10 minutes. We are going to have this vote with or without opposition to it. We might as well pass it now. What I didn't hear is any refutation of the fact that the Justice Department has been weaponized against the 45th President, President Biden's lead political opponent. That is wrong.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. DURBIN. Mr. President, is there any time remaining?

The PRESIDING OFFICER. The time is expired.

VOTE ON MOTION TO CONCUR WITH AMENDMENT NO. 1623

The question is on agreeing to the Lee motion to concur with amendment No. 1623.

Mr. LEE. 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. DURBIN. I announce that the Senator from West Virginia (Mr. MANCHIN) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from Arkansas (Mr. COTTON), the Senator from Missouri (Mr. HAWLEY), the Senator from Utah (Mr. ROMNEY), the Senator from Ohio (Mr. VANCE), and the Senator from Mississippi (Mr. WICKER).

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

The result was announced—yeas 43, nays 50, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—43

Blackburn	Cassidy	Daines
Boozman	Collins	Ernst
Braun	Cornyn	Fischer
Britt	Cramer	Graham
Budd	Crapo	Grassley
Capito	Cruz	Hagerty

Hoeven	Moran	Scott (FL)
Hyde-Smith	Mullin	Scott (SC)
Johnson	Murkowski	Sullivan
Kennedy	Paul	Thune
Lankford	Ricketts	Tillis
Lee	Risch	Tuberville
Lummis	Rounds	Young
Marshall	Rubio	
McConnell	Schmitt	

NAYS—50

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

NOT VOTING—7

Barrasso	Manchin	Wicker
Cotton	Romney	
Hawley	Vance	

The motion was rejected.

The PRESIDING OFFICER (Ms. CORTEZ MASTO). The majority leader.

Mr. SCHUMER. Madam President, can we have order, please. There are a lot of people who have to get to a lot of places. We are going to be real strict on 10-minute votes. Stay in your place.

I also ask unanimous consent that the remaining votes in this series be 10 minutes in length.

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

The Senator from Missouri.

MOTION TO CONCUR WITH AMENDMENT NO. 1626

Mr. SCHMITT. Madam President, I move to concur in the House amendment to the Senate amendment to H.R. 4366, with my amendment No. 1626.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. SCHMITT] moves to concur in the House amendment to Senate amendment to H.R. 4366, with an amendment numbered 1626.

The amendment is as follows:

(Purpose: To strike the provision making amounts available to the National Telecommunications and Information Administration for salaries and expenses, administration, and oversight of programs administered by the Administration that were funded under the Infrastructure Investment and Jobs Act)

In division C, strike section 542.

The PRESIDING OFFICER. There will now be 2 minutes for debate, equally divided.

Mr. SCHMITT. Madam President, I will be brief and just sort of walk through this amendment. This is a good government amendment that I hope that everybody can get behind.

The House omnibus includes a provision allowing the NTIA to capture 337 billion in IJA funding to expand its bureaucracy.

So just to sort of walk through this, under the Infrastructure Act, there was \$42 billion for administrative costs. That is \$850 million. That money, as it

relates to the BEAD Program, because it is pretty diffused across the country, they don't have a lot of those administrative costs.

So now they are coming back in under the BEAD Program and saying we need \$337 million for administrative costs. But they have only justified \$226 million. So this would save taxpayers \$110 million.

If they want to justify it down the road for something specific, they can go ahead and do that. But this is to sort of deal with that. If you want another reason to support this: There is also some new initiative related to Algorithmic Justice—whatever that is—and we would make sure that no dollars go to Algorithmic Justice.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, my colleague from Missouri says this is a good government amendment, but this, in fact, is not a good government amendment.

The Infrastructure Investment and Jobs Act provided millions of dollars to connect all Americans to high-speed, reliable, affordable internet.

The IJA provided an administrative set-aside of 2 percent to get these grants out the door quickly and responsibly. What we are hearing now is that the Commerce Department has projected that this falls short of what is needed to successfully implement and oversee these programs. So we increased that 2 percent to 2.7 percent to cover the shortfall that helps States.

Now, the NTIA has grants on the Middle Mile Program that affect 38 projects in 35 States and Puerto Rico. And I am going to read for my colleagues across the aisle, who are objecting to this 2.7 percent, the States that are affected if these programs get cut, and their grants will get cut: Alabama, Alaska, Florida, Idaho, Iowa, Kansas, Maine, Missouri—

The PRESIDING OFFICER. Senator, your time has expired.

Mrs. SHAHEEN. Can I have an extra 10 seconds?

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

Mrs. SHAHEEN. Montana, Nebraska, North Dakota, Ohio, Tennessee, Texas, Kentucky, West Virginia, and Wyoming.

I would urge my colleagues to vote no and make sure these projects can go forward with the oversight they require.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. SCHMITT. I will just respond.

I ask for 30 extra seconds.

The PRESIDING OFFICER. Is there objection?

Mr. SCHATZ. I object.

Mr. SCHMITT. Fifteen seconds.

I would just say this: If that were true, maybe you have a good reason to vote against it. That is not true. According to Commerce and Approps, there is \$110 million that won't be affected by any of that. So this is just saving \$110 million.

All the things the great Senator just talked about, all that is going to happen. You are not taking anything away. You are just saving \$110 million that Commerce and Approps say has not been justified.

VOTE ON MOTION TO CONCUR WITH AMENDMENT NO. 1626

The PRESIDING OFFICER. The question is on agreeing to the Schmitt motion to concur with amendment No. 1626.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. MANCHIN) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: The Senator from Wyoming (Mr. BARRASSO), the Senator from Missouri (Mr. HAWLEY), and the Senator from Utah (Mr. ROMNEY).

The result was announced—yeas 37, nays 59, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—37

Blackburn	Grassley	Rounds
Boozman	Hagerty	Rubio
Braun	Hoeven	Schmitt
Britt	Johnson	Scott (FL)
Budd	Kennedy	Scott (SC)
Cassidy	Lankford	Thune
Cornyn	Lee	Tillis
Cotton	Lummis	Tuberville
Cramer	Marshall	Vance
Crapo	Mullin	Wicker
Cruz	Paul	Young
Daines	Ricketts	
Ernst	Risch	

NAYS—59

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

NOT VOTING—4

Barrasso	Manchin
Hawley	Romney

The motion was rejected.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. That took 17 minutes. I please ask the Members' indulgence. Stay here. Let's get it done so people can get on their way.

The PRESIDING OFFICER. The Senator from Florida.

MOTION TO REFER

Mr. SCOTT of Florida. Madam President, I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Florida [Mr. SCOTT] moves to refer the bill H.R. 4366 to the Committee on Appropriations of the Senate with instructions to report the same back to the Senate in 1 day, not counting any day on which the Senate is not in session, with changes that remove all Community Project Funding and Congressionally Directed Spending.

The PRESIDING OFFICER. There will now be 2 minutes for debate, equally divided.

The Senator from Florida.

Mr. SCOTT of Florida. Madam President, since Joe Biden took office, inflation has exploded 17.9 percent. Prices on everything, especially groceries, are sky-high, and hard-working Americans aren't able to keep up. Unless we see significant deflation, which will only happen if we cut spending, there won't be a relief from the massive damage that Biden's inflation has caused.

One of the best ways to cut reckless spending is to stop earmarks, and this bill has more than 6,600 of them costing taxpayers \$12 billion. Earmarks are a corrupt practice. The American taxpayer should not be used as a political piggybank.

My answer is simple: We should send this reckless spending bill back to committee and remove all earmarks before passage.

Given that my Democrat colleagues have all removed at least one earmark from this bill, this shouldn't be a tough thing to do before government funding lapses.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I have spoken out previously about CDS requests that Members have secured for their communities, but this one really takes the cake. It would, at the eleventh hour, wipe out all of the CDS requests in this bill, all of the hard work, all of the input we asked everyone to provide us about projects that would help their constituents would be gone.

This would completely overrule other lawmakers on projects they requested and secured for their communities that they know best; not to mention, it would sink this bill, all but ensuring a government shutdown. This is completely unacceptable.

It should be unacceptable to everyone who has worked with us to make sure this package includes the projects they know will make a difference to folks back home. I strongly urge a "no" vote.

VOTE ON MOTION TO REFER

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

Mr. SCOTT of Florida. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. MANCHIN) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from Missouri (Mr. HAWLEY), and the Senator from Utah (Mr. ROMNEY).

The result was announced—yeas 32, nays 64, as follows:

[Rollcall Vote No. 82 Leg.]

YEAS—32

Blackburn	Grassley	Rubio
Braun	Hagerty	Schmitt
Budd	Hoeven	Scott (FL)
Cornyn	Johnson	Scott (SC)
Cotton	Lankford	Tester
Cramer	Lee	Thune
Crapo	Lummis	Tillis
Cruz	Marshall	Tuberville
Daines	Paul	Vance
Ernst	Ricketts	Young
Fischer	Risch	

NAYS—64

Baldwin	Hassan	Peters
Bennet	Heinrich	Reed
Blumenthal	Hickenlooper	Rosen
Booker	Hirono	Rounds
Boozman	Hyde-Smith	Sanders
Britt	Kaine	Schatz
Brown	Kelly	Schumer
Butler	Kennedy	Shaheen
Cantwell	King	Sinema
Capito	Klobuchar	Smith
Cardin	Lujan	Stabenow
Carper	Markey	Sullivan
Casey	McConnell	Van Hollen
Cassidy	Menendez	Warner
Collins	Merkley	Warnock
Coons	Moran	Warren
Cortez Masto	Mullin	Welch
Duckworth	Murkowski	Whitehouse
Durbin	Murphy	Wicker
Fetterman	Murray	Wyden
Gillibrand	Ossoff	
Graham	Padilla	

NOT VOTING—4

Barrasso	Manchin
Hawley	Romney

The motion was rejected.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. My colleagues, that was 10 minutes, 30 seconds. Let's beat 10 minutes now. Stay in the Chamber—the next to the last vote.

The PRESIDING OFFICER. The Senator from Tennessee.

MOTION TO CONCUR WITH AMENDMENT NO. 1634

Mr. HAGERTY. Madam President, I move to concur in the House amendment to the Senate amendment to H.R. 4366 with my amendment number 1634.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. HAGERTY] moves to concur in the House amendment to the Senate amendment with a further amendment numbered 1634.

The amendment is as follows:

(Purpose: To place a restriction on the use of funds relating to the decennial census)

At the appropriate place under the heading "GENERAL PROVISIONS—DEPARTMENT OF COMMERCE" in title I of division C, insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to—

(1) conduct a decennial census that does not collect and make publicly available the number of individuals per State who are—

- (A) citizens of the United States;
  - (B) nationals of the United States but not citizens of the United States;
  - (C) aliens lawfully residing in the United States; or
  - (D) aliens unlawfully residing in the United States; or
- (2) report to the President an apportionment population that includes individuals who are not citizens of the United States.

The PRESIDING OFFICER. There will now be 2 minutes for debate equally divided.

Mr. HAGERTY. Madam President, my amendment is simple. It would require that the census determine basic population statistics like the number of citizens, noncitizens, and illegal aliens that live in this country, and it would require that only U.S. citizens be counted in determining the number of House seats and electoral votes that each State gets.

Currently, illegal aliens are counted for determining how many congressional seats and electoral college votes each State gets. The more illegal aliens and noncitizens in your State or district, the greater your voting power in Congress and Presidential elections.

This not only destroys the principle of one person-one vote by making some American's votes more powerful than others, but it encourages illegal immigration in sanctuary cities as a way to increase political power.

In fact, a Democrat House Member from New York recently called for more illegal immigration to her district for redistricting purposes.

The weight of every American's vote should be equal. More illegal alien resettlement shouldn't mean more political power in America.

My amendment would ensure this, and I encourage my colleagues to support it.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, this amendment is exactly the sort of poison pill rider we all worked to keep out of this important bipartisan package. The census must be conducted in a nonpartisan, nonpolitical way to get the most accurate data possible, data that is used in countless programs that all of our communities rely on.

This amendment adds detrimental new requirements that would inject politics into the census and have a chilling effect on the Census Bureau's constitutional responsibility to count the number of people in the United States, and, let's be clear, this amendment is probably unconstitutional.

The Constitution requires apportionment by counting "the whole number of persons in each State." The phrase "whole number of persons" is quite clear.

So in addition to just being plain wrong, this amendment is fundamentally inconsistent with the clear language in our Constitution. I urge my colleagues to vote no.

VOTE ON MOTION TO CONCUR WITH AMENDMENT NO. 1634

The question is on agreeing to the Hagerty motion to concur with amendment No. 1634.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. MANCHIN) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: The Senator from Wyoming (Mr. BARRASSO), the Senator from Missouri (Mr. HAWLEY), and the Senator from Utah (Mr. ROMNEY).

Further, if present and voting: The Senator from Wyoming (Mr. BARRASSO) would have voted "yea", and the Senator from Missouri (Mr. HAWLEY) would have voted "yea".

The result was announced—yeas 45, nays 51, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—45

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

NAYS—51

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

NOT VOTING—4

Barrasso	Manchin
Hawley	Romney

The motion was rejected.  
The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Washington.

Mrs. MURRAY. Madam President, I want to thank everybody who has worked really hard on this.

For all Members of the Senate, I yield back all of our time.

AMENDMENT WITHDRAWN

The PRESIDING OFFICER. Under the previous order, the motion to concur with a further amendment is withdrawn.

VOTE ON MOTION TO CONCUR

The question occurs on agreeing to the motion to concur in the House

amendment to the Senate amendment to H.R. 4366.

Mr. MENENDEZ. Madam President, 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. DURBIN. I announce that the Senator from West Virginia (Mr. MANCHIN) is necessarily absent.

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

The result was announced—yeas 75, nays 22, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—75

Baldwin	Gillibrand	Padilla
Bennet	Graham	Peters
Blumenthal	Grassley	Reed
Booker	Hassan	Rosen
Boozman	Heinrich	Rounds
Britt	Hickenlooper	Sanders
Brown	Hirono	Schatz
Butler	Hoeven	Schumer
Cantwell	Hyde-Smith	Shaheen
Capito	Kaine	Sinema
Cardin	Kelly	Smith
Carper	Kennedy	Stabenow
Casey	King	Sullivan
Cassidy	Klobuchar	Tester
Collins	Lankford	Thune
Coons	Lujan	Tillis
Cornyn	Markey	Van Hollen
Cortez Masto	McConnell	Warner
Cotton	Menendez	Warnock
Cramer	Merkley	Warren
Duckworth	Moran	Welch
Durbin	Mullin	Whitehouse
Ernst	Murkowski	Wicker
Fetterman	Murray	Wyden
Fischer	Ossoff	Young

NAYS—22

Blackburn	Johnson	Rubio
Braun	Lee	Schmitt
Budd	Lummis	Scott (FL)
Crapo	Marshall	Scott (SC)
Cruz	Murphy	Tuberville
Daines	Paul	Vance
Hagerty	Ricketts	
Hawley	Risch	

NOT VOTING—3

Barrasso	Manchin	Romney
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The motion was agreed to.  
The PRESIDING OFFICER. The majority leader is recognized.

DIRECTING THE CLERK OF THE HOUSE OF REPRESENTATIVES TO MAKE A CORRECTION IN THE ENROLLMENT OF H.R. 4366

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 94.

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

The senior assistant legislative clerk read as follows:

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

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

Mr. SCHUMER. I further ask 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.

The concurrent resolution (H.R. Con. Res. 94) was agreed to.

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#### EXECUTIVE SESSION

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#### EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination under the Privileged section of Executive Calendar: PN 1218, Carol Moseley Braun, to be a Member of the Board of Directors of the African Development Foundation; that the Senate vote on the nomination, without any intervening action or debate; that the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Carol Moseley Braun, of Illinois, to be a Member of the Board of Directors of the African Development foundation for a term expiring September 22, 2029.

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

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

The nomination was confirmed.

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#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

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#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate proceed to executive session to consider the following nomination: Calendar No. 481; that there be 2 minutes of debate equally divided in the usual form on the nomination; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on the nomination; that, if confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; and that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

#### EXECUTIVE SESSION

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#### EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I further ask that the Senate proceed to executive session to consider the following nominations, en bloc: Calendar Nos. 251 and 447; that the Senate vote on the nominations, en bloc, without intervening action or debate; that the motions to reconsider be considered made and laid upon the table, and the President be immediately notified of the Senate's action and the Senate then resume legislative session.

There being no objection, the Senate proceeded to consider the nominations en bloc.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the en bloc nominations of Alvin Brown, of Florida, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2026; and J. Todd Inman, of Kentucky, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2027?

The nominations were confirmed en bloc.

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#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

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#### EXECUTIVE SESSION

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#### EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 543.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Jasmine Hyejung Yoon, of Virginia, to be United States District Judge for the Western District of Virginia.

#### CLOTURE MOTION

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

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

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 543, Jasmine Hyejung Yoon, of Virginia, to be United States District Judge for the Western District of Virginia.

Charles E. Schumer, Richard J. Durbin,  
Alex Padilla, Tina Smith, Elizabeth

Warren, Raphael G. Warnock, Gary C. Peters, Tim Kaine, Richard Blumenthal, Jack Reed, Sheldon Whitehouse, Peter Welch, Mark. R. Warner, Christopher A. Coons, Tammy Duckworth, Benjamin L. Cardin, Debbie Stabenow.

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#### LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session. The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

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#### EXECUTIVE SESSION

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#### EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 541.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Sunil R. Harjani, of Illinois, to be United States District Judge for the Northern District of Illinois.

#### CLOTURE MOTION

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

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

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 541, Sunil R. Harjani, of Illinois, to be United States District Judge for the Northern District of Illinois.

Charles E. Schumer, Richard J. Durbin,  
Alex Padilla, Tina Smith, Elizabeth Warren, Raphael G. Warnock, Gary C. Peters, Tim Kaine, Richard Blumenthal, Jack Reed, Sheldon Whitehouse, Peter Welch, Mark. R. Warner, Christopher A. Coons, Tammy Duckworth, Benjamin L. Cardin, Debbie Stabenow.

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#### LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session.

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

The motion was agreed to.

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#### EXECUTIVE SESSION

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#### EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 540.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to. The PRESIDING OFFICER. The clerk will report the nomination. The senior assistant legislative clerk read the nomination of Melissa R. DuBose, of Rhode Island, to be United States District Judge for the District of Rhode Island.

CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk. The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 540, Melissa R. DuBose, of Rhode Island, to be United States District Judge for the District of Rhode Island.

Charles E. Schumer, Richard J. Durbin, Alex Padilla, Tina Smith, Elizabeth Warren, Raphael G. Warnock, Gary C. Peters, Tim Kaine, Richard Blumenthal, Jack Reed, Sheldon Whitehouse, Peter Welch, Mark R. Warner, Christopher A. Coons, Tammy Duckworth, Benjamin L. Cardin, Debbie Stabenow.

Mr. SCHUMER. I ask unanimous consent that the mandatory quorum calls for the cloture motions filed today, March 8, be waived.

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

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. SCHUMER. Madam President, I ask unanimous consent that the Sen-

ate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

BUDGETARY REVISIONS

Mr. WHITEHOUSE. Madam President, the Senate is considering H.R. 4366, the Consolidated Appropriations Act of 2024. That legislation contains appropriations designated as emergency funding. Today, I am adjusting the allocation to the Committee on Appropriations, colloquially known as the 302(a), consistent with those appropriations.

Section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended by the Fiscal Responsibility Act of 2023, establishes statutory limits on discretionary funding levels for fiscal years 2024 and 2025 and allows adjustments to those limits. Sections 302 and 314(a) of the Congressional Budget Act allow the chairman of the Budget Committee to revise the allocations, aggregates, and levels consistent with those adjustments.

Division G of the bill contains several authorizing provisions, such as an extension of Federal funding for community health centers, that are paid for over 10 years. Section 121(c) of the Fiscal Responsibility Act of 2023 contains a reserve fund that authorizes the Budget Committee chairman to revise budget aggregates and committee allocations for legislation that would not increase the deficit over the period of fiscal years 2024 to 2033. Division G meets the conditions of that reserve fund, and I am making those adjustments.

Finally, I am adjusting for three additional bills that have been recently passed by the Senate. First, H.R. 815, the National Security Act, provided \$95

billion in supplemental budget authority designated as emergency funding. With this adjustment, the supplemental will not supplant base funding provided subject to the fiscal year 2024 discretionary spending limits. The other deficit-neutral legislation that is eligible for a reserve fund adjustment is division B of H.R. 2872, the January continuing resolution, division B of H.R. 815, the FEND Off Fentanyl Act, and division B of H.R. 7463, the March continuing resolution.

I ask unanimous consent that the accompanying tables, which provide details about the adjustment, be printed in the RECORD.

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

REVISIONS TO BUDGET AGGREGATES—BUDGET AUTHORITY AND OUTLAYS

[Pursuant to Section 121 of the Fiscal Responsibility Act of 2023 and Section 314 of the Congressional Budget Act of 1974] [\$ in billions]

Table with 2 columns: Category and 2024. Rows include Current Spending Aggregates (Budget Authority, Outlays), Adjustment (Budget Authority, Outlays), and Revised Aggregates (Budget Authority, Outlays).

REVISIONS TO BUDGET REVENUE AGGREGATES

[Pursuant to Section 121 of the Fiscal Responsibility Act of 2023] [\$ in billions]

Table with 4 columns: Category, 2024, 2024-2028, 2024-2033. Rows include Current Revenue Aggregates, Adjustments, and Revised Revenue Aggregates.

Note: Division B of H.R. 815, the FEND Off Fentanyl Act, contains revenue increases, which paid for direct spending increases in the jurisdiction of the Banking, Housing, and Urban Affairs Committee.

REVISIONS TO THE ALLOCATION TO THE COMMITTEE ON APPROPRIATIONS FOR FISCAL YEAR 2024

[Pursuant to Section 314 of the Congressional Budget Act of 1974] [\$ in billions]

Table with 4 columns: Category, Current Allocation, Adjustments, Revised Allocation. Rows include Revised Security Budget Authority, Revised Nonsecurity Budget Authority, and General Purpose Outlays.

DETAIL OF ADJUSTMENTS TO THE ALLOCATION TO THE COMMITTEE ON APPROPRIATIONS FOR FISCAL YEAR 2024

[Pursuant to Sections 302 and 314 of the Congressional Budget Act of 1974] [\$ in billions]

Table with 5 columns: Detail of Adjustments Made Above, Security, Nonsecurity, Disaster Relief, Total. Rows include Agriculture, Commerce-Justice-Science, Defense, Energy and Water, Homeland Security, and Interior and Environment.

DETAIL OF ADJUSTMENTS TO THE ALLOCATION TO THE COMMITTEE ON APPROPRIATIONS FOR FISCAL YEAR 2024—Continued

[Pursuant to Sections 302 and 314 of the Congressional Budget Act of 1974]
[\$ in billions]

Table with columns: Detail of Adjustments Made Above, Security, Nonsecurity, Disaster Relief, Total. Rows include Labor-HHS-Ed, Military Construction-VA, State-Foreign Operations, Transportation-HUD, and Total.

Note: H.R. 815, the National Security Act, as passed by the Senate, contained \$95.344 billion in budget authority and \$20.257 billion of outlays designated as an emergency, spread across six subcommittees. H.R. 4366, the Consolidated Appropriations Act of 2024, includes less emergency funding (-\$6.65 billion in budget authority and -\$3.957 billion in outlays) than was included in previous Senate appropriations bills, spread across five subcommittees. The previous adjustment for those bills was filed on September 12, 2023.

REVISIONS TO ALLOCATIONS TO SENATE COMMITTEES

[Pursuant to Section 121 of the Fiscal Responsibility Act of 2023]
[\$ in billions]

Table with columns: 2024, 2024-2028, 2024-2033. Rows include Finance, Health, Education, Labor, and Pensions, Banking, Housing, and Urban Affairs, Energy and Natural Resources.

Note: This adjustment reflects the direct spending impact of four bills that were all deficit-neutral. Division B of H.R. 2872, the Further Additional Continuing Appropriations and Other Extensions Act, 2024, contained direct spending increases in the jurisdiction of the HELP and Finance Committees, paid for with direct spending reductions in the Finance Committee's jurisdiction. Division B of H.R. 815, the FEND Off Fentanyl Act, included direct spending increases in the Banking Committee's jurisdiction, paid for with revenue increases. Division B of H.R. 7463, the Extension of Continuing Appropriations and Other Matters Act, 2024, included spending changes within the HELP Committee's jurisdiction that were neutral over ten years. Division G of H.R. 4366, the Consolidated Appropriations Act, 2024, includes direct spending increases in the HELP, Finance, and Energy and Natural Resources Committees' jurisdictions, paid for with spending reductions in the Finance Committee's jurisdiction.

AMENDMENT NO. 1623

Mr. OSSOFF. Madam President, I fully support the provisions of the Department of Justice prosecutorial rules that forbid discriminatory or political considerations in prosecutions.

Though I would want Senator LEE's proposal subjected to vigorous debate, I see no compelling reason why these principles could not be codified in Federal statute. Senator LEE's proposal has merit.

However, adoption of Senator LEE's amendment would necessitate that the Senate, having passed the budget measure, send it back to the House for reconsideration and further votes, with mere hours until a partial government shutdown that would have a devastating impact on our economy.

Therefore, at this time, I cannot support Senator LEE's amendment, as its adoption would ensure a partial shutdown of the Federal Government.

MESSAGE FROM THE HOUSE

At 12:03 p.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 bill, without amendment:

S. 206. An act to require the Commissioner of U.S. Customs and Border Protection to regularly review and update policies and manuals related to inspections at ports of entry.

The message also announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 3843. An act to amend title III of the Public Health Service Act to reauthorize grants to address dental workforce needs.

H.R. 6174. An act to improve the bioterrorism functions of the Department of Homeland Security, and for other purposes.

H.R. 7511. An act to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes.

The message further announced that pursuant to section 2(b)(2) of the Commission to Study the Potential Creation of a National Museum of Asian Pacific American History and Culture Act (Public Act 117-140), and the order of the House of January 9, 2023, the Speaker appoints the following individual on the part of the House of Representatives to the Commission to Study the Potential Creation of a National Museum of Asian Pacific American History and Culture to fill the existing vacancy thereon: Dr. Masum Momaya of Gilberts, Illinois.

MEASURES REFERRED

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

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; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3843. An act to amend title III of the Public Health Service Act to reauthorize grants to address dental workforce needs; to the Committee on Health, Education, Labor, and Pensions.

H.R. 6174. An act to improve the bioterrorism functions of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 7511. An act to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. MURRAY, from the Committee on Appropriations: Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2024" (Rept. No. 118-158).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. SCHATZ (for himself and Ms. HIRONO):

S. 3896. A bill to provide enhanced disaster unemployment assistance to victims of the Hawaii wildfires of 2023, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. COLLINS (for herself, Mr. KELLY, Ms. SINEMA, Mr. BLUMENTHAL, Mr. SCOTT of Florida, Mr. RUBIO, and Mr. BRAUN):



S. Res. 584. A resolution designating March 7, 2024, as “National Slam the Scam Day” to raise awareness about pervasive government imposter scams and to promote education to prevent government imposter scams; considered and agreed to.

By Mr. BRAUN (for himself and Mr. YOUNG):

S. Res. 585. A resolution recognizing the 150th anniversary of the Harrison residence, home of Brigadier General and President Benjamin Harrison and First Lady Caroline Harrison; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 91

At the request of Mr. HAGERTY, the names of the Senator from Mississippi (Mrs. HYDE-SMITH) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 91, a bill to award a Congressional Gold Medal to 60 diplomats, in recognition of their bravery and heroism during the Holocaust.

S. 597

At the request of Mr. BROWN, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 597, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 949

At the request of Mrs. GILLIBRAND, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 949, a bill to amend the Food and Nutrition Act of 2008 to transition the Commonwealth of Puerto Rico to the supplemental nutrition assistance program, and for other purposes.

S. 1723

At the request of Ms. WARREN, the name of the Senator from California (Ms. BUTLER) was added as a cosponsor of S. 1723, a bill to establish the Truth and Healing Commission on Indian Boarding School Policies in the United States, and for other purposes.

S. 1954

At the request of Mr. SANDERS, the name of the Senator from California (Mr. PADILLA) was added as a cosponsor of S. 1954, a bill to improve the provision of health care furnished by the Department of Veterans Affairs for veterans diagnosed with diabetes and heart disease, and for other purposes.

S. 2311

At the request of Mr. PADILLA, the name of the Senator from Arizona (Mr. KELLY) was added as a cosponsor of S. 2311, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 2028 Olympic and Paralympic Games in Los Angeles, California.

S. 2619

At the request of Ms. HIRONO, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 2619, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to eliminate the prohibition on indirect costs with respect to aquaculture assistance, and for other purposes.

S. 2825

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

S. 2861

At the request of Mrs. GILLIBRAND, the names of the Senator from Illinois (Ms. DUCKWORTH), the Senator from Delaware (Mr. COONS), the Senator from Illinois (Mr. DURBIN), the Senator from Tennessee (Mrs. BLACKBURN) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of S. 2861, a bill to award a Congressional Gold Medal to Billie Jean King, an American icon, in recognition of a remarkable life devoted to championing equal rights for all, in sports and in society.

S. 3014

At the request of Mr. MORAN, the name of the Senator from Indiana (Mr. YOUNG) was added as a cosponsor of S. 3014, a bill to establish requirements for the Federal Trade Commission with respect to certain rules related to automotive retailing, and for other purposes.

S. 3345

At the request of Ms. ERNST, the name of the Senator from Indiana (Mr. YOUNG) was added as a cosponsor of S. 3345, a bill to amend the Internal Revenue Code of 1986 to provide that floor plan financing includes the financing of certain trailers and campers.

S. 3452

At the request of Mr. TESTER, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 3452, a bill to authorize the Secretary of Veterans Affairs to determine the eligibility or entitlement of a member or former member of the Armed Forces described in subsection (a) to a benefit under a law administered by the Secretary solely based on alternative sources of evidence when the military service records or medical treatment records of the member or former member are incomplete because of damage or loss of records after being in the possession of the Federal Government, and for other purposes.

S. 3791

At the request of Mr. CARPER, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 3791, a bill to reauthorize the America’s Conservation Enhancement Act, and for other purposes.

S. 3818

At the request of Mr. RICKETTS, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 3818, a bill to amend the Clean Air Act to include fuel for ocean-going vessels as additional renewable fuel for which credits may be generated under the renewable fuel program.

S. RES. 566

At the request of Mrs. HYDE-SMITH, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. Res. 566, a resolution designating September 2024 as “National Cholesterol Education Month” and September 30, 2024, as “LDL-C Awareness Day”.

S. RES. 583

At the request of Ms. SMITH, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. Res. 583, a resolution recognizing the 100th anniversary of the National League of Cities and the support it provides to municipalities across the United States.

AMENDMENT NO. 1628

At the request of Ms. LUMMIS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of amendment No. 1628 intended to be proposed to H.R. 4366, a bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes.

AMENDMENT NO. 1629

At the request of Ms. LUMMIS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of amendment No. 1629 intended to be proposed to H.R. 4366, a bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes.

AMENDMENT NO. 1630

At the request of Ms. LUMMIS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of amendment No. 1630 intended to be proposed to H.R. 4366, a bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes.

AMENDMENT NO. 1631

At the request of Ms. LUMMIS, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of amendment No. 1631 intended to be proposed to H.R. 4366, a bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes.

AMENDMENT NO. 1632

At the request of Ms. LUMMIS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of amendment No. 1632 intended to be proposed to H.R. 4366, a bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes.

AMENDMENT NO. 1649

At the request of Mr. BOOKER, the name of the Senator from Connecticut

(Mr. BLUMENTHAL) was added as a co-sponsor of amendment No. 1649 intended to be proposed to H.R. 4366, a bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes.

## AMENDMENT NO. 1650

At the request of Mr. BOOKER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a co-sponsor of amendment No. 1650 intended to be proposed to H.R. 4366, a bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes.

## SUBMITTED RESOLUTIONS

SENATE RESOLUTION 584—DESIGNATING MARCH 7, 2024, AS “NATIONAL SLAM THE SCAM DAY” TO RAISE AWARENESS ABOUT PERVASIVE GOVERNMENT IMPOSTER SCAMS AND TO PROMOTE EDUCATION TO PREVENT GOVERNMENT IMPOSTER SCAMS

Ms. COLLINS (for herself, Mr. KELLY, Ms. SINEMA, Mr. BLUMENTHAL, Mr. SCOTT of Florida, Mr. RUBIO, and Mr. BRAUN) submitted the following resolution; which was considered and agreed to:

## S. RES. 584

Whereas hundreds of thousands of individuals in the United States are targeted by government imposter scams each year, including Social Security-related and Internal Revenue Service-related government imposter scams;

Whereas government imposter scams involve scammers contacting individuals in the United States and impersonating employees of government agencies, such as the Social Security Administration, to demand payment or personal information, which defrauds the people of the United States and erodes trust in the government agencies that the scammers impersonate;

Whereas, since 2013, the fraud hotline of the Special Committee on Aging of the Senate has received more than 10,000 complaints from individuals in all 50 States, the District of Columbia, and the Commonwealth of Puerto Rico regarding possible government imposter scams;

Whereas there were more than 228,000 government imposter scams reported to the Federal Trade Commission in 2023;

Whereas the Federal Trade Commission has estimated that victims lost more than \$617,000,000 to government imposter scams in 2023;

Whereas, according to the Federal Trade Commission, in 2023, older adults reported larger median individual losses as a result of government imposter scams than younger adults;

Whereas, according to the Federal Trade Commission, in 2023, individuals reported losing more than \$126,500,000 to Social Security-related imposter scams;

Whereas, in 2023, Social Security-related imposter scams represented the largest category of complaints received by the fraud hotline of the Special Committee on Aging of the Senate; and

Whereas increased awareness of, and education about, government imposter scams help to thwart government imposter scammers: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates March 7, 2024, as “National Slam the Scam Day”;

(2) recognizes National Slam the Scam Day as an opportunity to raise awareness about scams that involve individuals impersonating government employees by any means, including by mail, telephone, electronic mail, or internet websites (referred to in this resolution as “government imposter scams”);

(3) recognizes that law enforcement agencies, consumer protection groups, telephone companies, area agencies on aging, and financial institutions all play vital roles in—

(A) preventing government imposter scams from targeting the people of the United States; and

(B) educating the people of the United States about government imposter scams;

(4) encourages—

(A) the implementation of policies to prevent government imposter scams; and

(B) the improvement of measures to protect the people of the United States from government imposter scams;

(5) encourages members of the public to—

(A) ignore solicitations from individuals falsely claiming to represent government agencies;

(B) share information about government imposter scams with family and friends; and

(C) report government imposter scams to—

(i) the Office of the Inspector General of the Social Security Administration;

(ii) the Treasury Inspector General for Tax Administration; or

(iii) the Federal Trade Commission; and

(6) honors the commitment and dedication of the individuals and organizations that work tirelessly to fight against government imposter scams.

SENATE RESOLUTION 585—RECOGNIZING THE 150TH ANNIVERSARY OF THE HARRISON RESIDENCE, HOME OF BRIGADIER GENERAL AND PRESIDENT BENJAMIN HARRISON AND FIRST LADY CAROLINE HARRISON

Mr. BRAUN (for himself and Mr. YOUNG) submitted the following resolution; which was considered and agreed to:

## S. RES. 585

Whereas, in 1874, construction began on the Italianate-style Harrison residence, carriage house, brick drive, and landscaping;

Whereas Brigadier General and President Benjamin Harrison (referred to in this preamble as “President Harrison”) and First Lady Caroline Harrison chose every detail of the Harrison residence, from the interior layout to the Italianate red brick design;

Whereas H. Brandt was the architect of the Harrison residence and Petrie and Cummings were the excavators;

Whereas the 10,000 square-foot Harrison residence was finished in 1 year at a cost of \$24,008.59, complete with 16 rooms, 3 stories, and a basement;

Whereas 2-feet-thick Indiana limestone made up the basement of the Harrison residence, and 380,552 bricks completed the structure;

Whereas the finest French plate windows were installed in the Harrison residence, along with conveniences not enjoyed by most Victorians, including—

(1) running water;

(2) a coal-fed furnace;

(3) 23 working gaslight fixtures; and

(4) 12-foot ceilings;

Whereas President Harrison, Caroline, and their 2 children, Russell and Mary, lived in the Delaware Street Harrison residence;

Whereas President Harrison held many of his famous front porch speeches at the Harrison residence while running for President in 1888;

Whereas President Harrison resided in the Harrison residence after returning from the presidency and passed away in the residence on March 13, 1901;

Whereas, in 1937, the Arthur Jordan Foundation purchased the Harrison residence and furniture from Mary Lord Dimmick Harrison, widow of President Harrison;

Whereas the Harrison residence was used as a dormitory for female students in the Jordan Conservatory of Music, housed in a readapted home on a southern adjoining lot;

Whereas the dormitory residents of the Harrison residence gave tours of the first floor to the public;

Whereas, in 1951, the Jordan Conservatory of Music moved to Butler University, where it continued to be known as Jordan College of the Arts;

Whereas, in 1964, the Department of the Interior named the Harrison residence a National Historic Landmark;

Whereas, in 1966, the Arthur Jordan Foundation created the President Benjamin Harrison Foundation to maintain and operate the Harrison residence in accordance with the statement of purpose;

Whereas, in 2003, the President Benjamin Harrison Foundation earned accreditation by the American Association of Museums;

Whereas, in 2010, the Board of Directors changed the name of the President Benjamin Harrison Foundation to the Benjamin Harrison Presidential Site (referred to in this preamble as the “Presidential Site”);

Whereas, as of 2023, the Harrison residence has more than 30,000 visitors from across the country and world;

Whereas the Presidential Site has raised more than \$6,800,000 in the capitol campaign “Old Glory, New Vision” to make substantial renovations and improvements to the historic structure and grounds of the Harrison residence;

Whereas tens of thousands of students visit the Harrison residence to learn more about the Federal Government;

Whereas the Presidential Site has developed nationally recognized programming, including Future Presidents of America, Project POTUS, and Candlelight Theater; and

Whereas the Harrison residence has become the location of many special speakers, events, a naturalization ceremony site for many citizens, and an election voting site: Now, therefore, be it

*Resolved*, That the Senate—

(1) celebrates the Harrison residence as a historic landmark that preserves the history of Brigadier General and President Benjamin Harrison (referred to in this resolution as “President Harrison”), the only President elected from the State of Indiana, and the family of President Harrison;

(2) recognizes the prominent role the Harrison residence, as a museum, continues to play in civic education and engagement for individuals of all ages through their programs and endeavors;

(3) recognizes the Benjamin Harrison Presidential Site for its historical significance and community efforts in involving the public of the United States with its system of self-government; and

(4) commemorates the 150th anniversary of the Harrison residence, and as President

Harrison himself said, "Great lives do not go out. They go on."

DESIGNATING SEPTEMBER 2024 AS "NATIONAL CHOLESTEROL EDUCATION MONTH" AND SEPTEMBER 30, 2024, AS "LDL-C AWARENESS DAY"

RESOLUTIONS SUBMITTED TODAY

Mr. SCHUMER. Madam President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. Res. 566 and the Senate proceed to the en bloc consideration of the following Senate resolutions: S. Res. 566, S. Res. 584, and S. Res. 585.

There being no objection, the committee was discharged of the relevant resolution, and the Senate proceeded to consider the resolutions en bloc.

Mr. SCHUMER. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and 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 resolution (S. Res. 566) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of February 26, 2024, under "Submitted Resolutions.")

The resolutions (S. Res. 584 and S. Res. 585) were agreed to.

The preambles were agreed to. (The resolutions, with their preambles, are printed in today's RECORD under "Submitted Resolutions.")

MEASURES READ THE FIRST TIME—H.R. 7511

Mr. SCHUMER. Madam President, I understand that there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for first time.

The senior assistant legislative clerk read as follows:

A bill (H.R. 7511) a bill to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes.

Mr. SCHUMER. I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

ORDERS FOR MONDAY, MARCH 11, 2024

Mr. SCHUMER. Madam President, finally, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 3 p.m. on Monday, March 11; 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 Yoon nomination; further, that the cloture motions filed during today's session ripen at 5:30 p.m.

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

ADJOURNMENT UNTIL MONDAY, MARCH 11, 2024, AT 3 P.M.

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

There being no objection, the Senate, at 7:35 p.m., adjourned until Monday, March 11, 2024, at 3 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 8, 2024:

NATIONAL TRANSPORTATION SAFETY BOARD

ALVIN BROWN, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2026.

J. TODD INMAN, OF KENTUCKY, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2027.

AFRICAN DEVELOPMENT FOUNDATION

CAROL MOSELEY BRAUN, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2029.