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Senate

The Senate met at 11 a.m. and was called to order by the Honorable JOHN W. HICKENLOOPER, a Senator from the State of Colorado.

PRAYER

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

Let us pray.

Eternal God, the giver of every good and perfect gift, use our lawmakers today to cause justice to roll down like waters and righteousness like a mighty stream. May our Senators strive to do what is right, love mercy, and live humbly for Your glory. Guide them to turn their ears to Your wisdom as You illuminate their hearts with Your truth. May they call on You for direction, depend on Your prevailing providence, and defend the truth regardless of the consequences. Grant that their faithfulness to You will be like the light of morning at sunrise, like a morning without clouds, and like the sun gleaming on new grass after the rain.

We pray in Your glorious Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 17, 2024.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN W. HICKENLOOPER, a Senator from the State of Colorado, to perform the duties of the Chair.

PATTY MURRAY,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

LEGISLATIVE SESSION

REFORMING INTELLIGENCE AND SECURING AMERICA ACT—MOTION TO PROCEED—Continued

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 7888, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 365, H.R. 7888, a bill to reform the Foreign Intelligence Surveillance Act of 1978.

RECOGNITION OF THE MAJORITY LEADER

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

MAYORKAS IMPEACHMENT

Mr. SCHUMER. Mr. President, this afternoon, Senators will come to the floor and be sworn in as jurors in the impeachment trial of Secretary Mayorkas. Yesterday, the Senate received the impeachment House managers, who read the two articles against the Secretary.

Today, the trial will commence, and we will be in our seats as jurors for the third time in 4 years. But this time, Senators will preside as jurors in the least legitimate, least substantive, and most politicized impeachment trial ever in the history of the United States.

The charges brought against Secretary Mayorkas fail to meet the high standard of high crimes and misdemeanors. To validate this gross abuse by the House would be a grave mistake and could set a dangerous precedent for the future.

For the sake of the Senate's integrity and to protect impeachment for those rare cases we truly need it, Senators should dismiss today's charges.

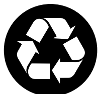
So, when we convene in trial today, to accommodate the wishes of our Republican Senate colleagues, I will seek an agreement for a period of debate time that would allow Republicans to offer a vote on trial resolutions, allow for Republicans to offer points of order, and then move to dismiss.

Let's not kid ourselves about what is going on today: The impeachment of Alejandro Mayorkas has nothing to do with high crimes and misdemeanors and everything to do with helping Donald Trump on the campaign trail.

Secretary Mayorkas has not been accused of treason or accepting bribes or unlawfully attacking our elections or anything of the sort. He has not been accused of criminal wrongdoing. He did not blackmail a foreign power to dig dirt on a political opponent, nor did he incite a violent mob to wage an insurrection against the peaceful transfer of power.

Instead, the hard right wants to exploit the supremely serious matter of impeachment for the sake of cable news hits and content for social media. This is an illegitimate and profane abuse of the U.S. Constitution.

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



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The Framers were clear: Impeachment should never be used to settle policy disagreements. Legal scholars from across the ideological spectrum have agreed to the same for decades. Even the Wall Street Journal editorial board, the darling of the conservative intelligentsia, argued a few months ago that ''a policy dispute doesn't qualify as a high crime and misdemeanor.''

If our House Republicans want to have a debate about the border, Democrats are glad to have it. But instead of wasting time on impeachment, we should debate bipartisan legislation to secure our border once and for all.

In fact, that is precisely what we tried to do in this Chamber just a few months ago. I worked with a handful of Democrats and Republicans to draft the strongest border security bill to come before the Congress in decades, before Donald Trump and the hard right killed it in its tracks. It was everything that Republicans could have wanted and more: a bill to hire more Border Patrol agents, reform asylum, fight the fentanyl crisis, and create brandnew powers for the President to close the border. It was strong, strong stuff.

The National Border Patrol Council, the Chamber of Commerce, and the ultraconservative Wall Street Journal editorial board all threw their support behind our bipartisan bill. If both Chambers would have voted on it, I am certain it would have passed and be signed by the President.

But that is precisely why Donald Trump and the hard right were afraid of it. Instead of providing a solution to the border, Donald Trump and his MAGA radicals want to exploit the border for political gain. And, today, with this trial, MAGA radicals want to likewise exploit our Constitution and try to gain an edge on the campaign trail.

It is beneath the dignity of the Senate to entertain this nakedly partisan exercise, one that both conservative and liberal legal scholars agree fails to meet the high standard demanded by impeachment.

So I will say it again: Impeachment should never—never—be used to settle policy disagreements. That would set a disastrous precedent for the Congress and could throw our system of checks and balances into endless cycles of chaos.

FISA

Mr. President, now on Senate business, the Senate might be stuck addressing the House's bogus impeachment charges, but that doesn't erase the fact that we have a lot of work to do in the Congress in the upcoming days.

Before April 19, the Senate must come to an agreement on FISA reauthorization. Last night, I filed cloture on the motion to proceed to the House-passed FISA bill, and that vote is set to take place tomorrow.

Democrats and Republicans are going to have to reach an agreement if we want to get FISA reauthorization done before the deadline. Otherwise, this very important tool for ensuring our national security is going to lapse, and that would be unacceptable. The House has not made our jobs any easier with this bogus impeachment trial, but that doesn't let us off the hook to work together quickly to get FISA reauthorization done.

NATIONAL SECURITY SUPPLEMENTAL FUNDING

Mr. President, on another important matter, we are still waiting to see how Speaker JOHNSON and House Republicans will proceed on the national security supplemental package. One way or another, I hope—I fervently hope—that we can finally finish the job in the next couple of days, but that is not certain and will depend a lot on what the House does. The entire world is waiting to see what House Republicans will do about aid to Ukraine, aid to Israel, humanitarian assistance, and aid to the Indo-Pacific.

Putin is watching closely to see if America will step up and show strength or slink away from a friend in need.

And for anyone who thinks the war in Ukraine is just a regional conflict in Eastern Europe, the Chinese Communist Party would beg to differ. If President Xi sees America waffle in helping Ukraine, he may conclude that we will similarly get cold feet in the Indo-Pacific.

Congress must finish the work on the supplemental once and for all. The time for waiting and delay has long been over. I urge House Republicans to continue working in a bipartisan spirit to get this aid passed. The security of America, of our friends abroad, and of Western democracy itself demands that we act.

STEEL TARIFFS

Mr. President, later today, President Biden will call for the tripling of tariffs on steel and aluminum imports from China. This is a strong and decisive response to continued unfair trade practices by China.

I have long been a loud and fervent advocate of higher tariffs on Chinese steel and aluminum imports for years. When I first became Senator, I saw for myself how unfair Chinese practices were carving away at American production and American jobs. The deck has long been stacked against U.S. steel and aluminum workers for years because of the Chinese Government.

For China, the equation is simple. They overproduce steel and aluminum with the help of subsidies and low-cost labor, and then flood markets with these cheap products and dominate any competition and reap the profits. American businesses end up falling further and further behind.

Critically, the President is also calling for action to prevent companies from routing steel and aluminum imports through Mexico in an attempt to circumvent the tariffs.

There is perhaps no industry that has felt the impact of China's unfair trade practices than shipbuilding. The United States was once a global leader, but now we produce less than one percent of the world's commercial ships. Over the last two decades, China has dramatically increased its dominance of the shipbuilding industry, putting American businesses and workers at risk and jeopardizing our national security.

So the President's announcement today is a welcome step to getting American steel and aluminum businesses back on a level playing field with China. I can assure you, there is no shortage of American businesses ready to step up and compete in the global market.

In my home State of New York, union steelworkers, in places like Western New York and Massena, helped forge the steel and aluminum that built America's bridges and buildings. And they stand ready, alongside other manufacturing powerhouse communities in Ohio, Pennsylvania, and elsewhere who built America from the ground up.

So I commend the President for his strong and decisive call to triple the tariffs on steel and aluminum imports from China. And Democrats will keep working to bring American businesses and workers back on level with the world.

REMEMBERING DANIEL ROBERT GRAHAM

Finally, Mr. President, today, we are mourning a colleague and former Member of this Chamber, Bob Graham, who passed away, yesterday, at the age of 87.

Bob and I only served for a few years, but it didn't take long to realize he was a man of great integrity. He was a devoted public servant who dedicated his entire life to his beloved Florida, from the State legislature to the Governor's mansion, to the halls of the U.S. Senate.

Our prayers are with his family and his loved ones.

AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL FOR THE LYING IN HONOR OF THE REMAINS OF RALPH PUCKETT, JR., THE LAST SURVIVING MEDAL OF HONOR RECIPIENT FOR ACTS PERFORMED DURING THE KOREAN CONFLICT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 33.

The ACTING PRESIDENT pro tempore. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 33) authorizing the use of the rotunda of the Capitol for the lying in honor of the remains of Ralph Puckett, Jr., the last surviving Medal of Honor recipient for acts performed during the Korean conflict.

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

Mr. SCHUMER. I ask unanimous consent that the concurrent resolution be

agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The concurrent resolution (S. Con. Res. 33) was agreed to.

(The concurrent resolution is printed in today's RECORD under ''Submitted Resolutions.'')

REFORMING INTELLIGENCE AND SECURING AMERICA ACT—MOTION TO PROCEED—Continued

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

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

The legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

H.R. 7888

Mr. MCCONNELL. Mr. President, as I discussed earlier this week, critical national security authorities under the Foreign Intelligence Surveillance Act are set to expire in 2 days. Today, I would like to briefly address the newest red herring being raised in opposition to reauthorizing section 702.

The reauthorization that passed the House contains scores of important reforms to the FISA process that will enhance accountability at the FBI and protect the rights of American citizens. It also included a necessary fix to the way we authorize the government to lawfully collect communications from foreigners located overseas for a specific intelligence purpose.

As part of the standard judicial oversight of the 702 process, the intelligence community has been restricted in what kinds of technology counts as ''electronic communications service providers'' under the statute. When section 702 was written, the internet was in the Dark Ages compared to how it exists today. Clearly, social media and internet communications usage has changed dramatically since the earliest days of Twitter and so have the technical mechanisms by which massive packets of data transit the internet.

As the internet evolved, the FISA Court did not allow the DOJ, on its own, to expand the definition of a provider to meet the new realities of contemporary technology. This created a critical, unintended gap in our collection ability against overseas foreign targets.

Here is the good news: The House did on a strong bipartisan basis what legislatures should do. In fact, a majority of the majority and a majority of the minority voted to change the statute to make sure that our collection ability on foreigners overseas reflects the reality of modern communication. It was a simple fix to update the law to respond to technological change.

But to listen to the Chicken Littles on the left, the sky is falling. The ACLU says this will expand warrantless surveillance and strongly implies that it will do so against Americans as they go about their daily lives.

Demand Progress—an activist arm of Arabella Advisors—says ''everyone is a spy'' under this provision.

Well, excuse me if I don't take my cues from liberal court-packers. This could not be further from the truth. The House bill's simple fix does nothing—nothing—to change who gets targeted by section 702: foreigners overseas whose communications are likely to return important intelligence.

The FISA appellate court affirmed this in a decision that predated the legislative fix, saying:

> Under section 702 the Government is prohibited from intentionally targeting any person known at the time of acquisition to be located in the United States.

Even foreigners located in the United States. Even foreigners operating illegally in the United States.

The court went on, saying:

> Customers using WiFi access provided by a cafe or library, for example, would not be targeted under Section 702, regardless of whether the Internet connectivity being provided is considered an ''electronic communications service.''

Let me say that again. They ''would not be targeted under Section 702,'' nor, contrary to the fears of some of our colleagues, would U.S. persons be at risk of drone strikes as they surfed the internet on public internet networks.

Nothing has been expanded. Section 702 still rightly only applies to foreigners overseas. All that the House did was fix a dangerous loophole that would have allowed our foreign adversaries to escape the reach of our intelligence services.

Trust but verify, right? Well, this bill helps us do precisely that. It includes significant reforms that dramatically enhance transparency into how section 702 is used by the intelligence community. It includes important reforms to prevent misuse of the authority and require accountability for any such misuse, including new civil and criminal penalties.

I would urge my colleagues to look at the facts of this latest fearmongering crusade, to soberly examine the same classified material our House colleagues read that explains this provision in detail, to reject hyperbole and lies, and to take action to secure the homeland.

BORDER SECURITY

Mr. President, now on a different matter, ''[W]e do have a plan to address migration at the southern border. We're executing it . . . and we're starting to see the results.'' Well, those were the words of the Secretary of Homeland Security after the Biden administration had been in office for 8 months, but in the past 3 years, they have taken on an altogether greater significance.

The administration's ''plan to address migration''? It turns out their plan was exactly what then-Candidate Biden pledged on the debate stage: to surge migrants to the border.

How they did execute it? By slashing the previous administration's commonsense border security policies. No more ''Remain in Mexico.'' No more border wall construction.

As Secretary Mayorkas bragged back in 2021, the Biden administration had repealed so many border enforcement tools that ''it would take so much time to list them.''

How about that last part: ''[W]e're starting to see the results.'' Since this administration took office, the surge in illegal arrivals at the southern border has set and broken new alltime records several times over.

CBP personnel have worked overtime to contend with a humanitarian and security crisis. Yet, for years, the Biden administration's top concern about the border was not calling it a crisis.

Again: ''[W]e do have a plan to address migration at the southern border. We're executing it . . . and we're starting to see the results''—results, indeed, in the form of a tragic, painful, and unnecessary crisis.

Today, it falls to the Senate to determine whether and to what extent Secretary Mayorkas enabled and inflamed this crisis.

Under the Constitution and the rules of impeachment, it is the job of this body to consider the Articles of Impeachment brought before us and to render judgment.

The question right now should be how best to ensure that the charges on the table receive thorough consideration, but instead, the more pressing question is whether our Democratic colleagues intend to let the Senate work its will at all.

Tabling Articles of Impeachment would be unprecedented in the history of the Senate. It is as simple as that. Tabling would mean declining to discharge our duties as jurors. It would mean running both from our fundamental responsibility and from the glaring truth of the recordbreaking crisis at our southern border.

I, for one, intend to take my role as a juror in this case seriously, and I urge my colleagues to do the same.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

MAYORKAS IMPEACHMENT

Mr. THUNE. Mr. President, 7,633,650, that is the number of migrant encounters at our southern border since President Biden took office—7,633,650. The situation at our southern border is out of control. We have had three—three now—successive years of record-breaking illegal immigration under President Biden, and we are on track for a fourth.

There have been more than 1.3 million migrant encounters at our southern border since October 1 of last year, which was the start of this fiscal year. That is 1.3 million, just since October 1 of last year. And that number just refers to individuals who are actually apprehended. There have been almost 150,000 known ''got-aways'' so far this fiscal year, and those are individuals the Border Patrol saw but were unable to apprehend. Often, we see migrants turning themselves in to authorities, so it is especially concerning to know that so many individuals have purposely evaded interdiction. And of course, we don't know how many unknown ''got-aways'' there have been.

U.S. Border Patrol Chief Jason Owens, in a March interview with CBS News, said the number of known ''got-aways'' is keeping him up at night. That is ''a national security threat,'' he noted. That is a quote. ''Border security is a big piece of national security,'' he goes on to say. ''And if we don't know who is coming into our country, and we don't know what their intent is, that is a threat and they're exploiting a vulnerability that's on our border right now.''

That, again, from Jason Owens, U.S. Border Patrol Chief.

Well, the situation at our southern border right now is a national security threat. There is no question that the kinds of numbers we are seeing smooth the way for dangerous individuals to enter our country. During fiscal year 2023, 169 individuals on the Terrorist Watchlist were apprehended trying to cross our southern border—more, I might add, than the previous 6 years combined—and that is just the individuals, again, who were actually apprehended. With somewhere around 1.8 million known ''got-aways'' since President Biden took office and an untold number of unknown ''got-aways,'' I think we can safely assume that there are plenty of dangerous individuals making their way into our country without being stopped.

While there are always various factors that affect the flow of illegal immigration, we are on track for a fourth recordbreaking year of illegal immigration under the Biden administration because of the actions that President Biden has taken or failed to take. From the day he took office, when he rescinded the declaration of a national emergency at our southern border, President Biden made it clear that border security was at the bottom of his priority list. And over the 3 years since, he has turned our southern border into a magnet for illegal migration from repealing effective border security policies of the Trump administration to abusing our asylum and parole systems, which are now providing temporary amnesty to hundreds of thousands of individuals here illegally, which brings me, Mr. President, to today.

In just a few minutes, the Senate will be sworn in to consider the Articles of Impeachment against Homeland Security Secretary Mayorkas, one of the chief architects of the Biden administration's lax border security regime. And we expect that the Democrat leader will move almost immediately to dismiss the charges. At most, we expect a few hours of process with no examination of the evidence the House has collected and essentially no consideration of the serious charges before us.

Whether or not Senators ultimately decide that Secretary Mayorkas's actions warrant a conviction, they should be given the time to actually examine the charges. In a courtroom, a case is not dismissed without the court taking the time to examine the facts, and the Senate, sitting as a Court of Impeachment, should be no different. The Senate should be having a full trial and taking the time to examine the evidence that the House has collected, and then Senators should be able to vote guilty or not guilty. Instead, the Senate leader is set to sweep these charges under the rug. It is just more evidence of the fundamental unseriousness Democrats have shown when it comes to the raging—raging—national security crisis at our southern border.

By the end of the day, the Democrat leader may well have effectively made these charges disappear, but there is nothing that the Democrat leader can do to obscure the failures of Secretary Mayorkas and President Biden. Thanks to their refusal to secure the border, we have experienced three now successive years of recordbreaking illegal immigration, and, unfortunately, there is no end in sight.

I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

H.R. 7888

Mr. WARNER. Mr. President, I rise today as a Senator from Virginia and, more importantly, as Chairman of the Intelligence Committee, in support of the Reforming Intelligence and Securing America Act, H.R. 7888, which passed the House earlier this week, with a 273-to-147 broad, bipartisan support.

Section 702 of the Foreign Intelligence Surveillance Act, FISA, which a lot of this debate is focused on, is a critical source of foreign intelligence. It is indispensable to the work that the men and women of our intelligence community, and many others, do every day to protect our national security.

Section 702 authorities have enabled the IC to thwart terrorist attacks, track foreign spies, uncover economic espionage, impede weapons proliferation, protect U.S. troops, expose human and drug trafficking, prevent sanctions evasion, and disrupt foreign cyber attacks—a whole litany of the responsibilities of the IC.

Just to demonstrate how important these capabilities are to our national security: 60 percent—60 percent—of the items that appear in the President's daily intelligence brief actually are sourced to information obtained pursuant to section 702.

In the public domain, there are many examples of the value of section 702. These include when section 702 contributed to a successful operation against one of the last remaining 9/11 architects, Zawahiri; section 702 coverage that identified evidence of an al-Qaida courier in Pakistan with imminent plans to detonate explosives on subway tracks in Manhattan and, through that surveillance, was able to prevent the attack; section 702 identified the hackers responsible for the 2021 ransomware attack on Colonial Pipeline that crippled fuel supplies across the east coast and enabled the United States to recover 2.3 million in paid ransom.

Secretaries of Defense, Directors of National Intelligence, and many other Cabinet officials from both the current and the former administration have spoken out on the vital importance of ensuring that section 702 does not lapse.

To quote the President's intelligence advisory board:

> If Congress fails to reauthorize Section 702, history may judge the lapse of . . . 702 authorities as one of the worst intelligence failures of our time.

Quite honestly, that is what we are looking at if we don't get this done.

Nonetheless, as we indicated, we just find ourselves just hours away from a possible sunset of this critical authority, which sunsets Friday night at midnight.

Now, some Members have argued that because the FISA Court recently approved new certifications, there is no urgency to reauthorize the law. Those claims are both misguided and dangerous.

In the event of a statutory lapse, some providers—American companies who are working with us—are likely to stop or reduce cooperation, perhaps with existing targets of collection but especially with new ones.

We know this can happen because it is exactly what happened when a similar lapse occurred following the expiration of section 702's predecessor statute: the Protect America Act.

Now, to be fair, it is also true that section 702 is in need of some reforms.

And myself, Senator RUBIO, 16 Members, bipartisan, have sponsored the Senate version of this bill, have pressed for additional reforms to protect the civil liberties of Americans while still preserving the core values of the program and protecting American national security.

In recent years, a key oversight focus has been on the number of queries of section 702 information. Section 702 is a database. There are a series of databases. You can sometimes query that database within certain protections.

Now, the focus is focused on particularly those queries performed by the FBI and involving U.S. persons. There is no dispute that, for too long, the FBI query practices were sloppy.

For a time, as recently as 2019, more than 3 in 10 of the FBI queries were noncompliant. That means, literally, 30 percent of the time, the FBI was not even following their own procedures. The FBI took too much time to implement needed reforms. But, finally, in 2022 and 2023, it implemented comprehensive reforms that have proven effective and dramatically improved the query compliance rate from 70 percent to over 90 percent. That means less than 1 percent of these queries fall outside of the reform practices the FBI has put in place.

What do these reforms include? Maybe one of the most important ones is that rather than, by default, FBI agents query a series of databases. In the past, they would have to opt out of querying the 702 database. Now they have to opt in and make the case that they need that for national security purposes.

Another reform that has been put in place is there was a series of actions in the past called ''batch queries.'' A group of people might be arrested and suddenly you are querying a whole batch of them. Those batch queries have been dramatically diminished. At the same time, there are new reforms that require the FBI leadership to improve sensitive queries of politicians, journalists, and religious leaders. Literally, it has to be the Director of the FBI, the Deputy Director, or the head of the National Security Agency.

The bill before us—which, again, we had preconferenced most of this with the House—this is the House bill we will be taking up later this week. The bill before us now codifies these reforms, ensuring that a future President, Attorney General, or FBI Director cannot simply walk them back. When we pass this legislation and it is signed, these reforms will become the law of the land.

In addition to the reforms I already talked about, the bill we are debating goes even further. It also includes significant new protections for U.S. person queries, including a complete prohibition on queries solely used to find evidence of a crime, as was unanimously recommended by the President's Intelligence Advisory Board.

The bill also increases transparency of FISA Court proceedings, going so far—this was added in the House—as to allow Members of Congress and their staffs to attend court hearings. We have heard on this floor and before and the House many times: We don't know what is going on in the FISA Court hearing. Now, if a Member of Congress wants to sit in or send their staff, they will be able to do that.

This legislation also enhances reporting requirements from both the Bureau and the intelligence community and creates an ongoing reform commission to recommend further FISA reforms. The truth is, section 702 is already the most regulated and closely overseen intelligence authority of any we have in this country and, frankly, in countries around the world. If enacted, the reforms included in this bill would be the most comprehensive set of reforms ever enacted in the statute's history. We often reform this every 5 years or it had to be reauthorized. This set of reforms are much more sensitive than actions in the past.

I would like to speak briefly on two issues that have been the subject of considerable debate. First, some have suggested that we should impose a warrant requirement on U.S. person queries. Let me again be clear. A warrant requirement for U.S. person queries would do grave damage to national security. The FBI and other Agencies have relied on U.S. person queries of section 702, as I enumerated earlier, to prevent terrorist attacks, investigate cyber attacks, prevent assassination plots, and to disrupt narcotics trafficking.

Many of these successes would not have been possible if the government was required to obtain a warrant for U.S. person queries, and significant intelligence would be lost. Why is that so hard to put in place? Think about this for a moment. A warrant requirement requires a ''probable cause'' that the subject of the query is an ''agent of a foreign power.'' The truth is—I remember talking with the Presiding Officer about this—the majority of times that an American person is queried is not because we suspect them to be an agent of a foreign power but because they have been a victim, oftentimes, of a cyber attack. Even the most fervent advocate of a warrant has not been able to explain if you are trying to contact the person who has been a victim of a cyber attack, there is no way you could get a probable cause showing that that person is an agent of a foreign power. That agent is a victim of a foreign power. The warrant requirement could not meet the notification requirements put in place. The idea that we could simply contact the person—well, that does not pass the smell test.

Sometimes this gets complicated. I spent a lot of time trying to get this. Let me give you a couple of theoretical ways that this warrant requirement, I believe, falls short.

Let's say that the intelligence community is aware that Iran is planning a cyber attack against a U.S. victim—maybe even a victim that would sit in this Chamber. In that case, the intelligence community may want to query whether it has intelligence collected against Iran for when Iran or their agents are talking about that American so that we could actually get the full exposure to make sure that we both do victim notification and also preclude future attacks. These queries would serve to protect the victim, not investigate them. But it would never be possible to establish, as any warrant application would require, probable cause that the victim is an ''agent of a foreign power'' because they are not; they are a victim.

Let me give you another example. Assume the United States apprehends a known foreign terrorist overseas. On that person—I point this out to the Presiding Officer—there is a phone number, and it is a 303 area code. We don't know whether that phone number is a real number, whether it is a number of an American, or whether it is a number of a foreigner because as the Presiding Officer knows, somebody might have been a foreigner, gone to Colorado, gone to Denver, bought a phone and carries that phone with him forever. The idea that you could get a warrant of probable cause on the basis of that phone number alone, again, does not pass the smell test. It cannot happen.

The truth is, as well, someone said we will give you an exemption for exigent circumstances. The process will not work or will work in such a slow fashion that the use of this critical tool—60 percent of the intel the President reads every day comes from 702 intelligence. The truth is, it would take weeks or months to obtain an order from the FISA Court during the time which that guy—let's go back to the example. We arrested a terrorist with a 303 area code. You are going to wait weeks before you can even query that phone number to see if it is a real number, an American, a foreign person.

Then, some say: Why don't you make the query, but we won't let you look at the results? Again, either one of those circumstances basically neuters the whole ability of 702 to work.

Second issue. The House-passed bill includes an important amendment to the definition of electronic communications service providers, ECSPs, that address collection gaps caused by developments in internet and telecommunications technology since 702 was first written in 2008.

Let me say, as somebody who spent a career in telecom, the world has dramatically changed in the telecom domain from 2008. This amendment, in terms of the definition, is, again, focused on this current intelligence gap. It still requires that the targeting that goes on in 702 focuses on overseas non-U.S. persons. And contrary to what some Members literally said on the floor of the Senate, this technical amendment that was added in the

House specifically excludes coffee shops, bars, restaurants, residences, hotels, libraries, recreational facilities, and a whole litany of similar establishments.

It would not, as some critics have maintained, allow the U.S. Government to compel, for example, a janitor working in an office building in Northern Virginia to somehow spy for the intelligence community. Nor would it allow, as some have absurdly claimed, States to use 702 to target women seeking abortions.

First of all, State and local authorities don't even have access to all 702 data. Secondly, the law is and remains crystal clear on this point: 702 cannot be used to target U.S. persons domestically—period, full stop, no exceptions.

The amendment, the ECSP amendment, was required because, as I pointed out earlier, the world of telecom changed dramatically since the law was first put in place 16 years ago. Keep in mind, back in 2008, when section 702 was first passed, we had pay phones on most corners, and the cloud was actually something that might cause rain rather than be a place where communication is often stored.

In short, what happens here is that the government served a 702 directive. And this is why this came about. And that American company said: We think your old definition of a service provider doesn't apply to us. And you know what? In litigation, that claim won, and the FISA Court specifically said we need to make sure that we update the definition. The House added that updated definition. I don't believe we should roll that back.

This is not, as some have claimed, some broad expansion of 702 powers of jurisdictions. Again, I could get into the complexities of how there are some data centers, as has been reported in the press, that at certain times activity will take place in the data center that don't fall into the old definition of 2008. Do we really want that data to pass through the data center to be allowed to be lawfully collected? I think we do.

Let me be the first to say that the House bill is not perfect. I think we should have gone for a 5-year reauthorization. The House-passed was a 2-year reauthorization. I accept that. I think the reforms that were put in place will further protect. I go back to the earlier comments I made. We have gone from a 30-percent noncompliance of the FBI to less than 1 percent.

(Ms. CORTEZ MASTO assumed the Chair.)

Madam President, in terms of the warrant requirement, you are never going to get a probable cause warrant if the individual who is being queried is actually the victim of a crime. We sure as heck are not going to be able to get a warrant requirement met if you capture a terrorist—I will go from the 303 area code to, I think, Las Vegas is 702. If you have to show, based upon that number alone, you have probable cause, you don't know who or what that number is until you do the query.

And as I mentioned these last couple of moments, this new definition, this technical definition the House adopted—again, with an overwhelming bipartisan majority—is not an expansion that simply brings up the terminology around telecom providers up to 2024, which was different than 2008. The notion that we would allow this incredibly—in a sense, the crown jewel of our intelligence collection abilities to go dark as we simultaneously try to debate aid for Ukraine and Israel and humanitarian relief to Palestinians and Gaza, the idea we would suddenly go dark at this moment in time would be the height of irresponsibility.

I know we have to get through this afternoon's proceedings, but I would strongly urge Members to join me in voting to pass H.R. 7888, without amendment, to make sure that we don't have a lapse.

I know we made documents and individuals available in the SCIF, but if Members have questions, if Members have concerns, if Members here come to the floor and make other charges, please talk to me, talk to Senator RUBIO, talk to anybody in law enforcement or the intelligence community. So many of the claims being made here just are not accurate in terms of what this bill is doing.

I think this is a strong reform bill. I think it needs to get passed, and we need to not let this critical authority lapse.

QUORUM CALL

Mr. WARNER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

[Quorum No. 4]

Baldwin
Barrasso
Bennet
Blackburn
Blumenthal
Booker
Boozman
Braun
Britt
Brown
Budd
Butler
Cantwell
Capito
Cardin
Carper
Casey
Cassidy
Collins
Coons
Cornyn
Cortez Masto
Cotton
Cramer
Crapo
Cruz
Daines
Duckworth
Durbin
Ernst
Fetterman
Fischer
Gillibrand
Graham
Grassley
Hagerty
Hassan
Hawley
Heinrich
Hickenlooper
Hirono
Hoeven
Hyde-Smith
Johnson
Kaine
Kelly
Kennedy
King
Klobuchar
Lankford
Lee
Luján
Lummis
Manchin
Markey
Marshall
McConnell
Menendez
Merkley
Moran
Mullin
Murkowski
Murphy
Murray
Ossoff
Padilla
Paul
Peters
Reed
Ricketts
Risch
Romney
Rosen
Rounds
Rubio
Sanders
Schatz
Schmitt
Schumer
Scott (FL)
Scott (SC)
Shaheen
Sinema
Smith
Stabenow
Sullivan
Tester
Thune
Tillis
Tuberville
Van Hollen
Vance
Warner
Warnock
Warren
Welch
Whitehouse
Wicker
Wyden
Young

The PRESIDENT pro tempore. A quorum is present.

TRIAL OF ALEJANDRO NICHOLAS MAYORKAS, SECRETARY OF HOMELAND SECURITY

The PRESIDENT pro tempore. Pursuant to rule III of the Rules of Procedure and Practice in the Senate when sitting on impeachment trials, the hour of 1 p.m. having arrived and a quorum having been established, the Senate will proceed to the consideration of the Articles of Impeachment against Alejandro N. Mayorkas, Secretary of Homeland Security.

The majority leader is recognized.

Mr. SCHUMER. Madam President, at this time, pursuant to rule III of the Senate rules on impeachment and the United States Constitution, the President pro tempore emeritus, the Senator from Iowa, will now administer the oath to the President pro tempore, PATTY MURRAY:

Mr. GRASSLEY: Will you place your left hand on the Bible and raise your right hand.

Do you solemnly swear that, in all things appertaining to the trial of the impeachment of Alejandro N. Mayorkas, Secretary of Homeland Security, now pending, you will do impartial justice according to the Constitution and laws, so help you God?

Mrs. MURRAY. I do.

At this time, I will administer the oath to all Senators in the Chamber in conformance with article I, section 3, clause 6 of the Constitution and the Senate's impeachment rules.

Will all Senators now stand and raise their right hands.

Do you solemnly swear that in all things appertaining to the trial of the impeachment of Alejandro N. Mayorkas, Secretary of Homeland Security, now pending, you will do impartial justice according to the Constitution and laws, so help you God?

SENATORS. I do.

The PRESIDENT pro tempore. The clerk will now call the names in groups of four. The Senators will present themselves at the desk to sign the Oath Book.

The legislative clerk called the roll, and the Senators present answered "I do" and signed the Official Oath Book.

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. SCHUMER. Madam President, any Senator who was not in the Senate Chamber at the time the oath was administered to the other Senators will make that fact known to the Chair so that the oath may be administered as soon as possible to the Senator.

The PRESIDENT pro tempore. The Sergeant at Arms will make the proclamation.

The Sergeant at Arms, Karen Gibson, made proclamation as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silence, under pain of

imprisonment, while the Senate of the United States is convened as a Court of Impeachment to consider the Articles of Impeachment against Alejandro N. Mayorkas, Secretary of Homeland Security.

The PRESIDENT pro tempore. The majority leader is recognized.

UNANIMOUS CONSENT REQUESTS

Mr. SCHUMER. Madam President, in a moment, I will ask unanimous consent to allow for debate time, to allow for Republicans to offer and have votes on trial resolutions, and allow for Republicans to offer and have votes on points of order.

So I ask unanimous consent that Senator LEE be recognized to offer a resolution that is the text of S. Res. 624, the full Senate trial; that Senator CRUZ be recognized to offer a resolution that is the text of S. Res. 622, the trial committee; that there then be up to 60 minutes of debate on the resolutions, concurrently and equally divided between the two leaders or their designees; and following the use or yielding back of that time, the Senate vote on, or in relation to, the resolutions in the order listed, with no amendments to the resolutions in order; further, that following the disposition of the trial resolutions, if they are not agreed to, Senator SCHUMER, or his designee, be recognized to make a motion to dismiss the first Article of Impeachment; that the motion be subject to only seven points of order; that there be up to 60 minutes for debate, concurrently and equally divided, on the motion to dismiss and the points of order; and that following the use or yielding back of that time, the Senate vote in relation to the points of order in the order raised and the motion to dismiss; further, that if Senator SCHUMER, or his designee, makes a motion to dismiss the second Article of Impeachment, that the motion be subject to only one point of order; that there be up to 60 minutes for debate, concurrently and equally divided, on the motion to dismiss and the points of order; and that following the use or yielding back of that time, the Senate vote in relation to the points of order in the order raised and the motion to dismiss; further, that following disposition of article II, the Senate vote on the motion to adjourn the Court of Impeachment sine die; finally, that there be up to 4 minutes for debate, equally divided between the two leaders or their designees, prior to each rollcall vote, all without intervening action or debate.

The PRESIDENT pro tempore. Is there objection?

The Senator from Missouri.

Mr. SCHMITT. Madam President, reserving my right to object, to dismiss or table the Articles of Impeachment against Secretary Mayorkas without trial here today or in committee is an unprecedented move by Senator SCHUMER. Never before in the history of our Republic has the Senate dismissed or tabled Articles of Impeachment when the impeached individual was alive and had not resigned.

As Senator SCHUMER said in 2020:

A fair trial has witnesses. A fair trial has relevant documents, as part of the record. A fair trial seeks the truth. [Nothing] more, [nothing] less.

I will not assist Senator SCHUMER in setting our Constitution ablaze and bulldozing 200 years of precedent. Therefore, I object.

The PRESIDENT pro tempore. Objection is heard.

The majority leader.

POINT OF ORDER

Mr. SCHUMER. Madam President, I raise a point of order that impeachment article I does not allege conduct that rises to the level of a high crime or misdemeanor, as required under article II, section 4 of the U.S. Constitution and is, therefore, unconstitutional.

The PRESIDENT pro tempore. Under the precedents and practices of the Senate, the Chair has no power or authority to pass on such a point of order. The Chair, therefore, under the precedents of the Senate, submits the question to the Senate: Is the point of order well-taken?

The Republican leader is recognized.

QUORUM CALL

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

The PRESIDENT pro tempore. 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:

[Quorum No. 5]

Baldwin	Graham	Paul
Barrasso	Grassley	Peters
Bennet	Hagerty	Ricketts
Blackburn	Hassan	Romney
Blumenthal	Hawley	Rosen
Booker	Heinrich	Rounds
Boozman	Hickenlooper	Rubio
Braun	Hirono	Sanders
Britt	Hoeven	Schatz
Budd	Johnson	Schmitt
Butler	Kaine	Schumer
Cantwell	Kennedy	Scott (FL)
Capito	Klobuchar	Scott (SC)
Cardin	Lankford	Shaheen
Casey	Lee	Smith
Cassidy	Luján	Stabenow
Collins	Lummis	Sullivan
Coons	Marshall	Tester
Cortez Masto	McConnell	Thune
Cotton	Menendez	Tillis
Crapo	Merkley	Vance
Cruz	Moran	Warner
Daines	Mullin	Warnock
Duckworth	Murkowski	Warren
Durbin	Murphy	Welch
Ernst	Murray	Whitehouse
Fischer	Ossoff	Wicker
Gillibrand	Padilla	Young

The PRESIDENT pro tempore. A quorum is present.

The Senate is considering the point of order presented by the majority leader.

The Senator from Texas.

MOTION FOR CLOSED SESSION

Mr. CRUZ. Madam President, I rise to make a motion. The majority leader has argued that Secretary Mayorkas's defiance of Federal immigration law, an act in aiding and abetting of the worst criminal invasion in our Nation's history, does not constitute a high crime or misdemeanor.

He has presented no argument on that question. He has presented no briefing on that question. And the position is directly contrary to the Constitution, to the original understanding of the Constitution at the time it was ratified, and to the explicit position of the Biden Department of Justice as argued before the Supreme Court of the United States.

The majority leader's position is asking Members of the Senate to vote on political expediency to avoid listening to arguments. The only rational way to resolve this question is actually to debate it, to consider the Constitution, and consider the law.

The PRESIDENT pro tempore. The Senator will recognize that the Senate is in a nondebatable position. The Senator has a right to offer his motion, but we are in a nondebatable position.

Mr. CRUZ. And my motion is to change that so that we can actually debate the law, as Senators care what the Constitution and law says.

I therefore move that the Senate proceed to closed session to allow for deliberation on the question as required by impeachment rule XXIV.

The PRESIDENT pro tempore. The majority leader.

Mr. SCHUMER. Madam President, in our previous consent request, we gave your side a chance for debate in public, where it should be, and your side objected. We are moving forward.

VOTE ON MOTION

The PRESIDENT pro tempore. The question is on agreeing to the motion.

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

The PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 129 Imp.]

YEAS—49

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

NAYS—51

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

Stabenow	Warner	Welch
Tester	Warnock	Whitehouse
Van Hollen	Warren	Wyden

The motion was rejected.

The PRESIDENT pro tempore. The pending order is the motion made by the majority leader on a point of order.

The Senator from Louisiana.

MOTION TO ADJOURN

Mr. KENNEDY. Madam President, I have a motion. I think my motion takes precedent.

The PRESIDENT pro tempore. Will the Senator offer his motion, please.

Mr. KENNEDY. Having heard Senator SCHUMER's serious allegations—which, in my judgment, are specious—about the constitutionality of these impeachment proceedings, we find ourselves in the awkward position, because we are in impeachment proceedings, of being unable to discuss in public the merits of Senator SCHUMER's claim, and at the same time, my Democratic friends have refused to go into closed session so we can discuss it.

The PRESIDENT pro tempore. Will the Senator——

Mr. KENNEDY. For that reason, I move we adjourn this Court of Impeachment immediately until 12 o'clock noon on Tuesday, April 30, and I ask for the yeas and nays.

VOTE ON MOTION TO ADJOURN

The PRESIDENT pro tempore. The question is on the motion to adjourn?

Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 130 Imp.]

YEAS—49

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

NAYS—51

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

The motion was rejected.

The PRESIDENT pro tempore. The Republican leader is recognized.

MOTION TO TABLE

Mr. MCCONNELL. The Senate just swore an oath to do impartial justice according to the Constitution and the laws of our country. We swore to discharge a duty that is quite different from our normal work. As a Court of Impeachment, we are called not to speak, not to debate, but to listen both to the case against the accused and to his defense.

At this point in any trial in the country, the prosecution presents the evidence of the case, counsel for the defense does the same, and the jury remains silent as it listens. This is what our rules require of us as well.

But the Senate has not had the opportunity to perform this duty. The Senate will not hear the House managers present the details of their case against Secretary Mayorkas; that he willingly neglected the duties of his office and that he lied to Congress about the extent of that failure. Likewise, we will not hear the Secretary's representatives present the vigorous defense to which he is entitled.

Our colleagues know that we are obligated to take these proceedings seriously. This is what our oath prescribes; it is what the history and precedent require; and I would urge each of our colleagues to consider that this is what the Framers actually envisioned.

The power of impeachment is one of the most delicate balances our constitutional system strikes with a portion of the American people's sovereign electoral authority. It purchases a safeguard against malpractice, and it gives the Senate the power and the duty to decide. This process must not be abused. It must not be short-circuited. History will not judge this moment well.

VOTE ON MOTION

Therefore, I move to table the point of order and ask for the yeas and nays.

The PRESIDENT pro tempore. The question is on the motion.

Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior legislative clerk called the roll.

The yeas and nays resulted—yeas 49, nays 51, as follows:

[Rollcall Vote No. 131 Imp.]

YEAS—49

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

NAYS—51

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

The PRESIDENT pro tempore. The yeas are 49, the nays are 51.

The motion to table is not agreed to.

The motion was rejected.

VOTE ON SCHUMER CONSTITUTIONAL POINT OF ORDER AGAINST ARTICLE I

The PRESIDENT pro tempore. The motion before the Senate is a point of order.

The question is on agreeing if the point of order is well-taken.

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

The PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

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

[Rollcall Vote No. 132 Imp.]

YEAS—51

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

NAYS—48

Barrasso	Fischer	Paul
Blackburn	Graham	Ricketts
Boozman	Grassley	Risch
Braun	Hagerty	Romney
Britt	Hawley	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

ANSWERED ''PRESENT''—1

Murkowski

The PRESIDENT pro tempore. On this vote, the yeas are 51, the nays are 48, 1 Senator responding present.

The point of order is well-taken, and the article falls.

The majority leader is recognized.

POINT OF ORDER

Mr. SCHUMER. Madam President, I raise a point of order that impeachment article II does not allege conduct that rises to the level of a high crime

or misdemeanor as required under article II, section 4 of the U.S. Constitution, and it is, therefore, unconstitutional.

The PRESIDENT pro tempore. Under the precedents and practices of the Senate, the Chair has no power or authority to pass on such a point of order. The Chair, therefore, under the precedents of the Senate, submits the question to the Senate.

Is the point of order well-taken?

The Senator from Utah.

Mr. LEE. Madam President, as wrong as the majority leader was moments ago in making this particular point of order as to article I, the impeachment article—article I, remember, refers to the willful defiance by Secretary Mayorkas of the law. As wrong as he was in making that as to article I—and he was very wrong for the reasons articulated moments ago by the Senator from Texas—he is even more wrong, far more so, with respect to article II, because article II accuses him of knowingly making false statements. This is a violation of 18 U.S.C., section 1001—a felony offense.

If this is not a high crime and misdemeanor, what is? If this is not impeachable, what is? What precedent will be set? We need to address this, and to discuss it, we need to discuss it in closed session.

MOTION FOR CLOSED SESSION

For that reason, Madam President, I move that the Senate proceed to closed session to allow for the deliberation on this very consequential point of order that he has just made that violates hundreds of years of Anglo-American legal precedent and understanding on the question required by impeachment, rule XXIV, and I call for the yeas and nays.

VOTE ON MOTION

The PRESIDENT pro tempore. The question is on agreeing to the motion.

Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 133 Imp.]

YEAS—49

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

NAYS—51

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

The motion was rejected.

The PRESIDENT pro tempore. The pending business is the point of order raised by the majority leader.

The Senator from Florida.

MOTION TO ADJOURN

Mr. SCOTT of Florida. Madam President, as jurors, we have not had the time to review whether this point of order is contrary to the Constitution. Therefore, I move to adjourn the Court of Impeachment until 12 noon on Tuesday, April 30, 2024, and I ask for the yeas and nays.

VOTE ON MOTION

The PRESIDENT pro tempore. The question is on the motion.

Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 134 Imp.]

YEAS—49

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

NAYS—51

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

The motion was rejected.

Mr. WICKER. Madam President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his parliamentary inquiry.

Mr. WICKER. I appreciate that my friend from New York is eager to get this done with, but are we about to set a precedent that the allegation of a felony is not a high crime and misdemeanor?

The PRESIDENT pro tempore. That is not an appropriate parliamentary inquiry.

Mr. WICKER. Madam President, there are other ways for the majority to move this off the floor of the Senate, but I would urge my colleagues to—

The PRESIDENT pro tempore. Does the Senator have a motion that he wishes to make?

Mr. WICKER.—understand what we are doing.

The PRESIDENT pro tempore. The question is on the point of order raised by the majority leader.

The Senator from Louisiana.

MOTION TO ADJOURN

Mr. KENNEDY. Madam President, I have a motion, and it takes precedence.

The PRESIDENT pro tempore. State your motion.

Mr. KENNEDY. As I appreciate the majority leader's allegation, lying to the United States Congress is not a high crime and misdemeanor. You don't have to be Mensa material to know that it is not always——

The PRESIDENT pro tempore. The Senator will state his motion.

Mr. KENNEDY.—a high crime and misdemeanor; it is a felony.

The PRESIDENT pro tempore. Would the Senator please state his motion.

Mr. KENNEDY. I will.

Since we are not allowed to talk among ourselves about the absurdity of this and my Democratic colleagues will not allow us to go into closed session to talk about the absurdity of this——

The PRESIDENT pro tempore. The Senate is in a nondebatable——

Mr. KENNEDY.—I move that we adjourn until 12 noon on May 1, 2004, and I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

Will the Senator modify his motion? I would ask the Senator to modify his motion.

Mr. KENNEDY. Madam President, 2004 would probably be preferable, but I will accept a friendly amendment that we make it 2024.

(Chorus of Hear! Hear!)

VOTE ON MOTION

The PRESIDENT pro tempore. The question is on agreeing to the motion.

Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 135 Imp.]

YEAS—49

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

NAYS—51

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

The motion was rejected.

The PRESIDENT pro tempore. The pending motion is the point of order offered by the Senate majority leader.

The Senator from Kansas.

MOTION TO ADJOURN

Mr. MARSHALL. Madam President, I have a motion, and it takes precedence.

Before this body disrespects the Constitution any further, before we endanger our Republic any more, before we harm the reputation of this body any more, I move to adjourn until 7 a.m. on November 6, 2024, so the American people can at least have a vote on this impeachment trial.

VOTE ON MOTION

The PRESIDENT pro tempore. The question is on agreeing to the motion.

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

The PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 136 Imp.]

YEAS—49

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

NAYS—51

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

The motion was rejected.

The PRESIDENT pro tempore. The pending motion is the point of order raised by the majority leader.

The Senator from Alaska.

PARLIAMENTARY INQUIRY

Mr. SULLIVAN. Madam President, we seem to be in unprecedented territory here. So I have a parliamentary inquiry.

The PRESIDENT pro tempore. State your inquiry, please.

Mr. SULLIVAN. Madam President, has there been a successfully invoked point of order to dispose of an Article of Impeachment prior to opening arguments by the House managers?

The PRESIDENT pro tempore. The Chair is not aware of any such occurrence.

Mr. SULLIVAN. Thank you, Madam President.

Unprecedented territory.

The PRESIDENT pro tempore. The pending business is the point of order raised by the majority leader.

The Senator from Louisiana.

Mr. KENNEDY. Madam President, I have a motion, and it takes precedence.

The PRESIDENT pro tempore. State your motion, please.

EXECUTIVE SESSION—MOTION TO PROCEED

Mr. KENNEDY. Madam President, before we establish a precedent that lying to the U.S. Congress is not a felony——

The PRESIDENT pro tempore. The Senator from Louisiana will state his motion.

Mr. KENNEDY. And before we add a new chapter to the movie ‘‘Pulp Fiction,’’ I move that we go into executive session to at least allow us to talk about the breathtaking precedent we are about to establish here.

Could you turn me back on here?

And I ask for the yeas and nays.

VOTE ON MOTION

The PRESIDENT pro tempore. The question is on agreeing to the motion to proceed to executive session.

The yeas and nays have been requested.

Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 137 Imp.]

YEAS—49

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

NAYS—51

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

The motion was rejected.

The PRESIDENT pro tempore. The pending motion is the point of order raised by the majority leader.

The Republican whip.

Mr. THUNE. Madam President, I think it goes without saying that the Mayorkas-Biden policies have led to the worst border crisis in American history: 7.6 million people apprehended; 1.8 million ‘‘got-aways’’; who knows how many unknown ‘‘got-aways’’——

The ACTING PRESIDENT pro tempore. The Senator is reminded that we are in a nondebatable position in the Senate.

Mr. THUNE. The one thing we know is that 357 people who are on the Terrorist Watchlist were apprehended coming into this country.

MOTION TO TABLE THE SCHUMER POINT OF ORDER

We have a responsibility to hear these Articles of Impeachment, and therefore I move to table the Schumer point of order.

I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

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.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 138 Imp.]

YEAS—49

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

NAYS—51

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

Warner	Warren	Whitehouse
Warnock	Welch	Wyden

The motion was rejected.

The ACTING PRESIDENT pro tempore. The pending business is the point of order offered by the Senate majority leader.

PARLIAMENTARY INQUIRY

Mr. CORNYN. Madam President, parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state his inquiry.

Mr. CORNYN. Madam President, I inquire whether the actions we take today are creating a precedent on impeachments that would apply to all future impeachment actions in the Senate, including an impeachment of the President of the United States.

The ACTING PRESIDENT pro tempore. Impeachment precedents would apply in future impeachment hearings.

VOTE ON SCHUMER POINT OF ORDER

The question is on the point of order.

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

The PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 139 Imp.]

YEAS—51

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

NAYS—49

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

The motion was agreed to.

The PRESIDENT pro tempore. On this vote, the yeas are 51, the nays are 49.

The point of order is well-taken; article II falls.

The majority leader is recognized.

MOTION TO ADJOURN THE COURT OF IMPEACHMENT SINE DIE

Mr. SCHUMER. Madam President, I move to adjourn the impeachment trial of Alejandro N. Mayorkas sine die, and I ask for the yeas and nays.

VOTE ON MOTION

The PRESIDENT pro tempore. The question is on the motion.

Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 140 Imp.]

YEAS—51

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

NAYS—49

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

The PRESIDENT pro tempore. On this vote, the yeas are 51, the nays are 49.

The motion is agreed to.

ADJOURNMENT SINE DIE OF THE COURT OF IMPEACHMENT

The PRESIDENT pro tempore. The Senate, sitting as a Court of Impeachment, stands adjourned sine die.

Thereupon, at 4:26 p.m., the Senate, sitting as a Court of Impeachment, adjourned sine die.

LEGISLATIVE SESSION

REFORMING INTELLIGENCE AND SECURING AMERICA ACT—Motion to Proceed—Continued

The PRESIDENT pro tempore. The majority leader.

Mr. SCHUMER. For the information of Members, there are no further votes today. I remind all Members that we have very serious business ahead of us in the next few days, and we will keep you informed as to schedule as things can get scheduled.

The PRESIDENT pro tempore. The Republican leader is recognized.

MAYORKAS IMPEACHMENT

Mr. McCONNELL. Madam President, we set a very unfortunate precedent here. This means the Senate can ignore, in effect, the House's impeachment. It doesn't make any difference whether our friends on the other side thought he should have been impeached or not. He was.

And by doing what we just did, we have, in effect, ignored the directions of the House, which were to have a trial. We had no evidence, no procedure.

This is a day that is not a proud day in the history of the Senate.

(Applause.)

The PRESIDENT pro tempore. The Senator from Utah.

Mr. LEE. Madam President, I ask unanimous consent to enter into a colloquy with my Republican colleagues.

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

Mr. LEE. Madam President, what we witnessed today is truly historic. This has never occurred. Nothing like this has ever occurred.

Under article I, section 3, clause 6, we have been given a duty. We have been given the sole exclusive power to try all impeachments—try all impeachments—not some of them, not just those with which we happen to agree, not just those we are happy that the House of Representatives undertook to prosecute, but all.

The word ''try'' is also significant. It refers to the word ''trial.'' It is the same word. It is a proceeding in which the law and the facts are presented to finders of fact—in front of judges—in order to reach an ultimate disposition. In a criminal proceeding, it would be an ultimate disposition culminating in a verdict of guilty or not guilty.

We were precluded from doing that job today. We were precluded from doing so in a way that is not only ahistoric and unprecedented but counterconstitutional. Nothing could be further from the plain structure, text, and history of the Constitution than that.

Let's look at the arguments that we would have heard, that we could have heard, that we should have heard today had things unfolded as they were supposed to, had things unfolded in a manner consistent with the oath that we took first when we were sworn in as U.S. Senators. We were all required to take the same oath to the Constitution when we did that.

(Ms. BUTLER assumed the Chair.)

But also the oath that we took just a few hours ago in this very Chamber in this very case to decide this case impartially.

What would we have heard? Well, first and foremost, regardless of what you think about what a trial consists of or how different people might cleverly define the term, a trial will always, at a minimum, involve lawyers, involve lawyers. Unless the person is proceeding pro se, you will always have lawyers there. At least one side will always be represented by lawyers in 99.9 percent of all cases. Both sides will. You will hear from lawyers.

We didn't hear that today. We didn't hear from the committee of individuals appointed by the House of Representatives to be the House impeachment managers or prosecutors. What else would you expect to hear? Well, you would hear evidence. Evidence would be brought in. Sometimes trials in the Senate involve bringing in evidence in a documentary form.

Other times, you might have witnesses. We didn't have any witnesses, we didn't have any documentary evidence, other than that which was charged.

So let's talk about what was charged and what evidence we could have, would have, and should have heard had we done our job today.

Well, the accusations in this impeachment trial, they fit into two categories. Category one, Senate article I of the Articles of Impeachment, article I alleges that Secretary Mayorkas repeatedly, defiantly did the exact opposite of what Federal law requires; namely, that under myriad circumstances, eight or nine different statutory provisions that he violated, he was required to detain people whom he did not detain.

But it is not just that he didn't do what the law required; he did the exact opposite of that. Instead of holding them until such time as they could be removed or alternatively adjudicated to have the status, whether in the context of immigration parole or asylum or otherwise, he just released them and, in many cases, gave them work permits.

We would have heard evidence about the fact that memoranda issued by Secretary Mayorkas within the Department of Homeland Security didn't just tolerate this result; they instructed this result. We would have heard evidence about the fact that at the outset of the Biden administration, Secretary Mayorkas, when asked what he would tell those traveling through the caravans, those paying many thousands of dollars per head—in some cases tens of thousands of dollars per head—to international drug cartels. Instead of telling them, Don't do it, he said, Maybe don't do it yet; give us a few weeks before we are ready to receive you—showing intention, aforethought to facilitate the violation of Federal law.

We would have heard evidence about how he instructed his own department to violate those rules. We would have heard evidence about how directly contrary to Federal law those things are and contrary to his own oath and his own duty.

Now, as to article I, the Senate chose to dispose of this today by doing something it has never done, in any context anywhere close to this, with a point of order that said as follows.

The majority leader stood up, defiantly refusing to have the Senate perform its obligations and called a point of order. He said: I raise a point of order that impeachment article I does not allege conduct that rises to the level of a high crime or misdemeanor as required under article II, section 4 of the United States Constitution and is, therefore, unconstitutional.

Now, let's talk about that for a minute. Now, had we been permitted to have a trial—alternatively, had we been permitted to go into executive session; alternatively, had we been permitted to go into closed session, as several of us moved today—we would have been able to hear arguments about this, about how wrong this is, because that is what you do when you have a trial: You hear evidence; you hear arguments from lawyers; and when someone makes a legal argument, as Majority Leader SCHUMER just did, you can consider their implications and, most importantly, consider whether or not the argument is right.

Because when we are sworn in, in a trial of impeachment, our job is to serve as both finders of fact and adjudicators of law relevant to this case. We were denied that opportunity.

So while we are exploring what we would have heard had we gone to trial, had we done our job, let's also explore what would have happened in a real trial had somebody made an actual motion and we had been permitted to do our job.

But, look, first and foremost, this is patently absurd to argue that a willful refusal to obey the law that one has a sworn solemn obligation to perform is somehow not impeachable.

We don't have to look too far in order to find support for the conclusion that this is an illegitimate, unwarranted, unsubstantiated claim—one that is directly contrary to law.

In fact, we don't have to look further than President Biden's own lawyer. The Solicitor General of the United States, who holds a special position within our Federal Government, performs functions that many people mistakenly associate with the Attorney General. But it is, in fact, the Solicitor General who is the United States Government's chief appellate advocate and chief advocate before all proceedings at the U.S. Supreme Court.

There was an exchange in a case argued last term in the Supreme Court of the United States called United States v. Texas. In that case, the Supreme Court heard arguments from the State of Texas about whether or not this administration's approach toward these same provisions of law is acceptable, whether or not they could challenge them.

Now, unfortunately, the Supreme Court reached a conclusion—a conclusion with which I strongly disagree. And the Supreme Court concluded, ultimately, that the State of Texas lacks standing to challenge Federal policy—Federal policy along the lines of what we are discussing today, notwithstanding the fact that it is conduct that inflicts substantial harm on the State of Texas and its residents.

But the important part that we should have been able to argue here today is the exchange that occurred at oral argument between Justice Kavanaugh and Elizabeth Prelogar, Solicitor General of the United States, in her capacity as Solicitor General as the Biden administration's chief appellate advocate and chief advocate before the United States Supreme Court.

Justice Kavanaugh asked her a number of questions at oral argument, and on page 50 of that argument transcript some of that discussion ensues. He asks the following:

> [I]f a new administration comes in and says we're not going to enforce the environmental laws, we're not going to enforce the labor laws, your position, I believe, is no state and no individual and no business would have standing to challenge a decision to, as a blanket matter, just not enforce those laws, is that correct?

Here is what Solicitor General Prelogar says:

> That's correct under this Court's precedent, but the framers intended political checks in that circumstance. You know, if—if an administration did something that extreme and said we're just not going to enforce the law at all, then the President would be held to account by the voters, and Congress has tools at its disposal as well.

So this argument continues, it continues on to the next page, in which Justice Kavanaugh says:

> What are the exact tools that Congress has to make sure that the laws are enforced . . .

And Solicitor General Prelogar answers:

> Well, I think that Congress obviously has the power of the purse.

And she goes on to explain how this is relevant. And then this goes on until we get to page 53.

And then at page 53, Justice Kavanaugh jumps back in and says:

> I think your position is, instead of judicial review, Congress has to resort to shutting down the government or impeachment or dramatic steps—

of some sort or another.

Solicitor General Prelogar responds by saying:

> Well, I think that if those dramatic steps would be warranted, it would be in the face of a dramatic abdication of statutory responsibility by the executive.

She just acknowledged exactly what has happened here, and she acknowledged that is exactly the moment at which the impeachment power becomes very relevant.

Lest there be any doubt on that, this stuff was settled, not just in 1789 when we adopted the Constitution and when the Framers used the language that they did, but remember, the Framers were not operating in a vacuum. They were not writing on a blank slate. They were incorporating legal terminology that had been in use for centuries.

In fact, Justice Story in his treatise on the Constitution discusses this very kind of thing and explains in section 798 of his famed treatise, written not so very long after the Constitution itself was written, that we got this stuff from England, that the British knew what impeachment meant, and they understood what would constitute a high crime or misdemeanor.

In section 798, Justice Story acknowledges that there was precedent, there was an understanding at the time of the founding that recognized that you would have an impeachable offense if, among other things, a Lord Admiral would have neglected the safeguard of the sea.

They didn't have a Homeland Security Secretary then, not in America, not in Britain. But this is really analogous. This is the exact same thing. Somebody who had a duty to do a certain thing under the law and defiantly refused to do so.

Those are arguments we could have and would have and should have heard today had we had an actual trial, had we been permitted even to go into executive session, or even go into closed session.

Why closed session? We didn't want to have to do it in closed session. But, you see, the standing rules of impeachment in this body preclude us from having this very kind of debate.

So when Majority Leader SCHUMER made this argument, to the great shock and surprise of all of us, we wanted to warn the body and have this debate. He wouldn't let us do that. The Democrats voted us down. So that is article I in a nutshell.

Article II of the Articles of Impeachment, what do those get to? Well, those are interesting, because those deal with false statements—knowingly false statements repeatedly made by Secretary Alejandro Mayorkas to Congress—to Congress as it is performing its oversight responsibilities.

He lied to Congress according to the allegations of the Articles of Impeachment in article II.

To my great shock—look, he was dead wrong as to article I, but if he was dead wrong as to article I, he was deader than a doornail—whatever that means—ten times more dead as a doornail as to article II than he was to article I.

Why is that? Well, because they allege in article II that Secretary Mayorkas knowingly made false statements. Knowingly making false statements is a felony offense. It is punishable as a crime, as a felony Federal offense under, among other things, 18 USC section 1001. It is routinely charged, prosecuted, and is the basis for lots of convictions for a felony offense. You can go to prison for a very long period of time for that.

Now, for CHUCK SCHUMER to argue—

Mr. KENNEDY. Will the Senator yield for a question?

Mr. LEE. Yes.

Mr. KENNEDY. I just want to be able to be sure I understand, Senator.

I asked Senator LEE if he would yield to a question.

I thought I heard Senator SCHUMER argue today that lying to the U.S. Congress was not a high crime or misdemeanor and, therefore, could not be the basis for an Article of Impeachment.

Did I hear that correctly?

Mr. LEE. That is exactly what he said. That is exactly what he said when he made this motion, because he stood up and he said: I raise a point of order that impeachment article II does not allege conduct that rises to a level of high crime or misdemeanor.

Mr. KENNEDY. So even though lying to the U.S. Congress is a felony under the precedent that the majority leader and our Democratic colleagues established, it is not a high crime or misdemeanor? Is that what we did?

Mr. LEE. That is precisely what the precedent established today stands for. That is—we have effectively—by this vote that the Democrats forced through, not even allowing us to debate this—and this is why I raised a point of order—or this is why I made a motion that we go into closed session to discuss this, because we have now set a precedent that effectively—very arguably effectively immunizes from impeachment making a false statement to Congress.

Mr. KENNEDY. Well, may I ask one more?

Mr. LEE. Yes, please.

Mr. KENNEDY. Well, I am trying to follow the Senate majority leader's logic. What do you have to do to get impeached now? I mean, a felony is not sufficient. What is above a felony?

Mr. LEE. Well, let's see, obviously, spreading what they deem misinformation on the internet might be a felony. I suppose at some point—

Mr. KENNEDY. But it takes, as I understand it, Senator—you are a legal scholar—it takes more than a felony now.

Mr. LEE. A high crime or misdemeanor.

Mr. KENNEDY. Yeah.

Mr. LEE. It takes more than a high crime or misdemeanor.

Mr. KENNEDY. Who is on first? What is on second? I don't understand any of this, and I am very, very worried and would like your thoughts or others' thoughts about the precedent that our Democratic colleagues, in their haste to sweep this under the rug, may have established.

Ms. LUMMIS. Will the gentleman from Louisiana yield for an adjunct question to his question?

Mr. KENNEDY. With pleasure.

Ms. LUMMIS. So the law says that lying to Congress is a felony. Since we are no longer using impeachment as a means to address someone who is lying to Congress, how does Congress prosecute or address someone who deliberately lies to Congress now that the Senate has swept away, through this precedential action today, the opportunity to use impeachment for that purpose?

Thank you.

Mr. LEE. I would love to respond to that point briefly, if I could, please. What we have done is to effectively immunize this against impeachability—immunize making false statements.

And going back to the original question, I don't know. Maybe aggravated, first-degree murder with heinous, atrocious, and cruel conduct as aggravators—maybe that is still a high crime or misdemeanor. That remains to be seen.

But keep in mind, particularly with the fact that they already set aside article I—and they have already said that that is out of bounds, as well, for impeachability. The Supreme Court has said pretty much nobody has standing to address that. What are we left with?

And getting back to the question from Senator LUMMIS, this is a phenomenally dangerous precedent to have set here, specifically with regard to false statements, because what does that do to our oversight hearings, where we rely, routinely, on testimony provided under oath by Cabinet Secretaries and other administration officials? What does that do? What incentive structure does that create? What perverse incentives does that create for them to lie?

Mr. GRAHAM. Would the Senator yield?

Mr. LEE. Yes.

Mr. GRAHAM. Are you aware—here is the question: Are you aware of the fact that President Clinton was impeached? And one of the charges against him was lying under oath in a civil lawsuit. Are you aware of that?

Mr. LEE. Yes.

Mr. GRAHAM. OK. So you can be impeached for lying under oath in a civil lawsuit, but apparently you can't be impeached for lying to Congress about how you do your job.

So here is what I—I will give Senator SCHUMER the benefit of the doubt, Senator KENNEDY. He is saying that the fact pattern here apparently doesn't rise to the level of high crime or misdemeanor; that it is a policy disagreement. We have taken a policy disagreement in the House and tried to turn it into impeachment.

Well, here is a question for you, Senator LEE. Are you aware of the fact that 2 days ago—2 days ago—Secretary Mayorkas was asked about the parole of the man alleged to have killed Laken Riley, Mr. Ibarra: Why was he paroled and how was he paroled?

Under the parole statute, 212(d)(5), there are two ways parole can be granted: unique humanitarian need circumstances. Your mother is dying. Something is going on bad. You need to get into the country on a temporary basis. Or a special benefit to the United States—that means you are a witness in, probably, a cartel trial. Those are the only two reasons you can be paroled.

And 2 days ago—no, yesterday—Secretary Mayorkas said he did not know why Mr. Ibarra was paroled. Which one of the two was it? This was a question from Congressman BISHOP. He said: I didn't know.

At the same time he said, I didn't know, I had the file, and it says: Subject was paroled due to detention capacity at the Central Processing Center in El Paso, TX. In the file, he was

paroled because they didn't have any space for him.

Senator SCHUMER, this is illegal. The Secretary of Homeland Security cannot just add a condition to the statute. The statute doesn't allow you to give parole because you are full. And the reason this man was given parole is not because of the statutory requirements, but because we had run out of space, because we have got more illegal immigrants than we can handle.

And the rest is history. He gets paroled. He goes to New York. He gets convicted of a crime. He goes to Georgia, and he is accused of murdering this lady.

It seems to me that would be something we should argue over, as to whether or not you should lose your job because you have got a statutory requirement limiting your authority to parole people, and in your own file, exhibit A, you paroled him because the place was full.

This happened 2 days ago. So this gives kangaroo courts a bad name. This is a frigging joke.

We have a nation under siege. Madam President, 1.9 million people have been paroled. Are you telling me they do an individual analysis on all the people?

In November 2023, I asked him: Secretary Mayorkas, do you do a case-by-case analysis?

Senator, we comply with the law.

So you are telling me that for all of the 240,000—the ones in front of us—you determined that they meet the criteria of urgent humanitarian need or significant public benefit?

And he said: Yes.

This was in November, under oath, to me when I questioned: I don't believe you. I don't believe you are doing an individual analysis on this stuff. You are doing blanket parole, and you are paper-whipping this stuff.

It turns out he gave false testimony to the Congress. Whether he lied or he just doesn't know what he is doing, I don't know. You should be impeached either way. If you don't know what you are doing, you should be kicked out because you don't know what you are doing.

But the man that we are talking about is the one charged with murdering this young lady who was going on a jog. If that is not important to the American people—to find out how that happened and should somebody be held responsible—what the hell is?

You can talk about why we impeached Trump and Clinton? Was it worthwhile? Did it matter? Was it all political?

You cannot say this is not important. To say that how he is doing his job is not important to the American people—tell that to the Riley family. This is not an academic debate.

The policies of this administration being carried out by Secretary Mayorkas are illegal. The man charged with killing Laken Riley was illegally released into this country by DHS. That should be something we argue about in the Senate, as to whether or not you keep your job. It has been swept under the rug.

There will be an election in November. This is the only chance you have to get this right, to the American people. We had a chance today to hold somebody accountable, finally, for all the rape and the murder and the drugs. The largest loss of life in America is fentanyl coming through the border, for young people. How many more people have to die, be raped or murdered before somebody is held accountable?

We had a chance here, and our Democratic friends swept it under the rug because they are more concerned about the November election than protecting the American people, and this is a sad day for the Senate.

Mr. LEE. Who wouldn't be offended by the use of the term ''kangaroo court.'' In fact, the entire marsupial world will be offended by this.

Mr. MARSHALL. If the gentleman will yield.

Mr. LEE. Yes.

Mr. MARSHALL. It certainly seems to me that, today, 51 of our friends across the aisle voted to not have a trial. Make note of this: that every person that voted to end that trial was a vote for an open border. It was a vote to tell Laken Riley's family that the life of their daughter didn't matter. It was a vote to tell the 250,000 families that lost a loved one to fentanyl: It doesn't matter.

But what struck me, as the clock struck midnight here and we lost that vote, is I feel like the Senate was gutted, that we lost part of our powers.

You know, in high school we were taught—in high school government, we talked about checks and balances. And one of the checks and balances that the legislative branch had on the executive branch was this impeachment process.

And I want to ask my colleague from Texas: Why do I feel like it has just been gutted right now—like the entire Senate—that this body has been gutted of a power that we are never going to get back, that impeachment going forward may mean nothing. Am I wrong?

Mr. CRUZ. I am sorry to say that my friend from Kansas is not wrong. In the 237 years of our Nation's history, I don't know that there has been a more shameful day in the U.S. Senate than today.

What we just witnessed was a travesty. It was a travesty to the U.S. Constitution, and it was a travesty to the American people. And it is important to understand why the Democrats did what they did.

We are here on the Senate floor right now, but I want the record to reflect that I am going to do a very accurate count of the number of Democrats who are with us. That would be zero, other than the Presiding Officer, and somebody has to preside. Not a single Democrat Senator chose to come to this floor and listen to one word of evidence.

When it comes to the Constitution, the Democrats concluded that Joe Biden and Alejandro Mayorkas defying Federal law, ignoring the text of the statute, deliberately releasing criminal illegal aliens over and over and over again—that is just hunky-dory. You can't impeach him for that. Every Democrat just voted.

By the way, every Cabinet member—guess what—you have just been given a blank slate. Ignore the law. When Democrats are in charge of the Senate, the entire Cabinet can ignore the law. It is no longer impeachable in Democrat wonderland when a member of the executive branch openly defies the law.

By the way, every Democrat just voted that way. They didn't hear one word of argument. The majority leader didn't stand up and say: Here is the reason why it is OK. No, he didn't present that argument.

They didn't read a brief. Nobody wrote a brief. They didn't care enough to know what Senator LEE just laid out, that the Biden Department of Justice went in front of the U.S. Supreme Court and said: If the executive defies the law, the answer is impeachment.

The willingness of every Democrat to be blatantly hypocritical—just last year, the Biden Justice Department said: No, no, no, no, no. You can't sue in court when we, the Biden administration, defy the law. The answer is impeachment.

And like three-card monte, every Senate Democrat said: No, no, no, no, no. The answer is not impeachment. I don't know what it is.

Actually, I do know what it is. There is only one answer left, which is that everyone who is unhappy about the open border shows up in November. And, to use the phrase, throw the bums out.

Because if you are not willing to do your job—is there not one Senator on that side of the aisle who cares enough to honor the Constitution?

And, by the way, the second article they threw out said that lying to Congress is not a high crime or misdemeanor. It is not impeachable.

Now, as the Senator from South Carolina pointed out, Bill Clinton was impeached for lying under oath. And do you know what happened? He was ultimately acquitted, but after a full trial, where they heard the evidence, when the Senate did its job.

By the way, one of the impeachment managers was Senator GRAHAM, who presented that evidence right here on this floor.

And do you know what? Before Bill Clinton, there is a guy named Walter Nixon. You may not know who Walter Nixon is. Walter Nixon was a Federal judge who was convicted of perjury. From Mississippi, he was convicted of perjury in front of a grand jury, and he was impeached. And it went to the Senate, and the Senate convicted him and removed him from the bench.

So do you want to know what the precedents were prior to today? You commit a crime—lying under oath, perjury—it is a high crime or misdemeanor that is impeachable. No

more, because understand the Democrats rule here. This is all about—this is not about the Constitution. None of them care.

By the way, we repeatedly moved: Let's go into debate and hear the other side of the argument—no.

Look, the famous three monkeys: Hear no evil, see no evil, speak no evil. That is just evil, what they did. They don't want to know because they don't care, because it is not about the Constitution. It is not about the law. It is about political expedience.

But every bit as violent as what they did to the Constitution was that it is even more offensive what they did to the American people.

Last year, 853 migrants died crossing illegally into this country. That is almost three a day. You go down to the southern border. You go down to Texas—which the Democrats don't bother to do because they don't care about the people dying—and you see photograph after photograph of the Texas farmers and ranchers finding dead bodies on their property. Many of my colleagues who have been down there with me have seen the elderly people the human traffickers have abandoned, have seen the pregnant women the human traffickers have abandoned, and have seen the infants and toddlers left to die. The Senate Democrats just told the American people they don't give a damn about the bodies and the people who have died the last 3½ years, and they don't give a damn about the people who are going to die next week.

Next week, more migrants are going to die. But we brought 19 Senators down to the border. We went out on a boat in the Rio Grande. We saw a man floating dead in the water. Senator LEE was there. Senator KENNEDY was there. He had died that day. The Democrats just told the American people they don't care.

When you go down to the border and you look at the children who have been brutalized—just about all of us here are parents. I will tell you, when you look in the eyes of a little girl or a little boy who has been abused by traffickers and you see it—you see the pain. You see the agony of children trapped in sex trafficking. The Democrats just said they don't care. They won't hear the evidence. They don't care if it is deliberate, and they don't care that it will happen next week, that it will happen tomorrow. Tomorrow, there will be children brutalized because of the Democrats' open border policies and not a one of them care.

They don't care about the women who are repeatedly sexually assaulted. Again, when you look at the eyes of these women coming over, it is heartbreaking. And the Democrats just said: We don't care.

And they don't care about the more than 100,000 Americans who died last year from drug overdoses, the highest in our Nation's history. Seventy percent of that is from Chinese fentanyl coming across our southern border. And the Democrats said: We don't want to hear about it. We are not interested in the Americans dying.

You know what else they don't care about? They don't care about the criminals who are being released day after day after day. The Biden administration is releasing murderers and rapists and child molesters, and every week we see a different story of somebody being killed, somebody being raped, another child being assaulted by illegal immigrants being released by Alejandro Mayorkas and Joe Biden.

How shocking that there wasn't one Democrat who said: You know, massive human suffering matters.

We ought to hear the evidence. How shocking is it that there wasn't one Democrat—one. There are 51 of them on that side. Not a single one could screw up the courage to say: Let's do our job. Let's hear the evidence.

How shocking is it that not a Democrat cares about the terrorists who are streaming across our southern border? The nation of Iran has called for jihad against America. Hamas has called for jihad against America. Hezbollah has called for jihad against America. And Joe Biden and the Democrats have put out a red carpet and said: If you want to murder Americans, come across our southern border and we the Democrats will welcome you.

Like many of us on this floor, I was in Washington, DC, on September 11, 2001. I remember the horror. I lost a good friend. Barbara Olson was in the plane that crashed into the Pentagon.

I remember the smell of smoke and sulfur and burning. I remember the agony, and I remember the national unity that came after 9/11, and Democrats and Republicans came together. I don't know that I have ever been more proud of a President than when President George W. Bush stood on a pile of rubble with a bullhorn, talking to firefighters and New Yorkers. And one of the men in the crowd called out and said: ''We can't hear you.'' And he responded: Well, I can hear you. And soon the whole world is going to hear you as well. We were as one.

Today, not a single Democrat was able to mount up the courage to tell the majority leader: You know what, I don't want another 9/11 to happen. The House impeached Alejandro Mayorkas, brought evidence of releasing terrorist after terrorist after terrorist. We ought to hear the evidence.

I believe today we have a greater risk of a major terrorist attack on U.S. soil then at any point since September 11. And every Democrat just told the American people it doesn't matter to them to hear the evidence.

I appreciate my Republican colleagues who are here, who are willing to hear the evidence, willing to engage, willing to stand up and defend the American people. But you know what? The Democrats who aren't here, they aren't here because you know who also is not here? If you look up at the Gallery, the reporters are all gone. The couple of folks in the back, I hope you all write. But the reporters are absent.

That is the Democrats' plan. What is fascinating? We are presenting argument—many of us, particularly those of us on the Judiciary Committee, but many of us have presented those arguments over and over and over again in hearings—not a Democrat arguing from the other side. It is an issue unlike any other issue I know of in politics.

Listen, if we are arguing about taxes as Republicans, we say: We can cut taxes. It is good for the American people. Do you know what Democrats do? They stand up with their talking points: No, tax the rich. OK, fine. We have a debate.

When we are talking about just about every issue, the Democrats will argue on the other side. They have their spin. What is fascinating—where is DICK DURBIN, the chairman of the Judiciary Committee, standing up and saying: No. No, it is not right that migrants are dying every day. No, it is not right that children are being assaulted every day. No, it is not right that women are being sexually assaulted every day. No, it is not right that they are releasing terrorists every day. They are not there. Not a Democrat is there. Why? Because you can't defend it.

I will tell you, South Texas for 100-plus years has been a Democrat region of our State. It is turning red with the speed of a freight locomotive because nobody can see the suffering that is unfolding and defend it. And the Democrats, by their silence and by the complicity of the press corps—they are counting on the press corps to write stories: ''Victory for the Democrats.'' Yes, they got rid of the impeachment trial. That is the headline news.

Understand, they don't have a substantive defense. None of them dispute a word we are saying. Not a single Democrat has stood up and said: You know, it is wrong that Laken Riley would still be alive if Joe Biden hadn't let her murderer go. They know it is right. The reason they didn't want a trial is because they don't want the American people to hear about it, and it is our obligation to make sure the American people do.

Mr. LEE. Senator RICKETTS is the former Governor of Nebraska. I would love to get your perspective on this.

The PRESIDING OFFICER. (Ms. CORTEZ MASTO). The Senator from Nebraska.

Mr. RICKETTS. Thank you very much to the Senator from Utah for organizing this.

My, my, my. What have our majority leader and the Democrats in the Senate wrought?

They have overturned 227 years of precedence that my colleagues have talked about: 21 previous impeachments, all scheduled for trial; 17 came to trial, and the ones that did not was because the person who was to be impeached was either expelled or dismissed prior to the trial.

To my colleague from Texas's point about the media being complicit, one of the headlines in Politico that I was told about said the trial lasted only 3 hours.

There was no trial. There was no trial.

The majority leader decided that he could determine it was unconstitutional and get every single one of his Democrats, along partisan lines, to vote for it. He said it was unconstitutional, did not rise to the level of high crimes and misdemeanors.

Let me briefly examine that.

Article I sent over to us by the House. I am just going to read the title: ''Willful and Systematic Refusal to Comply With the Law.'' That is article I.

Let me tell you about complying with the law. Prior to this administration, the Trump administration had brought illegal crossings down to a 45-year low. What we have seen since then is an explosion of illegal crossings: over 1.7 in the first year of the Biden administration, nearly 2.4 in the second, and nearly 2.5 in the third. Now, if you count all the people who tried to cross the border illegally or who crossed the border, including the ''got-aways,'' it is 9.4 million people—larger than the population of New York City—and 300,000 in just December alone. That is larger than our capital city in Nebraska, Lincoln. The evidence is right there that we are not doing a good job at the southern border.

And why would that be? Well, because Alejandro Mayorkas is complicit in not following the law.

In a memorandum Mayorkas sent to Immigration and Customs Enforcement officials in 2021, he said:

> The fact an individual is a removable noncitizen—

Notice he doesn't even say ''illegal alien,'' which is what it says in the law. He says:

> The fact [that] an individual is a removable noncitizen therefore should not alone be the basis [for] an enforcement action against them.

He is basically saying that just because you broke the law doesn't mean we have to enforce the law. That right there should tell you he is willfully disregarding the law. Absolutely.

How about the case of parole where the law says that it is only supposed to be used on a case-by-case basis in situations where the person has an extreme humanitarian need or it is in the best interest of our country? Under the Obama and the Trump administrations, it was used an average of 5,600 times—paroled 5,600 foreigners in this country between the Obama and Trump administrations on an annual basis. Last year alone, Mayorkas paroled into this country 1.2 million—whole classes of people—a clear abuse of the law.

Folks, when you see instances where the Secretary for Homeland Security is not following the law, doesn't that raise the question: Shouldn't we have a trial? Shouldn't we examine whether or not he actually should be convicted of this?

And yet, as my colleagues have pointed out, not a single Democrat—a partisan line—said: No, that is not willful disregard of the law.

Let's move on to article II. Article II—again, I am just going to read the title of this—sent over, says ''Breach of Public Trust.'' Breach of public trust.

Well, what does that mean? How about misleading Congress, wouldn't that be a breach of public trust?

On April 28, 2022, Mayorkas testified repeatedly in front of the House Judiciary Committee that DHS possessed the operational control of the southwest border in accordance with the statutory definition. But I just told you how the number of people crossing the border had exploded. My colleague from Texas did a great job talking about the human suffering this created.

If we had been allowed to have a trial, we would have heard from Border Patrol agents who would have come up and testified personally that the border was not secure.

I have been down to that border as well four times. I have seen the people coming across. That border is not secure. In the last trip down there, there were mostly Hondurans, but there was a couple from Moldova on the Russian border who had paid to get across our border because the whole world knows it is open.

This is absolutely what we are talking about; that this is why we have to hear the evidence to go and determine whether or not there is guilt or innocence. And the Democrats have denied it, and it is to the detriment of our Constitution and to our country that we are not being allowed to have a trial, to examine the evidence, and to determine whether or not Alejandro Mayorkas is guilty and whether or not he should be impeached.

I think the few things that I have laid out here this afternoon go exactly to we should examine the questions, and the Democrats chose not to even ask the questions before they dismissed this entirely.

Thank you to my colleague from Utah for giving me the opportunity to be able to address these issues.

Mr. LEE. Before he had his name changed legally—for purposes of this Chamber—to the junior Senator from Missouri, Attorney General ERIC SCHMITT was one of the Nation's leading legal minds engaged in this problem, engaged in trying to address the lawlessness at our southern border, brought on by the policies of this administration. I would like to hear his perspective on what happened today.

Mr. SCHMITT. I thank the Senator.

Madam President, I will take this in two parts. I think it is important for us to actually digest—for the folks here watching in the Gallery or the press folks who are here or who have left—to really understand what happened today, because what happened today wasn't some disagreement about the number of amendments people might have on an appropriations bill or whether or not some vehicle is going to be a priority or not.

What was established today was a new precedent—something that had never taken place in this Chamber in the history of our Republic.

What the Senate Democrats decided to do with a simple majority was to bulldoze 200 years of precedent that said something very simple: that this Chamber would honor our constitutional obligation and conduct a trial to hear the evidence. There is no real debate. We were to hear the evidence from witnesses, with counsel present. There is a whole process—there is a whole procedure—that has been established, finely wrought throughout the ages, that we were to honor—when we raised our right hand when we get sworn in to honor—when we got sworn in today to honor—as U.S. Senators. That is all gone now—maybe forever.

I don't see a circumstance now—you heard the parliamentary inquiries asking if a precedent had ever been established for this or that. A hundred years from now, when somebody else has Harry Truman's desk—if I remember to carve my name in it before I die—somebody will have this desk. I don't know that person's name. I don't know their background or what their life experience will be, but they will know what happened today. They will know that the U.S. Senate, under CHUCK SCHUMER, who will go down as one of the worst U.S. Senators in American history because of his actions today—they will know that we just blew off an important duty: to conduct a trial.

It wasn't, you know, an idea—and to paraphrase my friend from Louisiana, it wasn't some, you know, ''gamer bro'' with a tweet. These were Articles of Impeachment, voted on by the people's Representatives in the House of Representatives, walked over here and delivered. So CHUCK SCHUMER and the Democrats who voted for that are going to have to own that. And to paraphrase something the Senator from Kentucky said just a few years ago: I think they are going to regret it, and I think they are going to regret it sooner than they think.

So, having said that, what was this trial supposed to be about?

As the Senator from Utah mentioned, when I was attorney general in Missouri, we brought the first lawsuit against the Biden administration for their actions at the southern border when they decided to undo ''Remain in Mexico.'' We were successful for a while, but what came out of that was a lot of what you might have read in article I of the impeachments that were brought over. A lot of those were from—a lot of those arguments were from that case.

As an interesting little side note, when we won—when we had an injunction in place, actually, for the Biden administration to keep this very important protection in place—they ignored it. We had to go back in front of

a judge time and time again to get them to abide by the law.

But what we have found out from this administration and Secretary Mayorkas specifically is they are willing—he himself is willing to subvert the law, to believe that he is above the law, to lie and to commit a felony that this Chamber now has said doesn't rise to the level of a high crime and misdemeanor—forever. That is the precedent forever.

The human toll of this lawlessness at the border that has been overseen by Secretary Mayorkas is devastating. Thousands of people die every month from fentanyl abuse or overdoses. We have a ticking time bomb in this country with a national security threat. We don't know who 2 million people are; and 9 million people have come here illegally. Most of them have been told: Please show up for a court date sometime in the 2030s. That is not going to happen. But 2 million of them—we don't know who they are; we don't know where they are from; we don't know where they are at. We are seeing a record number of Chinese nationals come across just in California alone.

People from all across the world are coming here because they know our border is wide open, and it is not by accident. Whatever the motivations are, Secretary Mayorkas's memo and instruction to his employees is to ignore the law. The immigration law in this country, the snapshot, is if somebody comes here illegally, they are detained, and they are deported unless some adjudication exists, like an asylum case is processed; but 9 out of 10 of those are bogus. That had been the law of our country, the law of the land, for a very long time among Republican and Democratic administrations but no longer, because Secretary Mayorkas decided to instruct his employees to subvert that law.

If you want to change it, come here. If you want to change a ''shall'' to a ''may,'' that is what we are supposed to do. That is what the article I branch is supposed to do, just like the article I branch here in the Senate is supposed to hold people accountable who are in high positions of government. It is our remedy.

As the back-and-forth in that United States vs. Texas and Missouri case from Justice Kavanaugh to the Solicitor General of the United States indicated, what is the remedy here?

And the Department of Justice's own lawyer said: Well, they have the remedy of impeachment.

But I guess we don't actually have that anymore.

So I know that, in these 24-hour news cycles, things move on quickly. Tomorrow, we are going to be on, you know, FISA, and there is national security stuff, and it will be easy, I think, for many to sort of wipe today away, but it won't go away. It is a stain on this institution. It diminishes this body. It is why I stood up to object to a ridiculous idea that, somehow, we are supposed to negotiate away our constitutional duty. That isn't up for grabs. That is our job.

Oh, thank you, Senator SCHUMER, for giving us a half hour to talk about this.

No thanks. Not from me.

Now, would I do that on some amendment to an approps bill? Probably not. But, when Senator SCHUMER wants to set our constitutional order on fire, I will stand up and I will object, and I know many other people share that point of view.

There is no structure to the arson you are committing.

So I appreciate the inquiry—or this back-and-forth we are having with the Senator from Utah because, sadly, this is all we are left with.

So many powers of individual Senators have been given away over the years. This institution is no longer the world's greatest deliberative body; it is Kabuki theater with fewer powers now individual Senators have and fewer powers that we have been given by our Founders as an institution. For what? For what? A couple of bad days? A couple of news cycles?

Congratulations. Congratulations, CHUCK SCHUMER. You are going to own that, and every single Democrat who voted for it will too.

So the border crisis isn't going away. It still exists. The Senate lost an opportunity to hear evidence to hold someone accountable today.

I thank the Senator.

Mr. LEE. No. Thank you. Excellent remarks. There are some days that one wishes one could live over. This is a day that will live in infamy and is a day that future generations will wish had gone differently.

We have got a friend and colleague—our friend and colleague, the senior Senator from Wisconsin, has many titles in the Senate, titles of distinction. He is the prince of plastics, the maven of manufacturing, the connoisseur of cheese curds. He is also, among other things, someone who has identified himself as a chancellor of charts showing the profound depth of our border security crisis. He has been working on this ever since he first became the chairman of the Homeland Security Committee back in 2015. He has built on these charts, and he has built on them in a way that has resulted in their catching fire. You will now see politicians all over the country at every level of government—and I mean every level of government—utilizing his charts because they are the best in the business. Let's hear from him now.

Mr. JOHNSON. I thank my colleague from Utah, and I was not aware of all of those titles, but I will accept them.

Madam President, if we would have had a trial—and it is a travesty we haven't. There has been great damage done to our Constitution and to this institution by our colleagues on the other side of the aisle because they didn't want the American people to see this.

Now, I have described this chart—had we had a trial, this would have been the irrefutable DNA evidence that proved the crime. There is no way you can take a look at the history of illegal entry into this country and not recognize that what has happened under the Biden administration and under Secretary Mayorkas is nothing less than an utter catastrophe.

Yesterday, I spent about 10, 15 minutes on the floor going through the history of the cause and effect that this chart shows. But what I really want to point out today is what the Democrats did not want us to reveal, because what this chart shows is that this was purposeful; this was willful. President Biden and Secretary Mayorkas and our Democratic colleagues here in the Congress and in the Senate, they want an open border. They caused this crisis. This didn't just happen. This was a game plan that they implemented. They aided and abetted it. All the damage, all the destruction, all the crimes that are a result of this—they have aided and abetted it.

What this chart does show is that the lawlessness started back in 2012 by the Obama administration under the Deferred Action for Childhood Arrivals. This took prosecutorial discretion, which is—again, I am not a lawyer; I am not a prosecutor, but I believe that is supposed to be applied on a case-by-case basis. President Obama took prosecutorial discretion and granted it to hundreds of thousands of people. That is what has sparked every surge in illegal immigration since that point in time.

I used to have a chart that just showed unaccompanied children. Prior to DACA, there were maybe 2,000, 3,000, 4,000 unaccompanied children per year that our Federal Government had to account for and had to deal with. In 2014, because of DACA, we encountered 69,000 unaccompanied children—69,000. Even back then, President Obama, when his Department of Homeland Security and his Customs and Border Patrol were dealing with 2,200 illegal immigrants being encountered per day, he declared that to be a humanitarian crisis—2,200 people a day.

By the way, I went down to McAllen, TX, with a bunch of Democratic colleagues in February of 2015, during this surge, and people were singing the praises of CBP, of their kind of skirting bureaucratic rules and setting up a detention facility that would protect children. They used chain-link fences. Again, we were singing their praises. Democrats were singing the praises of the CBP. A few years later, when President Trump had to deal with the crisis—again, sparked by the unlawful DACA memorandum—all of a sudden, the Democrats were saying they were kids in cages. Do you notice a double standard?

I won't go through all the history, but I will point out, with President Trump, the reality of the situation was we were letting children in. We

couldn't detain them. You had the Flores reinterpretation that said that children, even accompanied by their parents, couldn't be detained. People around the world noticed that, so they started coming. They started creating fake families. Children were being sold—in testimony from my committee, children were being sold for $81 to create a family. A little boy was found abandoned in a field in 100-degree temperatures. He had already been used. He created that family. The other people got in, and they just left him there. The only identification was a phone number written on his shoe.

President Biden and Secretary Mayorkas said they had to undo all of President Trump's successful border security provisions because he said those were inhumane. There is nothing humane about facilitating the multibillion-dollar business model of some of the most evil people on the planet—the human traffickers, the sex traffickers, the drug traffickers. How many overdose deaths have we experienced throughout America because of this open border policy? There is nothing humane about that.

When President Trump faced his peak, there was a sharp, sharp rise but a sharp fall. In May of 2019, almost 4,800 people entered this country illegally. President Trump did something about it. He used what the Supreme Court said in the 2018 decision is existing law that exuded deference to the President. So even though that Presidential authority has been weakened somewhat by the Flores reinterpretation, that settlement, even with that weakened authority, President Trump took the bull by the horns, instituted ''Remain in Mexico,'' safe third-world countries, and had to threaten the President of Mexico with tariffs so he would cooperate. But in 12 months, President Trump went from his peak to his trough: A little more than 500 people a day entered this country.

The interesting thing about this chart—that was, again, April of 2020. Why did the numbers go up? There is a pretty simple explanation. That was amidst a Presidential campaign, and every Democrat Presidential candidate pledged that they would end deportations, that they would give free healthcare, and the world took notice. People started coming in in anticipation of President Biden taking office, and then once President Biden took office, the catastrophe began.

President Biden now he claims he doesn't have the authority. No, he has all the authority that President Trump had to close the border. President Biden and Secretary Mayorkas used that exact same authority purposefully, willfully to open up the border. So President Biden didn't need more laws, Secretary Mayorkas didn't need more laws to fix this problem; they caused the problem. They have the authority.

We would have been happy to strengthen the authority, to overrule the Flores reinterpretation. They weren't asking for that. All our Democratic colleagues wanted was political cover. That is the truth.

So we went from a humanitarian crisis under Obama of 2,200 people a day. Trump had almost 4,800 people a day, but he fixed it. President Biden's record is more than 10,000 people a day in December of last year—10,000 people a day. During his entire administration, he has averaged 7,800 people entering this country illegally because he has welcomed them. He has incentivized them. He wanted an open border. He caused this problem.

Our Democrat colleagues would not even listen to evidence, would not let the House managers make their case of the lawlessness, of the willfulness, of the lying to Congress, because they didn't want the American people to see this.

I have shown this chart to Secretary Mayorkas. I will show it to him again tomorrow when he comes before our committee. The first time I showed this a couple of years ago, it looked almost as bad.

I asked him: Secretary Mayorkas, I mean, don't you recognize this is a crisis?

He sort of said we have a secure border. He wouldn't say it is a crisis.

Well, would you at least admit it is a problem?

No, Senator; it is a challenge.

Now, I would view that as a lie.

I would have liked to have heard the evidence presented by the House managers of other instances where Secretary Mayorkas lied to Congress, which, again, as I thought was definitely pointed out by the Senator from Louisiana—isn't that a felony? Doesn't impeachment only have to be a misdemeanor?

So there is so much wrong in what our Democrat colleagues did today by just summarily, cavalierly dismissing these charges. It is going to come back to haunt our country.

My final point will be that this disaster—it is not a chart; it is numbers. There are colors. But the real disaster is with the individuals who have lost their lives, who have lost loved ones, the children who have been raped, who have been caught in the crossfire of the gang wars. That is the real challenge or that is the real catastrophe. That is the real problem the Democrats today just swept under the rug. It is a travesty that shouldn't happen. But we will continue to prosecute this case right up until November.

Mr. LEE. I am grateful for those insights that we had from our friend and colleague, the distinguished senior Senator from Wisconsin.

You know, when the senior Senator from Alabama joined the United States Senate, it was a pleasure to get to know him. It has been a pleasure to work with him ever since. In fact, I visited our southern border within a few months after he arrived here.

I noticed in him a distinct concern not only for the welfare of the residents of the State of Alabama and all other Americans but also a genuine concern for those who have been human-trafficked into our country by the drug cartels, with the tacit acquiescence and even the affirmative blessing of this administration.

I, for one, am glad that Senator TUBERVILLE was not the head coach at the University of Miami when their football team played BYU in the late summer of 1990. Had he been, that game might have turned out differently. But I would love to get his thoughts on this matter.

Mr. TUBERVILLE. It was a pretty good game, by the way.

Mr. LEE. A very good game.

Mr. TUBERVILLE. Thank you to my colleague from Utah.

I am kind of amazed at what has happened today. It has been categorized several ways, whether it is kangaroo court or three-ring circus or organized grab-ass. I don't know how you look at it, to be honest with you.

It is amazing what we sat here and watched. We all thought in the last few weeks that there was a chance for an impeachment trial of Secretary Mayorkas, but it only lasted a few hours—a historic event in the eyes of every Senator, not just Republicans but also Democrats.

One thing I want to say is, has he faithfully executed his duties of the United States Constitution, the one that we all put our hand on the Bible and swore to do?

It was amazing to me how this all went down at the end of the day. It really wasn't Secretary Mayorkas. He wasn't the only one on trial today or would have gone on trial, impeachment trial; it would have been every Democrat—every Democrat here in the Senate, every Democrat in the House, and every Democrat who is running our executive branch—because there has not been one person who has said anything since I have been here, in 3½ years, like: We need to do something at the border. Not one.

We have let in 10 million illegal aliens in the last 3 years. On that data point alone, Secretary Mayorkas intentionally—intentionally—failed to secure the border.

I personally asked him one day why he was not at least giving a fair chance of closing the border. He says: Senator, we need more money.

Well, I looked it up, and his budget is 20 percent more than what President Trump's Secretary of Homeland Security had—20 percent.

His job is homeland security. That is his entire job.

Senator SCHUMER and all the Democrats could have conducted this impeachment trial today, and it would have never seen the light of day after the trial because we would not have had the votes on our side to impeach Secretary Mayorkas. So, instead, the impeachment process is over. The media will stop covering it in a few days. We will be going back to throwing millions of taxpayer dollars at blue

States so they can manage the surge of illegal aliens going to blue cities all over the country.

Just last week, the Department of Homeland Security awarded another $300 million to cities in support of illegal aliens. Today, the city of Denver announced that they would shift $8 million from their law enforcement to take care of illegal aliens. It is clear that the Biden administration is more concerned with taking care of these illegals than they are about protecting the citizens.

So I will ask again: Has Secretary Mayorkas fulfilled his oath of duty before this body to protect and defend the country against all threats, foreign and domestic? Is our border secure? The answer is simple: He has not, and it is not.

Mayorkas has been derelict in this duty—derelict—and confrontational in his duty to all of us when we have asked him personally what he is doing at the southern border.

In voting against his impeachment, our Democrat colleagues are basically lying to themselves. They are risking the lives of Americans.

Senator SCHUMER and Democrats can't say that they want to fix the border while trying to save his job. Americans are dying at the hands, every day, of what is going on at our southern border.

Every State is a border State now. It is not just Texas; it is not Arizona and California—every State. My State of Alabama is being overrun with illegal aliens.

The number of people crossing the border who are on the Terrorist Watchlist is unprecedented. That is what scares me. If you listen to our FBI Director, he said we have a major threat to our country, and he said it is coming, but it doesn't seem like anybody is listening. Nobody is listening who is in charge.

Just last week, it was reported that an Afghan on the FBI Terror Watchlist has been in the United States for almost a year. He is a member of a U.S.-designated terrorist group responsible for the deaths of at least nine American soldiers and civilians in Afghanistan—nine. ICE arrested him in San Antonio just last year in February. Unfortunately, this known terrorist has been released on bond and is now roaming the neighborhoods in the United States of America.

It isn't just terrorists; it is also fentanyl. We have had 100,000 people a year die in the last 3 years. The last time I looked, that is 300,000 people. It is a crime, what is going on.

Law enforcement officers in Alabama tell me that they had never heard the word ''fentanyl'' until 3 years ago—not heard the word. It was heroin. It was cocaine. It was meth. Now it is almost 100 percent fentanyl, just in the last 3 years. That is a pretty good coincidence.

In February this past year, Secretary Mayorkas traveled to Austria to speak to Chinese officials about counternarcotics efforts. Now, he traveled to Austria to do that. Did he discuss the flood of Chinese people coming into our country? Madam President, 22,000 Chinese illegals have come into our country just in the last 5 months. Most of these individuals are adult males. And I wonder where we get the idea that there might be a big problem coming to America soon. Yet the media tries to act like all the people who are coming here from China and all these other countries are great people. Some of them probably are, but most probably are not. They are coming here for different reasons.

This is not a border crisis; it has turned into a huge invasion. It is a national security problem, and we are having it more and more each day.

So I just want to say this: We have not done our duty here today. We have failed the American people.

My phone rings constantly about protecting the sanctity of not just Alabama but everybody in this country from what is happening at the southern border. Nothing good is happening because of what has happened from Secretary Mayorkas to the people who have opened these borders—again, not just southern but also our northern border. That is getting worse and worse.

We failed the American people today. Why? I don't know, but we don't do our job.

We had a Republican majority when I first got here 3 years ago. We brought the President of the United States on an impeachment trial, and he was a Republican. We put him on trial in this very room.

This is all politics. We broke something today that has never been done in the history of this school—excuse me. I am used to getting on people when their phone is ringing in the classroom. But it has never happened before. Now, we have set a precedent, and, unfortunately, it will be a precedent probably that will be broken many times.

How is this body ever going to be able to hold anybody accountable for anything that they have done wrong here in the Federal Government?

Mr. LEE. Thank you, Coach.

Another one of our colleagues who has been a longtime advocate of secure borders and is tireless in her advocacy is our friend and colleague the senior Senator from the State of Tennessee. I would love to get her thoughts on what happened today.

Mrs. BLACKBURN. I thank the Senator from Utah so much for organizing this.

Madam President, I think it is so important for the American people to really understand what did happen here today. And what we saw happen here today is a violation of our oath, the oath that we take that we are going to abide by the Constitution.

Now, those who are watching this—and I would encourage all of my colleagues among us to pull out that Constitution and read article I, section 2, which lays out the process of impeachment for the House of Representatives. And then section 3 of that Constitution lays out the duty of the Senate in that Constitution.

Now, I have a poster up here from 2019. It is CHUCK SCHUMER. This was during the Trump impeachment in 2019. Now, CHUCK SCHUMER, who is currently the majority leader, basically made a full-time job of talking about how the Senate had to do their constitutional duty to hold a trial. That is all he talked about for days. The clips are all over the internet.

One thing he repeatedly said:

> We have a responsibility to let all the facts come out.

''A responsibility.''

Now, we have to say: What has changed between 2019, 2020, and today? Well, of course, we know what changed for CHUCK SCHUMER because he is desperate to hold onto the majority in this Senate, and he did not want some of the Senators who are highly contested in their races to have to take a vote on the Mayorkas impeachment.

Why is that? It is because the No. 1 issue with the American people is that open southern border.

And who is it that has regularly lied to this Chamber, to the House, and to the American people about what is going on at the southern border? It is Secretary Alejandro Mayorkas—repeatedly lied, repeatedly stood before the American people, stood before us in hearings, in committees and said the border is secure.

Anyone who is watching, anyone who has ever been to that border knows the border is not secure. They know that, on the Mexico side of that border, it is being run by the cartels. You can spend an hour with the Border Patrol, and you will find out.

Last year, there were people from 170 different countries that came to that southern border seeking entry. Not a one of them got here on their own. They get flown to Mexico. They pay the cartels, and the cartels bring them over. The cartels are making a fortune. We are paying the price.

And we are paying this price because of the dereliction of duty carried out by Secretary Mayorkas, the way he is not standing up for the Border Patrol, the way he is not standing up for the American people. That is an issue and, yes, a responsibility. Did we have that responsibility? You bet we do.

And that is why we are here on this floor to talk about this, because our border—when you look at the drugs, the fentanyl, that are coming across that border and moving into communities across this country, every State is a border State, every town a border town. Every single family affected or worried about the consequences of the border, thousands of Americans dead from fentanyl poisoning, other Americans that have become angel parents because their children, their spouses

have been killed in auto accidents by criminal illegal aliens.

What they have done to this country by opening that border—and do you know the sad thing about this? It is very intentional. This is their border policy. They intend to do this.

So looking at the drugs, looking at the crime and the gangs, and then, of course, looking at the human trafficking on Mayorkas's watch—and this is something that is so important for the American people to know. In Tennessee, we have several groups that work on human trafficking and seek to rescue women and girls and children who are being trafficked, sexually trafficked. The exploitation of these children, we know that is driven by the cartels. The cartels have turned human trafficking in this country from a $500-million-a-year industry—over the last 3½ years, it has become $13 billion, with a ''b.'' People are being trafficked.

Indeed, children are being used as aides for these traffickers. They are being recycled. And these precious children have their name—they have the contact name and the phone number in indelible ink written on their backs, written on their arms, because the cartel uses these children to get cartel members across the border posing as families. And, then, once that cartel member is in the United States, they turn that child loose, and then the child gets sent back. That is disgusting. But because of Biden and Mayorkas and the open border, that is what is happening.

Now, even worse, we have an issue that Secretary Mayorkas claims he knew nothing about, and it was the loss of 85,000 migrant children. Now, we have got 400,000 migrant children who have been turned over to the Federal Government under Secretary Mayorkas. Out of this, 85,000 of those children cannot be accounted for. We have asked Secretary Becerra; we have asked Secretary Mayorkas: Where are these children?

They do not know. They do not know if these 85,000 children are dead or alive. They do not know if they have been attached to drug mules or drug traffickers or if they have been put into gangs, labor crews.

What we did find out from some reporters is this. We found out that some of these children were working in slaughterhouses, in the night. That is what we found out. Oh, by the way, that was from a New York Times reporter.

This situation at the southern border is a humanitarian crisis. The trafficking of human beings is a crisis. Using human beings as chattel, that is a crisis. Putting people into indentured servitude and slavery, that is a crisis.

And who has lied about this repeatedly to the Senate and to the House is Secretary Alejandro Mayorkas. And who voted for him? Every Democrat on that side of the aisle who refused to let this trial come forward—each and every one—you are responsible for this not coming to light. It is a dereliction of your constitutional duty and a responsibility—yes, it is a responsibility—that we, as Members, have to make certain that the American people know what happened today.

Mr. LEE. Thank you, Senator BLACKBURN.

Another great mind that we benefit from in the Senate is our friend and colleague, the junior Senator from Florida.

Before he became the Senator from Florida, Senator SCOTT was previously Governor Scott, a Governor of one of the most heavily populated States in America. And prior to that, he was famous in the business world, personally employing hundreds of thousands of people.

So the Department of Homeland Security is an enormous organization. Nobody understands how best to run an enormous organization and to do so with exceptional skill better than Senator SCOTT, and nobody understands better than him how the buck stops with the person running that organization. We would love to hear from him now.

Mr. SCOTT of Florida. Madam President, I want to thank my colleague from Utah for his commitment to the rule of law, his commitment to the Constitution, all of his efforts today and every day that he has been up here to make sure that the Senate follows the Constitution and doesn't set precedents that don't make any sense. And today is a horrible today.

I also want to thank my colleague from Wisconsin for being such a voice on making sure that the public actually knows what is going on here. The information he puts out, the charts he uses, the information he has gives everybody an idea of what is actually going on.

But, unfortunately, today, Democrats' assault on American democracy had a banner day. Democrats in the Senate said that impeachments by the U.S. House of Representatives don't matter anymore. You don't have to have a trial. They don't matter.

According to what Democrats did today, we don't need to hold impeachment trials here in the Senate, ever. This is a horrible precedent. It is not what the Constitution envisioned.

It doesn't matter if, for example, your Cabinet Secretary even instructed your Agency to ignore the law and not execute the laws of the United States. It doesn't matter if, by ordering an Agency to ignore the laws of the United States, Americans are murdered. They are. They have been.

It doesn't matter if, by ordering an Agency to ignore the laws of the United States, deadly fentanyl pours into our communities and poisons our children and grandchildren.

It doesn't matter if, by ordering an Agency to ignore the laws of the United States, terrorists on the FBI Terrorist Watchlist and migrants with known gang affiliations stream into our country to such an extent that the FBI Director testified, sitting right next to Secretary Mayorkas, before Congress that this is the most dangerous time in America since 9/11.

Just stop and think about your family for a second. Think about either your mom or your dad, your spouse, your brother or your sister, a child or a grandchild, a niece or nephew. Just think of one of them. Just pick one of them. You cherish and you love them. You can think about wonderful things about them.

Now, for thousands of American families, that person that you are thinking about today is dead. Let me say that again. For thousands of American families, the person that you are thinking about today is dead. They have been taken too soon by the deadly fentanyl crisis that has ravaged our Nation because of the wide-open southern border.

I think every one of us knows some family that has been ripped apart by the deadly fentanyl crisis. Everybody does. Some of us have been impacted directly. Fentanyl is killing 70,000 people a year. That is 70,000 families who are torn apart because we have an open southern border.

(Mr. OSSOFF assumed the Chair.)

This happened, in part, because instead of letting our brave Border Patrol do their job and stop these deadly drugs, Secretary Mayorkas intentionally is using them to let even more people illegally cross the border and come into our country and get all sorts of nice services. They get phones, they get lawyers, they get hotel rooms—all paid for by the U.S. taxpayer.

Every victim of Secretary Mayorkas's order for his Agency has a name. Just think about that family member.

I have heard a lot of heartbreaking stories in my home State. Florida families are feeling the impact of this administration's lawless border crisis every single day—deadly fentanyl, criminals, terrorists, human traffickers. They pour across Biden's open border. This is all intentional.

There are 1,145 children between 14 and 18 years old who died from fentanyl in 2021. So that is like having a classroom of kids die every week—every week.

In 2022, I heard from a mom in Kissimmee, just outside Orlando, where her son, who was in the Air Force—and he had a bright future in the Air Force—came to surprise her on Mother's Day weekend. He, unfortunately, visited an old friend whom he didn't know had been dealing drugs. The friend convinced the young man to take a Xanax, which was unknowingly laced with fentanyl. The mom found him dead. He came home to just surprise her for her birthday, and he is dead.

Put yourself in the position of that mom. What is she thinking about today? What is she thinking about when she watches the Senate floor, and every Democrat says: The guy who

made the decision to open the southern border will not be held accountable.

So 26-year-old Ashley Dunn is another American we have lost to fentanyl poisoning. Ashley's mother, Josephine Dunn, says their daughter did not overdose but was poisoned by one-half of one Percocet tablet that was counterfeit. According to Ms. Dunn, her daughter was murdered by products made in Mexico that were welcomed into this country by Mayorkas and his administration.

Today, Senate Democrats made certain that Secretary Mayorkas will never have to answer. He is never going to answer for Ashley's death. He is never going to have to answer for any of the other deaths.

But do you know what? He will know what he did. People will know too much what he did. He will never, ever—he will never get away with this.

America is a more dangerous place because Mayorkas and Biden have allowed criminals, drugs, terrorists, and other dangerous people into our communities, all over the country.

Real Americans with families are being killed. Real American families are being torn apart by vicious crimes and deadly drugs because we have a wide-open southern border.

If you go to the southern border on the other side, you have IDs everywhere, because they don't want the Border Patrol that meets them on our side to know who they are. Why would you do that?

Secretary Mayorkas is the first and only sitting Cabinet Secretary to be impeached. He will always be known as the first sitting Cabinet Secretary to be impeached, and now he is forever going to be blocked from being acquitted of that charge.

I wonder how that makes him feel. He will never get that chance to be acquitted because of what the Senate Democrats did today.

I still have a question for my Senate Democrat colleagues. Did you silence Mayorkas today because Democrats are terrified of his record and unable to defend him, or just because you don't trust him?

Whatever the answer is, I think that every reporter here and every American needs to know this: Democrats put politics over the safety of American families and the security of our great Nation today.

I fear the consequences of that unprecedented failure will be devastating beyond our worst fears. I think it is going to take decades to rid the criminals from this country. And, in the meantime, how many people like Ashley are going to lose their life? How many people are going to be raped? How many people are going to be put into slavery? I hope to God it doesn't happen to your family.

Mr. LEE. I am grateful for the comments that have been made by so many colleagues today in this colloquy and for the insights they have shared. Each comes from a different State, bringing a different set of perspectives to the table, a different set of political and professional perspectives that help them shed light on this important issue and provide insights and warnings about the rather grave implications that we so cavalierly overlooked today—''we,'' meaning the Senate as a whole, with 49 of us trying to stand in the way and raise a word of warning about what we are doing and what implications that might have for the future.

The warning signs are everywhere. Tragically, we have seen, just in the last few days, with news breaking in recent hours, that the consequences of our open-borders policy can touch all of us, with one of our dear respected colleagues having lost a beloved staff member within the last few days, having lost that staff member as a consequence of the actions taken by an immigrant in this country who was here unlawfully, who shouldn't have been here.

That is a troubling thing, but the human level has so many ramifications. There are so many thousands of families, so many hundreds of thousands, and, in fact, so many millions and, in fact, tens—depending on how you slice it, hundreds—of millions of Americans who have been impacted in real, meaningful ways by the open-borders policy that has been so prominently featured by these Articles of Impeachment.

Over three decades ago, I spent 2 years along the U.S.-Mexico border, down in the McAllen, TX, region. I was there as a missionary. And, as a missionary, one lives and works among people of all backgrounds. I spent a lot of time with people of modest means. And, in my case, I spent most of my time with people of such humble means that I never quite witnessed in the United States—conditions that I didn't know existed on any widespread basis in the United States, including some people with dirt floors and no indoor plumbing.

But in countless cases—those were a little bit more rare, but they exist or, at least, they existed in the early 1990s. Even though those were more rare—those extreme cases—almost all the people I interacted with on a day-to-day basis were people of very humble means. They were living paycheck to paycheck, just trying to get by. And many of these people were themselves recent immigrants. Some, I suspect, were here legally. Others, I suspect, were here illegally. It wasn't standard practice at the time for missionaries talking to people to find out their immigration status. We were there for different reasons. You get to know people. You get to know their backgrounds. You get to know their concerns.

One of the things that stands out from my memories of those 2 years is that, as I interacted with these people and learned their customs and learned their language—most of them didn't speak English. Some who didn't speak English had themselves lived in the United States most or all of their lives. In fact, there were some people, especially in the older generations, where these families had been in Texas for a very long time—for generations. And some of those older generations of people were raised speaking largely, if not exclusively, Spanish.

But regardless of their immigration background or whether their family had been in Texas for generations or for only days or weeks, and whether they came legally or illegally, something I learned about them was that there is no one who fears uncontrolled waves of illegal immigration in quite the same way, to quite the same degree, as recent immigrants, especially recent immigrants of humble means living on or near the U.S.-Mexico border. You see, because it is their schools, it is their jobs, it is their neighborhoods, their homes, their children, their families who are most directly affected by these uncontrolled waves of illegal immigration, because it is those things that are at their doorstep.

They know that every one of those things are placed in grave jeopardy every time the floodgates open and people pour across our border into the United States without legal authority to be here. Every single time that happens, that has adverse consequences.

We have talked a lot about the more obvious and more newsworthy, more news-covered, implications of open borders, with situations like Laken Riley hitting the news. But we don't always talk about how it affects other people in more mundane, more pedestrian ways.

I think we have to be mindful of and, really, watch out for the tendency of those of us who are privileged enough to serve in this body to otherize immigrants, to otherize anyone with a Hispanic surname, to otherize anyone by, among other things, assuming that those groups of people speak monolithically or that we speak for them, insofar as we are seen as advocating a position that is tolerant of or even eager to embrace open borders. It is not the full picture, and it is one of the more blatantly awful otherizations that we bring about in our society. It is assuming that someone with a Hispanic surname, someone who may be a recent immigrant themselves would necessarily want open borders. It is simply not true, and it speaks profound ignorance to the plight of these individuals when we claim that they speak monolithically, especially insofar as we are suggesting, even indirectly, that they are for open borders just because of their last name or their first language or how recently they arrived in the United States or where they live in the United States relative to the border.

Getting back to the bigger picture here into what specifically happened today, when I think about the 13—

going on 13½—years that I have spent in the U.S. Senate, I don't think I can remember another day when something of such profoundly disastrous consequences was done in this body to shatter norms, rules, precedents, legal traditions and, in this case, constitutional principles quite like this decision here today did.

I remember, just before Thanksgiving in 2013, I had been in the Senate not yet 3 years, just days before Thanksgiving, just before we broke for the Thanksgiving recess, when a group of my colleagues, all of one particular party, decided to nuke the executive filibuster—decided to break the rules of the Senate in order to change the rules of the Senate, not by changing the rules themselves, because changing the rules themselves takes 67 votes, but, instead, by a simple majority vote. They created new precedent to undercut and flip the meaning of one of the Senate rules: getting rid of the cloture rule with regard to the Executive Calendar.

I spoke to a lot of people after that happened, people of both political parties, including some of both political parties even within this body, who serve in this body, who expressed regret over that day and concerns for where it could lead. But particularly I heard from people not serving in this body, people from all walks of life, including people of all political persuasions, who acknowledged the profound consequences that could have and would eventually have on the United States Senate because, again, it involves a rather shameless, cynical maneuver whereby the Senate broke the rules of the Senate in order to change the rules of the Senate without actually changing the rules, pretending that the rules said A, not B, when, in fact, they said B, not A.

I think it may have been Abraham Lincoln who once said that—he asked rhetorically, if you count a dog's tail as a leg, how many legs does the dog have? Whenever he asked this to any individual, they would tend to say, understandably, accepting the framework of his hypothetical, that that would be five legs. He would respond by saying: No, it is not five legs. Even if you call the tail of a dog a leg, it is still not a leg.

That is what we did when we nuked the executive filibuster on that fateful day in November 2013.

In countless ways, what happened today was far worse than that because what was at stake today were not just the rules, traditions, precedents, and norms of this body—rules, precedents, traditions, and norms that, I would add here, have at no moment in our nearly 2½ century existence countenanced a result like what we achieved today. That is to say, we never had something like this, where we had Articles of Impeachment passed by the House of Representatives and transmitted to the United States Senate at a moment when the person impeached was neither dead, nor a person who had left the office that person held, nor a person ineligible for impeachment, meaning a Member of the House or Senate. Members of the House or Senate can be expelled by their respective body by a two-thirds supermajority vote, but they are not subject to impeachment per se.

If we carve out those narrow, rare exceptions where Articles of Impeachment have been cast in a way that was patently wrong, where subject matter jurisdiction in this body was lacking either at the time the articles were passed or between the time they were passed at the House and the time they arrived in the Senate, we have what I think can fairly be characterized as essentially a perfect record—at least a consistent record—that we at least held a trial.

We at least held the bare bones of a trial in which we had arguments presented by lawyers—at a minimum, by lawyers representing the House of Representatives. They are known as impeachment managers and sometimes described colloquially as House prosecutors. We at least heard arguments by them. Normally, that involves a presentation of evidence by them, by the House impeachment managers. Normally, it involves both sides having lawyers—not just the House impeachment managers but also defense counsel representing the impeached individual. Normally, there has been evidence presented and arguments made about why the Articles of Impeachment either were or were not meritorious.

In every one of those circumstances, with the narrow exceptions that I described as the sole exceptions, there has been at least some finding on at least some of those articles in every single case culminating in a verdict—a verdict of guilty or not guilty. That by itself is a precedent and a norm and a custom and a tradition and a set of rules that we overlooked today and that we have run roughshod right over.

But there is something much more at stake, something much more concerning about this that I find so troubling, and that is that under article I, section 3, clause 6, the Senate is given the sole power and with it the sacred responsibility and duty to try all impeachments.

As I just described, in every circumstance where there wasn't some jurisdictional defect—and by that, I mean a bona fide subject matter jurisdictional defect such that we lacked jurisdiction to move forward—we have proceeded and reached some kind of a verdict in every one of those cases. But not today.

Mr. President, I had been concerned for weeks and I heard rumors for weeks that what was going to happen today was that the majority leader was going to approach these articles with a certain degree of cavalier indifference and offer up a motion to table.

I immediately became convinced after looking at the rules and studying the precedent on this that a motion to table would be inappropriate here. It would be inappropriate because, for the same reasons I just explained, we have never done that, never done anything close to that.

The closest precedent for something like that was so far off course that it couldn't even be relied on. I recall the only precedent that even sounded like the same thing was, in fact, very different. During the trial over the impeachment of President Andrew Johnson, one Senator had made a particular motion to do a particular thing during that trial, and another Senator later moved to table that motion. There was no motion to table any Articles of Impeachment.

In any event, I became convinced after studying this that a motion to table would be without precedent and contrary to everything I thought I knew about our role constitutionally and otherwise to conduct impeachment trials.

I also became convinced that this would be bad precedent in that it would set a certain precedent suggesting that it is OK, that if the party occupying the majority position at the United States Senate didn't want to conduct a trial, that it didn't have to; it could just sweep them aside.

As I say, channeling the immortal words of Rush and the song ''Freewill,'' if you choose not to decide, you still have made a choice. You made a bad one if you choose to just set aside the impeachment articles without rendering a verdict of guilty or not guilty, whether pursuant to a motion to table or otherwise. A motion to table would be an especially bad basis—an especially bad strategy and bad mode for disposing of or otherwise addressing Articles of Impeachment.

It is important in this context to remember that the United States Senate has exactly three states of being. We exist at any given moment in our capacity as legislators in legislative session; secondly, in executive session, where we consider Presidential nominations and also on occasion treaties for ratification—both executive functions carried out under our Executive Calendar. Our third state of being exists in this context where we are to operate as a Court of Impeachment.

It is solely in our capacity as Senators sitting in a Court of Impeachment that we are administered a second separate oath, different from the oath that we all take each time we are elected or reelected to the Senate—different capacity. It is a capacity that requires us to decide the case and to do so on the merits of the case.

It is also unique in that it is the only mode in which there is a solid expectation, unblemished until today, that if we do, in fact, have Articles of Impeachment over which we have subject matter jurisdiction, that the case hasn't been rendered moot—there is an expectation, backed up by history, tradition, precedent, and the text of the

Constitution, that we will do the job; that, in fact, according to these precedents, up until today, we will reach a verdict of guilty or not guilty by the time we are done.

You see, those things don't exist in the other two states of being. In our legislative calendar, there is no expectation or tradition or precedent or implication from the text of the Constitution that we will affirmatively act upon and ultimately dispose of every piece of legislation presented to the United States Senate. We don't do that. We have never taken that approach. If we did, it would grind the place to a halt. I don't think it would physically be possible.

Nor has that ever been the expectation on the Executive Calendar. Sure, we tend eventually to get to most of them, but there is an understanding that unless or until such time as we confirm a particular nominee, that nominee is not confirmed, such that if we get to the end of the road, the end of that Congress, the end, even, of a session, if that person is to be confirmed, that person is to be renominated first and then considered by the Senate. But even then, there is no guarantee as to any final vote disposing of that nomination.

This is different in the context of an impeachment where we sit as a Court of Impeachment. In so doing, we become two things. In any trial—in an ordinary court, there are two functions that a trial involves. You have to have finders of fact—that is a role typically played by a jury in our system, both in civil cases and in criminal cases—and you have to have judges of legal issues. Typically, those are performed by a judge. In some cases—most commonly, if the parties agree to have the issues of fact decided by a judge rather than a jury, then you can have the whole thing, the issues of fact and the issues of law, decided by a judge.

We serve both functions. We are finders of fact and judges of the law relevant to the impeachment case before us. I think that is the whole reason why we are given a separate oath for that. We don't take a separate oath every time we bring up a bill or get a Presidential nomination or every time we are asked to consider a treaty for ratification, but we do take a separate oath every time we receive Articles of Impeachment. It is not just because these things are more rare than bills as they are introduced or nominations as they are received or treaties presented to us for potential ratification; it is because it is a sacred responsibility in which there is an expectation, backed up by centuries of tradition, custom, precedent, and understanding of our constitutional text, that we will dispose of the case.

We will dispose of it in a way that culminates in a finding of guilty or not guilty except in these rare instances where we lack subject matter jurisdiction most commonly because the case has been rendered moot, which it is not in this instance.

The particular way in which we went about this today really was crazy and impossible to defend—absolutely impossible to defend on its merits.

Remember, there were two articles in these impeachment charges. Article I alleged that in eight or nine different instances in which Secretary Mayorkas had an affirmative legal duty to detain illegal immigrants pending adjudication of either their asylum claims or of their argument that they might be entitled to some other form of relief, including immigration parole, the Secretary of Homeland Security had an affirmative duty to detain them while those decisions were pending.

Eight or nine different statutes required that, eight or nine different statutes he deliberately violated. He did the opposite of what the statute required, and by doing that, he invited and facilitated an invasion at our southern border that is unprecedented in American history. That has been dangerous. That has resulted in all kinds of heinous crimes being committed—loss of life, loss of innocence, loss of property—many, many harms occurring as a result of this, occurring as a result of his deliberate decision not only not to do the job he was hired to do and that he swore an oath to perform well but to do the exact opposite of what the law required.

I mentioned a little while ago the writings of Justice Story, Justice Joseph Story, one of our early Supreme Court Justices a couple of centuries ago. He was familiar with the Constitution at a time closer to the Founding and also very familiar with the English legal antecedents on which the Constitution was predicated, with the legal terminology incorporated from English law into the American constitutional system.

And in his great treatise on the Constitution, in section 798, he explained a few things about impeachable offenses. And he said in section 798:

> In examining the parliamentary history of impeachments, it will be found, that many offences, not easily definable by law, and many of a purely political character, have been deemed high crimes and misdemeanors worthy of this extraordinary remedy.

This extraordinary remedy, of course, referring to impeachment. It then recites a litany of things that would qualify for this. And, again, he just noted, they don't necessarily have to be easily definable by law when they are of a political nature, but he identified some of those things that had been established through English legal precedent—English parliamentary precedent—as worthy of impeachment qualifying as high crimes and misdemeanors.

Among other things, he identified what he referred to as ''attempts to subvert the fundamental laws''—attempts to subvert the fundamental laws. Those could have broad application in all sorts of areas, but I can think of few laws more fundamental to our Republic, to our Federal legal system than our fundamental laws governing who may enter this country and under what circumstances.

He went on to identify a number of other things that fit this definition, adding to it, among other things, by saying the one thing in particular that would meet the definition of ''high crimes and misdemeanors'' and would thus be impeachable would be an instance in which a lord admiral may have neglected the safeguard of the sea.

So some on the other side of the aisle have argued that, well, really what Secretary Mayorkas did was to just not do as good of a job as he should have and could have in enforcing the law, and that can't be a basis for impeachment, they argue.

Some of them will invoke the line of reasoning that says maladministration—in other words, not doing your job well—isn't a valid basis for an impeachable offense. I am not at all sure that that argument, even stated in the abstract, is accurate. In fact, I tend to think that it is not because the Constitution itself assigns that job to this branch of government—to the House as it assesses whether to charge something as impeachable and to the Senate as it assesses whether an impeachment passed and presented by the House warrants conviction, removal from office.

That really is our job, and as Justice Story noted, it includes offenses of a political character, regardless of whether they would amount to independently prosecutable criminal offenses in a criminal court of law sense of that word.

But in any event, even if you buy into that reason, there are those scholars who believe that. I seem to recall Professor Alan Dershowitz, a respected Harvard law professor from whom we have heard in past impeachment proceedings. I believe that he believes in this approach. Even under Professor Dershowitz's approach, he is someone for whom I have great respect, even where I disagree with him.

Even if you were to accept that premise, this isn't just that. This goes far beyond just maladministration. It is not just that Secretary Mayorkas didn't do as good of a job as he could have and should have and we wish he would have, it is that he willfully subverted what the law required and did the exact opposite of what the law required. That is impeachable.

It has got to be impeachable, and yet the majority leader stood up today, and he said: I raise a point of order that impeachment article I—again, impeachment article I is the part that deals with Secretary Mayorkas's decision to do the exact opposite of what the law requires.

The majority leader continued: Impeachment article I does not allege conduct that rises to the level of a high crime or misdemeanor as required in article II, section 4, of the United States Constitution and is therefore unconstitutional.

Really, I don't know how he gets there. He can't get there except by sheer force, and the way you do something by sheer force here is you produce a simple majority of votes from Senators declaring the impeachment equivalent of defining the tail of a dog to be a leg.

What I found even more stunning, was when—as stunning as that first move was and as disappointing as it was that a simple majority of United States Senators, all from the same political party, I would add, not my own—he somehow managed to outdo that one by later making the same point of order with respect to article II.

Arguing that, you know, he said: I raise a point of order that impeachment article II does not allege conduct that rises to the level of a high crime or misdemeanor as required under article II, section 4, of the United States Constitution and is therefore unconstitutional.

Let's remember what article II was about. Article II charged Secretary Mayorkas with knowingly making false statements to Congress as Congress was carrying out its oversight responsibilities with him testifying, often under oath, to Congress.

Now, unfortunately, we never got to hear any evidence on this. Therefore, we weren't presented with the opportunity to make a final determination on this, but we instead had the majority simply roll right over all of us by just declaring, ipse dixit, it is because it is. It is because we say it is; that it is not an impeachable offense, even if, as has been alleged and as the House impeachment managers—the House prosecutors we sometimes call them—were denied the opportunity to try to prove that he knowingly made false statements to Congress. To say that that is not impeachable is breathtakingly frightening.

We have now established a precedent in the United States Senate that if you occupy a high position of trust within the United States Government, a Cabinet member in this instance, and you knowingly, willfully make false statements to Congress as Congress has tried to get to the truth about what you are doing in your job and whether or not you are faithfully executing, implementing, and enforcing the law, that lying to Congress in that sense, even under oath, isn't an impeachable offense.

That precedent could suggest that we now are effectively immunized from impeachment, doing that very thing. How are we to conduct adequate oversight, if even the theoretical threat, the theoretical, hypothetical, potential threat of impeachment isn't on the table?

That severely weakens the fabric of our Republic. It certainly weakens the ability of the United States Senate to push back on abuses by and within a coordinate branch of government. You know, when James Madison expressed in the Federalist Papers, among other places in Federalist 51, the government was sort of an experiment; it is an exhibit; it is a display of human nature—there and in other Federalist Papers, he explains things like the fact that as he continued in Federalist 51, that if we as human beings were angels, we wouldn't need government; if we had access to angels to run our government, we wouldn't need all these rules to govern those responsible for government, but, alas, we are not angels. We don't have access to angels to run our government, so we need rules.

Madison was also a big believer in the fact that because we are not angels, we don't have access to angels to run our government, we do need these rules. You have got to set up a system in which power can be made to check power, and you set up each branch with its own set of incentives to guard against abuses in power.

I have wondered over time, as I have seen the United States Senate gradually but very steadily over many decades voluntarily relinquishing its power—much of it started with our work on the legislative calendar starting in earnest really in the 1930s, continuing to the present day.

We have gradually, steadily been outsourcing a lot of our lawmaking power to unelected, unaccountable bureaucrats—pass all sorts of laws saying, essentially, we shall have good law with respect to issue x and we hereby delegate to Department or Commission or Agency or functionary y the power to promulgate rules carrying the force of generally applicable Federal law as to issue x.

Little by little, the American people lose control over their own government as this happens. Little by little, you start to see that this diminishes the overall accountability of the U.S. Government. And when Agency or Department y promulgates a particular rule carrying the force of generally applicable Federal law, people understandably, predictably, very consistently come to us to complain, saying: This is killing us. This rule made by unelected, unaccountable bureaucrats is now going to shut down my business. I am going to be deprived of life, liberty, or property, or some combination of the three. Whether I choose to comply or not, it is going to harm me in material ways.

And, yet, you know, Article I, Section 1, Clause 1, says that all legislative powers herein granted shall be vested in the Congress of the United States, which shall consist of a Senate and a House of Representatives.

Article I, Section 7, makes abundantly clear what Article I, section 1 sets up, which is to say: You cannot make a Federal law without the assent of both the House of Representatives and the Senate on the same bill. They have got to the pass the same bill text and then present it to the Chief Executive—the President of the United States—for signature, veto, or acquiescence.

Unless you follow that formula of Article I, Section 7, you are not supposed to be able to make a Federal law.

One of the more influential political philosophers on the founding generation was Charles de Montesquieu, who observed that the lawmaking power is itself nondelegable; that the task of lawmaking involves the power to make law, not other lawmakers, because as we see to this very day, when these things happen, when people come back to complain to us that the administrative regulation carrying the force of generally applicable Federal law, when it causes problems, people come and complain to us. And then Members of Congress, predictably and foreseeably, beat their chest. And they say: Oh, yes, those barbarians over at Agency, Commission, Department y. We didn't mean to authorize this. We just said make good law as to issue x; we didn't say to make bad law.

And then, predictably, Senators, the Representatives, say something like the following: You know what I am going to do for you, Constituent? I am going to write them a harshly worded letter. That is what I am going to do—as if that were our job we were sworn in to do were to write harshly worded letters.

It is not that, of course. It is to make laws, not other lawmakers.

You know, I keep these two stacks of documents behind my desk. One stack is small. It is usually a few inches, no more than a foot or so, consists of the laws passed by Congress in the preceding year. It is just, you know, a few thousand pages long.

The other stack is 13 feet tall. During a typical year, it will reach about 100,000 pages stacked up—even on very thin paper, double-sided, small print—about 13 feet tall, consists of last year's Federal registry, the annual cumulative index of these Federal regulations as they are promulgated, as they are initially released for notice and comment and, later, as they are finalized.

Those rules carry the force of generally applicable Federal law. Failure to abide by those can shut down your business, can result in enormous fines. In many cases can result in your imprisonment if you don't follow them. And yet they are not enacted themselves through the formula prescribed by Article I, Section 7. No.

Because in that instance, we have authorized the making, not of laws but of other lawmakers, not ourselves. And those other lawmakers to whom we have given this assignment, while, perhaps, however well-educated and well-intentioned, wise, specialized, well-trained they might be, they don't stand accountable to the American people, ever. Their name will never appear on a ballot. In fact, their name will stand, essentially, as a secret to nearly every American, including those who will stand accountable to those laws, who may lose life, liberty, and property as a result of those things.

(Ms. HASSAN assumes the Chair.)

That is not right. We all know deep down that is not right. We know that every time we are presented with one of these complaints by our constituents—and we all have them. In my office, it is in nearly constant refrain. And yet they often precipitate the predictable harshly worded letter and not a lot else.

In other instances, they might culminate in the filing of a resolution of disapproval under the Congressional Review Act. As fun as those can be—as they do give us, at least, an opportunity to debate them—those are privileged resolutions. If you follow the rules of a Congressional Review Act, you can pretty much always get one of those voted on. You can, at least, have an opportunity to present those here in the U.S. Senate and to vote up or down as to whether or not you want to disapprove of the regulation in question.

Ultimately, however, those prove dissatisfying from a constitutional standpoint in the sense that, with very narrow exceptions, they don't really do any good because nearly any administration whose bureaucratic structures will promulgate the administrative rule in question will like, for policy reasons and political reasons, the policy choice embodied in those regulations. And, consequently, the President whose administration promulgated that regulation being challenged under the CRA resolution of disapproval will almost always veto any resolution of disapproval passed by both Houses of Congress. It is very rare that that doesn't happen.

With only one exception I can think of from a few decades ago, the only time that works—other than that one exception that I am thinking of—occurs when you have a holdover, when you have a new administration and you have regulations that have been promulgated toward the tail end of the previous administration. We had a number of those when President Trump took office following President Obama's time in office where regulations from the Obama era were becoming ripe for CRA resolutions of disapproval, and we were able to get them passed by both Houses of Congress and then signed by President Trump.

Those circumstances are pretty rare. In every other circumstance, the voters of this great country, those subject to these administrative regulations that are, in fact, laws, those things leave us without redress. It is one of the reasons why I have long advocated for us to pass a measure called the REINS Act.

If a genie appeared to me and said: You can pass any one bill now pending in front of the U.S. Congress, it would be the REINS Act. Why? Well, because the REINS Act would require us, by statute, to do what I believe the Constitution already requires, what it, in fact, does contemplate, which is: It is fine for administrative regulations to be promulgated, to be proposed. But unless or until they are affirmatively enacted into law by both Houses of Congress and then signed into law or acquiesced to by the sitting President, or in the event of a veto, that veto is overridden by two-thirds of both Houses of Congress, then it can take effect. Short of that, no dice. You don't get a law.

These do have far-reaching effects, including the fact that, as a Member of the Judiciary Committee, I and a few of my colleagues tried to figure out a few years ago how many criminal offenses are on the books. How many different provisions of Federal law prescribe criminal penalties that can result in a criminal conviction?

We asked this question of the Congressional Research Service, the entity to which we turn regularly in order to get answers to questions like those. The answer came back to us in a way that I found absolutely stunning. The answer that came back to us from the Congressional Research Service—very talented people at the Congressional Service who were very good at answering these questions. They did a good job doing it, and in the end, they gave us the answer that it was possible to achieve. They said: The answer is unknown and unknowable, but we know that it stands at at least 300,000 separately defined criminal offenses on the books.

Now, this does not mean that on 300,000-plus occasions both Houses of Congress passed into law separate statute defining a criminal offense with criminal penalties. No. In many, many of these instances—one of the reasons why the number is so difficult to tie down is because a lot of these are defined administratively.

So that is one area in which the U.S. Senate has been deliberately shirking its responsibilities and handing them off to somebody else, refusing to do the job that we have been given to do. So that is on the legislative calendar.

We have done that time and time again. Also on the executive calendar where we have changed the law so as to limit—changed the law or, in some cases, adopted standing orders that have been embraced in subsequent iterations of the Senate limiting the number of Presidential nominees requiring confirmation.

So we have narrowed our playing field there, too, shirking our responsibility. Even as the size of the Federal Government has increased inexorably, we have narrowed our job. And now we have seen it done again today in our third state of being, in our third category where we operate as a Court of Impeachment.

Even here, where our job is really limited, we have one job in this area: to conduct impeachment trials. There are a thousand ways you can conduct an impeachment trial. You can conduct an impeachment trial with the whole Senate. You can specialize the impeachment trial so that it is heard in the first instance by a select committee with Members of both political parties who hear the evidence and then, after doing that, submit the whole matter for a final vote to the whole Senate.

You can hear evidence through individual witnesses. You can receive evidence in documentary form. There are a thousand different ways to conduct a trial, some of which allow the trial to be conducted pretty quickly, others might take more time. But there are a thousand ways we can do it.

And, here, as with the other two states of being—first on the legislative calendar and then on the Executive Calendar—now as we sit as a Court of Impeachment, we have narrowed our work again, shirking our responsibilities again, again declining to perform our constitutional duties.

This is shameful. I am embarrassed that we as a Senate seem so enamored with the idea that we can't do the things given to us.

What is especially troubling about this is that, you know, we are, in fact, a government of limited enumerated powers.

Our job is not to, as some people put it, run the country. Our job is not to make law on any matter that we think appropriate or significant. Our job is not just to enact legislation in any area where we think it might redound in one way or another to the net benefit of the American people. No. We are supposed to be a government of limited, enumerated powers, charged with a few basic things.

We are in charge of a uniform system of weights and measures, a system of immigration and nationality laws, regulating trade or commerce between the several States with foreign nations and with Indian Tribes. We are in charge of declaring war; establishing and regulating an Army and a Navy; coming up with rules governing State militias, which we now describe and refer to as the National Guard; coining money and regulating the value thereof; coming up with bankruptcy laws; postal roads; post offices; regulating in some instances Federal land to be used for some military purpose; regulating what we now call the District of Columbia; adopting rules governing the regulation and disposal of territory and of other property owned by the United States.

One of my favorite powers of Congress involves granting letters of marque and reprisal. ''Marque'' in this instance is spelled M-A-R-Q-U-E. We haven't done one of those in over a century. I hope we will sometime. I think we should. A letter of marque and reprisal is basically a hall pass issued by Congress that allows those acting pursuant to it to engage in acts of piracy on the high seas, with impunity offered by the United States if they are able to make it back with whatever loot they take into the United States and then divide the spoils and share in the spoils with the United States Government.

That is about it. There are a few other powers of Congress here and

there, but that is the lion's share of what the Federal Government can do.

Of course, we occupy the most significant, prominent, dominant, and dangerous power within that because we are the lawmaking branch. We make the laws.

The executive branch enforces the laws we make, deferring to our policies and enforcing the policies that we enact.

The judicial branch, headed by the Supreme Court, interprets them—not just in the abstract but interprets them in a way so as to be able to resolve disputes properly brought before the jurisdiction of the courts—disputes over the meaning of Federal law.

So we have the most dangerous, prominent, dominant position. It makes sense that the Founding Fathers entrusted that role only to us because we happen to be the branch of government most accountable to the people at the most regular intervals. You can fire all 435 Members of the House every 2 years. You can fire one-third of the Members of this Body every 2 years. It is one of the reasons why you know the Founding Fathers considered the power that we wield the most dangerous, because they made us subject to the most frequent and regular and direct kinds of guarantees of accountability—that is, through elections.

So now we have somebody who has been impeached because a law that we passed that he was charged with enforcing and administering and implementing and executing—didn't do his job, although it falls on us to decide that.

We have myriad instances in which that violation of the law can't be adjudicated in court, such as this case we referred to earlier, the United States v. Texas, where a majority of the Supreme Court of the United States—I guess, by the way, a brilliant dissent by Justice Alito—concluded that the State of Texas didn't have standing to address violations of law, deviations from law by Secretary Mayorkas and the Biden administration.

So if not us, who? There are countless instances that the courts can't do it. The executive branch isn't going to check the executive branch. The buck stops with us. It is our job to do this, and today, we failed. We didn't just fail in the sense that we tried to do it and we didn't; the majority of us, unfortunately, tried not to, went out of our way to define our role as something that it is not, to define the law as saying something other than what it, in fact, says so that we can shirk our responsibilities once again. Shame on us. Shame on those Members of this body who voted to do that today.

I wonder what future generations will say about this. I wonder how many ways in which future generations will suffer from what we did today.

I hope they will take this as a lesson in what not to do and soon depart from this awful precedent because otherwise this will lead to the shedding of tears and worse.

We are told that the Senate is apparently just too busy to conduct an impeachment trial, just as we are about to be told that the Senate is too busy to require the Federal Government to get a warrant before searching the private communications of the American people incidentally collected and stored in the FISA 702 databases. Too busy to do those things, but I think we are about to be told that it is not too busy to send even more money to Ukraine, where we have already sent $113 billion—not too busy to do that; not too busy to expand FISA without adding a warrant requirement; but just way too busy, apparently, to do what the Senate and only the Senate can do and what under the Constitution we must do.

Like the ghost of Christmas future in Charles Dickens' ''A Christmas Carol,'' I hope that as we examine our future and what today's action portends about the future of the United States and of the United States Senate, I hope we can choose to depart from this course. While I fear that our past will prove to be our prologue, I sure hope we won't solidify and more deeply entrench this unwise, indefensible move that we took today.

But I am glad we have had a chance today to set the record straight, to make an adequate record of what really happened, and that while a majority—a bare, slim majority—chose to excuse the inexcusable today, some of us—nearly half of us tried to stand in front of that train and stop it. I hope this will prove to be an aberration. Let's all pray that it does.

Madam President, I yield the floor.

Mr. SCHUMER. Madam President.

The PRESIDING OFFICER. The majority leader.

MIGRATORY BIRDS OF THE AMERICAS CONSERVATION ENHANCEMENTS ACT OF 2023

Mr. SCHUMER. Madam President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 4389 and the Senate proceed to its immediate consideration.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 4389) to amend the Neotropical Migratory Bird Conservation Act to make improvements to that Act, and for other purposes.

There being no objection, the committee was discharged and the Senate proceeded to consider the bill.

Mr. SCHUMER. I ask that the bill be considered read a third time.

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

The bill was ordered to a third reading and was read the third time.

Mr. SCHUMER. I know of no further debate on the bill.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 4389) was passed.

Mr. SCHUMER. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

MORNING BUSINESS

50TH ANNIVERSARY OF ILLINOIS' 13 AREA AGENCIES ON AGING

Mr. DURBIN. Madam President, May 1 will mark the beginning of Older Americans Month, a time to honor the many contributions our seniors make to our communities. In honor of Older Americans Month, I would like to congratulate Illinois' 13 area agencies on aging—AAAs—on 50 years of service to Illinois seniors.

As the saying goes: With age, comes wisdom. But living a long, full life also means facing life's many changes, challenges, and uncertainties. Let me take you back to 1965. Thanks to modern medicine and science, Americans were living longer than ever before. Every 20 seconds, an American was turning 65. But that progress exposed a lack of support for the needs of the older population. While more Americans were living longer, many were living their Golden Years in poverty, alone, and without the services and care they needed. They had nowhere else to turn.

At this same time, President Lyndon B. Johnson was pursuing an ambitious agenda of domestic policies aimed at eliminating poverty and racial injustice, his ''Great Society.'' Recognizing our ''nation's sense of responsibility toward the well-being of our older citizens,'' President Johnson signed the Older Americans Act—OAA—on July 14, 1965. This legislation paved the way for the creation of a nationwide network of area agencies on aging—AAA—that would support the health, social, and economic well-being of older people and their caregivers.

In accordance with the OAA, Illinois has 13 AAAs that offer services in all 102 counties in Illinois. For the past 50 years, they have served as a backbone of Illinois' senior services, helping develop aging services in local communities across Illinois. From addressing the health needs of older adults, to providing nutrition, transportation, legal assistance, benefit enrollment, and in-home services, Illinois' AAAs help older Americans thrive in their homes and communities. In 2023 alone, Illinois' AAAs served more than half a million adults over the age of 60.

Currently, around 18 percent of the U.S. population is 65 and older. And by 2054, that number is estimated to jump to 23 percent. So these services do not just benefit older Americans; they

strengthen our communities as a whole. For example, AAAs provide services for grandparents tasked with the precious task of caring for their grandchildren. And during the darkest days of the pandemic, AAAs rose to the occasion to deliver meals, vaccines, and programming that saved lives. These unsung heroes make sure that older adults have the medical support they need to prevent falls, manage chronic diseases, and remain as healthy as possible.

I have called on AAAs in Illinois as I crafted, and ultimately passed, legislation in 2020 to bolster family caregiver supports through the network of AAAs. My legislation increased funding for AAAs to deliver caregiver respite care, training, and counseling, and enabled AAAs to partner with Medicare and Medicaid to deliver meals, case management, and transportation, and receive reimbursements for this critical work.

Despite the fact that aging is an inevitable and natural part of life, it is often met with stigma or shame. But your efforts help ensure that birthdays remain cause for celebration, regardless of how many candles are on the cake.

My wife Loretta and I want to express our utmost appreciation for the work Illinois' 13 AAAs do in Illinois. Congratulations to Northwestern Illinois Area Agency on Aging; AgeGuide Northeastern Illinois; Western Illinois Area Agency on Aging; Central Illinois Agency on Aging, Inc.; East Central Illinois Area Agency on Aging, Inc.; West Central Illinois Area Agency on Aging; Area Agency on Aging for Lincolnland, Inc.; AgeSmart Community Resources; Midland Area Agency on Aging; Southeastern Illinois Area Agency on Aging, Inc.; Egyptian Area Agency on Aging, Inc.; Chicago Department of Family and Support Services; and AgeOptions, Inc., on 50 years of service to older adults and caregivers.

Family is the most important thing we have, and every family in our State owes you a debt of gratitude for helping support the wisest members of our community.

MAYORKAS IMPEACHMENT

Ms. COLLINS. Madam President, I opposed Majority Leader SCHUMER's constitutional points of order because I have concerns about the precedents they set for future impeachments.

Once a majority of the House of Representatives votes to adopt Articles of Impeachment, the Senate should fulfill its constitutional role to "try all impeachments." Simply ending an impeachment proceeding without any consideration of the substance of the allegations—as the Senate Democratic majority did today—sets a terrible precedent that could be exploited in the future. Today, not only did the Senate fail to perform its constitutional duty, but it also set an additional precedent that something as serious as a felony is not a high crime or misdemeanor under the Constitution. That is why I voted against both points of order. Let me make clear that my votes today do not reflect my views on the merits of this matter, which I would only consider after a presentation of the evidence at trial.

I believe the Senate will come to regret today's votes to shirk our constitutional responsibility and inappropriately short-circuit the constitutional process for considering Articles of Impeachment adopted by the House of Representatives.

ADDITIONAL STATEMENTS

TRIBUTE TO LYNETTE WEST

• Mr. BOOZMAN. Madam President, I rise today to congratulate and recognize Lynette West of Jonesboro on being named Arkansas' 2024 Small Business Person of the Year by the U.S. Small Business Administration.

As the owner of HealthWear Corporation, a boutique business that offers medical uniforms and accessories, West is an inspiring entrepreneur who has worked hard to attain success personally and professionally, including putting herself through college while raising two young children.

Her journey with HealthWear began in 2013 when she started working part-time at the specialty shop before it even opened its doors. She played a crucial role in getting the shop ready for its grand opening, working closely with vendors to ensure a successful launch. When HealthWear faced the possibility of closure in 2015, West stepped in and took over as the full-time owner, determined to turn things around.

Since acquiring the business, she has been actively involved in all aspects of its operations, including managing the team of five employees to ensure they provide excellent service to their customers. Her hands-on approach has helped create a welcoming and friendly atmosphere in the store, attracting a loyal customer base.

Under her leadership, HealthWear has received recognition not only for its stellar reputation among clientele, but also for the quality of its products, including an award for best uniform from Premiere Magazine in northeast Arkansas. These accolades and West's pursuit of support and mentorship have helped her guide the business through challenges and opportunities alike.

Congratulations again to Lynette West and her entire team, as this distinction is a result of their outstanding efforts. Her passion for her business, her community, and her family shines through in everything she does. We are proud to celebrate the hard work and success that has made HealthWear such an integral part of the economic and medical care needs in the region.•

50TH ANNIVERSARY OF SIGNS OF HOPE

• Ms. CORTEZ MASTO. Madam President, today I rise to recognize the anniversary of a critical victim service provider in southern Nevada, Signs of HOPE. For 50 years, Signs of HOPE has provided essential resources and support to survivors of sexual exploitation and violence throughout the region.

In 1974, Signs of HOPE was founded in Las Vegas under the name of Community Action Against Rape by Florence McClure and Sandra Petta. Ms. McClure originally operated the nonprofit out of her home with the goal of helping individuals impacted by sexual violence and trafficking to recover and heal. With this guiding purpose, Signs of HOPE has remained committed to ending sexual violence in the Las Vegas Valley for the last five decades.

Signs of HOPE provides survivors and their loved ones with long-term advocates who assist them in managing and navigating every step of their recovery. The advocates also support victims with holistic, professional counseling resources.

The organization also has made strides to eradicate human trafficking with their Resources and Integration for Survivor Empowerment—R.I.S.E.—program. The R.I.S.E. program delivers crucial victim-centered services including assistance obtaining medical care, counseling, court accompaniment, relocation and safety planning, job training, coordination with law enforcement and legal assistance, and much more.

Outside of their victim services, Signs of HOPE offers training and awareness programs to educate and empower the community to end sexual violence. Their work focuses on changing the behaviors and stigmas associated with sexual violence and trafficking throughout Clark County.

Recently, under the leadership of CEO Kimberly Small, Signs of HOPE has partnered with the Las Vegas Metropolitan Police Department to assist victims when Las Vegas hosted the Super Bowl and the Formula 1 Grand Prix. With their 24/7 crisis hotlines and the R.I.S.E. program, Signs of HOPE identified human trafficking victims and is continuing to provide them with intensive services.

The staff, volunteers, and partners of Signs of HOPE have worked tirelessly to serve southern Nevada. Without their dedication, many survivors would go unheard and unaided. I am proud of the work that Signs of HOPE has done for the past 50 years, and I look forward to their continued efforts and service for generations to come/survivors.•

MESSAGE FROM THE HOUSE

At 11:09 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3033. An act to repeal the sunset provision of the Iran Sanctions Act of 1996, and for other purposes.

H.R. 4681. An act to provide for the imposition of sanctions with respect to illicit captagon trafficking.

H.R. 5826. An act to require a report on sanctions under the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act, and for other purposes.

H.R. 5917. An act to amend the Sanctioning the Use of Civilians as Defenseless Shields Act to modify and extend that Act, and for other purposes.

H.R. 6015. An act to require the President to prevent the abuse of financial sanctions exemptions by Iran, and for other purposes.

H.R. 6245. An act to require the Secretary of the Treasury to report on financial institutions' involvement with officials of the Iranian Government, and for other purposes.

H.R. 6603. An act to apply foreign-direct product rules to Iran.

MEASURES REFERRED

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

H.R. 3033. An act to repeal the sunset provision of the Iran Sanctions Act of 1996, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4681. An act to provide for the imposition of sanctions with respect to illicit captagon trafficking; to the Committee on Foreign Relations.

H.R. 5826. An act to require a report on sanctions under the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act, and for other purposes; to the Committee on Foreign Relations.

H.R. 5917. An act to amend the Sanctioning the Use of Civilians as Defenseless Shields Act to modify and extend that Act, and for other purposes; to the Committee on Foreign Relations.

H.R. 6015. An act to require the President to prevent the abuse of financial sanctions exemptions by Iran, and for other purposes; to the Committee on Foreign Relations.

H.R. 6245. An act to require the Secretary of the Treasury to report on financial institutions' involvement with officials of the Iranian Government, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 6603. An act to apply foreign-direct product rules to Iran; to the Committee on Banking, Housing, and Urban Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–4080. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on discretionary appropriations legislation relative to sec. 251(a)(7) of the Balanced Budget and Emergency Deficit Control Act of 1985; to the Committee on the Budget.

EC–4081. A communication from the Associate General Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Strengthening the Section 184 Indian Housing Loan Guarantee Program'' (RIN2577–AD01) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2024; to the Committee on Indian Affairs.

EC–4082. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting additional legislative proposals that the Department of Defense requests be enacted during the second session of the 118th Congress; to the Select Committee on Intelligence.

EC–4083. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting additional legislative proposals that the Department of Defense requests be enacted during the second session of the 118th Congress; to the Committee on Veterans' Affairs.

EC–4084. A communication from the Regulation Development Coordinator, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Agency Ethics Officials'' (RIN2900–AS04) received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2024; to the Committee on Veterans' Affairs.

EC–4085. A communication from the Regulation Development Coordinator, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Reproductive Health Services'' (RIN2900–AR57) received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2024; to the Committee on Veterans' Affairs.

EC–4086. A communication from the Regulation Development Coordinator, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Schedule for Rating Disabilities: The Digestive System'' (RIN2900–AQ90) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2024; to the Committee on Veterans' Affairs.

EC–4087. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting additional legislative proposals that the Department of Defense requests be enacted during the second session of the 118th Congress; to the Committee on Small Business and Entrepreneurship.

EC–4088. A communication from the Associate Administrator, Congressional and Legislative Affairs, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Civil Monetary Penalties Inflation Adjustments'' (RIN3245–AI01) received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2024; to the Committee on Small Business and Entrepreneurship.

EC–4089. A communication from the Associate Administrator, Congressional and Legislative Affairs, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Development Centers'' (RIN3245–AE05) received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2024; to the Committee on Small Business and Entrepreneurship.

EC–4090. A communication from the Associate Administrator, Congressional and Legislative Affairs, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Size Standards: Adjustment of Alternative Size Standard for SBA's 7(a) and CDC/504 Loan Programs for Inflation; and Surety Bond Limits: Adjustments for Inflation'' (RIN3245–AG16) received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2024; to the Committee on Small Business and Entrepreneurship.

EC–4091. A communication from the Associate Administrator, Congressional and Legislative Affairs, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Investment Company Investment Diversification and Growth; Technical Amendments and Clarifications'' (RIN3245–AH90) received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2024; to the Committee on Small Business and Entrepreneurship.

EC–4092. A communication from the Associate Administrator, Congressional and Legislative Affairs, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Providing Discretion To Extend Women-Owned Small Business Program Recertification Where Appropriate'' (RIN3245–AI11) received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2024; to the Committee on Small Business and Entrepreneurship.

EC–4093. A communication from the Associate Administrator, Congressional and Legislative Affairs, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Size Standards: Adjustment of Monetary-Based Size Standards, Disadvantage Thresholds, and 8(a) Eligibility Thresholds for Inflation'' (RIN3245–AH93) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2024; to the Committee on Small Business and Entrepreneurship.

EC–4094. A communication from the Director, Congressional, Legislative, and Intergovernmental Affairs, Federal Election Commission, transmitting, pursuant to law, the Commission's Congressional Budget Justification for fiscal year 2025; to the Committee on Rules and Administration.

EC–4095. A communication from the Attorney-Advisor, Department of Transportation, transmitting, pursuant to law, a report relative to a vacancy in the position of General Counsel, Department of Transportation, received in the Office of the President of the Senate on March 21, 2024; to the Committee on Commerce, Science, and Transportation.

EC–4096. A communication from the Vice President of Government Affairs and Corporate Communications, National Railroad Passenger Corporation, Amtrak, transmitting, pursuant to law, other materials required to accompany Amtrak's Grant and Legislative Request for fiscal year 2025; to the Committee on Commerce, Science, and Transportation.

EC–4097. A communication from the Vice President of Government Affairs, National Railroad Passenger Corporation, Amtrak, transmitting, pursuant to law, Amtrak's fiscal year 2025 General and Legislative Annual Report; to the Committee on Commerce, Science, and Transportation.

EC–4098. A communication from the Attorney Adviser, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Train Crew Size Safety Requirements'' (RIN2130–AC88) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2024; to the Committee on Commerce, Science, and Transportation.

EC–4099. A communication from the Deputy Chief, Space Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Parts 2 and 25 of the Commission's Rules to Enable GSO Fixed-Satellite Service (Space-to-Earth) Operations in the 17.3–17.8 GHz Band, to Modernize Certain Rules Applicable to 17/24 GHz BSS Space Stations, et al.'' ((IB Docket No. 21–456) (IB Docket No. 21–456)) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2024; to the

Committee on Commerce, Science, and Transportation.

EC–4100. A communication from the Deputy Bureau Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Resilient Networks; Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications; New Part 4 of the Commission's Rules Concerning Disruptions to Communications Second Report and Order (and Second Notice of Proposed Rulemaking)'' ((FCC 24–4) (PS Docket No. 18–64 and 15–80) (ET Docket No. 04–35)) received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2024; to the Committee on Commerce, Science, and Transportation.

EC–4101. A communication from the Deputy Bureau Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Cybersecurity Labeling for Internet of Things; Amendment to Part 8 of the Commission's Rules Concerning Internet Freedom'' ((FCC 24–26) (PS Docket No. 23–239)) received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2024; to the Committee on Commerce, Science, and Transportation.

EC–4102. A communication from the Senior Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Single Network Future: Supplemental Coverage from Space, Report and Order'' (FCC 24–28) received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2024; to the Committee on Commerce, Science, and Transportation.

EC–4103. A communication from the Fishery Management Specialist, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''International Affairs; Antarctic Marine Living Resources Convention Act'' (RIN0648–BJ85) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2024; to the Committee on Commerce, Science, and Transportation.

EC–4104. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Establishment of the Contra Costa Viticultural Area and Modification of the San Francisco Bay and Central Coast Viticultural Areas'' (RIN1513–AC97) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2024; to the Committee on Commerce, Science, and Transportation.

EC–4105. A communication from the Biologist of Protected Resources, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''List of Fisheries for 2024'' (RIN0648–BM19) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2024; to the Committee on Commerce, Science, and Transportation.

EC–4106. A communication from the Management Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Maple Lake, MN'' ((RIN2120–AA66) (Docket No. FAA–2024–0274)) received in the Office of the President of the Senate on March 21, 2024; to the Committee on Commerce, Science, and Transportation.

EC–4107. A communication from the Management Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class C Airspace; San Juan Luis Munoz Marin International Airport, PR'' ((RIN2120–AA66) (Docket No. FAA–2023–1906)) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Commerce, Science, and Transportation.

EC–4108. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the 62nd Annual Report of the activities of the Federal Maritime Commission for fiscal year 2023; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–102. A resolution adopted by the Senate of the State of Ohio urging the United States Congress to amend the Railway Safety Act of 2023 to require rail shippers to secure all rail cars carrying solid waste to prevent littering and to create a study committee to analyze the benefits of securing rail cars carrying solid waste; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION NO. 196

Whereas, On March 1, 2023, U.S. Senators SHERROD BROWN and J.D. VANCE from Ohio introduced the Railway Safety Act of 2023, which creates new safety requirements and procedures for trains carrying hazardous materials; and

Whereas, The Railway Safety Act does not specifically require rail shippers to secure loads consisting of solid waste; and

Whereas, Unsecured solid waste emitted from trains causes pollution and other threats to public health and safety in communities throughout Ohio, which is of considerable concern in light of the events that unfolded on February 3, 2023, in East Palestine, Ohio; and

Whereas, Costs to cleanup solid waste along and in the vicinity of rail lines are borne by local governments and individual property owners in Ohio; and

Whereas, Solid waste materials that are emitted from trains create great uncertainty among Ohio residents living in the vicinity of rail lines and affects their health, safety, and overall quality of life; now therefore be it

Resolved, That we, the members of the Senate of the 135th General Assembly of the State of Ohio, urge the United States Congress to amend the Railway Safety Act of 2023 to require rail shippers to secure all rail cars carrying solid waste to ensure that such waste is not deposited on the lands over which trains travel; and be it further

Resolved, That we, the members of the Senate of the 135th General Assembly of the State of Ohio, urge the United States Congress to create a study committee to analyze the benefits of securing rail cars carrying solid waste; and be it further

Resolved, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President Pro Tempore and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, each member of the Ohio Congressional delegation, and the news media of Ohio.

POM–103. A resolution adopted by the Borough Council of the Borough of Metuchen, New Jersey, opposing H.R. 3557, the American Broadband Act of 2023; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. CARDIN for the Committee on Foreign Relations.

Donna Ann Welton, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of Timor-Leste.

Nominee: Donna Ann Welton.

Post: Democratic Republic of Timor-Leste.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

None.

Laura Stone, of Utah, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Marshall Islands.

Nominee: Laura M. Stone.

Post: Republic of Marshall Islands.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

Self: None.

Spouse: $100, 9/20/2020, ACTBLUE; $8, 9/20/2020, ACTBLUE; $100, 9/20/2020, ACTBLUE; $100, 9/20/2020, ACTBLUE; $100, 9/27/2020, ACTBLUE; $100, 10/4/2020, ACTBLUE; $100, 10/11/2020, ACTBLUE; $100, 10/18/2020, ACTBLUE; $100, 10/25/2020, ACTBLUE; $100, 11/1/2020, ACTBLUE.

Stephan A. Lang, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be U.S. Coordinator for International Communications and Information Policy, with the rank of Ambassador.

Nominee: Stephan Lang.

Post: U.S. Coordinator for International Communications and Information Policy.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

Stephan Lang: $25, 09/23/2019, Xochitl for New Mexico; $2,000, 02/13/2020, Amy for America; $500, 06/22/2020, Biden for President; $500, 06/22/2020, Biden Victory Fund.

Karin Lang: $2,000, 02/10/2019, Amy for America; $5, 03/31/2019, Amy for America; $5, 03/31/2019, ActBlue; $500, 07/26/2020, Sri for Congress.

Courtney Diesel O'Donnell, of California, to be United States Permanent Representative to the United Nations Educational, Scientific, and Cultural Organization, with the rank of Ambassador.

Nominee: Courtney Diesel O'Donnell.

Post: United States Permanent Representative to the United Nations Educational, Scientific, and Cultural Organization, with the rank of Ambassador.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Date, donee, contribution, and amount:

9/15/2022, Courtney O'Donnell, Cheri Beasley for North Carolina, $479.70; 9/13/2022, Courtney O'Donnell, DCCC, $500.00; 3/16/2022, Courtney O'Donnell, Cheri Beasley for North Carolina, $1,000.00; 2/1/2002, Courtney O'Donnell, Cheri Beasley for North Carolina, $250.00; 6/29/2021, Courtney O'Donnell, Delgado for Congress, $1,000.00; 2/24/2021, Courtney O'Donnell, Act Blue, $12.50; 2/24/2021, Courtney O'Donnell, Act Blue, $12.50; 10/25/2020, Courtney O'Donnell, Biden for President, $10.00; 10/25/2020, Courtney O'Donnell, Biden Victory Fund, $10.00; 10/25/2020, Courtney O'Donnell, Act Blue, $10.00; 10/17/2020, Courtney O'Donnell, Biden for President, $10.00; 10/17/2020, Courtney O'Donnell, Biden Victory Fund, $10.00; 10/17/2020, Courtney O'Donnell, Act Blue, $10.00; 10/16/2020, Courtney O'Donnell, Biden for President, $25.00; 10/16/2020, Courtney O'Donnell, Biden Victory Fund, $25.00; 9/26/2020, Courtney O'Donnell, Biden for President, $83.37; 9/26/2020, Courtney O'Donnell, Biden Victory Fund, $83.37; 9/22/2020, Biden for President, Biden for President, $69.71; 9/22/2020, Courtney O'Donnell, Biden Victory Fund, $69.71; 9/21/2020, Courtney O'Donnell, Biden for President, $100.33; 9/21/2020, Courtney O'Donnell, Biden Victory Fund, $100.33; 9/20/2020, Courtney O'Donnell, Delgado for Congress, $1,000.00; 8/24/2020, Courtney O'Donnell, Biden Victory Fund, $250.00; 8/22/2020, Courtney O'Donnell, Delgado for Congress, $1,000.00; 8/21/2020, Courtney O'Donnell, Biden for President, $133.12; 8/21/2020, Courtney O'Donnell, Biden Victory Fund, $133.12; 8/20/2020, Courtney O'Donnell, Biden for President, $100.00; 8/20/2020, Courtney O'Donnell, Biden Victory Fund, $100.00, 8/20/2020, Courtney O'Donnell, Act Blue, $100.00; 8/31/2019, Courtney O'Donnell, Biden for President, $2,800.00; 8/15/2020, Courtney O'Donnell, Biden for President, $500.00; 8/15/2020, Courtney O'Donnell, Biden Victory Fund, $500.00; 8/10/2020, Courtney O'Donnell, Amy McGrath for Senate, $10.00; 8/09/2020, Courtney O'Donnell, Biden for President, $50.00; 8/09/2020, Courtney O'Donnell, Biden for President, $46.84; 8/09/2020, Courtney O'Donnell, Biden for President, $25.00; 8/05/2020, Courtney O'Donnell, Act Blue, $100.00; 7/23/2020, Courtney O'Donnell, Biden for President, $50.00; 6/13/2020, Courtney O'Donnell, Biden for President, $50.00; 2/26/2020, Courtney O'Donnell, Act Blue, $100.00; 8/31/2019, Courtney O'Donnell, Biden for President, $2,800.00; 6/20/2019, Courtney O'Donnell, Delgado for Congress, $500.00; 4/25/2019, Courtney O'Donnell, Act Blue, $50.00, 4/11/2019, Courtney O'Donnell, Democratic National Committee, $250.00; 2/04/2019, Courtney O'Donnell, Delgado for Congress, $500.00.

10/27/2020, Cassidy Morgan, Biden for President, $46.84; 10/27/2020, Cassidy Morgan, Biden for President, $46.84; 10/06/2020, Cassidy Morgan, Biden for President, $35.43; 9/22/2020, Cassidy Morgan, Delgado for Congress, $1,000.00; 9/02/2020, Cassidy Morgan, Biden for President, $37.29; 8/18/2020, Cassidy Morgan, Biden for President, $500.00; 9/18/2020, Cassidy Morgan, Biden for President, $500.00; 7/23/2020, Cassidy Morgan, Biden for President, $50.00; 1/04/2020, Cassidy Morgan, Biden for President, $1,800.00; 12/09/2019, Cassidy Morgan, Biden for President, $1,000.00.

Kamala Shirin Lakhdhir, of Connecticut, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Indonesia.

Nominee: Kamala Shirin Lakhdhir.

Post: Indonesia.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

None.

Dorothy Camille Shea, of North Carolina, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during her tenure of service as Deputy Representative of the United States of America to the United Nations.

Dorothy Camille Shea, of North Carolina, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary and the Deputy Representative of the United States of America in the Security Council of the United Nations.

Nominee: Dorothy Shea.

Post: U.S. Mission to the United Nations.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee: N/A, None, N/A, Self.

Jennifer M. Adams, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cabo Verde.

Nominee: Jennifer Adams.

Post: Ambassador to Cabo Verde.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

Self: None.

Wayne Quillin: None.

Arthur W. Brown, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ecuador.

Nominee: Arthur W. Brown.

Post: Ambassador to Ecuador.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

Self: None.

Spouse: (Krista L. Brown): Cash $250, August 22, 2020, ActBlue; Cash $100, January 3, 2021, ActBlue.

David J. Kostelancik, of Illinois, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Albania.

Nominee: David J. Kostelancik.

Post: Albania.

(The following is a list of members of my immediate family, I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

Self: None.

Patricia J. Kostelancik, spouse: None.

Richard Mills, Jr., of Georgia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.

Nominee: Richard Mills, Jr.

Post: Nigeria.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

Self: $500, 05/20, Danielle Garbe for State Senate Committee (Washington State); $400, 07/20, Danielle Garbe for State Senate Committee (Washington State).

Spouse: None.

Lisa Peterson, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi.

Nominee: Lisa J. Peterson.

Post: Ambassador to the Republic of Burundi.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

Self: None.

Spouse Siza C. Ntshakala: None.

Richard H. Riley IV, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Somalia.

Nominee: Richard H. Riley IV.

Post: Somalia.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

ActBlue—President Joe Biden: $330, 01/11/2024, Richard H. Riley.

Chris Christie: $100, $25, $75, 12/06/2023, 07/17/2023, 07/09/2023, Richard H. Riley.

None: Cheryl L. Wong (wife).

Elizabeth Rood, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Turkmenistan.

Nominee: Elizabeth Rood.

Post: Ashgabat, Turkmenistan.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

Act Blue (Biden Presidential Campaign): $199, 10/19/2020, self, $15, 10/9/2020, self.

Senate Majority PAC: $50, 5/9/2021, self.

Stephanie Sanders Sullivan, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Representative of the United States of America

to the African Union, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Nominee: Stephanie Sanders Sullivan.

Post: US Mission to the African Union.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

Myself: None.

John Henry Sullivan (husband): Cash, $200, 06/09/2022, Pennsylvania Democratic Party; Cash, $200, 08/29/2021, Pennsylvania Democratic Party; Cash, $50, 10/25/2020, Democratic National Committee; Cash, $50, 09/29/2020, Act Blue (Biden for President); Cash, $50, 08/05/2020, Democratic National Committee. In Kind (Volunteer work): 30 hours, Oct/Nov 2022, Pennsylvania Democrats; 40 hours, Oct/Nov 2020, Pennsylvania Democrats, (Democratic Party/Biden campaign).

Mark Toner, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Liberia.

Nominee: Mark Christopher Toner.

Post: Liberia.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

Myself: None.

Spouse: $250, 09/02/2020, Biden Victory Fund.

Pamela M. Tremont, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zimbabwe.

Nominee: Pamela M. Tremont.

Post: Ambassador Extraordinary and Plenipotentiary to the Republic of Zimbabwe.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

Pamela Tremont: None.

Eric R. Tremont, spouse: None.

Andrew William Plitt, of Maryland, to be an Assistant Administrator of the United States Agency for International Development.

Dafna Hochman Rand, of Maryland, to be Assistant Secretary of State for Democracy, Human Rights, and Labor.

Elizabeth Shortino, of the District of Columbia, to be United States Executive Director of the International Monetary Fund for a term of two years.

Richard L.A. Weiner, of the District of Columbia, to be United States Director of the European Bank for Reconstruction and Development.

Mr. CARDIN. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Foreign Service nomination of Laura E. Williams.

Foreign Service nominations beginning with William Czajkowski and ending with Everett Wakai, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 30, 2023.

Foreign Service nominations beginning with John R. Bass II and ending with Brian A. Nichols, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 2, 2023.

Foreign Service nominations beginning with John C. Brewer and ending with William Johann Schmonsees, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 1, 2023.

Foreign Service nominations beginning with Jean E. Akers and ending with Stephen Ziegenfuss, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 25, 2024.

Foreign Service nominations beginning with Donald A. Blome and ending with Donald Lu, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 25, 2024.

Foreign Service nominations beginning with Eliza F. Al-Laham and ending with Richard Tsutomu Yoneoka, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 25, 2024.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. CORNYN (for himself and Mr. KING):

S. 4136. A bill to amend the Internal Revenue Code of 1986 to terminate the tax-exempt status of terrorist supporting organizations; to the Committee on Finance.

By Mr. BROWN (for himself, Ms. COLLINS, and Mr. WHITEHOUSE):

S. 4137. A bill to amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare; to the Committee on Finance.

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

S. 4138. A bill to establish an alternative, outcomes-based process for authorizing innovative, high-quality higher education providers to participate in programs under title IV of the Higher Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KAINE:

S. 4139. A bill to amend the Workforce Innovation and Opportunity Act to establish a digital skills at work grant program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HEINRICH (for himself, Mr. WYDEN, and Mr. PADILLA):

S. 4140. A bill to require the Secretary of Energy to identify, analyze, and share available data for the purpose of improving the reliability and resilience of the electric grid, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. YOUNG (for himself and Ms. BUTLER):

S. 4141. A bill to require the Secretary of the Treasury to mint coins in commemoration of the FIFA World Cup 2026, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. OSSOFF (for himself and Mr. GRASSLEY):

S. 4142. A bill to increase the penalty for prohibited possession of a phone in a correctional facility; to the Committee on the Judiciary.

By Mr. SCOTT of Florida:

S. 4143. A bill to amend the Internal Revenue Code of 1986 to provide an above-the-line deduction for flood insurance premiums; to the Committee on Finance.

By Mr. HEINRICH (for himself, Mr. WYDEN, and Mr. PADILLA):

S. 4144. A bill to improve the reliability and adequacy of the bulk-power system by ensuring that key uncertainties in generation, transmission, energy storage systems, and loads are considered in resource adequacy modeling and integrated resource planning, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HAGERTY (for himself, Mrs. BLACKBURN, Mr. BUDD, Ms. LUMMIS, Mr. MARSHALL, and Mr. CRUZ):

S. 4145. A bill to amend the Federal Election Campaign Act of 1971 to further restrict contributions of foreign nationals, and for other purposes; to the Committee on Rules and Administration.

By Mr. CASEY (for himself and Mrs. CAPITO):

S. 4146. A bill to require the Secretary of Housing and Urban Development to establish grant programs relating to neighborhood revitalization, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. BUTLER (for herself and Mrs. BRITT):

S. 4147. A bill to continue to fund the IMPROVE initiative through the Eunice Kennedy Shriver National Institute of Child Health and Human Development, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CORTEZ MASTO (for herself and Ms. ERNST):

S. 4148. A bill to bolster United States engagement with the Pacific Islands region, and for other purposes; to the Committee on Foreign Relations.

By Mr. MERKLEY (for himself and Mr. RISCH):

S. 4149. A bill to establish a contracting preference for public buildings that use innovative wood products in the construction of those buildings, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DURBIN (for himself, Mr. GRAHAM, Mr. WHITEHOUSE, Mr. GRASSLEY, Mr. COONS, and Mr. CORNYN):

S. 4150. A bill to amend the Bankruptcy Threshold Adjustment and Technical Corrections Act to extend bankruptcy eligibility requirements for an additional 2-year period; to the Committee on the Judiciary.

By Mr. PADILLA (for himself, Mr. CORNYN, Mr. BOOKER, Mr. YOUNG, and Mrs. MURRAY):

S. 4151. A bill to amend the Atomic Energy Act of 1954 and the Nuclear Energy Innovation and Modernization Act to clarify existing requirements relating to fusion machines, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRASSLEY (for himself, Mrs. SHAHEEN, and Mr. RISCH):

S. 4152. A bill to establish the Precursor Chemical Destruction Initiative to promote bilateral counterdrug interdiction efforts with the governments of specified countries, and for other purposes; to the Committee on Foreign Relations.

By Mr. BOOKER (for himself, Mr. MARKEY, Ms. WARREN, and Mr. VAN HOLLEN):

S. 4153. A bill to require the Environmental Protection Agency to assess the lifecycle greenhouse gas emissions associated with the forest biomass combustion for electricity when developing relevant rules and regulations and to carry out a study on the impacts of the forest biomass industry, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WELCH:

S. 4154. A bill to support communities that host transmission lines and to promote conservation and recreation, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. LUMMIS (for herself and Mrs. GILLIBRAND):

S. 4155. A bill to provide for effective regulation of payment stablecoins, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCOTT of South Carolina (for himself, Mr. CRAPO, Mr. ROUNDS, Mr. TILLIS, Mr. KENNEDY, Mr. HAGERTY, Ms. LUMMIS, Mr. VANCE, Mrs. BRITT, Mr. CRAMER, Mr. DAINES, Mr. MORAN, Mr. SULLIVAN, Mr. RISCH, Mr. BARRASSO, Mr. RUBIO, Mr. THUNE, Mrs. CAPITO, Mr. CASSIDY, Mr. LANKFORD, Mr. HOEVEN, Mr. CORNYN, Mr. GRASSLEY, Mr. SCOTT of Florida, Mr. COTTON, Mr. MCCONNELL, Mr. MANCHIN, Mrs. HYDE-SMITH, Mrs. FISCHER, Mr. BOOZMAN, Mr. JOHNSON, Mr. BUDD, Mr. RICKETTS, Mr. BRAUN, Mr. TUBERVILLE, and Mr. CRUZ):

S.J. Res. 72. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Securities and Exchange Commission relating to ''The Enhancement and Standardization of Climate-Related Disclosures for Investors''; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BOOKER (for himself, Ms. BUTLER, Mr. PADILLA, Ms. STABENOW, Ms. BALDWIN, Ms. WARREN, Ms. DUCKWORTH, Mr. WARNOCK, Mr. MERKLEY, Mrs. MURRAY, Mr. MENENDEZ, Mr. VAN HOLLEN, Mr. DURBIN, Mr. SANDERS, Ms. SMITH, Mr. WELCH, Ms. CORTEZ MASTO, Mr. MARKEY, Mr. BROWN, Ms. KLOBUCHAR, and Mr. WHITEHOUSE):

S. Res. 647. A resolution recognizing the designation of the week of April 11 through April 17, 2024, as the seventh annual ''Black Maternal Health Week''; to the Committee on Health, Education, Labor, and Pensions.

By Ms. ERNST (for herself, Mr. TESTER, Mr. WARNOCK, Mr. COTTON, Mr. KAINE, Mr. BLUMENTHAL, Mr. KELLY, Mr. SCOTT of Florida, Mr. CRUZ, and Mr. MANCHIN):

S. Con. Res. 33. A concurrent resolution authorizing the use of the rotunda of the Capitol for the lying in honor of the remains of Ralph Puckett, Jr., the last surviving Medal of Honor recipient for acts performed during the Korean conflict; considered and agreed to.

ADDITIONAL COSPONSORS

S. 428

At the request of Mr. DAINES, the name of the Senator from Nebraska (Mr. RICKETTS) was added as a cosponsor of S. 428, a bill to amend title 41, United States Code, to prohibit the Federal Government from entering into contracts with an entity that discriminates against firearm or ammunition industries, and for other purposes.

S. 618

At the request of Mr. COONS, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 618, a bill to establish the United States Foundation for International Conservation to promote long-term management of protected and conserved areas, and for other purposes.

S. 928

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

S. 1266

At the request of Mr. MORAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1266, a bill to amend titles 10 and 38, United State Code, to improve benefits and services for surviving spouses, and for other purposes.

S. 1302

At the request of Mr. MENENDEZ, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1302, a bill to amend title XVIII of the Social Security Act to provide for the distribution of additional residency positions, and for other purposes.

S. 1418

At the request of Mr. MARKEY, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from California (Ms. BUTLER), the Senator from West Virginia (Mrs. CAPITO), the Senator from Maine (Mr. KING), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New Mexico (Mr. LUJÁN), the Senator from West Virginia (Mr. MANCHIN), the Senator from Michigan (Mr. PETERS), the Senator from Hawaii (Mr. SCHATZ), the Senator from Vermont (Mr. WELCH) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1418, a bill to amend the Children's Online Privacy Protection Act of 1998 to strengthen protections relating to the online collection, use, and disclosure of personal information of children and teens, and for other purposes.

S. 1514

At the request of Mr. RUBIO, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 1514, a bill to amend the National Housing Act to establish a mortgage insurance program for first responders, and for other purposes.

S. 1673

At the request of Ms. CORTEZ MASTO, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of S. 1673, a bill to amend title XVIII to protect patient access to ground ambulance services under the Medicare program.

S. 2217

At the request of Mr. VAN HOLLEN, the name of the Senator from Georgia (Mr. WARNOCK) was added as a cosponsor of S. 2217, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 2839

At the request of Mr. BRAUN, the name of the Senator from Tennessee (Mrs. BLACKBURN) was added as a cosponsor of S. 2839, a bill to clarify the maximum hiring target for new air traffic controllers, and for other purposes.

S. 2861

At the request of Mrs. GILLIBRAND, the names of the Senator from Maryland (Mr. CARDIN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Michigan (Mr. PETERS), the Senator from Vermont (Mr. SANDERS), the Senator from Michigan (Ms. STABENOW), the Senator from Ohio (Mr. BROWN) and the Senator from Vermont (Mr. WELCH) 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. 2888

At the request of Mr. KING, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2888, a bill to amend title 10, United States Code, to authorize representatives of veterans service organizations to participate in presentations to promote certain benefits available to veterans during preseparation counseling under the Transition Assistance Program of the Department of Defense, and for other purposes.

S. 3498

At the request of Ms. CORTEZ MASTO, the name of the Senator from Colorado (Mr. HICKENLOOPER) was added as a cosponsor of S. 3498, a bill to amend title XVIII of the Social Security Act to provide for coverage of peer support services under the Medicare program.

S. 3560

At the request of Mr. KING, the name of the Senator from Arizona (Mr. KELLY) was added as a cosponsor of S. 3560, a bill to amend title 38, United States Code, to authorize pre-enrollment of certain combat service members of the Armed Forces in the system of annual patient enrollment of the Department of Veterans Affairs.

S. 3770

At the request of Mr. MERKLEY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor

of S. 3770, a bill to amend the Public Health Service Act to authorize grants to support schools of nursing in increasing the number of nursing students and faculty and in program enhancement and infrastructure modernization, and for other purposes.

S. 3821

At the request of Mr. CASSIDY, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 3821, a bill to amend title XVIII of the Social Security Act to improve the payment method for oxygen and oxygen related equipment, supplies, and services, to increase beneficiary access to oxygen and oxygen related equipment, supplies, and services, and for other purposes.

S. 4081

At the request of Mr. HOEVEN, the name of the Senator from North Dakota (Mr. CRAMER) was added as a cosponsor of S. 4081, a bill to amend the Federal Crop Insurance Act to provide premium support for certain plans of insurance, and for other purposes.

S. 4094

At the request of Mr. SCOTT of South Carolina, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 4094, a bill to amend title XVIII of the Social Security Act to provide for coverage of the Medicare Diabetes Prevention program, and for other purposes.

S. 4096

At the request of Mr. SCHUMER, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 4096, a bill to amend title 28, United States Code, to provide for the random assignment of certain cases in the district courts of the United States.

S. 4128

At the request of Mr. TUBERVILLE, the names of the Senator from Utah (Mr. LEE), the Senator from Florida (Mr. RUBIO) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 4128, a bill to require the Secretary of Veterans Affairs to submit to Congress a report on abortions facilitated by the Department of Veterans Affairs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. GRAHAM, Mr. WHITEHOUSE, Mr. GRASSLEY, Mr. COONS, and Mr. CORNYN):

S. 4150. A bill to amend the Bankruptcy Threshold Adjustment and Technical Corrections Act to extend bankruptcy eligibility requirements for an additional 2-year period; to the Committee on the Judiciary.

Mr. DURBIN. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 4150

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Bankruptcy Threshold Adjustment Extension Act''.

SEC. 2. EXTENSION OF TEMPORARY PROVISIONS.

Section 2(i)(1) of the Bankruptcy Threshold Adjustment and Technical Corrections Act (Public Law 117–151; 136 Stat. 1300) is amended, in the matter preceding subparagraph (A), by striking ''2 years'' and inserting ''4 years''.

By Mr. PADILLA (for himself, Mr. CORNYN, Mr. BOOKER, Mr. YOUNG, and Mrs. MURRAY):

S. 4151. A bill to amend the Atomic Energy Act of 1954 and the Nuclear Energy Innovation and Modernization Act to clarify existing requirements relating to fusion machines, and for other purposes; to the Committee on Environment and Public Works.

Mr PADILLA. Madam President, I rise to introduce the Fusion Energy Act of 2024, which will accelerate the development of commercial fusion energy by codifying the Nuclear Regulatory Commission's regulatory authority.

As a former engineer, I have long been a strong supporter of fusion research and development. The critical investments that our country has made over nearly six decades in the Department of Energy's National Laboratory System have led to incredible fusion discoveries. In December 2022, in my home State of California, Lawrence Livermore National Labnatory became the first facility in the world to demonstrate fusion ignition. As good engineers do, they of course repeated their experiment—achieving ignition at least three times.

This bill would ensure that the Nuclear Regulatory Commission has the clear statutory authority it needs to provide a stable regulatory environment, streamline the creation of commercial facilities, and support the development of American fusion energy.

Fusion reactions are at the heart of our very universe. In stars like our own Sun, small atoms like hydrogen combine together into larger ones like helium and release energy. If we can unlock these types of reactions in a commercial facility, we would gain access to a nearly unlimited, clean, safe, reliable, and carbon-free source of electricity for the entire Nation.

That is why Congress must do everything in its power to ensure continued U.S. leadership in developing commercial fusion energy facilities. The Fusion Energy Act would provide regulatory certainty for investors as the NRC develops and streamlines frameworks for such facilities.

I want to thank Representative LORI TRAHAN of Massachusetts for leading the House companion. I hope all of our colleagues will join us in supporting this bill to advance the future of clean energy through the science of fusion.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 647—RECOGNIZING THE DESIGNATION OF THE WEEK OF APRIL 11 THROUGH APRIL 17, 2024, AS THE SEVENTH ANNUAL ''BLACK MATERNAL HEALTH WEEK''

Mr. BOOKER (for himself, Ms. BUTLER, Mr. PADILLA, Ms. STABENOW, Ms. BALDWIN, Ms. WARREN, Ms. DUCKWORTH, Mr. WARNOCK, Mr. MERKLEY, Mrs. MURRAY, Mr. MENENDEZ, Mr. VAN HOLLEN, Mr. DURBIN, Mr. SANDERS, Ms. SMITH, Mr. WELCH, Ms. CORTEZ MASTO, Mr. MARKEY, Mr. BROWN, Ms. KLOBUCHAR, and Mr. WHITEHOUSE) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 647

Whereas, according to the Centers for Disease Control and Prevention, Black women in the United States are 2 to 3 times more likely than White women to die from pregnancy-related causes;

Whereas Black women in the United States suffer from life-threatening pregnancy complications, known as ''maternal morbidities'', twice as often as White women;

Whereas maternal mortality rates in the United States are—

(1) among the highest in the developed world; and

(2) increasing rapidly, from 17.4 deaths per 100,000 live births in 2018, to 20.1 in 2019, 23.8 in 2020, and 32.9 in 2021;

Whereas the United States has the highest maternal mortality rate among affluent countries, in part because of the disproportionate mortality rate of Black women;

Whereas Black women are 50 percent more likely than all other women to deliver prematurely;

Whereas the high rates of maternal mortality among Black women span across—

(1) income levels;

(2) education levels; and

(3) socioeconomic status;

Whereas structural racism, gender oppression, and the social determinants of health inequities experienced by Black women in the United States significantly contribute to the disproportionately high rates of maternal mortality and morbidity among Black women;

Whereas racism and discrimination play a consequential role in maternal health care experiences and outcomes of Black birthing people;

Whereas the overturn of Roe v. Wade, 410 U.S. 113 (1973) impacts Black women and birthing people's access to reproductive health care and right to bodily autonomy, and further perpetuates reproductive oppression as a tool to control women's bodies;

Whereas a fair and wide distribution of resources and birth options, especially regarding reproductive health care services and maternal health programming, is critical to closing the racial gap in maternal health outcomes;

Whereas communities of color are disproportionately affected by maternity care deserts, where there are no or limited hospitals or birth centers offering obstetric care and no or limited obstetric providers, and have diminishing access to reproductive healthcare due to low Medicaid reimbursements, rising costs, and ongoing staff shortages;

Whereas Black midwives, doulas, perinatal health workers, and community-based organizations provide holistic maternal health care but face structural and legal barriers to licensure, reimbursement, and provision of care;

Whereas COVID–19, which has disproportionately harmed Black people in the United States, is associated with an increased risk for adverse pregnancy outcomes and maternal and neonatal complications;

Whereas the COVID–19 pandemic has further highlighted issues within the broken health care system in the United States and the harm that system does to Black women and birthing people by exposing—

(1) increased barriers to accessing prenatal and postpartum care, including maternal mental health care;

(2) a lack of uniform hospital policies permitting doulas and support persons to be present during labor and delivery;

(3) inconsistent hospital policies regarding the separation of the newborn from a mother that is suspected to be positive for COVID–19;

(4) complexities in COVID–19 vaccine drug trials including pregnant people;

(5) increased rates of Cesarean section deliveries;

(6) shortened hospital stays following delivery;

(7) provider shortages and lack of sufficient policies to allow home births attended by midwives;

(8) insufficient practical support for delivery of care by midwives, including telehealth access;

(9) the adverse economic impact on Black mothers and families due to job loss or reduction in income during quarantine and the pandemic recession; and

(10) pervasive racial injustice against Black people in the criminal justice, social, and health care systems;

Whereas new data from the Centers for Disease Control and Prevention has indicated that since the COVID–19 pandemic, the maternal mortality rate for Black women has increased by 26 percent;

Whereas, even as there is growing concern about improving access to mental health services, Black women are least likely to have access to mental health screenings, treatment, and support before, during, and after pregnancy;

Whereas Black pregnant and postpartum workers are disproportionately denied reasonable accommodations in the workplace, leading to adverse pregnancy outcomes;

Whereas Black pregnant people disproportionately experience surveillance and punishment, including shackling incarcerated people in labor, drug testing mothers and infants without informed consent, separating mothers from their newborns, and criminalizing pregnancy outcomes;

Whereas justice-informed, culturally congruent models of care are beneficial to Black women;

Whereas an investment must be made in—

(1) maternity care for Black women and birthing people, including support of care led by the communities most affected by the maternal health crisis in the United States;

(2) continuous health insurance coverage to support Black women and birthing people for the full postpartum period up to at least 1 year after giving birth; and

(3) policies that support and promote affordable, comprehensive, and holistic maternal health care that is free from gender and racial discrimination, regardless of incarceration; and

Whereas Black Maternal Health Week was founded in 2018 and led by Black Mamas Matter Alliance, inc. to bring national attention to the maternal and reproductive healthcare crisis in the United States and the importance of reducing maternal mortality and morbidity among Black women and birthing people: Now, therefore, be it

Resolved, That the Senate recognizes—

(1) the seventh annual ‘‘Black Maternal Health Week’’; and

(2) that—

(A) Black women are experiencing high, disproportionate rates of maternal mortality and morbidity in the United States;

(B) the alarmingly high rates of maternal mortality among Black women are unacceptable;

(C) in order to better mitigate the effects of systemic and structural racism, Congress must work toward ensuring—

(i) that the Black community has—

(I) safe and affordable housing;

(II) transportation equity;

(III) nutritious food;

(IV) clean air and water;

(V) environments free from toxins;

(VI) safety and freedom from violence;

(VII) a living wage;

(VIII) equal economic opportunity;

(IX) a sustained and expansive workforce pipeline for diverse perinatal professionals; and

(X) comprehensive, high-quality, and affordable health care with access to the full spectrum of reproductive care; and

(ii) reform of the criminal justice and family regulation systems to decriminalize pregnancy, remove civil penalties, end surveillance of families, and end mandatory reporting within the system;

(D) in order to improve maternal health outcomes, Congress must fully support and encourage policies grounded in the human rights, reproductive justice policies, and birth justice frameworks that address Black maternal health inequity;

(E) Black women and birthing people must be active participants in the policy decisions that impact their lives;

(F) in order to ensure access to safe and respectful maternal health care for Black birthing people, Congress must pass the Black Maternal Health Momnibus Act; and

(G) ‘‘Black Maternal Health Week’’ is an opportunity to—

(i) deepen the national conversation about Black maternal health in the United States;

(ii) amplify and invest in community-driven policy, research, and quality care solutions;

(iii) center the voices of Black mamas, women, families, and stakeholders;

(iv) provide a national platform for Black-led entities and efforts that promote maternal and mental health, safe and healthy births, and reproductive justice;

(v) enhance community organizing on Black maternal health; and

(vi) support efforts to increase funding for, and advance policies that assist, Black-led and centered community-based organizations and perinatal birth workers that provide full spectrum reproductive, maternal, and sexual healthcare.

SENATE CONCURRENT RESOLUTION 33—AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL FOR THE LYING IN HONOR OF THE REMAINS OF RALPH PUCKETT, JR., THE LAST SURVIVING MEDAL OF HONOR RECIPIENT FOR ACTS PERFORMED DURING THE KOREAN CONFLICT

Ms. ERNST (for herself, Mr. TESTER, Mr. WARNOCK, Mr. COTTON, Mr. KAINE, Mr. BLUMENTHAL, Mr. KELLY, Mr. SCOTT of Florida, Mr. CRUZ, and Mr. MANCHIN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 33

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. HONORING THE LAST SURVIVING MEDAL OF HONOR RECIPIENT OF THE KOREAN CONFLICT.

(a) USE OF ROTUNDA.—In recognition of Army Colonel Ralph Puckett, Jr., the last surviving recipient of the Medal of Honor for acts performed during the Korean conflict, his remains shall be permitted to lie in honor in the rotunda of the Capitol on April 29, 2024, in order to honor the Silent Generation and the more than 5,700,000 men and women who served in the Armed Forces of the United States during the ‘‘Forgotten War’’ from 1950 to 1953.

(b) IMPLEMENTATION.—The Architect of the Capitol, under the direction of the President pro tempore of the Senate and the Speaker of the House of Representatives, shall take all necessary steps to carry out this section.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1820. Mr. WYDEN (for himself and Ms. LUMMIS) submitted an amendment intended to be proposed by him to the bill H.R. 7888, to reform the Foreign Intelligence Surveillance Act of 1978; which was ordered to lie on the table.

SA 1821. Mr. HAWLEY submitted an amendment intended to be proposed by him to the bill H.R. 7888, supra; which was ordered to lie on the table.

SA 1822. Mr. MERKLEY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 7888, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1820. Mr. WYDEN (for himself and Ms. LUMMIS) submitted an amendment intended to be proposed by him to the bill H.R. 7888, to reform the Foreign Intelligence Surveillance Act of 1978; which was ordered to lie on the table; as follows:

Beginning on page 87, strike line 14 and all that follows through page 90, line 4.

SA 1821. Mr. HAWLEY submitted an amendment intended to be proposed by him to the bill H.R. 7888, to reform the Foreign Intelligence Surveillance Act of 1978; which was ordered to lie on the table; as follows:

On page 87, strike line 14 and all that follows through page 90, line 4.

SA 1822. Mr. MERKLEY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 7888, to reform the Foreign Intelligence Surveillance Act of 1978; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PROHIBITION ON USE OF FACIAL RECOGNITION TECHNOLOGY.

(a) IN GENERAL.—Section 44901 of title 49, United States Code, as amended by section 642, is further amended by adding at the end the following new subsection:

‘‘(n) PROHIBITION ON USE OF FACIAL RECOGNITION TECHNOLOGY.—

''(1) DEFINITIONS.—In this subsection:

''(A) ADMINISTRATION.—The term 'Administration' means the Transportation Security Administration.

''(B) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Transportation Security Administration.

''(C) AIRPORT.—The term 'airport' has the meaning given such term in section 47102.

''(D) IDENTITY VERIFICATION.—The term 'identity verification' means the confirmation of the identity of a protected individual before admittance to the sterile area of the airport.

''(E) PROTECTED INDIVIDUAL.—The term 'protected individual' means an individual who is not an employee or contractor of the Administration.

''(F) SCREENING LOCATION; STERILE AREA.—The terms 'screening location' and 'sterile area' have the meanings given those terms in section 1540.5 of title 49, Code of Federal Regulations.

''(2) PROHIBITION ON USE OF FACIAL RECOGNITION TECHNOLOGY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Administrator may not, for any purpose, use facial recognition technology or facial matching software to capture, collect, store, or otherwise process biometric information with respect to any protected individual in any airport.

''(B) EXCEPTION.—The Administrator may use facial recognition technology or facial matching software to perform identity verification of a protected individual at a screening location if such protected individual—

''(i) is 18 years of age or older; and

''(ii) has opted into the use of facial recognition technology or facial matching software for the purpose of such identity verification prior to arriving at the airport.

''(C) LIMITATIONS.—In exercising the exception under subparagraph (B), the Administrator—

''(i) may not—

''(I) share outside of the Administration any biometric information collected through the use of facial recognition technology or facial matching software;

''(II) store such biometric information for longer than is necessary to complete identity verification of an individual, and not more than 12 hours;

''(III) compare such biometric information against any database of images; or

''(IV) expand the use of facial recognition technology or facial matching software to any airport in which such technology or software was not in use prior to the date of the enactment of this subsection; and

''(ii) shall only use the facial image of a protected individual collected through the use of facial recognition technology or facial matching software as a comparison against the photo identification document provided by such protected individual.

''(D) NOTIFICATION REQUIREMENT.—The Administrator shall notify protected individuals of ability to opt out of the use of facial recognition technology or facial matching software during identity verification.

''(E) DISPOSAL OF FACIAL BIOMETRICS.—Not later than 90 days after the date of the enactment of this subsection, the Administrator shall dispose of any facial biometric information, including images and videos, obtained through facial recognition technology or facial matching software and collected or stored by the Administration prior to such date of enactment that, if collected or stored on or after such date of enactment, would be in violation of this subsection.

''(F) REPORT ON USE OF FACIAL RECOGNITION TECHNOLOGY.—

''(i) IN GENERAL.—Not later than 1 year after the date of the enactment of this subsection, and annually thereafter, the Administrator shall submit to Congress a report on the use of facial recognition technology and facial matching software by the Administration, which shall include—

''(I) the total number of identify verifications performed using facial recognition technology or facial matching software;

''(II) an assessment of the occurrence of false positive and false negative facial identification matches of individuals, disaggregated by age, race and ethnicity, and sex;

''(III) a comparison of the number of false identification documents detected at airports using facial recognition technology or facial matching software at screening locations and the number of such documents detected at airports not using such technology or software; and

''(IV) a summary of the methodology and results of any testing performed by the Administration in relation to the efficacy of the use of facial recognition technology or facial matching software by the Administration.

''(ii) FORM.—A report submitted under clause (i) shall be submitted in unclassified form but may include a classified annex.''.

(b) AMENDMENTS TO AVIATION AND TRANSPORTATION SECURITY ACT.—The Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597) is amended—

(1) in section 109 (49 U.S.C. 114 note)—

(A) in paragraph 6, by inserting '', excluding facial recognition technology or facial matching software'' after ''imprints''; and

(B) in paragraph 7, by inserting '', excluding facial recognition technology or facial matching software,'' after ''technologies''; and

(2) in section 137(d)(3) (49 U.S.C. 44912 note), by inserting '', excluding facial recognition technology or facial matching software,'' after ''biometrics''.

(c) ADDITIONAL MODIFICATIONS WITH RESPECT TO AIR TRANSPORTATION SECURITY.—Section 44903 of title 49, United States Code, is amended—

(1) in subsection (c)(3), by inserting '', excluding facial recognition technology or facial matching software,'' after ''other technology'';

(2) in subsection (g)(2)(G), by inserting '', excluding facial recognition technology or facial matching software,'' after ''technologies''; and

(3) in subsection (h)(4)(E), by inserting '', excluding facial recognition technology or facial matching software,'' after ''technology''.

AUTHORITY FOR COMMITTEES TO MEET

Mr. SCHUMER. Madam President, I have eight requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leaders.

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

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, April 17, 2024, at 9 a.m., to conduct a hearing.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, April 17, 2024, at 10 a.m., to conduct a hearing.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, April 17, 2024, at 10 a.m., to conduct a hearing on a nomination.

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Wednesday, April 17, 2024, at 10 a.m., to conduct a hearing.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, April 17, 2024, at 10 a.m., to conduct a hearing.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, April 17, 2024, at 9:30 a.m., to conduct a hearing on nominations.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, April 17, 2024, at 10 a.m., to conduct a hearing on nominations.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

The Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, April 17, 2024, at 11 a.m., to conduct a hearing.

ORDERS FOR THURSDAY, APRIL 18, 2024

Mr. SCHUMER. Madam President, finally, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 12 noon on Thursday, April 18; 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; that upon the conclusion of morning business, the Senate resume consideration of the motion to proceed to Calendar No. 365, H.R. 7888.

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

ADJOURNMENT UNTIL TOMORROW

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

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

The motion was agreed to.

Thereupon, the Senate, at 7:12 p.m., adjourned until Thursday, April 18, 2024, at 12 noon.