

Schiff Van Hollen Warren
Scott (FL) Warnock Whitehouse

NOT VOTING—1

Moran

The motion was agreed to.
The PRESIDING OFFICER (Mr. HUSTED). On this vote, the yeas are 77, the nays are 22. The motion is agreed.
The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session.

The clerk will report the pending nomination.

The senior assistant legislative clerk read the nomination of Kasdin Miller Mitchell, of Texas, to be United States District Judge for the Northern District of Texas.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 830, Kasdin Miller Mitchell, of Texas, to be United States District Judge for the Northern District of Texas.

John Thune, Tim Sheehy, John Barrasso, Pete Ricketts, Thom Tillis, Rick Scott of Florida, John Cornyn, Steve Daines, Bernie Moreno, John R. Curtis, Chuck Grassley, Jim Banks, Mike Crapo, James Lankford, Kevin Cramer, Mike Rounds, Ted Budd.

The PRESIDING OFFICER. Under the previous order, the mandatory quorum call under rule XXII has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Kasdin Miller Mitchell, of Texas, to be United States District Judge for the Northern District of Texas, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. BARRASSO. The following Senators are necessarily absent: the Senator from Tennessee (Mr. HAGERTY), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Kansas (Mr. MORAN), and the Senator from Alabama (Mr. TUBERVILLE).

The yeas and nays resulted—yeas 49, nays 47, as follows:

[Rollcall Vote No. 237 Ex.]

YEAS—49

Armstrong Britt Cornyn
Banks Budd Cotton
Barrasso Budd Cramer
Blackburn Cassidy Crapo
Boozman Collins Cruz

Curtis Kennedy
Daines Lankford
Ernst Lee
Fischer Lummis
Graham Marshall
Grassley McCormick
Hawley Moody
Hoeven Moreno
Husted Murkowski
Hyde-Smith Paul
Johnson Ricketts
Justice Risch

NAYS—47

Alsobrooks Hickenlooper Rosen
Baldwin Hirono Sanders
Bennet Kaine Schatz
Blumenthal Kelly Schiff
Blunt Rochester Kim Schumer
Booker King Shaheen
Cantwell Klobuchar Slotkin
Coons Lujan Smith
Cortez Masto Markey Van Hollen
Duckworth Merkley Warner
Durbin Murphy Warnock
Fetterman Murray Warren
Gallego Ossoff Welch
Gillibrand Padilla Whitehouse
Hassan Peters Wyden
Heinrich Reed

NOT VOTING—4

Hagerty Moran Tuberville
McConnell

The PRESIDING OFFICER (Mr. MORENO). On this vote, the yeas are 49, the nays are 47. The motion is agreed to.

The motion was agreed to.

The PRESIDING OFFICER. I recognize the Senator from Florida.

CONSTITUTION DAY

Mrs. MOODY. Mr. President, today is Constitution Day. Two hundred thirty nine years ago, our Founders signed the Constitution of this United States. Every Senator in this room has taken an oath to support and defend the Constitution of the United States against all enemies, foreign and domestic. And every one of us swore that oath. I did it at the same time as Senator HUSTED, who is on the floor today.

Our Founders understood the danger of concentrated power; they had just fought a revolution against it. And they understood something about human nature: Power will always want more power.

So they put limits on it. They divided power among three branches. They built in checks and balances. They preserved the authority of the States. And with the Bill of Rights, they made one thing unmistakably clear: There are some places government simply cannot go. Government cannot silence you because it doesn't like what you say. Government cannot take away your right to keep and bear arms. It cannot search your home whenever it pleases. It cannot take away your liberty without due process. These aren't suggestions. They are hard limits on government power.

Yet today there is a growing movement on the left that treats safeguards within our Constitution as obstacles to overcome. You don't like a decision from the Supreme Court? Pack the Court, add Justices until you get the decisions you want. You don't like the laws of the people that are enacted through their representatives? Just have an Executive, a rogue prosecutor,

refuse to enforce the people's laws. Don't like what Americans are saying? Pressure private companies to silence them and call it fighting misinformation.

Again and again, we will see the same pattern when constitutional guardrails stand between you and what you want: Simply move the guardrails. And that is dangerous. It is the greatest threat to a constitutional republic.

The greatest threat to a constitutional republic is not disagreement. It is the belief that your cause is so important that the Constitution should get out of your way.

And today we are seeing something even more fundamental: this movement that I referenced to dismantle the institution the Constitution created. Right now, democratic socialists are calling for a far-reaching change to the very foundation of American Government, our Constitution. They want to abolish the Supreme Court, replace the Presidency, abolish the electoral college.

And at some point, we have to admit this stops being an argument about policy. It becomes an argument about the very foundation of this country, the United States of America. It becomes an attack on the Constitution that we all swore an oath to protect and defend because when you start dismantling institutions designed to keep power in check, the next question has to be: Who keeps power in check then?

I have had the rare opportunity to see the balance of power, the separation of power, from all three branches now. I have served as a Federal prosecutor; I have served as an attorney general in the great "Free State of Florida"; I have served as a judge for over a decade; and now I serve on behalf of the people, making their laws in the legislative branch.

I have seen firsthand why the Founders drew those lines and why we must protect them. And that brings me back to our oath to support and defend the Constitution of the United States against all enemies, foreign and domestic.

We know what a foreign enemy looks like. But a threat to our constitutional system doesn't have to come from beyond our shores. It can come from within the very institutions the Constitution created. And what happens when those that have sworn the oath to protect and defend the Constitution, what happens when they themselves start advocating to dismantle it?

Right now, we have Members of Congress that have sworn to protect the Constitution, but they are coming out and supporting organizations and policies and advocacies that would attack and dismantle the things that protect people's rights.

An oath means the most when keeping it becomes inconvenient. Just ask the officers, the deputies in my home county of Hillsborough County, who took the oath to protect and serve and went into live fire in order to do their jobs and uphold their oath.

Justice Clarence Thomas recently described the challenge this way:

It is that devotion that we are missing today and that we must find in our hearts if this Nation is to endure.

This year, America celebrates 250 years since declaring our independence. The Declaration of Independence announced the promise of America. The Constitution gave us the system to protect it.

Our job is not to move its guardrails when they become inconvenient. Our job is to defend them because our enemies do not have to defeat America on a battlefield if we are willing to tear down from within the institution and principles that have sustained this Nation for 250 years.

So, today, on Constitution Day, let us remember the oath that each one of us took to support the Constitution, to defend the Constitution against all enemies, foreign and domestic. Let's remember our duty and carry it out faithfully.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. HUSTED. Mr. President, I ask unanimous consent to speak for up to 10 minutes, prior to the scheduled roll-call vote, for myself and Senator HEINRICH.

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

UNANIMOUS CONSENT REQUESTS

Mr. HUSTED. Mr. President, America is expected to build the equivalent of 1,000 major data centers during the next 5 years. You heard that correctly—a thousand data centers within the next 5 years, with more than 2,000 projects currently being proposed and tracked. We need to protect American ratepayers from footing the bill.

The clock is ticking, and we have no time for delay. Americans are becoming ever more reliant on computing power from data centers for their daily lives—from medicine to manufacturing, education to agriculture, and national defense to the way we deliver basic services. Data centers are used not just for AI. They support almost every aspect of modern life, including online shopping, streaming videos, social media, and the broadcast of this very debate.

To meet these consumer demands, Americans need an ample supply of electricity. This problem has been exacerbated by the fact that, due to Federal regulations over the past two decades, powerplants have been closed, decreasing the supply of electricity. Congress failed to stop this action. During the Obama and Biden years alone, 23 powerplants were closed in the State of Ohio, creating a supply-and-demand problem that drove up prices on consumers.

So, as we look to build the future, we must follow some basic principles of fairness.

The companies creating enormous new demands for electricity should pay

the costs required to serve them—pretty simple. Working families, small businesses, and senior citizens should not open up their electric bills and discover they are paying for the power infrastructure needed by some large tech company in the world or in their neighborhood.

That is the principle behind the Ratepayer Protection Act.

When a very large electricity customer, such as a data center, connects to the grid, it requires investments in new generation, transmission lines, substations, and local distribution systems. The Ratepayer Protection Act would require State utility regulators to consider standards, ensuring that large load customers pay the full—full—incremental costs of the infrastructure needed to serve it. Those standards could also require financial assurances so that families are not left paying for stranded infrastructure if the project is delayed, downsized, or abandoned. In plain language, if you create the cost, you should pay the cost.

This is not anti-technology legislation. It is pro-growth and pro-innovation. Mostly, it is procurement legislation. In fact, protecting ratepayers will make it easier, not harder, for America to build the technology infrastructure we need. Americans are understandably concerned about rising electric bills. If they believe every new data center will make their monthly bills go up, public opposition will grow, communities will reject plans, construction will slow, and China will gain ground.

The better approach is to establish clear rules from the beginning. Data centers should only be located where communities want them. They can bring billions of dollars in private investment; in construction work for electricians, pipefitters, equipment operators, and other skilled trades; as well as in revenue for schools and local services. But those benefits should not come with a hidden charge of electric bills for families, farmers, and small businesses.

When companies know up front that they will be responsible for their own energy costs, they can plan accordingly. That approach encourages innovation. It rewards those who find the most efficient ways to operate. It also creates an incentive to build more American energy in the most efficient manner possible. When energy supply adequately meets demand, it helps put down pressure on prices for consumers. It helps people save money; that is what it does. They keep more of their paychecks for what they need to spend for their priorities.

Providing modern benefits from innovation does not require us to choose between technological leadership and affordable electricity. We can do both. We can do both. We can build the computing capacity America needs, and we can produce the reliable energy it requires. We can protect families and small businesses from unfair costs.

The Ratepayer Protection Act rests on a principle every American understands: Pay your own way. This is how we make sure American families are not left footing the bill for the energy infrastructure required by data centers. Most importantly, it will help the American people keep more of what they earn.

So this brings me to this moment:

Yesterday, this bill passed the House of Representatives by a nearly unanimous vote of 417 to 3. That is right—417 Members of the U.S. House of Representatives voted to pass this bill, with only 3 objections. So the Members of the House did their jobs; they stood up for the American ratepayer. It is time for the Senate to do the same.

In a few moments, I am going to ask my colleagues in the Senate to support the Ratepayer Protection Act. Together, we can send this bill to the President's desk for his signature. The Ratepayer Protection Act represents the most meaningful, bipartisan step Congress can take to protect the American people from higher prices for electricity. I am here today because we can get this done. The House has already done it. The House has done its job. There is no need to wait and no need to delay.

If we get it done today, we say to the American people: We actually care. We heard you. We are going to get the job done.

It demonstrates Washington can work in a bipartisan way to address the problems that are most pressing to the American people. I am proud to have led this effort in the U.S. Senate, and I am going to urge unanimous consent for this commonsense bill.

Mr. President, as if in legislative session and notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 9340, which is at the desk; further, that the bill be considered read a third time and passed, and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER (Mr. CRAMER). Is there an objection?

The Senator from New Mexico.

Mr. HEINRICH. Mr. President, reserving the right to object, the Senator from Ohio and I agree on one thing: AI data centers can mean higher costs for American families, and in a lot of places, they already do.

The Federal Reserve Bank of Dallas found that data center demand has already pushed electricity prices across the Nation up by 2 to 6 percent—a number that they expect to increase to 20 to 30 percent by 2028. In the Mid-Atlantic region, that means an extra \$840 per year, per family, for the next 2 years—840 bucks. We expect to see increases like this across the country as more AI data centers come online, but the Ratepayer Protection Act falls short of what we need to do to respond.

When I open my mail and unfold my electricity bill and read how much I owe for the month, it doesn't say that