

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

I may pay that amount. It doesn't say that I should pay that amount. It is not optional. Just like every other bill-paying American family out there, I open that bill, and I have to pay it. The same needs to be true for AI data centers. If hyperscalers and other Big Tech developers need expensive new facilities and more energy, they should pay for it, not our hard-working families and small businesses.

I think the Senator from Ohio and I agree on that principle, and plenty of Big Tech companies have said that that is their plan. But I don't think it is enough to just take their word for it. It is not enough for us to tell States to consider making data centers pay for grid updates. Rather than voluntary pledges or suggestions to States, Congress needs to pass real legislation with real teeth.

That is why I introduced the GRID Savings Act—not a voluntary agreement—to require large load customers like data centers to pay for the facilities needed to connect them to the grid—not to consider it, not to make pledges, but to actually do it; to pay for the upgrades they need. That way, we can ensure reliable, low-cost energy to power everyday lives. My bill is what is needed to start to bring down energy prices.

We also need to do more to get data centers to actually engage with communities from the beginning to the very end. We need to conserve local resources, especially water. And we need to protect communities from air pollution by using clean energy and battery storage. But we are not going to get there with the bill that the Senator from Ohio has proposed.

Therefore, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from New Mexico.

Mr. HEINRICH. Mr. President, as if in legislative session and notwithstanding rule XXII, I ask unanimous consent that the Committee on Energy and Natural Resources be discharged from further consideration of S. 5199, the GRID Savings Act, and that the Senate proceed to its immediate consideration; 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. Is there an objection?

The Senator from Ohio.

Mr. MORENO. Mr. President, reserving my right to object, I just want to make it crystal clear for everybody as to what just happened.

If we had passed my colleague from Ohio's bill—the one he spent an enormous amount of time writing, the bill that he spent enormous time in lobbying support for from the House of Representatives—all we had to do was not have an objection from a Democrat Senator. That bill would have become law today, and taxpayers all over America and electricity users all over

this country would have seen immediate relief. We would have advanced the ball.

The term “do-nothing Congress” exists for a reason. We absolutely accomplished that right now. We did nothing here in the Senate because of, again, Democrat obstruction. This bill would have done something. That is not nothing.

So I applaud my colleague from Ohio for putting the work in and for having a massive, bipartisan win.

By the way, just on policy alone in comparing the two solutions, the last thing we need is a new Federal interconnection queue to make Google pay for a transformer. My colleague from Ohio's bill would have actually required a deposit before steel is put in the ground for a new data center. The other would have required a FERC NOPR. Look that up. It is a bunch of bureaucratic nonsense.

What you saw now is just, over and over again, Democrat obstruction after Democrat obstruction so they can just put up another TV ad saying that electricity prices are high so that they can win an election. Instead, the victim of all of this is the taxpayer of the United States of America, who is going to see electricity prices continue to go up, when we could have passed a law to have solved it. Instead, it is more games after more games. Like the American people, I am sick of it, and I know they are.

For that reason, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Ohio.

Mr. HUSTED. Mr. President, I ask unanimous consent to speak for an additional 1 minute.

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.

Mr. HUSTED. Mr. President, I would just say this: I accept the Senator from New Mexico's concerns, but the reason I am proposing that we pass this piece of legislation is that it passed the House, 417 to 3. If the Senator from New Mexico's provision had passed the House 417 to 3, he would have had every right to stand up and ask that we do this.

Before we leave here, we ought to do something on a matter that the American people have asked us to do something about, and we have the opportunity to do that with the Ratepayer Protection Act. It is a shame that this opportunity has been missed today, but I will be back to push this issue forward. We have a bipartisan opportunity to get this done, and we should do it immediately.

NOMINATION OF KASDIN MILLER MITCHELL

Mr. DURBIN. Mr. President, today, the Senate will vote to confirm Kasdin Mitchell to the U.S. District Court for the Northern District of Texas.

Ms. Mitchell's record demonstrates that she prioritizes corporate interests over people. In private practice, she has represented Big Tech companies

and industrial polluters. She also represented the New York State Rifle & Pistol Association in the 2022 Supreme Court case *New York State Rifle & Pistol Association v. Bruen*, which led to gun safety laws across the country being struck down.

Ms. Mitchell previously litigated against reproductive rights, and she argued for gutting the Voting Rights Act in a brief she submitted in Shelby County v. Holder. In addition to her professional record, she has strong ties to the Federalist Society and other rightwing organizations.

I oppose her nomination and ask my colleagues to join me.

VOTE ON MITCHELL NOMINATION

The PRESIDING OFFICER (Mr. MORENO). The question is, Will the Senate advise and consent to the Mitchell nomination?

Mr. RICKETTS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Maryland (Mr. VAN HOLLEN), are necessarily absent.

The result was announced—yeas 49, nays 45, as follows:

[Rollcall Vote No. 238 Ex.]

YEAS—49

Armstrong	Ernst	Moreno
Banks	Fischer	Murkowski
Barrasso	Graham	Paul
Blackburn	Grassley	Ricketts
Boozman	Hagerty	Risch
Britt	Hawley	Rounds
Budd	Hoeven	Schmitt
Capito	Husted	Scott (FL)
Cassidy	Hyde-Smith	Scott (SC)
Collins	Johnson	Sheehy
Cornyn	Justice	Sullivan
Cotton	Kennedy	Thune
Cramer	Lankford	Tillis
Crapo	Lee	Wicker
Cruz	Lummis	Young
Curtis	McCormick	
Daines	Moody	

NAYS—45

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

NOT VOTING—6

Marshall	Moran	Tuberville
McConnell	Shaheen	Van Hollen