

how I know. All I have to do is read the President's budget.

President Biden's budget, if you look at table S-8, explicitly calls for withholding money from victims of crime and advocates for those victims from the Crime Victims Fund and also the Children's Health Insurance Program so as to spend more money in other areas. It is right here: "changes in mandatory program offsets: \$26 billion." It says the limitation enacted will come from the Crime Victims Fund program and cancellations in the Children's Health Insurance Program. This is not like wild speculation; this is President Biden's budget, saying: Oh, here is what I want to spend, and part of how I will spend it—part of how we will get there—is by withholding money that should be going to victims of crime.

So I am fully in support of this new allocation of money into the account, but money in the account doesn't solve the problem. We need one more step, that is all—the step that says we are actually going to send it to victims of crime instead of whatever spending people in this town decide they prefer. That is what this is about. That is what the difference is.

We have developed a process. We have worked with people on both sides of the aisle, and we have passed legislation in committee to do it. We want to simply require the money that is meant for victims of crime and their advocates to get to them, and we are being told it won't all get to them under the status quo.

There is a simple solution here. There is a simple path forward. I think there is a genuine, sincere agreement, among everybody who has spoken, about the need for this service. All I am asking is that we actually have a mechanism to get them the money rather than to do what we all know is coming: Pretend they are going to get all of this money when, in fact, it is going to be diverted to other purposes.

Therefore, I ask that the Senator modify his request to include my amendment, which is at the desk; that it be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there an objection to the modification?

Mr. DURBIN. Mr. President, in reserving the right to object, I am disappointed that the Senator from Pennsylvania is adamant in his position, even though we are dealing with victims of crime, victims of domestic violence, and victims of child abuse. Like Illinois, Pennsylvania has experienced a nearly 70-percent cut in VOCA funding since 2018, and more cuts are on the horizon because of his strategy.

Here is what it boils down to: If you listen carefully to what the Senator from Pennsylvania has said, he is not suggesting that the money is being

spent for other purposes but is suggesting that it could be. In fact, there is a conscious effort by the Appropriations subcommittee to make sure, if all of the money is not spent in 1 year, that enough will be maintained to stabilize the fund for future years. That is thoughtful, and that is what we like to hear, but we are in a desperate moment now wherein we need the money and need it at this moment.

I understand my colleague's concern about the scorekeeping in the budget. It is an important issue, even though it is esoteric. But to do it in relation to the Crime Victims Fund seems entirely misplaced. While this adjustment does not, in fact, transfer money from the fund to other priorities, it is just a budgeting gimmick that he is suggesting.

This is not the right place or time to do this when thousands of people across the United States are in desperate need of shelter to get out of an abusive home; of help for their children who have witnessed murders; and of dealing with court proceedings that may be unintelligible to the average person to try to protect their families and themselves. To think that we are engaged in this high-level budget debate at this moment at their expense is just not right.

I urge my colleague to withdraw his amendment and allow the legislation to proceed. We can debate the budget within the budget resolution and the appropriations process but not at the expense of crime victims across America. If he will not withdraw his amendment, I must object.

The PRESIDING OFFICER. Objection is heard to the modification.

Is there an objection to the original request?

Mr. TOOMEY. Mr. President, in reserving the right to object, I will just say briefly that, clearly and certainly, this is not a scorekeeping debate, and this is not about budgets. This is about whether victims of crime and their advocates will actually get the money that we say they are going to get. It is not about what could be; it is about what has been. This money was routinely raided for other purposes until we brought a stop to it recently, and it is about what will be because the Biden administration is telling us it intends to do this.

In order to ensure that crime victims and their advocates actually get the money that we say they are going to get, I object.

The PRESIDING OFFICER. Objection is heard.

VOTE ON BEAUDREAU NOMINATION

Under the previous order, the question is, Will the Senate advise and consent to the Beaudreau nomination?

Mr. DURBIN. 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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) and the Senator from Michigan (Mr. PETERS) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from North Dakota (Mr. CRAMER).

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

The result was announced—yeas 88, nays 9, as follows:

[Rollcall Vote No. 239 Ex.]

YEAS—88

Baldwin	Grassley	Portman
Barrasso	Hagerty	Reed
Bennet	Hassan	Risch
Blackburn	Heinrich	Romney
Blumenthal	Hickenlooper	Rosen
Blunt	Hirono	Rounds
Boozman	Hoeben	Rubio
Braun	Hyde-Smith	Sasse
Brown	Inhofe	Schatz
Burr	Johnson	Schumer
Cantwell	Kaine	Scott (FL)
Capito	Kelly	Scott (SC)
Cardin	King	Shaheen
Carper	Klobuchar	Sinema
Casey	Lankford	Smith
Cassidy	Leahy	Stabenow
Collins	Lujan	Tester
Coons	Lummis	Thune
Cornyn	Manchin	Tillis
Cortez Masto	Markey	Toomey
Cotton	Marshall	Van Hollen
Crapo	McConnell	Warner
Daines	Menendez	Warnock
Duckworth	Merkley	Warren
Durbin	Moran	Whitehouse
Ernst	Murkowski	Wicker
Feinstein	Murphy	Wyden
Fischer	Murray	Young
Gillibrand	Ossoff	
Graham	Padilla	

NAYS—9

Cruz	Lee	Shelby
Hawley	Paul	Sullivan
Kennedy	Sanders	Tuberville

NOT VOTING—3

Booker	Cramer	Peters
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The nomination was confirmed.

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

CLOTURE MOTION

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 157, John K. Tien, of Georgia, to be Deputy Secretary of Homeland Security.

Charles E. Schumer, Jack Reed, Ben Ray Lujan, Michael F. Bennet, Jeanne Shaheen, Alex Padilla, Chris Van Hollen, Debbie Stabenow, Christopher A. Coons, Mark R. Warner, Robert P. Casey, Jr., Margaret Wood Hassan, Brian Schatz, Tammy Baldwin, Mark Kelly, Benjamin L. Cardin, Jeff Merkley.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of John K. Tien, of Georgia, to be Deputy Secretary of Homeland Security, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) and the Senator from Michigan (Mr. PETERS) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Dakota (Mr. CRAMER) and the Senator from Kansas (Mr. MORAN).

The yeas and nays resulted—yeas 63, nays 33, as follows:

[Rollcall Vote No. 240 Ex.]

YEAS—63

Baldwin	Heinrich	Romney
Bennet	Hickenlooper	Rosen
Blumenthal	Hirono	Rounds
Blunt	Johnson	Rubio
Brown	Kaine	Sanders
Cantwell	Kelly	Schatz
Capito	King	Schumer
Cardin	Klobuchar	Scott (SC)
Carper	Leahy	Shaheen
Casey	Lujan	Sinema
Collins	Manchin	Smith
Coons	Markey	Stabenow
Cornyn	Menendez	Tester
Cortez Masto	Merkley	Tillis
Duckworth	Murkowski	Van Hollen
Durbin	Murphy	Warner
Feinstein	Murray	Warnock
Fischer	Ossoff	Warren
Gillibrand	Padilla	Whitehouse
Graham	Portman	Wyden
Hassan	Reed	Young

NAYS—33

Barrasso	Grassley	McConnell
Blackburn	Hagerty	Paul
Boozman	Hawley	Risch
Braun	Hoeben	Sasse
Burr	Hyde-Smith	Scott (FL)
Cassidy	Inhofe	Shelby
Cotton	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Toomey
Daines	Lummis	Tuberville
Ernst	Marshall	Wicker

NOT VOTING—4

Booker	Moran
Cramer	Peters

The PRESIDING OFFICER. On this vote, the yeas are 63, the nays are 33.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of John K. Tien, of Georgia, to be Deputy Secretary of Homeland Security.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that I be allowed to complete my remarks prior to the recess.

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

UNANIMOUS CONSENT REQUEST—S. 1520

Mrs. GILLIBRAND. Mr. President, I rise again to call for this entire body to vote and consider the Military Justice Improvement and Increasing Preven-

tion Act. This commonsense reform would ensure that people in the U.S. military who have been subjected to sexual assault and other serious crimes get the justice that they deserve.

I began calling for the full floor vote on this bill on May 24. That was 24 days ago. Since then, an estimated 1,344 servicemembers will have been raped or sexually assaulted. Two in three of those survivors will not even report it because they know that they are more likely to face retaliation than receive justice.

This is a scourge that we have been looking at for over 8 years. We have passed nearly 250 measures to address sexual assault in the military, to address retaliation, to address prevention, and none of them have dented the numbers. In fact, our estimated cases are at about 20,000 cases, and among those, only about 200 have gone to courts-martial and ended in conviction. It is not enough. We aren't moving the numbers in the right direction. They are, in fact, going in the wrong direction.

We also have a reform that we have looked at for 8 years. It creates a bright line at all serious crimes to handle two issues: one, the bias we see in sexual assault in the military; that if you are a servicemember who reports sexual assault, it is unlikely that you will get justice, and it is likely that you will be retaliated against.

And after we have made retaliation a crime three times in a row, we have only seen one court-martial for retaliation. That is outrageous.

And so now is the time that we bring this measure to the floor. It does not cost a lot of money. It is something that uses the existing infrastructure, the existing lawyers, the existing infrastructure around the lawyers.

Two, it does not take a long time to implement because, in fact, after the military police complete their investigation and have their recommendation, basically, they send that recommendation to the prosecutor, as opposed to the commander. So after the review by the prosecutor, it goes right back to the commander if that prosecutor declines to prosecute.

So, ultimately, it changes the system in a very small but powerful way, and the reason why this change is recommended by all military experts is three reasons: One, the bright line creates a justice system for all plaintiffs and all defendants. And since we have bias with regard to women in the military and we have bias with regard to Black and Brown servicemembers, this change will remove bias and professionalize the system for everyone.

Second, our allies have done this. Our allies have done it—UK, Israel, Germany, Australia, Netherlands. They have done it over the last 40 years for defendants' rights, to make sure we have a system that is fair to everyone. When they put this change in place, they reported to our panel that, No. 1, they saw no diminution in command

control; and, No. 2, they saw no undermining of good order and discipline. So for those reasons, that is why we need to pursue this legislation, a bright line.

And then, last is the question that the chairman always raises, that this must go through the committee. The committee has been looking at this for 8 years. We have had multiple hearings on this topic. We have had the data. We have talked about it with every service Secretary for the last decade I have been on the committee. We have talked about it with each of the services for the last decade that I have been on the committee, and we have tried to get a vote on this measure, unsuccessfully, for the past 5 years. We have been denied a vote every time in the last 5 years.

So to say now that only the committee can have jurisdiction is not true. They have had their chance, and they have passed close to 250 measures. Those measures have not moved the needle. Those measures are ones that the DOD was comfortable with. They have never wanted this measure. Now we have agreement by the chairman, by this panel, by many of the service Secretaries that, OK, fine, we are with you; we will take sexual assault out of the chain of command.

While that is good, it is not enough because it will create two systems of justice, and you should not privilege just one set of plaintiffs to have a positive, professional, unbiased system.

And given all of the data we have about race and bias against Black servicemembers and Brown servicemembers being punished up to 2.5 times more than White servicemembers, you need to fix the system for everybody.

So back to the argument of our allies, that is why they did their bright line at serious crimes—the equivalent of felonies—so that they could have a justice system that is worthy of the sacrifices that the men and women in our armed services make.

So I ask once again that we can have a vote on this floor. We now have 66 cosponsors of this legislation, widely bipartisan. How many bills in this Chamber are supported by LIZ WARREN and TED CRUZ at the same time? How many pieces of legislation have been voted on by both CHUCK SCHUMER and MITCH MCCONNELL? Very few. But the reason we have such bipartisan support is we have two female command veterans in this body. One is a Republican, JONI ERNST. One is a Democrat, TAMMY DUCKWORTH. They are both on this legislation. They have served as commanders, and they understand the importance of the commander's roles. But they also have seen that nothing has gotten better. They saw the report from Fort Hood that said the command climate was so toxic that it was permissible for sexual assault and sexual harassment. And so they have said enough is enough.

And so when you have so many former commanders and sexual assault survivors from this Chamber supporting this legislation, it is time that