Mr. President, with that commitment, I will not object.

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

The bill (H.R. 2544) was ordered to a third reading, was read the third time, and passed.

The PRESIDING OFFICER. The Senator from Delaware.

## NOMINATION OF JULIE A. SU

Mr. COONS. Mr. President, I rise to share with my colleagues and with our country my enthusiastic support for Julie Su, my gratitude for her ongoing work as Acting Secretary of Labor, and my support for President Biden's nomination of Julie Su to lead the Department of Labor.

Throughout her career, Julie has worked tirelessly to level the playing field for American workers as an advocate for trafficked garment workers, running our Nation's largest Statelevel labor department.

Two years ago, this Senate confirmed her to serve as Deputy Secretary of Labor. And as Deputy to Secretary Marty Walsh, Julie helped lead a resurgence in workforce training: expanding apprenticeships in in-demand industries like trucking, teaching, and cyber security; building pathways to jobs and advanced manufacturing and clean energy technology and semiconductors; ensuring that our country has the workforce we need to meet the needs of our economy and ensuring that those jobs are good jobs.

Julie has now led the Department for 5 months and has continued her focus on creating good jobs, empowering workers, and enforcing our labor laws.

Last month, she worked tirelessly to help avert a strike at our west coast ports, bringing labor and management together to reach an agreement that kept our ports up and running and our economy moving forward.

This is the kind of leadership that we need on labor issues, in the Department of Labor and across our country. Someone who will persevere through difficult, tense negotiations. Someone who will work through challenging issues and drive outcomes that are good for workers, businesses, and our country.

Julie has done this hard work even while facing unwarranted attacks on her record—a coordinated campaign of misrepresentation about a dedicated public servant. I am confident that her toughness and drive to serve will allow her to endure this opposition and continue to do right by the American people and American workers.

In her time as Deputy Secretary, and now as Acting Secretary, Julie Su has proven to this Senator and to the Senate as a whole that it was wise for President Biden to nominate her and for the Senate to confirm her 2 years ago.

I urge my Senate colleagues to once again support Julie Su and empower her to lead the Department with the experience, expertise, and deeply held values she brings to the job.

## $\begin{array}{c} \text{NOMINATION OF JACK A.} \\ \text{MARKELL} \end{array}$

Mr. COONS. Mr. President, I rise this evening to speak about 17 nominees who will be confirmed in the wrap-up of this evening's session—17 nominees to serve as Ambassadors for the United States around the world or to represent us in international organizations.

I am grateful that we have been able to reach an agreement with those Senators who have been blocking their confirmation. I, frankly, wish we had been able to clear even further. There are 38 ambassadorial or senior position nominees waiting for action on this floor, and it is my hope that when we return in September, we will clear the remaining ones.

But this evening, I wanted to speak about one nominee in particular, the Honorable Jack Markell, who has been nominated and will this evening be confirmed to serve as U.S. Ambassador to Italy and San Marino.

I have known Jack and his wife Carla for more than three decades. As Jack liked to say when he was Governor, Delaware is a "State of neighbors," and no one better epitomizes that friendly attitude, that commitment to one another's well-being more than our former Governor Jack Markell.

As treasurer, as Governor, as a businessman, now as Ambassador to the OECD—the Organization for Economic Cooperation and Development—Jack is used to working cooperatively with others to get things done and to do things the right way.

As Governor, he steered our State through an incredibly difficult and demanding fiscal crisis, getting us back on track. Along the way, he expanded opportunities for people with intellectual disabilities. He created a national model for workplace experience and college credit opportunities, and he launched a much lauded kindergarten language immersion program.

As the White House Coordinator for Operation Allies worldwide, he facilitated the vetting and resettlement of Afghans who served alongside us during 20 years of conflict; and now as ambassador to the OECD, he has worked with our partner nations to emphasize energy security, sustainable development goals, and to support Ukraine against a brutal Russian invasion.

Italy is, obviously, a key NATO ally. And Italy is facing some of its biggest challenges in decades and has come out the stronger for it. Italy is a committed partner in NATO to the United States and to Ukraine as a nation fighting on the front lines of freedom.

Earlier today, I had the honor of joining our leader Senator SCHUMER and the Republican Leader Senator McConnell in a meeting with Prime Minister Meloni of Italy during her visit to the United States, on a day when she met with our President, Joe

Biden, to talk about how we can further deepen and strengthen the transatlantic alliance.

And I was grateful to hear the strong bipartisan support of this Chamber's two leaders for the continued effort to arm, to equip, to support Ukraine in its important fight against Russian aggression.

I am also thrilled that in just a few moments, this Chamber will confirm the nomination of Jack Markell to serve as our ambassador to Italy and San Marino. This position has been vacant for more than 2 years, and we cannot ignore such a vital post any longer. In these uncertain times, the United States has found greater strength in allies and partner nations, and Jack is the consummate bridge-builder who understands how important alliances are.

He will bring a little bit of the "Delaware Way" of working across the aisle, of finding commonsense solutions, and of solving real problems to his new post in Rome. So to a dedicated and capable public servant with experience to match, to a friend of decades, congratulations to Governor Markell, Ambassador Markell, as you embark on this next chapter in service to our Nation

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

## MILITARY PROMOTIONS

Mr. LEE. Mr. President, as we wrap up our work in the National Defense Authorization Act, we need to address an issue, an issue that has been the focus of a lot of controversy. It has been the focus of a lot of heated words. Now, I understand heated words happen around here. It occurs; people feel passionate about things. But when heated words become untrue words, defamatory words, fighting words, sometimes the record needs to be corrected. This is one of those times.

Moments ago, the President of the United States—who, to put it mildly, has not had a good week—made some comments that I regard as not only insensitive, inflammatory, but also downright misleading and unfair. He has made them about and directed them toward a Member of this body, our friend and colleague, the Senator from Alabama, Senator Tuberville.

These attacks against Senator TUBERVILLE have been relentless. Relentless all because he has chosen to take a stand, a stand against what he properly, legitimately, understandably perceives as a violation of the spirit—if not also the letter—of the law. The law in question is codified in 10 U.S.C. section 1093.

And 10 U.S.C. 1093, in a nutshell, says that the U.S. Department of Defense may not spend Department of Defense funds to perform an abortion, and it may not use a Department of Defense property, facility, to perform an abortion

This has been in place for a long time. It has been in place for decades. This, you see, represents something of an island oasis in the debate of abortion, this idea about government funding. It is one of the last bastions of our overwhelming bipartisan agreement when it comes to abortion in America. which is to say, regardless of how people feel about abortion in generalwhether they support it, whether they are against it, in what circumstances they might recognize it as something that can appropriately be legal or notwhat unites them and unites them overwhelmingly along bipartisan lines is this: That, in part, because of the widespread disagreement among the American people about abortion, Federal funds shouldn't be performing abortions. They shouldn't be used to promote or conduct or perform abortions.

It is a very simple matter. This can and does unite Americans across party lines—and overwhelmingly so. And so it was with good reason in another National Defense Authorization Act—we just finished up the National Defense Authorization Act for 2024, at least the initial Senate version of it. But it was in another National Defense Authorization Act a few decades ago that, I understand, 10 U.S.C. 1093 came to be law. because the American people agreed then, as they agree now, that regardless of how people feel about abortion. we ought not to be using Federal funds, particularly in the military but also otherwise, to perform abortions.

Well, late last year, the U.S. Department of Defense started considering a measure to get around 10 U.S.C. 1093 for a method that was at once really creative and too cute by half.

When I say "too cute by half" not as a compliment, I, indeed, mean it as a criticism, because it cleverly attempts to step around the stated purpose, intent, spirit of 10 U.S.C. 1093. And one could not argue that you avoid the technical grip of its talents if you do what the Department of Defense started considering doing last year.

They started thinking about saying, OK, well, let's say that we will give 3 weeks of paid leave time and reimburse travel expenses to any military woman who wants to get an abortion and needs to travel interstate to do it. We will pay for their interstate travel, for their lodgings, their meals, and 3 weeks of paid leave.

It is understandable why this would cause some consternation, because the only purpose of this could be to flout, to circumvent the stated purpose and effect of 10 U.S.C. section 1093. Technically speaking, one could argue, yeah, this is not performing abortions, so you can get away with it. Sometimes in the military, it is not just about getting away with it; sometimes in the military there ought to be some concern for whether the American people have a voice in this, and the fact that their elected representatives have tried to take things like this off the table, and not let them do that.

So Senator Tuberville saw this coming. He also understood—as I think anyone rationally looking at it has the ability to understand—that the distinction between this and providing funding for the performance of an abortion is really difficult to differentiate. If you add up the value, the economic value, of the 3 weeks of paid leave and add to that interstate travel—in many cases, it is going to be interstate air travel—and lodgings, meals, per diem for that period of time, at the end of the day, performance of the abortion is going to be dwarfed by that policy. It is almost the afterthought. It is the least expensive part of all of that. And so, yeah, can you say that you have evaded the letter of the law? Yeah, I think you can make that argument, but it is too cute by half, and they are trying deliberately to flout this law while claiming that they are respecting it.

So what did Senator Tuberville do? Well, Senator Tuberville serves on the Senate Armed Services Committee. And in that capacity, he has oversight authority, oversight responsibilities over the Department of Defense. So he did what he felt was appropriate and what I think was appropriate, and he decided to sit down with the Secretary of Defense and just talk it out with him, rather than relying on the rumor mill to either confirm or dispel what might be happening. He articulated his concerns.

He said: Look, if you were to do this, it is just a poke in the eye. You are doing it because you can get away with it for the time being. So don't do it. And if you still do it, there will be consequences. And then he spelled out what those consequences would be.

You see, in the Senate, when we confirm people, particularly when we confirm people who are up for consideration for a military promotion, there is a custom and practice that we don't require the full procedures to be followed—the full procedures, which takes some time.

And so Senators, typically, agree to expedite that process so that these military promotions can be considered as a group, en bloc, and on a really fast-tracked basis. It is, nonetheless, a senatorial courtesy; it is something that we choose to do. It is our choice, and it is the choice of each Senator individually. Any one Senator can decide for him or herself when, whether, to what extent to allow that person and where to withhold it.

And so what Senator Tuberville told Secretary Lloyd Austin, the Secretary of Defense, was simple: If you do this, I will not any longer be able to justify giving expedited treatment to military promotions for flag officers—you know, admirals and generals. I won't do that, so don't do it, because you will be flouting the law in a way that may take a significant amount of time, whether through litigation—if it follows that course—or through legislation. Probably be able to run out the

clock through the end of this administration.

Senator Tuberville felt that would be an unfortunate result and wanted to give Secretary Austin the chance to avoid it. So he said: Don't do it; but if you do do it, it is going to take you a whole lot longer to confirm your admirals and your generals.

Well, what happened? A month or two later, lo and behold, the Department of Defense releases that policy: 3 weeks of paid leave and compensated, reimbursed travel expenses, and per diem, for the purpose of getting an abortion. Sure, they try to dress it up in other language. This is about abortion. This is about Dobbs because the administration doesn't like the Dobbs decision. It is mad that the Supreme Court of the United States stood up for the plain text of the Constitution.

The plain text of the Constitution does not make abortion itself categorically a Federal issue and certainly doesn't prohibit to the States the authority to protect unborn human life. It doesn't take that away, and because it doesn't take that away, it is not an issue that nine lawyers wearing robes can just decide, just graft it on to the Constitution.

So the Dobbs Court reached that conclusion. Whether you agree with the Dobbs Court or not—I do. It was right. But whether you agree with me on that or not, it is the Supreme Court's ruling.

This is a temper tantrum. It is a temper tantrum by the Department of Defense and by the Biden administration. They are still mad that they lost the Dobbs ruling. That is what this is.

So they proceeded with it, and Coach TUBERVILLE said: I told you what I would do, and I am going to stand up for what I told you I would do. This isn't right. You are encouraging, you are facilitating abortions, and it sends the wrong message altogether. This is not something that we are comfortable with the Department of Defense doing. We made that clear in law decades ago. And you are doing this for the sole purpose of flouting—of circumventing. So don't do it.

Now, it is clear as a bell: This doesn't stop anyone from getting confirmed. There is not one person whom we stop from getting confirmed simply because any one Senator decides that he or she isn't going to continue to expedite the process. Every one of these people could be confirmed. Essentially, every one of them could be confirmed in not a whole lot of time. It would be some time-consuming processes they would have to go through, but it is not overwhelming.

In the meantime, all this pressure is mounting. The message from the White House and from the Pentagon has been to put the blame entirely at Senator Tuberville's feet and to say that all kinds of horrible things are going to happen—dogs and cats living together in the streets; Book of Revelations

stuff, apocalyptic stuff is going to happen—and it is all Senator TOMMY TUBERVILLE's fault. This is nonsense.

For those who have made that argument within this body, it is uncollegial. For the President of the United States to jump on this bandwagon and do the same thing-the President of the United States, a longtime Member of this body who never served with Senator Tuberville, but if he had, he would have known him and he would have liked him. They would have been friends. Senator Biden, I have no doubt, would have respected as a matter of senatorial courtesy what Senator Tuberville is doing because we respect each other's procedural rights, especially when standing on a sincerely held conviction. But that is not what President Biden is doing.

He gave a speech just a little while ago. He begins with the words "Something dangerous is happening."

A few sentences later, he says:

The Republican Party used to . . . support the military, but today they're undermining the military. The senior senator from Alabama, who claims to support our troops, is now blocking more than 300 military operations with his extreme political agenda.

Let's talk for a moment about what is extreme. It is extreme to take U.S. taxpayer dollars and use them to facilitate, promote, and encourage abortion. That is extreme. It is also extreme for this administration to refuse even to consider the possibility that maybe they overstepped.

Now, there is dispute among people in the military as to whether or to what extent any delay in the promotion of these members is a matter of national security. I understand there are disagreements on that. There are also no fewer than 5,000 veterans who have signed on to support Senator Tuberville's Pentagon hold-5,000who say that Senator Tuberville's decision to place these holds is absolutely right and that he is not to blame and that there are no circumstances in which Senator Tuberville should be blamed for any impact on military readiness.

Now, let's step back for a minute, and let's just assume. Let's assume for purposes of argument here that we are living in a world in which there are legitimate national security ramifications flowing from the nonconfirmation of any or all of the roughly 300 promotions we are talking about. Let's assume that into existence.

If that is the case, to whatever extent that is true, what is true for the goose is also true for the gander. It is not something that you could put solely on Senator TUBERVILLE, especially given the fact that we could promote and confirm the promotions of every single one of these people right now within the next 5 minutes. We could do it if only this administration would stop trying to advance its radical, proabortion agenda through every jurisdiction, every Department, every Agency. This is an all-of-government thing.

They don't care; they are going to promote abortion in whatever way possible. All they would have to do is say: You know, let's set that aside. In the interest of national security, let's do that.

It is not as if members of the military choosing to get an abortion are prohibited from doing so. It is not as though members of the military choosing to seek an abortion are denied leave or denied the ability to do this.

So what exactly are we fighting for, and to whatever degree this is impairing and impacting national security, who exactly is doing this? The President of the United States and Secretary Austin both independently have at their disposal the ability to end this now.

So a national security threat? Not a national security threat? To the extent it is, it is on you, President Biden, and you certainly can't put this entirely at Senator Tuberville's feet. This is your doing. You have chosen this route. He warned you that Federal law itself cautioned against it, and you did it anyway.

It goes on a few sentences later:

This partisan freeze is already harming military readiness, security and leadership, and troop morale.

He goes on:

Freezing pay, freezing people in place. Military families who have already sacrificed so much unsure of where or when they change stations, unable to get housing or start their kids in the new school [because they are not there yet].

Here again, I get it. It would be great to get those people confirmed. It really would. I would like to see them confirmed. So even though this wasn't my decision—I wasn't in his shoes. I wasn't the one who chose this particular option. But he is my friend, he is my colleague, and he is a U.S. Senator who holds an election certificate just like the rest of us and just like President Biden did for the many decades he served in this body. He has every right to decide when and when not to extend the courtesy of expediting these confirmations. He went about it in a gentlemanly, courteous way, giving advance notice. He rested his theory on a law that has been in place for decades that is being flouted.

The President of the United States has the audacity to lay at his feet any suffering, any misfortune, any unhappiness among these families, any military readiness that may flow from it, when he himself knows darn well that in order to score cheap political points with the abortion lobby, he is willing to bring these things on. And then he has the audacity to blame this on one Senator from Alabama.

Shame on you, President Biden. Shame on you.

He goes on:

Military spouses are forced to take critical career decisions, not knowing where or if they can apply for a new job. . . . a growing cascade of damage and disruption all because one senator from Alabama and 48 Repub-

licans refused to stand up to him to lift the blockade over a Pentagon policy offering servicemen and women and their families access to reproductive health care rights they deserve if they're stationed in states that deny it.

He can dress that up all he wants. It is still on him. He can call this healthcare all he wants, but he is talking about a procedure that has one purpose, and that is to culminate in the cessation of unborn human life.

I find that difficult to take—difficult to take especially in the face of 10 U.S.C. 1093, which on its face makes clear that the American people don't want and have outlawed the use of military funds and facilities to perform abortions. Why should we be willing to tolerate something that indirectly, in a way that is way too cute by at least half, openly flouts the intended purpose and spirit of that law?

He continues:

I think it's outrageous. But don't just take it from me. Hundreds of military spouses petitioned to end the extreme blockade.

One spouse, referring to the Senator from Alabama, said:

This isn't a football game. This nonsense must stop right now. Enough.

You know, the military spouse quoted is right. This isn't a football game. It is much more serious than that—in fact, far more serious. This is about the law. This is about maintaining military readiness. This is about making sure that our laws aren't openly flouted by those charged with managing and directing the affairs of what is our largest Department and one of the central, key parts of the Federal Government, one of its main reasons for existing. It is not a football game. and this business of openly flouting the law and the business of law in which we work is also not a game.

You see, the fact is, Secretary Austin made a grave miscalculation when he decided he was going to make policy and make policy utterly at odds with the policy embodied in enacted law. You see, you can't legislate from the Ering of the Pentagon. It can't be done.

My copy of the Constitution, the very first operative provision of that document, article I, section 1, says:

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.

Article I, section 7, puts additional meat on the bones and makes abundantly clear what is teed up in article I, section 1, clause 1. It says that in order to make a law within the Federal Government, it has to be through Congress. In order to make a law, you have to pass it through the House and pass it through the Senate. Once you pass the same text through both Houses of Congress, it has to be presented to the President for signature, veto, or acquiescence.

Maybe he didn't get the memo on article I. Maybe he needs to be reminded of the fact that he doesn't get to make law. It is not within his prerogative.

He openly, brazenly and I believe very, very deliberately sought to undermine the stated purpose, intent, effect, and spirit of 10 U.S.C. 1093. He chose to do that.

What is sad in this day and age, when the government is as big as ours, a government that unwisely gives as much deference as it does to the executive branch-not just to the President himself but those who serve him in various capacities in executive branch Agencies and Departments. In this day and age, it is almost analogous to the expression that "possession is ninetenths of the law." As long as he remains in charge of the Department of Defense, he can say up is down and is surrounded by people who literally salute him every day and people who follow those orders. Unless or until Congress does something about it, he may get away with openly flouting the law.

(Ms. Cantwell assumed the Chair.) That doesn't mean that nobody in the Senate can have anything to say about it, and it certainly does not entitle the Secretary of Defense or the President of the United States to have every Member of the U.S. Senate agree to continue to reward them with continued deference and a grant of expedited consideration of all military promotions, whether flag officers or otherwise. This is not something they are entitled to. It is something that Senators freely choose to give or to withhold. Here, he has chosen to withhold it.

The beginning of the end of his speech says:

I urge Senate Republicans to do what they know is right.

On that point, I agree, and we will. The PRESIDING OFFICER. The Senator from Vermont.

## VERMONT FLOODING

Mr. WELCH. Madam President, I would like to address the Senate and describe the situation in Vermont.

On July 10, we had a catastrophic flood that affected parts of the entire State. What I would like to speak about today are a couple of things: one, where Vermont stands in the recovery and, two, to describe specifically damages to our agriculture community and our farming community.

Before I do start, I want to express my gratitude to the Biden administration, to the FEMA folks who visited, to the Secretary of Transportation, who visited, and to the staff at FEMA, who have been working tirelessly to help Vermonters go through the very difficult process.

There are folks who have lost their homes or suffered significant damage to their homes, folks who have lost their businesses. We saw, when I was here originally, a photograph of Montpelier, where the entire downtown district was flooded, and the individuals in the farming community who have seen all of their work and all of their crops destroyed.

Senator SANDERS and Congress-woman Balint and I are working as closely as we possibly can with Governor Scott, whose administration is totally dedicated to trying to help Vermonters recover. What did happen in Vermont affected homes, it affected infrastructure, it affected businesses, but it also affected the farming communities.

Earlier this week, Governor Scott and I visited the farm of Paul Mazza in Essex Junction. Paul has been farming for about 40 years, since he was 11 years old. The farmland that we see here along the river—as you can see, it has risen up so that it covers much of the acreage. The acreage included raspblueberries, blackberriesberries. crops for which neighbors and Vermonters from all around look forward to coming to the Mazza farm and self-harvesting.

As Paul Mazza said to Governor Scott and to me, "The people of Essex and the people of Vermont need my farm, and my farm needs the people of Vermont."

A custom in Vermont was for folks, with their families, to go to the Mazza farm and do their own picking.

He has about 40 acres that are dedicated to those extraordinary crops, and they have been destroyed. We walked that farm and saw the devastation. When the flooded waters rose up above the crops and then receded, it left a residue which destroyed them. He also has almost 300 acres of corn, feed corn, and about 250 acres of that were destroyed as well.

What we understand is that about 100,000 acres of forest and cropland have been affected by the flood. About 10,000 of those acres are in direct agricultural activity.

As for the vegetable crops from our small farmers, whose work is only paid for at the end of the season when they harvest and sell those crops, those crops are destroyed. So, with many of our smaller vegetable farmers, who are so important to community life and so important to getting good, nutritious food, those crops have been destroyed.

The question is whether those farmers are going to be able to get back in business, and we are going to need to be able to help them if that is going to happen.

I have a couple of things I would like to say. One is to Vermonters and to Vermont farmers: Report. Report. Report.

In order for us here in Washington to be able to make the case for the aid that we need and you need, we have to document what the damages are. Some folks in Vermont are hesitant to make that report, thinking they might affect their neighbor's ability to get aid. That is not the case. We need to document how much loss has been suffered by every Vermonter.

So, please, especially our farmers but our homeowners and our businesses, report. Call 211, and let us know what the damage is where you live. It could be anything from driveway damage to Paul Mazza's crop damage of a couple hundred acres.

Second, Senator SANDERS and I will be asking at some point, when we know what that damage is, for the assistance of our colleagues to help out Vermonters who have been the victims of this natural disaster, this catastrophic flood, that occurred 17 days ago.

Before I finish, I want to express the inspiring response that Vermonters have had.

You know, we are 17 days into this, and immediately after the flood, there was an outpouring of support from volunteers—other Vermonters—to come to help businesses that were flooded, to help homeowners who were flooded, and even to help our farmers.

People are going back to their lives, but Vermonters still want to help. Some of the stories so inspired me, and I will give one.

In Marshfield, there is an owner of a general store, Michelle Eddleman McCormick. She thought she was running a country store. Well, on the day of the storm, in Marshfield, it was absolutely devastated. She took in three dozen people who stayed in her store, and she sheltered them. I just can't believe the generosity of this person to fellow Vermonters in need-taking three dozen people in, sleeping on the floor, and doing whatever they could to get through the night and the next day. The damage was enormous. Marshfield, where the country store is, lost three bridges, and a fourth was severely damaged.

In the small town of Johnson, a sewer main was taken out when the line attached to the bottom of a bridge was ripped away by a car that was floating down the river. The wastewater treatment facility in Johnson was totally destroyed. It suffered 8 feet of water in the plant itself. Across Vermont, we lost 33 wastewater treatment plants.

In the small town of Cabot—famous for its Cabot/Agri-Mark cheese—every single road was damaged, and people were stranded within the community because you couldn't get out, and you couldn't get in.

In Cambridge and Jeffersonville, these small towns were completely cut off during the flood. A senior low-income housing project was lost to the flood

So we are now in that stage where the initial trauma of that flood on July 10 is behind us, but there is very hard work that is required to try to get that business back on its feet or for that homeowner to find shelter, for that farmer—Paul Mazza and his daughter, Katie, and the folks who worked so hard on the Mazza farm—they have to do the day by day, step-by-step recovery because we want folks to be back in their homes; we want folks to be back on their farms; and we want folks to be back in their businesses.