

the fiscal year ending September 30, 2024, and for other purposes, as printed in the CONGRESSIONAL RECORD on September 14, 2023, 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) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Alaska (Ms. MURKOWSKI) and the Senator from South Carolina (Mr. SCOTT).

The yeas and nays resulted—yeas 49, nays 48, as follows:

[Rollcall Vote No. 233 Leg.]

YEAS—49

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

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	Schumer
Collins	Kennedy	Scott (FL)
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Lummis	Tillis
Crapo	Marshall	Tuberville
Cruz	McConnell	Vance
Daines	Moran	Wicker
Ernst	Mullin	Young

NOT VOTING—3

Booker	Murkowski	Scott (SC)
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(Mr. HICKENLOOPER assumed the Chair.)

The PRESIDING OFFICER. (Ms. CORTEZ MASTO). On this vote, the yeas are 49, the nays are 48.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The motion was rejected.

The PRESIDING OFFICER. The majority leader.

MOTION TO RECONSIDER

Mr. SCHUMER. Madam President, I enter a motion to reconsider.

The PRESIDING OFFICER. The motion is entered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 282.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of the following named officer for reappointment as Chairman of the Joint Chiefs of Staff and appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 152 and 601: to be General, Gen. Charles Q. Brown, Jr.

CLOTURE MOTION

Mr. SCHUMER. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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. 282, Gen. Charles Q. Brown, Jr., for reappointment as Chairman of the Joint Chiefs of Staff and appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 152 and 601: to be General.

Charles E. Schumer, Mark Kelly, Patty Murray, Alex Padilla, Tammy Baldwin, Angus S. King, Jr., Catherine Cortez Masto, Margaret Wood Hassan, Debbie Stabenow, Michael F. Bennet, Richard Blumenthal, Kirsten E. Gillibrand, Martin Heinrich, Maria Cantwell, Benjamin L. Cardin, Chris Van Hollen, Richard J. Durbin, Jack Reed, Brian Schatz.

LEGISLATIVE SESSION

Mr. SCHUMER. I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. I move to proceed to executive session to consider Calendar No. 281.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of the following named officer for appointment as Chief of Staff of the Army and appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 7033: to be General, Gen. Randy A. George.

CLOTURE MOTION

Mr. SCHUMER. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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. 281, Gen. Randy A. George for appointment as Chief of Staff of the Army and appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 7033: to be General.

Charles E. Schumer, Mark Kelly, Patty Murray, Alex Padilla, Tammy Baldwin, Angus S. King, Jr., Catherine Cortez Masto, Margaret Wood Hassan, Debbie Stabenow, Michael F. Bennet, Richard Blumenthal, Kirsten E. Gillibrand, Martin Heinrich, Maria Cantwell, Benjamin L. Cardin, Chris Van Hollen, Richard J. Durbin, Jack Reed, Brian Schatz.

LEGISLATIVE SESSION

Mr. SCHUMER. I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. I move to proceed to executive session to consider Calendar No. 249.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of the following named officer for appointment as Commandant of the Marine Corps and appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 8043: to be General, Gen. Eric M. Smith.

CLOTURE MOTION

Mr. SCHUMER. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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. 249, Gen. Eric M. Smith for appointment as Commandant of the Marine Corps and appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 8043: to be General.

Charles E. Schumer, Mark Kelly, Patty Murray, Alex Padilla, Tammy Baldwin, Angus S. King, Jr., Catherine Cortez Masto, Margaret Wood Hassan, Debbie Stabenow, Michael F. Bennet, Richard Blumenthal, Kirsten E. Gillibrand, Martin Heinrich, Maria Cantwell, Benjamin L. Cardin, Chris Van Hollen, Richard J. Durbin, Jack Reed, Brian Schatz.

Mr. SCHUMER. Finally, I ask unanimous consent that the mandatory quorum calls for the cloture motions filed today, September 20, be waived.

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

The PRESIDING OFFICER. The majority leader.

MILITARY PROMOTIONS

Mr. SCHUMER. Madam President, the senior Senator from Alabama, Senator TUBERVILLE, for more than 6 months, has continued his brazen, reckless hold of hundreds of routine, nonpolitical promotions of senior military officers.

Democrats have said all along that these promotions should move forward together as these nominations have for decades in the past. They should have happened a long time ago. They should have happened the way these promotions have been done in the Senate until Senator TUBERVILLE arrived. They should have been done quickly and in a bipartisan way.

Instead, the Senator from Alabama decided he would take the unprecedented step of holding up these promotions because he held a political position on abortion that doesn't have the votes to pass the Senate and is opposed by the Commander in Chief and the Secretary of Defense. This poorly conceived tactic has also been opposed by the Senate Republican leadership. Leader MCCONNELL and Senator THUNE have both voiced grave concerns about the path that Senator TUBERVILLE is taking. And Speaker MCCARTHY, when asked about it this week, demurred and said: I am the Speaker of the House.

Senator TUBERVILLE's tactics have been opposed by top Republicans in Congress. It has been opposed by Republican Presidential candidates. It has been denounced by military families from one end of America to the other, and it has been denounced by veterans groups. Polls show that the American people strongly oppose what Senator TUBERVILLE is doing. A recent poll showed that even 58 percent of Alabama voters believe Senator TUBERVILLE should allow the promotions to go forward.

Simply put, besides the most extreme elements of the Republican Party, no one thinks this is a good idea. In the face of that opposition, it seems that Senator TUBERVILLE is becoming more and more desperate to get out of the box he has put himself in. He is desperate to shift the responsibility onto others, but I have made it clear that we will not allow anyone to shift this onto Democrats. The blame—the blame—falls squarely on the shoulders of the senior Senator from Alabama.

I offered to give him a vote to get the Department of Defense to do what he wants on abortion in the NDAA. He never—never—took me up on that vote. When Democrats tried to move all of the nominations—because Democrats don't want to leave anyone in our military behind—Senator TUBERVILLE objected. And now, in a further act of desperation, Senator TUBERVILLE is seeking to use a procedural step to overcome his very own holds. Yes, you heard that right. Senator TUBERVILLE is seeking to undo his own holds. The man who is holding everything up is trying to obfuscate things by playing this ruse on the floor.

Senator TUBERVILLE is essentially trying to make himself the gatekeeper of which officers are promoted and who sits and waits. Instead of just getting out of the way and allowing the Senate to approve the promotions that these decorated military officers deserve, the Senator from Alabama, unfortunately and wrongly, is using them as pawns.

What Senator TUBERVILLE is doing will set the military and the Senate down a path to vote on every single military promotion. It will make every single military officer's promotion subject to the political whims of the Senate and even of one Senator. It will change the nature of our nonpolitical military. It will hamstring the Senate and further bog down this body and make it harder for us to legislate. It will take away time from appropriations. It will make it harder to get things done to benefit the American people. The decision by the senior Senator from Alabama will have long lasting repercussions that may not be apparent right away but that we may come to regret. I believe we will come to regret them.

Due to the extraordinary circumstances of Senator TUBERVILLE's reckless decisions, Democrats will take action. It is not the path the vast majority of Senators on either side of the aisle wants to go down, but Senator TUBERVILLE is forcing us to confront his obstruction head on.

I want to make clear to my Republican colleagues: This cannot continue. We cannot continue down this path. It threatens the ability of the Senate and the leadership of both sides to work together to get things done for the American people, and it threatens the nonpolitical nature of our military servicemembers. Senator TUBERVILLE's obstruction is pushing the Senate down this road, and where it goes from here will depend on all of us.

The Senate runs on unanimous consent, and we depend on each other to ensure this institution functions smoothly. That is how we make things happen around here. If everyone objected to everything to get leverage for their pet priorities, it would grind this body to a halt. Either we choose a different direction or we continue down the road of more and more obstruction.

It is my hope—indeed, it is my prayer—that we find a better way. Our mili-

tary deserves better. We cannot allow Senator TUBERVILLE to set us on a path that no Senator wants to travel. We cannot allow Senator TUBERVILLE to decide which of our dedicated and brave servicemembers get promoted and which get to languish, which military families are able to settle in their new posts and which must remain in limbo. We cannot and we should not allow that to be the case.

So I have just filed cloture on the Chairman of the Joint Chiefs of Staff, the Commandant of the Marine Corps, and the Army Chief of Staff. These men should have already been confirmed. They should already be serving in their new positions. The Senate should not have to go through procedural hoops just to please one brazen and misguided Senator, but this is where we are.

In the end, the Senate will overwhelmingly vote to overcome Senator TUBERVILLE's blockade of these three nominees by voting for cloture. Then the Senate will overwhelmingly vote to confirm them, and these three honorable men will finally be able to assume their positions. And the abortion policy that Senator TUBERVILLE abhors will remain in place. Senator TUBERVILLE will have accomplished nothing, but the harm he is doing to the military and their families remains and, unfortunately, continues for hundreds of others.

For the information of all Senators, now that I have filed these motions, I will request consent to collapse the time and hold these votes later this afternoon. I hope Senator TUBERVILLE does not object, but if he does, Senators should expect votes on Friday and possibly Saturday to finish the consideration of these nominations. Again, I will shortly move to speed up the votes on these amendments this afternoon, and I hope the Senator will not object, but if he does, we will stay until we get them done.

Finally, Senator TUBERVILLE's unprecedented disrespect of the men and women who lead our military has unsurprisingly caused many of our colleagues to discuss ways to change the way we process military nominations. They recognize that the Senate process is being abused and that Senator TUBERVILLE's reckless actions are harming hundreds of military families.

Once again, I wish we were not in this position. I wish my Republican colleagues who do care deeply about keeping our military strong were able to prevail on Senator TUBERVILLE to completely change his tactics. They clearly made some progress, which forced him to vainly attempt a procedural play, but this is not a sustainable path. Senator TUBERVILLE's continued abuse of his privilege will continue to disrupt the lives of hundreds of our Nation's finest and most dedicated military officers and their families. While we Democrats didn't choose this fight, we are ready to put an end to this sooner rather than later.