

majority leader said: Oh, it is those Republicans in the House who are causing this problem. And he accepted no responsibility for his failure to move a single appropriations bill through the Senate before the end of the fiscal year.

Well, we were staring down the barrel of a government shutdown, and it was in large part because of his lack of leadership of the Senate. I am sure that Senator SCHUMER will not hesitate to claim credit for keeping the government open and blame the House for the problems, but I think it is important to remind everyone of the facts.

Mr. President, here we are, October 3, the Democrat-led Senate has still not passed a single one of the 12 regular appropriations bills. We haven't passed funding for the Defense Department, for Homeland Security, for Veterans Affairs—nothing. And what is even more astonishing is the majority leader, apparently, has no plans to move any appropriations bills across the floor this week or in coming weeks. The Senate is not even expected to address any appropriations bills before gaveling out tomorrow evening and returning about 2 weeks later.

Now, as we know, Congress passed, thanks to the House, a bipartisan stop-gap appropriations bill. We had 45 days from Saturday to fund the government on an ongoing basis, and the majority leader has chosen to send the Members of the Senate home for the next 2 weeks and to burn 2 weeks out of the 45 days, doing nothing. I fear that, 45 days from Saturday, we will have passed—since we passed the current continuing resolution, we will find ourselves exactly in the same place we found ourselves just a couple of days ago.

It is outrageous. It is irresponsible. The American people deserve better.

The House, by contrast, which the majority leader likes to point to as the problem, even though they saved our bacon by passing a short-term CR there—when the Senate had done nothing, all we could do was take up their short-term continuing resolution and pass it, which we did on Saturday night.

Meanwhile, the House has passed 5 of its 12 funding bills, with plans to advance even more during the coming days. Speaker MCCARTHY canceled the scheduled recess so the House can continue to process those bills.

The Senate majority leader should take a few lessons from Speaker MCCARTHY. He should start putting funding bills on the floor and take our responsibilities seriously. There is no excuse for burning 2 weeks out of the 45 days we just got last Saturday when there is so much work to be done.

But I guarantee one thing, I will bet you Senator SCHUMER will try to cast blame on House Republicans. But the facts speak for themselves. The only reason we are not in a shutdown today is because of Speaker MCCARTHY, because of his leadership. He managed to get a clean short-term funding bill

through the House with bipartisan support. All Senator SCHUMER had to do was schedule a vote in the Senate. MCCARTHY's clean continuing resolution passed with the vote of 88 Senators.

Well, I hope the majority leader will use the next couple of weeks—or the remaining weeks in that 45-day reprieve—far more wisely than he has used it during the last 3 months. He promised regular order, and now is his chance, once again, to deliver it.

In the next several weeks, I hope the Senate will have the chance to visit all 12 of those appropriations bills—maybe bundled as so-called minibuses, but to address them, nonetheless. But I expect the Senate will also, at the same time, have a thorough debate about our Nation's border security or lack thereof.

The Biden administration claims it is taking action to control illegal immigration, but the evidence plainly shows that their policies are making things worse, not better. According to news reports, September broke the record for the most border crossings in a single month. An estimated 260,000 migrants crossed the southern border last month.

CBS News has reported that the Department of Homeland Security has released most migrants into the interior—just released them—some even without a notice to appear in immigration court. The Department of Homeland Security has instructed them to undergo immigration court proceedings, which, potentially, are as much as 10 years away.

Law enforcement, nonprofits, and border communities have been under tremendous strain throughout the Biden administration, and it is time for Congress to take action to address the crisis, even if President Biden will not.

I was in New York yesterday and learned about the strain being placed on that great city, just trying to house all of the migrants who end up there.

I read that the Governor of Illinois is asking for more money to help pay for the housing and the feeding of these families.

So, clearly, we have got a problem, but, so far, the Biden administration hasn't cared to lift a finger to do anything about it.

One thing I can promise you is I, for one, am not going to vote for a penny of more money to fund the current broken system. So we are going to have a debate and a discussion, and we are going to have some votes on what the Federal Government needs to do to step up and fill the gap being filled right now by States like Texas and Arizona.

We need more agents. We need more detention space, more physical barriers, more immigration judges, and more flexibility to remove individuals who have zero legitimate claim to remain in the United States.

President Biden has proven his unwillingness to address this crisis. So it is time for Congress to do so.

As funding discussions continue, this is a top priority for Senate Republicans, and I know, from talking to my Democratic colleagues, they understand this is a problem. They understand that the problem that many thought was one that border States had to bear is now affecting the entire country. And we haven't even talked about the drugs that come across the border, smuggled by the same criminal organizations that smuggle people.

So I am glad Congress averted a government shutdown, but the real work has just begun. We have less than 7 weeks to advance a full-year appropriations bill and address urgent priorities like securing the border. I would urge the majority leader just to quit wasting time. You know, for many weeks now, Congress has not been in session—or the Senate has not been in session—on Mondays. So we come into session on Tuesday at about 3 in the afternoon, have a vote at 5:30, and then we leave after lunch on Thursday. The American people are not getting what they pay for when it comes to the Senate doing its job. But, again, the person who controls that schedule is the majority leader, and it is time to get serious and to get to work and to do our job.

I hope the majority leader will quit wasting time and allow the Senators to do the work we were sent here to do.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. BLACKBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TIKTOK

Mrs. BLACKBURN. Mr. President, last week, I came to the floor and brought forward the proof that the Biden administration allowed an Iranian influence operation to infiltrate our government, and they compromised one of the most sensitive weapons negotiations in our Nation's history. It was only after the media and Senate Republicans exposed this ongoing threat to our national security that the Biden administration agreed to investigate it.

So, as I said, last week, I sent a letter to the Pentagon, demanding to know why Biden administration officials granted these operatives top-secret security clearances and sent them to negotiate with the very adversaries that they once worked for.

But, today, I want to remind my colleagues of another influence operation that we have known of for a long time which requires no security clearance and no special access to government documents.

For years, TikTok has been under scrutiny for its ties to the Chinese Communist Party. We know that this company openly violates basic privacy

standards, puts user data in the hands of the CCP, and subjects U.S. users to Chinese influence operations. Almost 100 million Americans have this app on their phones.

And the Biden administration? They have very little to say about this. In fact, the President himself has embraced it as a tool to rehabilitate his failed policies with young voters. He has invited TikTok influencers to the White House.

Still, my colleagues and I have made it impossible for the Biden administration to totally ignore the threat. TikTok has been in negotiations with the Committee on Foreign Investment in the United States. It is known as CFIUS. They are in negotiations on a potential framework called Project Texas that will supposedly keep Americans' data secure and make it impossible for Beijing to manipulate the flow of information in the app.

A core component of these discussions involves measures to separate TikTok from its Chinese parent company, ByteDance. But, of course, we are already seeing the CCP find creative ways to get around that firewall.

As you know, they have a habit of doing this with their propaganda schemes, whether it is Confucius classrooms, Confucius Institutes, Sister Cities programs, or a social media app, TikTok.

The Wall Street Journal reported last week that this year, TikTok has transferred many high-level executives from ByteDance to TikTok in the United States. These executives are leading major divisions at TikTok, which provides the CCP with a significant degree of influence over the way they do business.

The personnel changes undermine TikTok's independence from ByteDance, and there is no chance that this happened by accident.

It is clear what TikTok is doing. They are repurposing ByteDance employees to masquerade as TikTok employees, undercutting the guardrails against Chinese espionage.

We know that with the Confucius Institute, many of these professors who came our way were indeed connected and sent there by the Chinese Communist Party.

Over the past 3 years, it has become clear that we cannot rely on the Biden administration to follow through on its promises to protect and defend this country and the citizens of this country. They fall behind repeatedly, especially when it is politically inconvenient to do so.

So, today, Senator BLUMENTHAL and I sent a letter to the CEO of TikTok demanding to know how many of his employees are former ByteDance employees? What are their jobs? What are the security protocols and other rules that are going to be imposed on these transfers? These are questions that we need the answers to.

We also want to know if these personnel changes were disclosed to

CFIUS before the Wall Street Journal published its article.

Mr. President, I ask unanimous consent to have the letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, October 3, 2023.

Mr. SHOU ZI CHEW,
*Chief Executive Officer, TikTok,
Culver City, CA.*

DEAR MR. CHEW: We write regarding reports that TikTok has recently hired several high-level executives from its Chinese parent company ByteDance, further calling into question the independence of TikTok's operations and the security of its U.S. users' information.

The Wall Street Journal recently reported that "[s]ince the start of the year, a string of high-level executives have transferred from ByteDance to TikTok," moving from China to the U.S., including after the departure of U.S. executives. The former ByteDance executives have reportedly assumed influential roles overseeing TikTok's "advertising business, human resources, monetization, business marketing and products related to advertising and e-commerce initiatives" and have brought their own staff from Beijing." These changes were alarming enough that employees raised concerns about the lack of a true separation from ByteDance—reportedly joking that TikTok is solving its ByteDance problem by moving ByteDance to the U.S.

The relationship between ByteDance and TikTok poses a unique risk to the security and privacy of TikTok's users in the United States. TikTok executives, including personnel based in China, have been found spying on American journalists, and, in leaked recordings, its staff acknowledged that "everything is seen in China." As the intelligence community has repeatedly warned, Chinese national security laws provide the Chinese government significant legal control over any data within the reach of Chinese companies, thereby putting any data held by ByteDance in the reach of the Chinese government.

In response to these widespread concerns, TikTok has repeatedly made commitments and representations to the American public about the independent management of TikTok's operations, the limited role of ByteDance, and the security of U.S. users' information. You have attempted to distance TikTok from ByteDance and promised a separation that "amounts to a firewall that seals off protected US user data from unauthorized foreign access," with "American data stored on American soil by an American company, overseen by American personnel."

However, the recent move of many ByteDance executives to the U.S. seemingly undermines this assertion to Congress and the public. The personnel changes give the impression that TikTok is attempting to preserve ByteDance's influence over TikTok while avoiding suspicion. Once again, TikTok's actions appear to align with a pattern of misleading actions and broken commitments regarding serious matters related to users' safety and national security, which we noted in a previous letter to you.

We are concerned these personnel changes undermine the security of U.S. data and the representations TikTok has made about its independence from ByteDance. As such, please fully answer the following questions by October 13:

1. Prior to December 31, 2022, how many employees were hired by TikTok who had previously worked at ByteDance?

2. Since January 1, 2023, how many employees have been hired by TikTok who previously worked at ByteDance?

3. Please identify the roles of all current TikTok employees who previously worked at ByteDance?

4. Were these personnel changes disclosed to the Committee on Foreign Investment in the United States prior to the report in the Wall Street Journal?

5. What security protocols are you imposing on ByteDance employees that transfer from China to the U.S.?

6. Are there any rules, restrictions, or controls on communications between TikTok employees who were previously employed at ByteDance and personnel based in China?

7. How does TikTok supervise or oversee communications between its employees who were previously employed at ByteDance and personnel based in China?

Sincerely,

MARSHA BLACKBURN,
U.S. Senator.

RICHARD BLUMENTHAL,
U.S. Senator.

Mrs. BLACKBURN. Mr. President, we know that popular opinion would have each and every one of us believe that the threat posed by TikTok just isn't that serious. And we know from experience that the White House dislikes challenging popular opinion. After all, we hear: This is just an app the kids like to use. This is just a silly app with videos. This is an app that is putting up challenges. There is nothing wrong here.

But what we do know is that TikTok gathers all of this information. They have insight into the virtual "you." Once they are on your phone, they are following where you go, what you do, gathering keystrokes, and building that profile. We know this information leaves the United States, and we know this information makes its way to Beijing.

Why do they think they need this information on U.S. citizens? Why do they think they need to follow U.S. citizens? All of this is a reason that CFIUS is reviewing TikTok.

This country can no longer afford to take the word of our adversaries at face value. Self-propaganda—that is what the Chinese Communist Party is all about. They see that as a way to infiltrate our society, to infiltrate public opinion, to infiltrate and to influence elections.

This is not the first letter Senator BLUMENTHAL and I have sent to TikTok demanding transparency, and I would imagine this is not going to be the last.

I know it is very difficult to accept that a silly video app that is liked by 100 million Americans could possibly pose a threat to our national security, but we believe that it does.

I would remind my colleagues—indeed, anyone who has not deleted this spy app from their phones—to, please, recognize the threat that is there and do not provide your information to one of our greatest adversaries.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MARKEY). Without objection, it is so ordered.

NOMINATION OF JAMES C. O'BRIEN

Mr. CARDIN. Mr. President, I come to the floor today in support of James O'Brien to be Assistant Secretary of State for European and Eurasia Affairs.

As Russia continues its brutal assault on Ukraine, as democratic backsliding continues to threaten Central Europe, as we continue to grapple with energy and food security, we must have a fully staffed and empowered diplomatic corps. Vacancies leave a vacuum, and they send the wrong message.

Ukraine is by far one of my highest priorities. It is very clear to me that making sure Russia does not succeed in Ukraine is in the United States' national security interest. Ukraine is not only fighting for itself; if Ukraine loses, Moldova and Georgia are next. Ukraine is on the frontline of our fight to defend democracy and our shared values.

Iran is watching. North Korea is watching. China is watching. When they see the resolve of the United States and our coalition of partners, it stops them from thinking about taking military action elsewhere. That is why we need to continue to show leadership when supporting Ukraine against Russia's aggression.

As the chair of the Senate Foreign Relations Committee, I will do everything I can to show the international community that we stand with Ukraine today and tomorrow. That means ensuring Ukraine gets more air defense and long-range missiles. That means working with our European partners who continue to house and support Ukrainian refugees, supporting humanitarian assistance for those suffering, including children who have been abducted into Russia and families who have been torn apart. That means finding a path for the administration's supplemental request. And, yes, that means getting our nominees to their posts in the European Affairs Bureau.

Without our nominees confirmed and in their positions, who will advocate on behalf of American values in Ukraine and beyond? Who will advance America's national security interests? Who will work to lead our efforts from Washington to shore up our transatlantic alliance in pursuit of stability and peace?

President Putin is helping far-right political parties, individuals, and groups across Europe and beyond who support his agenda. He is attacking the human rights of Ukrainian citizens. He is laying waste to Ukrainian cities. I believe he is trying to commit genocide in Ukraine, and I support an international tribunal into Russian war crimes like the one we saw in Nuremberg after World War II.

Given these challenges, we need someone leading the diplomatic effort

on behalf of the American people to confront Russia's aggression. That is why we must confirm James O'Brien today.

Ambassador O'Brien had an impressive hearing at the Senate Foreign Relations Committee. He presented a compelling vision for how he would lead the Bureau of European and Eurasia Affairs. He laid out the importance of America's leadership on integrating Ukraine, as well as the South Caucasus and the Western Balkans, into the transatlantic economic and political structures. He was reported favorably by the Foreign Relations Committee by a bipartisan voice vote.

Ambassador O'Brien brings a wealth of experience to this position, having most recently worked as the head of the Office of Sanctions Coordination, targeting, among others, the Russian oligarchs who thrive on corruption—Russian oligarchs whose corrupt networks are continuing to fuel the war in Ukraine, which in turn impacts global energy and food prices for just about every single person in the world.

Beyond his most recent post, Ambassador O'Brien's professional resume reads like building blocks for this position. Having served as the Principal Deputy Director of Policy Planning and the Presidential Envoy for the Balkans, he will be up to speed if the conflict again erupts in Kosovo. He won't be afraid to call out bad actors in Bosnia and work with those advocating for peace, transparency, and prosperity. He helped establish the Office for Hostage Affairs and worked for the safe return of 100 American citizens. He dealt with scientific and environmental agreements and Russia and Ukraine's post-Soviet transitions. He has been part of initiatives to investigate and prosecute persons responsible for war crimes. He has received numerous awards of distinction from the State Department.

This is a seasoned professional who is ready to take on this high-profile challenge. Once he is confirmed, he will be able to hit the ground running. That sends a signal that the United States cares about what happens in Europe, and right now, we need to show our resolve.

Ukrainians are doing their part. Even as they fight a war to defend their country, they are making good progress on anti-corruption. We need to be there for them and make clear that our support is long term and bipartisan.

We need to stand with Ukraine to make sure it gets everything it needs to defend itself and succeed in this Russian war. Ukrainian success on the battlefield is what will bring Russia to the negotiating table—nothing else. That is why it is time for the United States and the international community to step up. We cannot take a pass on good versus evil.

I urge my colleagues to join me in voting yes on cloture for this nominee, yes to advancing our diplomatic efforts to confront Putin's war in Ukraine, yes

to promoting American values, and yes to advancing America's national security interests.

With that, I yield the floor.

I ask unanimous consent that the vote scheduled for 5:30 begin now.

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

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 clerk will report the motion to invoke cloture.

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. 319, James C. O'Brien, of Nebraska, to be an Assistant Secretary of State (European and Eurasian Affairs).

Charles E. Schumer, Robert Menendez, Benjamin L. Cardin, Sheldon Whitehouse, Christopher A. Coons, Jeanne Shaheen, Richard J. Durbin, Gary C. Peters, Richard Blumenthal, Christopher Murphy, Robert P. Casey, Jr., Edward J. Markey, Alex Padilla, Chris Van Hollen, Jeff Merkley, Margaret Wood Hassan, Peter Welch.

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 James C. O'Brien, of Nebraska, to be an Assistant Secretary of State (European and Eurasian Affairs), shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Pennsylvania (Mr. FETTERMAN), the Senator from Washington (Mrs. MURRAY), and the Senator from Michigan (Mrs. STABENOW) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Idaho (Mr. RISCH) and the Senator from South Carolina (Mr. SCOTT).

Further, if present and voting: the Senator from Idaho (Mr. RISCH) would have voted "yea."

The yeas and nays resulted—yeas 63, nays 32, as follows:

[Rollcall Vote No. 248 Ex.]

YEAS—63

Baldwin	Gillibrand	Murphy
Bennet	Graham	Ossoff
Blumenthal	Grassley	Padilla
Booker	Hassan	Paul
Brown	Heinrich	Peters
Butler	Hickenlooper	Reed
Cantwell	Hirono	Ricketts
Capito	Kaine	Romney
Cardin	Kelly	Rosen
Carper	King	Rounds
Casey	Klobuchar	Sanders
Collins	Lujan	Schatz
Coons	Manchin	Schumer
Cornyn	Markey	Shaheen
Cortez Masto	McConnell	Sinema
Crapo	Menendez	Smith
Duckworth	Merkley	Tester
Durbin	Murkowski	Tillis