

is Grant Park Christian Academy v. Fried; the second, the Church of Compassion v. Johnson. The USDA was party to those.

I urge a "yes" vote.  
I yield back.

VOTE ON S.J. RES. 42

The PRESIDING OFFICER. The clerk will read the bill by title for the third time.

The joint resolution was ordered to be engrossed for a third reading and was read the third time. The PRESIDING OFFICER. The joint resolution having been read the third time, Shall the joint resolution pass?

Mr. MARSHALL. 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 bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Maine (Mr. KING) and the Senator from California (Mr. PADILLA) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Carolina (Mr. SCOTT).

The result was announced—yeas 47, nays 50, as follows:

[Rollcall Vote No. 272 Leg.]

YEAS—47

Barrasso	Graham	Paul
Blackburn	Grassley	Ricketts
Boozman	Hagerty	Risch
Braun	Hawley	Romney
Britt	Hoeven	Rounds
Budd	Hyde-Smith	Rubio
Capito	Johnson	Schmitt
Cassidy	Kennedy	Scott (FL)
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Lummis	Tillis
Crapo	Manchin	Tuberville
Cruz	Marshall	Vance
Daines	McConnell	Wicker
Ernst	Moran	Young
Fischer	Mullin	

NAYS—50

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

NOT VOTING—3

King	Padilla	Scott (SC)
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The joint resolution (S.J. Res. 42) was rejected.

(Mr. SCHATZ assumed the Chair.)

The PRESIDING OFFICER (Mr. BOOKER). The majority leader.

Mr. SCHUMER. Mr. President, before I begin, I want to note that I am wearing a dog tag given to me this morning by one of the families of the hostages held in Gaza. So we pray and hope for their release.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 306.

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 senior assistant legislative clerk read the nomination of Matthew James Maddox, of Maryland, to be United States District Judge for the District of Maryland.

CLOTURE MOTION

Mr. SCHUMER. Mr. President, 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 senior assistant 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. 306, Matthew James Maddox, of Maryland, to be United States District Judge for the District of Maryland.

Charles E. Schumer, Richard J. Durbin, Tammy Duckworth, Mazie Hirono, Richard Blumenthal, Christopher A. Coons, Alex Padilla, Patty Murray, Sheldon Whitehouse, Debbie Stabenow, Tina Smith, Benjamin L. Cardin, Chris Van Hollen, Tim Kaine, Brian Schatz, Christopher Murphy, Peter Welch.

LEGISLATIVE SESSION

Mr. SCHUMER. Mr. President, 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. Mr. President, I move to proceed to executive session to consider Calendar No. 370.

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

The motion was agreed to.

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Jacob J. Lew, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Israel.

CLOTURE MOTION

Mr. SCHUMER. Mr. President, 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 senior assistant 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. 370, Jacob J. Lew, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Israel.

Charles E. Schumer, Benjamin L. Cardin, Debbie Stabenow, Tammy Duckworth, Mark Kelly, Tina Smith, Tammy Baldwin, Robert P. Casey, Jr., Elizabeth Warren, Christopher A. Coons, Tim Kaine, Christopher Murphy, Sheldon Whitehouse, Jeanne Shaheen, Richard Blumenthal, Chris Van Hollen, Richard J. Durbin.

Mr. SCHUMER. Finally, I ask unanimous consent that the mandatory quorum calls for the cloture motions filed today, October 26, be waived.

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

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

TRIBUTE TO SYDNEY BURGESS

Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Sydney for her hard work as an intern in my Washington, DC, office. I recognize her efforts and contributions to my office, as well as to the State of Wyoming.

Sydney is a native of Virginia. She is currently a junior at the Madeira School in McLean, VA. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Sydney for the dedication she has shown while working for me and my staff. It is a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her journey.

TRIBUTE TO SHAWN GREMP

Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Shawn for his hard work as an intern in my Washington, DC, office. I recognize his efforts and contributions to my office, as well as to the State of Wyoming.

Shawn is a native of Casper. He recently graduated from the University of Wyoming, with a degree in criminal justice and a minor in psychology. He has demonstrated a strong work ethic,

which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Shawn for the dedication to our office. It is a pleasure to have him as part of our team.

#### TRIBUTE TO CASSIE HENGEL

Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Cassie for her hard work as an intern in the Energy and Natural Resources Committee. I recognize her efforts and contributions to my office, as well as to the State of Wyoming.

Cassie is a native of Buffalo. She attends the University of Wyoming, where she studies environment and natural resources concurrent with political science. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Cassie for the dedication to our office. It is a pleasure to have her as part of our team.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Stringer, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3135. A bill making emergency supplemental appropriations for assistance for the situation in Israel for the fiscal year ending September 30, 2024, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2616. A communication from the Assistant Secretary of the Army (Civil Works), Department of Defense, transmitting a legislative proposal that would authorize the U.S. Army Corps of Engineers (Corps) to transfer funds received for the replacement or rehabilitation of Corps-owned bridges to state and local agencies for those agencies to use for necessary rehabilitation or replacement to facilitate the transfer of ownership of

those bridges from the Corps to those agencies; to the Committee on Environment and Public Works.

EC-2617. A communication from the Wildlife Biologist of Migratory Bird Management, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting; Final 2023-24 Frameworks for Migratory Bird Hunting Regulations" (RIN1018-BF64) received in the Office of the President of the Senate on October 16, 2023; to the Committee on Environment and Public Works.

EC-2618. A communication from the Wildlife Biologist of Migratory Bird Management, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting; 2023-24 Seasons for Certain Migratory Game Birds" (RIN1018-BF64) received in the Office of the President of the Senate on October 16, 2023; to the Committee on Environment and Public Works.

EC-2619. A communication from the Administrative Assistant, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Reclassification of the Relict Darter from Endangered to Threatened With a Section 4(d) Rule" (RIN1018-BF56) received in the Office of the President of the Senate on October 16, 2023; to the Committee on Environment and Public Works.

EC-2620. A communication from the Chief of Bird Conservation, Permits, and Regulations, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "General Provisions; Revised List of Migratory Birds" (RIN1018-BG04) received in the Office of the President of the Senate on October 16, 2023; to the Committee on Environment and Public Works.

EC-2621. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Increase in the Maximum Amount of Primary Nuclear Liability Insurance" (RIN3150-AL02) received in the Office of the President of the Senate on October 23, 2023; to the Committee on Environment and Public Works.

EC-2622. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Regulatory Guide (RG) 1.183 Rev 1, 'Alternative Radiological Source Terms for Evaluating Design Basis Accidents at Nuclear Power Reactors'" received in the Office of the President of the Senate on October 16, 2023; to the Committee on Environment and Public Works.

EC-2623. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Regulatory Guide (RG) 1.183 Rev 1, 'Alternative Radiological Source Terms for Evaluating Design Basis Accidents at Nuclear Power Reactors'" received in the Office of the President of the Senate on October 16, 2023; to the Committee on Environment and Public Works.

#### PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-80. A joint resolution adopted by the Legislature of the State of Alaska urging the

United States Environmental Protection Agency to develop a woodstove certification program that addresses the threat to clean and healthy winter air in Fairbanks and urging the state Department of Environmental Conservation to develop an economically and legally defensible state implementation plan for the Fairbanks North Star Borough nonattainment area; to the Committee on Environment and Public Works.

#### HOUSE JOINT RESOLUTION No. 11

Whereas, in November 2009, the United States Environmental Protection Agency designated part of the Fairbanks North Star Borough a nonattainment area for fine particle pollution; and

Whereas, in May 2017, the United States Environmental Protection Agency reclassified the Fairbanks North Star Borough nonattainment area from moderate to serious for particulate matter 2.5 (PM<sub>2.5</sub>), which are fine inhalable particles with diameters that are generally 2.5 micrometers and smaller; and

Whereas PM<sub>2.5</sub> pollution is of serious concern and is harmful to the health of vulnerable Alaskans subjected to it; and

Whereas, in the winter, PM<sub>2.5</sub> concentrations in the Fairbanks North Star Borough nonattainment area routinely exceed federal health-based standards; and

Whereas air quality issues could affect large-scale economic development, including military expansion; and

Whereas studies have identified wood burning as the greatest contributor of PM<sub>2.5</sub> pollution; and

Whereas the state Department of Environmental Conservation has developed a state implementation plan to address wood burning as the root cause of PM<sub>2.5</sub> pollution; and

Whereas actual PM<sub>2.5</sub> pollution measured across the Fairbanks North Star Borough nonattainment area has halved as the result of efforts taken under the state Department of Environmental Conservation's moderate and serious state implementation plans; and

Whereas a significant reduction in PM<sub>2.5</sub> emissions has been attributed to the replacement of solid fuel burning appliances, also known as woodstoves, with either new United States Environmental Protection Agency-certified solid fuel burning appliances or non-solid fuel burning appliance alternatives; and

Whereas United States Environmental Protection Agency-certified appliances installed in the Fairbanks North Star Borough nonattainment area did not decrease PM<sub>2.5</sub> emissions when compared to previously installed solid fuel burning appliances because of the United States Environmental Protection Agency's failure to competently manage and implement testing standards for this program; and

Whereas the United States Environmental Protection Agency approved the state Department of Environmental Conservation's standards for wood-fired heating devices and solid fuel burning appliance control measures from the serious state implementation plan in September 2021, effectively supporting the state Department of Environmental Conservation's finding that the United States Environmental Protection Agency's national wood heater certification program is deeply flawed; and

Whereas, at the national policy level, the United States Environmental Protection Agency seems intent on turning attentions toward so-called greener sources of heat, including electric heat pumps, that will not work as solutions in the Fairbanks North Star Borough because the second law of thermodynamics states that heat always moves from hotter objects to colder objects, unless energy in some form is supplied to reverse the direction of heat flow; and