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Senate

(Legislative day of Monday, November 13, 2023)

The Senate met at 10 a.m. and was called to order by the Honorable LAPHONZA R. BUTLER, a Senator from the State of California.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, sometimes we feel that You hide from us. We cry aloud. It seems that we only hear the echoes of our despair. We sometimes believe that the wicked are winning. We sometimes believe that they rarely experience trouble and grief.

Today, guide our lawmakers with Your truth. Show them the path You desire for them to take. Remind them that You are King forever, and, though the wrong seems strong, Your omnipotence will prevail.

Hear our prayers, O Lord. Incline Your ears to us and give us Your shalom, Your peace.

We pray in Your matchless Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mrs. MURRAY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 14, 2023.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LAPHONZA R. BUTLER, a Senator from the State of California, to perform the duties of the Chair.

PATTY MURRAY,
President pro tempore.

Ms. BUTLER thereupon assumed the Chair as Acting President pro tempore.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

CHINA

Mr. SCHUMER. Madam President, tomorrow, for the second time since taking office, President Biden will meet with Chinese President Xi Jinping during the APEC summit in San Francisco.

Above all, I look forward to President Biden pushing President Xi on something I raised during the bipartisan codel I led to China: cracking down on the sale of precursor chemicals used to manufacture fentanyl.

When my Senate colleagues and I met with President Xi, we explained in stark detail how destructive the fentanyl crisis was here in America and that China had a responsibility to do its part to stop its trafficking. One step

we strongly urged President Xi to take is for Chinese law enforcement to coordinate with the United States to enforce laws already on the books on the sale of precursor chemicals. I believe we have made progress on this issue, and I am very optimistic that good news will come from tomorrow's meeting regarding fentanyl when President Biden meets with President Xi.

If China stopped the sale of chemicals used to make fentanyl, it would not only save countless American lives but even benefit China, as it would go a long way to improving China's image in the minds of Americans.

So, just as we pushed President Xi on cracking down on fentanyl last month, I expect President Biden will urge him to do so tomorrow, and I think we may see real results. When we met with President Xi in person, we were pointed and specific with our questions and issues and found him to be responsive, and I hope President Biden will have the same sort of frank conversation tomorrow with President Xi.

GOVERNMENT FUNDING

Mr. SCHUMER. Madam President, we have until Friday to avert another costly, unnecessary, and avoidable government shutdown. Time is a luxury that neither side has. If we are going to keep the lights on beyond this Friday, our Republican colleagues will have to work with Democrats in a bipartisan way to pass a clean extension without hard-right cuts and without poison pills.

So far, I am heartened—cautiously so—that Speaker JOHNSON is moving forward with a CR that omits precisely the sort of hard-right cuts that would have been nonstarters for Democrats. I certainly don't agree with everything the Speaker is proposing, and I can't imagine too many Senators would have taken the Speaker's approach in drafting this bill. But the proposal before

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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the House does two things Democrats have pushed for: It will avert a shutdown, and it will do so without making any terrible, hard-right cuts that the MAGA rightwing demands. It also eliminates the poison pills that so many MAGA Congress Members put in the bills.

We will see over the course of today how the House moves forward. Over the past few days, a significant portion of the Speaker's hard-right flank has torched his proposal precisely because it doesn't make cuts. I hope the Speaker does not yield to the demands of the hard right as we try to keep the government open. Instead, I hope the Speaker continues to recognize he will need Democratic votes in order to avoid a shutdown.

MILITARY PROMOTIONS

Mr. SCHUMER. Madam President, on Senator TUBERVILLE, today, the Senate Rules Committee will mark up a resolution allowing the Senate to quickly confirm the military promotions currently being blocked by Senator TUBERVILLE. I will join the Rules Committee later today—I am a member of the committee; it is the only committee on which I serve—and vote in favor of this resolution. I will vote in favor of the Rules Committee's resolution.

For 9 months, Senator TUBERVILLE has thumbed his nose at longstanding Senate custom and prevented the swift, bipartisan confirmations of hundreds of generals and flag officers. Each time Members from both sides have tried to reason with Senator TUBERVILLE, he has only dug in further.

As a result of Senator TUBERVILLE's holds, America's national security is now paying the price. Our military readiness is paying the price, and our military spouses and kids, who can't plan the next chapters in their lives even though they have served us for many, many years—they pay the price too.

Patience is wearing thin with Senator TUBERVILLE on both sides of the aisle. I strongly support this resolution to overcome these military holds, and if it is reported out of committee today and if our Republican colleagues cannot soon convince Senator TUBERVILLE to drop his holds, I will bring it to the floor for a vote.

I thank Chair KLOBUCHAR and Chairman REED for their good work on moving this important resolution.

STUDENT LOANS

Mr. SCHUMER. Madam President, on the student debt CRA, as soon as today, Senate Republicans will force a vote on a cruel measure to eliminate President Biden's historic Student Loan Repayment Program and strip away a critical lifeline for millions and millions of borrowers. I strongly oppose this terrible Republican measure to deny American families a critical

lifeline just 1 month after the pause on student loan payments ended.

My Republican colleagues talk a big game about helping working families, but with this student debt congressional resolution, they are actively trying to block relief that would immediately improve the lives of so many working Americans. The hypocrisy is glaring. Republicans are willing to give huge tax breaks to ultrawealthy billionaires and large corporations, but when it comes to helping working families, Republicans refuse to give them a break. They say that it costs too much money. But billionaire tax cuts don't? Give me a break.

Right now, there are over 5.5 million borrowers involved in President Biden's SAVE Plan, including nearly 300,000 in my home State of New York alone. So the worst thing we could do for these borrowers and these families right now is let this Republican CRA pass and strip away this critical lifeline.

I will strongly oppose this Republican CRA to overturn student debt relief, and Democrats will keep working to make sure relief reaches every borrower in need.

U.S. SUPREME COURT

Mr. SCHUMER. Madam President, on the Supreme Court, yesterday, for the first time, the U.S. Supreme Court announced the adoption of an ethical code of conduct for Justices. At a time when Americans' trust in the High Court is deeply, deeply shaken, the Supreme Court has taken an important step to lay down basic rules of the road for our Justices. Frankly, this should have happened a long time ago. Lower courts have long been required to embrace an ethical code of conduct, and there is no reason that the Supreme Court should not have done the same.

Now, while the Supreme Court's announcement was important, its lack of enforceability is a glaring omission. Justices, it seems, are left to their own devices in applying this code to themselves. Frankly, Americans could be excused if they are skeptical after everything they have read in the paper about Justices accepting lavish gifts and vacationing with ultrarich ideologues, some of whom bring cases before the Court.

SHELDON WHITEHOUSE said it well. He said: It is as if they are agreeing to the rules of baseball but no umpires.

So, while the Justices' code of conduct is a necessary and important step, it cannot be the final word. The public's trust in our courts is a key feature of our democratic society, and there is a lot of work left to do before that trust is fully restored. Congress must—must—continue its efforts to hold the judiciary accountable.

HIGH-SPEED INTERNET

Mr. SCHUMER. Madam President, now on an FCC letter, last month, my

colleagues and I wrote the FCC, urging them to adopt a number of key principles from our infrastructure law that fight against digital discrimination and ensure equal access to high-speed internet. Well, I have good news. The FCC heard us loud and clear and will vote tomorrow to implement the provisions I pushed with my colleagues to ensure everyone can access high-speed internet no matter what ZIP Code they live in.

The digital divide has caused our country so much damage. It has shut out rural, urban, and low-income Americans, including far too many women and people of color, for whom basic internet access remains unavailable or unaffordable.

I am proud of the great work we did to address the digital divide in our bipartisan infrastructure law.

Now I encourage all of the FCC Commissioners to take advantage of the provisions in our infrastructure law so that underserved communities can access high-speed internet just like everybody else.

JUDICIAL CONFIRMATIONS

Mr. SCHUMER. Madam President, on a circuit court judge, last night, the Senate confirmed the 37th circuit court judge under President Biden: Ana de Alba to serve as circuit court judge for the Ninth Circuit.

Judge de Alba's confirmation is significant. She is the 30th Hispanic judge confirmed by this Democratic majority under President Biden. With the confirmation of this 30th Hispanic judge, that is the most Hispanic judges confirmed by any President in one term—something we can all be proud of. That is the most Hispanic judges ever confirmed by any President in his first term—30—30 new Hispanic judges.

We are making the bench look more like America. One judge at a time, Democrats are making our courts look more like America—greater diversity, more women, a broader range of professional and personal experiences. We will keep going.

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. MCCONNELL. Madam 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.

RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

U.S. SUPREME COURT

Mr. MCCONNELL. Madam President, yesterday, the Supreme Court announced its adoption of a code of ethics. The Court produced the code internally and adopted it unanimously. In