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Senate

The Senate met at 10:01 a.m. and was called to order by the Honorable MICHAEL F. BENNET, a Senator from the State of Colorado.

PRAYER

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

Let us pray.

O Lord, our God and provider, we thank You for the many blessings we enjoy as citizens of this great Nation. May we be good stewards of Your gifts. Lord, as we reflect on the future, we pray that Your sovereign presence will protect our Nation and world from evil. Equip us to do what is right and just and good.

We pray for our Senators today, asking that You would keep them courageous and focused on Your plans to guide and prosper us. We are grateful that You are here on Capitol Hill, listening, watching, and judging. May all of our elected leaders do what is right for Your everlasting glory.

We pray in Your loving 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 28, 2023.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable MICHAEL F. BENNET, a Senator from the State of Colorado, to perform the duties of the Chair.

PATTY MURRAY,
President pro tempore.

Mr. BENNET thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Jeffrey M. Bryan, of Minnesota, to be United States District Judge for the District of Minnesota.

RECOGNITION OF THE MINORITY LEADER

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

ISRAEL

Mr. McCONNELL. Mr. President, in the coming weeks, Congress has a responsibility to equip America and our allies to face a historic array of national security challenges. To understand the urgency of this moment, just look at the impossible choices facing our ally Israel as it works to bring innocent people home from terrorist captivity.

These brutal terrorists bankroll their existence with the blood of innocent

people. They know that their hostages can be cashed in for a brief reprieve from justice or in exchange for terrorists incarcerated in Israel. The humanitarian crisis in Gaza is one of Hamas's own design. Just as there is no moral equivalence between terrorism and self-defense, there is no moral equivalence between innocent hostages and convicted terrorists and criminals.

Unfortunately, this is not just a reminder for the activists on elite campuses and in national newsrooms who uncritically lapped up and regurgitated activist propaganda. It is also for some of our colleagues here in Congress.

According to some reports, Senate Democrats will use their caucus lunch today to discuss placing restrictions on U.S. military assistance to Israel. One of our colleagues is already on the record demanding that President Biden "be more aggressive with the Israelis." Another has declared that "not one penny will be coming to Israel" unless our ally bends to his view—offered from the comfort of a Senate office—on how Israel should conduct self-defense operations.

If Senate Democrats want to vote to tie the hands of Israeli soldiers as they defend their country against vicious terrorists, I welcome such a debate.

For anyone who needs to hear it again, the conflict unfolding today is between a sovereign democracy that takes great pains to avoid civilian casualties and terrorist butchers who go out of their way to inflict civilian casualties and put their own civilians in harm's way. Israel deserves the time, the space, and the resources to restore its security, and I will stand by our ally 100 percent.

For that matter, our own people—American men and women in uniform—deserve the same unwavering commitment to restoring credible deterrence against Iran.

Since October 17, Iran-backed terrorists have launched at least 73 attacks against U.S. personnel in Iraq and

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



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Syria. Clearly, President Biden's strikes against desert warehouses have not given our adversaries pause. The world's leading state sponsor of terrorism remains demonstrably undeterred.

Right now, we have a responsibility to equip Israel to destroy Hamas, deter violence against American service-members, and invest seriously in American hard power—a language our adversaries in Iran, in Moscow, and in Beijing actually understand. Supplemental national security legislation is our chance to uphold this responsibility.

BORDER SECURITY

Mr. President, on another matter, as my colleagues and I on this side of the aisle have made abundantly clear, national security begins with border security, and any serious supplemental legislation with a shot at passing the Senate in the coming weeks will have to take meaningful steps toward fixing the Biden administration's border crisis.

On President Biden's watch, record-setting illegal migration has strained border protection facilities and personnel to their breaking point. On this President's watch, catch-and-release has gone from a shortsighted policy option to the dangerous first resort for a profoundly broken asylum and parole system. Right now, immigration courts are facing over 2 million pending asylum cases. That backlog has grown by 50 percent just since President Biden took office. The average asylum case waits more than 4 years for judgment. Talk about sending the wrong signal to legitimate asylum seekers and to bad actors alike.

A wide, bipartisan consensus continues to acknowledge that this broken system is the central problem driving the border crisis. Even the administration's border czar, Secretary Mayorkas, has acknowledged that the way the United States handles asylum claims needs to be "reformed from top to bottom." Well, that is exactly what Senate Republicans have been working on for weeks. Senators LANKFORD, GRAHAM, COTTON, and CORNYN are trying in good faith to help DHS solve its problem by identifying policy changes that restore a measure of common sense to the way we process asylum claims and grant parole.

But at the same time, the Democratic leader has called border security measures "the biggest holdup" for passing a national security supplemental. Well, he is right about one thing: The single largest obstacle in the way of urgent resources to help Israel, Ukraine, and Taiwan is Democrats' refusal to address the crisis at the southern border.

National security begins right here at home, and the sooner our colleagues admit it, the sooner the Senate can move forward on the urgent business before us.

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. THUNE. 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.

ARTIFICIAL INTELLIGENCE

Mr. THUNE. Mr. President, artificial intelligence—or what is referred to as AI—has been with us for quite some time now. And whether it is the chatbot providing help on Amazon, or personalized recommendations on Netflix, or the algorithms that are curating your social media feeds, these days, most of us interact with artificial intelligence on a daily basis. But as the release of ChatGPT to the public last year demonstrated, artificial intelligence is about to take a giant step forward.

The AI applications I have mentioned, like chatbots and personalized recommendations, are examples of so-called narrow AI, which is AI trained to perform specific tasks. But ChatGPT is an example of the next generation of AI—artificial intelligence systems set up to imitate the human brain and produce original content based on the assimilation of vast sets of data.

This next generation of AI—so-called foundation models which underpin systems like ChatGPT—offers tremendous possibilities: advances in medicine, in farming, in manufacturing, the automation of routine tasks, new ways to manage infrastructure, better and more resilient supply chains, advances in national defense. And the list, literally, goes on and on.

But as with any sophisticated technology, this next generation of AI presents risks as well. And those risks are heightened by the enormous capabilities of AI and the potential for this technology to pervade every corner of our society. And our goal needs to be encouraging the promise of AI while putting safeguards in place to minimize potential dangers.

The light-touch approach the United States has taken to internet regulation is a good model to follow as we approach AI regulation. The explosive growth of internet innovation in the United States is, in large part, a result of the fact that the government has not weighed down this sector of the economy with heavyhanded regulation. And we should maintain a similarly light touch when it comes to AI to encourage innovation and keep the United States at the forefront of the next generation of artificial intelligence.

Leadership in AI will benefit our economy. And there are also serious security reasons why staying at the forefront of the AI revolution is important. There is no question that AI will come to play an important role in national defense, and falling behind adversaries—like the Chinese Communist Party—could put our country at a serious disadvantage when it comes to our

national security. So we need to start establishing some basic rules of the road that will allow AI innovation to flourish, while at the same time minimizing the dangers that it presents.

The race to regulate AI has already started. President Biden has released a sweeping Executive order that empowers multiple government Agencies and Departments to regulate all AI systems, and even the algorithms that recommend our next movie on Netflix or remind us that we need to order more paper towels.

And internationally, the European Union has continued to press forward with a heavyhanded regulatory regime. It is time for Congress to ensure that innovation in the United States continues. Regulating AI by Executive order is not the way to go about things.

Even if the President's Executive order on AI weren't overly broad and heavyhanded, Executive orders are, by their very nature, not permanent, since they have the potential to be reversed or amended at any time—and stand a good chance of being reversed or amended when a new administration comes into office. This creates uncertainty for companies, which can stunt expansion and innovation.

The right way to approach AI regulation is to pursue a bipartisan, nationwide approach in Congress that will protect innovation while putting in place the necessary safeguards for the riskiest applications of this technology.

To that end, shortly before Thanksgiving, I introduced bipartisan AI legislation with Senator KLOBUCHAR and several of our Commerce Committee colleagues from both parties. Our bill is intended to establish some basic rules of the road for artificial intelligence while protecting the ability of companies to innovate and advance this technology.

Our bill focuses on two things: transparency for consumers and a tiered, risk-based framework for oversight of the highest impact applications of AI. On the transparency front, our bill would require any large-scale internet platform that uses generative AI to create content to clearly inform consumers of that fact. One of the risks presented by generative AI is the difficulty distinguishing AI-produced content from human-produced content.

Now, that may not be a huge issue if the content we are talking about is an amusing meme, but it is a real issue if a consumer is trying to figure out whether information or an image is real or whether it has been generated by AI. So requiring transparency about whether content is being produced—or at least partially produced—by generative AI needs to be a priority.

The second part of our bill deals with high-impact and critical-impact AI, that is, AI applications used to make significant applications in particularly high-risk sectors. Our bill establishes a two-tiered system for overseeing these applications.