

Mr. SCHUMER. I ask that the mandatory quorum call for the cloture motion filed today be waived.

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

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. SCHUMER. I move to proceed to executive session to resume consideration of the Executive Calendar No. 352.

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 Richard E.N. Federico, of Kansas, to be United States Circuit Judge for the Tenth Circuit.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. HAWLEY. Mr. President, I ask unanimous consent to be able to speak for up to 15 minutes.

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

Mr. HAWLEY. Mr. President, earlier this summer, millions of Americans learned about the origins of our country's nuclear program.

What, perhaps, more Americans are learning about now are the tens of thousands of brave American citizens who risked their health and, in many instances, gave their lives to make that program a success. And what many are learning now is that those Americans who risked their lives, who gave their health, did it without the knowledge that their government was exposing them to nuclear radiation, without the consent from their government, and for years and years and years without any kind of help or any kind of compensation, so much so that in 1990, this body passed a landmark piece of legislation that compensates the victims of the government's Oppenheimer-era nuclear program—those who were exposed to nuclear tests, those who were exposed to the radiation from nuclear waste without their consent and often, usually, in fact, without their knowledge.

This body passed a landmark piece of legislation that included some findings that I just want to read here. This body said: The health of those individuals who were unwitting participants in these tests and were put at risk to serve the national security interest of the United States deserve compensation.

They went on to say—this body did—that the United States should recognize and assume responsibility for the harm done to these brave Americans.

Finally, Congress actually offered an apology—something you don't see often—an apology to its people whom it had exposed to nuclear radiation. Congress apologized on behalf of the

Nation to the individuals and their families for the hardships they have endured. That was exactly the right thing to do.

But today Congress is effectively rescinding that apology because today Congress is moving forward, the Senate is moving forward with the Defense bill that strips this program out of the law, that allows this program to expire, that turns its back on the tens of thousands of good Americans who have sacrificed for their country, who have served their country, who have dutifully given their health and, in many cases, their lives to this country and have gotten nothing. And those who have depended on this compensation provided from 1990 will soon get nothing because today this body decides to allow that program to expire.

How did this happen? Just earlier this year, in July, I stood right there in the well of the Senate as this body passed, on an overwhelming bipartisan basis—61 votes on the floor of the Senate—to reauthorize the nuclear compensation program and to update it to include more Americans who we now know—we have learned since 1990, thousands of more Americans who were exposed to the government's nuclear waste and radiation, including thousands and thousands in my home State in the State of Missouri.

We voted for it. We voted for it on an overwhelming bipartisan basis. I would go so far as to say, it would be pretty hard to get 61 Senators to vote for vanilla as a good ice cream, and yet 61 Senators voted yes to renew this program, to preserve it, to keep our commitment to the good people of this country.

And yet today, the program is gone. Today, the bill before us on the floor of the Senate, it is nowhere to be found.

What happened? What happened is what so often happens in this town and in this body. A backroom deal is what happened. Yes, the leaders of Congress went to a back room, and over the last few weeks, negotiated away this compensation for these thousands and thousands of Americans—negotiated away, voted for by the Senate, relied on for 30-plus years by thousands of Americans, and now it is gone.

Why? Because it is more important to pay the defense contractors than to pay the suits. Oh, the suits will get paid. Mark that down. That is always true in Washington. The defense contractors will get paid, you can bet your bottom dollar. We have more than enough money for them.

But for the people of my State who are sick with cancer because of the government's nuclear waste, they get nothing. For the people of New Mexico or Idaho or Colorado or Arizona or Washington State or Oregon State or anywhere else in this country exposed to the government's nuclear test and radiation, they get nothing.

This is a grave injustice. This isn't an inconvenience. This isn't an oops. I wish it were different. This is an injus-

tice. This is this body turning its back on these good, proud Americans.

This is the Senate prioritizing—I don't know what. It is certainly not the national security of the United States because the greatest strength of the United States is in the people of the United States, and this bill turns its back on the people of the United States in defense of the lobbyists and the suits and the corporate entities who are going to get paid. Hand over fist, they are going to make money while the American people get left out in the cold.

I am not going to vote for this bill, to say the least. And I am going to do everything in my power to slow it and stop it if I can.

I want to introduce my colleagues and the rest of the country to some of the victims, some of the people who are going to get turned out in the cold because of the decision made by the leadership of this Congress.

Let me start with Zoey. You are looking at a picture of her here. This is Zoey from St. Louis. Zoey was born with a mass on her ovary—born with a mass on her ovary. She had surgery to remove it when she was just 3 weeks old. She is 5 now. But just last night, Zoey's parents had to rush her to the hospital for an MRI because she remains in incredible pain.

Why does Zoey have cancer? Why was she born with a mass on her ovaries? Because she grew up in an area that has known nuclear contamination from the Manhattan Project that the government has not cleaned up and has not compensated Zoey or her parents for.

Take a good look. This is whom the Senate is leaving out in the cold. This is who congressional leadership has decided is not important. It is girls like Zoey, 5 years old.

Meet Zack. This is baby Zack. He was born with a rare brain tumor, one that is known to be caused by nuclear radiation. Zack had his first surgery when he was 1 week old—1 week. He started chemo when he was 3 months old—3 months. I bet there are many people within the sound of my voice who have been on chemo and know what it is like. Can you imagine a 3-month-old baby on chemo to start his life? Zack died when he was 6.

Why was Zack sick? Zack grew up in an area of St. Louis, was born in an area of St. Louis that is known to have nuclear contamination. His mother Kim grew up along a place called Cold War Creek, which is, even as I stand here and speak, still contaminated—still contaminated—with nuclear radiation.

Why don't we meet Mary. Mary lived her entire life in St. Louis. She went to high school there. She met her husband there, got married, and raised a family there. When she decided to go to nursing school to try to give something back to her community that had done so much for her, she was diagnosed with stage IV lung cancer.

She died last year, leaving her husband and two children. Mary grew up in an area of St. Louis known to have nuclear contamination. This is yet another person whom this body, today, chooses to leave behind.

Then there is Chantelle. Chantelle has been diagnosed with two different kinds of breast cancer. She has had 13 surgeries—13—including a double mastectomy, gallbladder removal, and a full hysterectomy. Chantelle's mother died of breast cancer. Her aunt died of breast cancer. Her grandfather died of pancreatic cancer. Her two cousins have breast cancer. And a nephew now has a cancerous brain tumor. Chantelle is from a region in St. Louis that—I think you guessed it—is known to have nuclear contamination. Chantelle is yet another good American whom this body now chooses to leave behind.

This next photo is of Kirbi. Kirbi is from Missouri also. She is holding a picture of her daughter Kirstee. Her daughter Kirstee, who is here in this photo, was diagnosed with a rare childhood form of brain cancer and died when she was 13. Kirstee was born in an area that studies have identified as having dramatically higher instances of childhood cancers. Kirstee and her family will get nothing now because of the actions of this body.

The radiation hasn't been cleaned up. The contamination has not been dealt with. Her family has not been given a dime of help—a dime—not only for her death but for the who-knows-how-many hundreds of thousands of dollars in medical bills they have had to pay.

Finally, we have the students at Jana Elementary School. Take a good look at these students. Here, they are sitting in their lunchroom at school. But the problem is, they can't go to school anymore—nope. Not a one of these students can go to school at this elementary school. Why, you may ask? Because it is closed. Why is it closed? Because the creek that runs right by their school is full of radioactive waste.

Here today, as we sit here, 2023, years after the Manhattan Project concluded, their school is full of nuclear contamination, and now they are being shipped off to other schools, to other places. They can't do a thing about it. Take a look at them. These are the voiceless Americans whom, today, this body turns its back on. These are the people who deserve the apology that this body first offered in 1990, who deserve the compensation for the sacrifices they have made. Yet they will get none of it.

But who is going to get paid? Oh, well, the defense industry is going to get paid big-time. Oh, yeah. A recent analysis found that this bill contains not only almost \$1 trillion in new defense spending; it contains \$26 billion—the Defense appropriations bills do—\$26 billion for programs that the Pentagon didn't even ask for—\$26 billion that they didn't ask for—in 1 year. Yet we are told that those students you just saw and every young person, old per-

son, good person whom I have just shown you—we just don't have enough money for them.

Oh, we just can't do anything for you. We can pay these people until the cows come home, but we can't do anything for you.

We have plenty of money for Raytheon and all the rest. We don't have a dime for the people of Missouri. We don't have a dime for the Navajo Nation. We don't have a dime for the people of New Mexico. We don't have a dime for the working poor who are sick because of their government's radiation. We don't have a dime. But we must hurry on to make sure the corporations get their money. Well, Mr. President, not with my support—not with my support.

I would just say to those congressional leaders who negotiated this package—Speaker JOHNSON, Senator MCCONNELL: Your actions have earned my opposition.

I would say to the good people of the State of Missouri who have endured for decade upon decade: This fight is not over.

To the people of this Nation, tens of thousands who have depended on this compensation, lifesaving help, who now are at risk of losing all of it: This fight is not over.

I understand some high schools in the Missouri area may be watching now. I just want to assure you: I will come to this floor as long as it takes. I will introduce this bill as long as it takes. I will force amendment votes as long as it takes, until we compensate the people of this Nation who have sacrificed for this Nation and do not leave them behind.

The failure to do so now is a scar on the conscience of this body, and I will remind my colleagues of it as long as it takes, until we make it right.

I yield the floor.

#### 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 bill 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. 352, Richard E.N. Federico, of Kansas, to be United States Circuit Judge for the Tenth Circuit.

Charles E. Schumer, Richard J. Durbin, Sheldon Whitehouse, Alex Padilla, Richard Blumenthal, Cory A. Booker, Benjamin L. Cardin, Chris Van Hollen, Tammy Duckworth, Brian Schatz, Tammy Baldwin, Margaret Wood Hassan, Tina Smith, Mazie Hirono, Christopher Murphy, Peter Welch, Christopher A. Coons.

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 Richard E.N. Federico, of Kansas, to be United States Circuit Judge for the

Tenth Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. LUJÁN) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mrs. BLACKBURN), the Senator from North Dakota (Mr. CRAMER), the Senator from Kansas (Mr. MORAN), and the Senator from South Dakota (Mr. ROUNDS).

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

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

#### [Rollcall Vote No. 335 Ex.]

#### YEAS—63

Baldwin	Hassan	Reed
Bennet	Heinrich	Rosen
Blumenthal	Hickenlooper	Rubio
Booker	Hirono	Sanders
Brown	Hoeben	Schatz
Butler	Kaine	Schumer
Cantwell	Kelly	Shaheen
Capito	King	Sinema
Cardin	Klobuchar	Smith
Carper	Lankford	Stabenow
Casey	Manchin	Tester
Cassidy	Markey	Thune
Collins	Marshall	Tillis
Coons	Menendez	Van Hollen
Cornyn	Merkley	Warner
Cortez Masto	Murkowski	Warnock
Duckworth	Murphy	Warren
Durbin	Murray	Welch
Fetterman	Ossoff	Whitehouse
Gillibrand	Padilla	Wicker
Graham	Peters	Wyden

#### NAYS—32

Barrasso	Grassley	Ricketts
Boozman	Hagerty	Risch
Braun	Hawley	Romney
Britt	Hyde-Smith	Schmitt
Budd	Johnson	Scott (FL)
Cotton	Kennedy	Scott (SC)
Crapo	Lee	Sullivan
Cruz	Lummis	Tuberville
Daines	McConnell	Vance
Ernst	Mullin	Young
Fischer	Paul	

#### NOT VOTING—5

Blackburn	Luján	Rounds
Cramer	Moran	

The PRESIDING OFFICER (Ms. BUTLER). On this vote, the yeas are 63, the nays are 32.

The motion is agreed to.

The Senator from Hawaii.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2024

Ms. HIRONO. Madam President, we now have one week left until the Senate is scheduled to recess for the end of the year. While this year is quickly coming to an end, our work in this body is far from over, especially as it relates to our national security.

Yesterday, the Armed Services Committee, on which I sit, released a text of fiscal year 2024 National Defense Authorization Act conference report. This year's NDAA contains critical investments in our servicemembers, our military infrastructure, and our national security at large. Importantly, this year's NDAA contains a 5.2-percent pay raise for our troops—the most significant raise in more than 20 years—and