

a national security crisis. Our Nation is simply not secure as long as we have hundreds of thousands of unknown individuals taking up residence in our country.

In fact, U.S. Border Patrol Chief Jason Owens, speaking about the number of “got-aways” at the border, told FOX News:

[T]hose are the numbers that really keep us up at night, because if you know that all you need to do is turn yourself in to the Border Patrol and go through the process, what possible reason would you have for wanting to evade capture? Could it be that those are the folks that probably have criminal intent?

Chief Owens was referring to the fact that under the Biden administration’s lax asylum system, individuals who show up at the border claiming asylum are frequently released into the country with court dates as much as a decade into the future. His point, of course, is that when turning yourself in to the Border Patrol with a claim for asylum is likely to result in years of essentially legal permanent residence, it is especially concerning that we have hundreds of thousands of individuals choosing not to turn themselves in to the Border Patrol but escaping into the interior of our country. Given that, it stands to reason that many of these “got-aways” have more malign intentions.

While there are always various factors that affect the flow of illegal immigration, we are on track for a fourth—a fourth—recordbreaking year of illegal immigration under the Biden administration because of the actions President Biden has taken or failed to take.

From the day he took office, when he rescinded the declaration of a national emergency at our southern border, President Biden made it clear that border security was at the bottom of his priority list. Over the 3 years since, he has turned our southern border into a magnet for illegal migration—from repealing border policies of his predecessor to misusing our asylum and parole systems, which are now providing temporary amnesty to hundreds of thousands of individuals who are here illegally.

Recent news reports suggest that President Biden is thinking of taking new, more substantial immigration action aimed at helping to finally stem the flow of illegal migration. I hope that is true, although given his record, I am not holding my breath.

The President helped create this crisis, and he should end it. For example, tightening the asylum claims, as President Trump did, could help weed out many of the specious claims that are being made that allow individuals to take up long-term residence in our country.

With 75 percent of respondents in a recent poll describing the situation at our southern border as “a very serious problem” or “a crisis,” perhaps election-year politics will do what 3 years

of recordbreaking immigration has not done, and that is, force the President to take his responsibility for our Nation’s security seriously and finally shut down the flow of illegal immigration at our southern border. But, as I said, given the President’s record, I am not holding my breath.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HICKENLOOPER). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

VOTE ON KEOHANE NOMINATION

The question is, Will the Senate advise and consent to the Keohane nomination?

Mr. HEINRICH. 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 legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alabama (Mrs. BRITT).

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 69 Ex.]

YEAS—69

Baldwin	Gillibrand	Padilla
Bennet	Graham	Peters
Blumenthal	Hassan	Reed
Booker	Heinrich	Ricketts
Boozman	Hickenlooper	Romney
Brown	Hirono	Rosen
Butler	Hoeben	Rounds
Cantwell	Hyde-Smith	Sanders
Capito	Kaine	Schatz
Cardin	Kelly	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Sinema
Collins	Lujan	Smith
Coons	Manchin	Stabenow
Cornyn	Markley	Tester
Cortez Masto	McConnell	Van Hollen
Cotton	Menendez	Warner
Cramer	Merkley	Warnock
Duckworth	Moran	Warren
Durbin	Murkowski	Welch
Ernst	Murphy	Whitehouse
Fetterman	Murray	Wyden
Fischer	Ossoff	Young

NAYS—30

Barrasso	Hawley	Rubio
Blackburn	Johnson	Schmitt
Braun	Kennedy	Scott (FL)
Budd	Lankford	Scott (SC)
Cassidy	Lee	Sullivan
Crapo	Lummis	Thune
Cruz	Marshall	Tillis
Daines	Mullin	Tuberville
Grassley	Paul	Vance
Hagerty	Risch	Wicker

NOT VOTING—1

Britt

The nomination was confirmed.

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 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. 529, Moshe Z. Marvit, of Pennsylvania, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2028.

Charles E. Schumer, Bernard Sanders, Brian Schatz, Margaret Wood Hassan, Tina Smith, Mark Kelly, Alex Padilla, Richard J. Durbin, Tammy Baldwin, Robert P. Casey, Jr., Gary C. Peters, Jack Reed, Tim Kaine, Catherine Cortez Masto, Sheldon Whitehouse, Jeanne Shaheen, Debbie Stabenow.

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 Moshe Z. Marvit, of Pennsylvania, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2028, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alabama (Mrs. BRITT).

The yeas and nays resulted—yeas 50, nays 49, as follows:

[Rollcall Vote No. 70 Ex.]

YEAS—50

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

NAYS—49

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

NOT VOTING—1

Britt

The PRESIDING OFFICER (Ms. CORTEZ MASTO). On this vote, the yeas are 50, the nays are 49.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Moshe Z. Marvit, of Pennsylvania, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2028.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m. today.

Thereupon, the Senate, at 1:20 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. ROSEN).

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I ask unanimous consent that there be up to 20 minutes of debate between Senators MURRAY, BRAUN, LEE, and JOHNSON prior to the scheduled vote.

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

The Senator from Utah.

UNANIMOUS CONSENT REQUESTS—H.R. 4366

Mr. LEE. Madam President, I have come to the floor today to talk about some of the spending requests—known as earmarks—that are placed in this legislation. Earmarks have long been used by Members of Congress as “sweeteners,” as things that make the bill package go down more smoothly, more easily, than perhaps it would otherwise—special interests give-outs, handouts to business entities, non-profit entities, or otherwise that individual Members request, sometimes successfully.

One of them involves a significant sum of \$850,000—just shy of a million dollars—to a leftwing organization known for publicly calling for the granting of citizenship to illegal immigrants, persons who have entered our country, whose common characteristic that they hold in common—that unites them—is the fact that they entered the country unlawfully, in violation of our laws.

This arises during a significant period of time; one in which we are experiencing the worst immigration crisis that we have ever known. And Congress wants to send \$850,000 to an organization that is interested in enabling and inflaming it.

Why, exactly—even if you agree with the objectives of this organization called the New Immigrant Community Empowerment organization—or NICE—even if you agree with that entity, which many Americans don’t, why exactly is it that we are going to take money away from U.S. taxpayers and use that to fund this organization that actively assists in helping illegal aliens get American jobs?

NICE’s LinkedIn page says as follows:

At NICE we envision a world where all people, regardless of immigration status, live and work with dignity and justice.

And “dignity” and “justice” are nice things. They are things that the American people aspire to; and they are the very things that cause immigrants worldwide to want to come to the United States of America.

For this to work, for us to continue to be a nation of immigrants, we need to be a nation that also honors our own laws and enforces them.

So if you support this bill—the Schumer minibus bill—with this earmark, then you are voting, in one way or another, to fund this organization to the tune of \$850,000, which, in turn, goes to help perpetuate, inflame, and extend the immigration crisis—the border security crisis.

So to that end, Madam President, I ask unanimous consent to reprint the joint explanatory statement to accompany H.R. 4366, the Consolidated Appropriations Act, 2024, that was printed in yesterday’s RECORD with the following changes and that this amended version be considered the joint explanatory statement to accompany H.R. 4366:

[T]he removal of a House CDF project that would give \$850,000 to the New Immigrant Community Empowerment organization in T-HUD.

The PRESIDING OFFICER. Is there objection?

The Senator from Washington.

Mrs. MURRAY. Madam President, reserving the right to object, last Congress, Senate and House Appropriations Committee leaders reinstated the practice of congressionally directed spending—or CDS—with bipartisan support.

CDS is one very important way for lawmakers to advocate for the communities they represent; and they know best.

At the beginning of this Congress, the senior Senator from Maine and I laid out a very robust process alongside our counterparts in the House to accept CDS requests for fiscal year 2024. The process includes important guardrails and requirements to, among other things, ensure transparency, ensure Members do not have financial stakes in the project they seek to fund, ensure projects are eligible to be funded, and that for-profit entities do not receive funding, and more.

If a project meets those requirements, it is eligible for funding. This is a Member-driven process, and we respect the eligible projects Members choose to request or to withdraw support for.

All four corners worked in a bipartisan way to make sure these bills could reflect the input and priorities of every Member. And that includes funding for eligible projects they have sponsored.

But what the Senator from Utah is offering would undo all that hard work and overrule Members about the projects they have secured funding for in this package. That is not how this process can or should work.

We have a process here that is driven by the rules we have in place and by Members’ requests. And that process cannot be upended now at the 11th hour by a single lawmaker. Doing so would overrule other lawmakers and deny funding for projects they have secured for their constituents. That cannot happen now. I will not let it happen.

I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Utah.

Mr. LEE. Madam President, first of all, with regard to the last unanimous consent request, it is important to remember a couple of things: First of all, we saw that the whole bill together, with the congressionally directed spending elements, for the first time in just the last 48 hours or so. So it is not as though this has been through a public process with debate back and forth. An essential element of any legislative body is that there is an opportunity to amend, to discuss, and debate. In fact, that has been taken advantage of within the last 24 hours as another measure—a measure to remove something that has been characterized online as providing a million dollars to fund BDSM sex parties. That was removed. So if that can be removed, I don’t know why this one can’t.

In any event, to say that this cake is baked—that this legislation must be treated as now passed when it is not passed is folly. And it doesn’t bode well for this institution, which has long heralded itself and held itself out to the world as the world’s greatest deliberative legislative body.

Let’s go to another one: Georgetown University. We have got nearly \$1 million also going to Georgetown University—\$963,000—nearly a million—to Georgetown University for something called the Prison Justice Initiative.

Now, I don’t know a whole lot about exactly what this will accomplish. It may well have good elements to it. But the point is this: Georgetown University is not only one of the wealthiest universities on planet Earth, it is one of the wealthiest entities of any kind on planet Earth.

Indeed, it has an endowment. Its endowment alone is valued at over \$3.2 billion. And this begs the question: Why does it need to be subsidized to the tune of nearly a million dollars by U.S. taxpayers?

To that end, Madam President, I ask unanimous consent to reprint the joint explanatory statement to accompany H.R. 4366, the Consolidated Appropriations Act, 2024—it was printed in yesterday’s RECORD with the following changes—and that this amended version be considered the joint explanatory statement to accompany H.R. 4366:

[T]he removal of a House project that would provide \$963,000 to Georgetown University for the Georgetown University Prison Justice Initiative, in CJS.

The PRESIDING OFFICER. Is there objection?