

(A) citizens of the United States;
 (B) nationals of the United States but not citizens of the United States;
 (C) aliens lawfully residing in the United States; or
 (D) aliens unlawfully residing in the United States; or
 (2) report to the President an apportionment population that includes individuals who are not citizens of the United States.

The PRESIDING OFFICER. There will now be 2 minutes for debate equally divided.

Mr. HAGERTY. Madam President, my amendment is simple. It would require that the census determine basic population statistics like the number of citizens, noncitizens, and illegal aliens that live in this country, and it would require that only U.S. citizens be counted in determining the number of House seats and electoral votes that each State gets.

Currently, illegal aliens are counted for determining how many congressional seats and electoral college votes each State gets. The more illegal aliens and noncitizens in your State or district, the greater your voting power in Congress and Presidential elections.

This not only destroys the principle of one person-one vote by making some American's votes more powerful than others, but it encourages illegal immigration in sanctuary cities as a way to increase political power.

In fact, a Democrat House Member from New York recently called for more illegal immigration to her district for redistricting purposes.

The weight of every American's vote should be equal. More illegal alien resettlement shouldn't mean more political power in America.

My amendment would ensure this, and I encourage my colleagues to support it.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, this amendment is exactly the sort of poison pill rider we all worked to keep out of this important bipartisan package. The census must be conducted in a nonpartisan, nonpolitical way to get the most accurate data possible, data that is used in countless programs that all of our communities rely on.

This amendment adds detrimental new requirements that would inject politics into the census and have a chilling effect on the Census Bureau's constitutional responsibility to count the number of people in the United States, and, let's be clear, this amendment is probably unconstitutional.

The Constitution requires apportionment by counting "the whole number of persons in each State." The phrase "whole number of persons" is quite clear.

So in addition to just being plain wrong, this amendment is fundamentally inconsistent with the clear language in our Constitution. I urge my colleagues to vote no.

VOTE ON MOTION TO CONCUR WITH AMENDMENT NO. 1634

The question is on agreeing to the Hagerty motion to concur with amendment No. 1634.

Mr. HAGERTY. 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 senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. MANCHIN) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: The Senator from Wyoming (Mr. BARRASSO), the Senator from Missouri (Mr. HAWLEY), and the Senator from Utah (Mr. ROMNEY).

Further, if present and voting: The Senator from Wyoming (Mr. BARRASSO) would have voted "yea", and the Senator from Missouri (Mr. HAWLEY) would have voted "yea".

The result was announced—yeas 45, nays 51, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—45

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

NAYS—51

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

NOT VOTING—4

Barrasso	Manchin
Hawley	Romney

The motion was rejected.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Washington.

Mrs. MURRAY. Madam President, I want to thank everybody who has worked really hard on this.

For all Members of the Senate, I yield back all of our time.

AMENDMENT WITHDRAWN

The PRESIDING OFFICER. Under the previous order, the motion to concur with a further amendment is withdrawn.

VOTE ON MOTION TO CONCUR

The question occurs on agreeing to the motion to concur in the House

amendment to the Senate amendment to H.R. 4366.

Mr. MENENDEZ. Madam 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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. MANCHIN) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO) and the Senator from Utah (Mr. ROMNEY).

The result was announced—yeas 75, nays 22, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—75

Baldwin	Gillibrand	Padilla
Bennet	Graham	Peters
Blumenthal	Grassley	Reed
Booker	Hassan	Rosen
Boozman	Heinrich	Rounds
Britt	Hickenlooper	Sanders
Brown	Hirono	Schatz
Butler	Hoeven	Schumer
Cantwell	Hyde-Smith	Shaheen
Capito	Kaine	Sinema
Cardin	Kelly	Smith
Carper	Kennedy	Stabenow
Casey	King	Sullivan
Cassidy	Klobuchar	Tester
Collins	Lankford	Thune
Coons	Lujan	Tillis
Cornyn	Markey	Van Hollen
Cortez Masto	McConnell	Warner
Cotton	Menendez	Warnock
Cramer	Merkley	Warren
Duckworth	Moran	Welch
Durbin	Mullin	Whitehouse
Ernst	Murkowski	Wicker
Fetterman	Murray	Wyden
Fischer	Ossoff	Young

NAYS—22

Blackburn	Johnson	Rubio
Braun	Lee	Schmitt
Budd	Lummis	Scott (FL)
Crapo	Marshall	Scott (SC)
Cruz	Murphy	Tuberville
Daines	Paul	Vance
Hagerty	Ricketts	
Hawley	Risch	

NOT VOTING—3

Barrasso	Manchin	Romney
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The motion was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

DIRECTING THE CLERK OF THE HOUSE OF REPRESENTATIVES TO MAKE A CORRECTION IN THE ENROLLMENT OF H.R. 4366

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 94.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The senior assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 94) directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 4366.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SCHUMER. I further ask that the concurrent resolution be agreed to and

the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The concurrent resolution (H.R. Con. Res. 94) was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination under the Privileged section of Executive Calendar: PN 1218, Carol Moseley Braun, to be a Member of the Board of Directors of the African Development Foundation; that the Senate vote on the nomination, without any intervening action or debate; that the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Carol Moseley Braun, of Illinois, to be a Member of the Board of Directors of the African Development foundation for a term expiring September 22, 2029.

There being no objection, the Senate proceeded to consider the nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Moseley Braun nomination?

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate proceed to executive session to consider the following nomination: Calendar No. 481; that there be 2 minutes of debate equally divided in the usual form on the nomination; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on the nomination; that, if confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; and that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I further ask that the Senate proceed to executive session to consider the following nominations, en bloc: Calendar Nos. 251 and 447; that the Senate vote on the nominations, en bloc, without intervening action or debate; that the motions to reconsider be considered made and laid upon the table, and the President be immediately notified of the Senate's action and the Senate then resume legislative session.

There being no objection, the Senate proceeded to consider the nominations en bloc.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the en bloc nominations of Alvin Brown, of Florida, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2026; and J. Todd Inman, of Kentucky, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2027?

The nominations were confirmed en bloc.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 543.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Jasmine Hyejung Yoon, of Virginia, to be United States District Judge for the Western District of Virginia.

CLOTURE MOTION

Mr. SCHUMER. Madam 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. 543, Jasmine Hyejung Yoon, of Virginia, to be United States District Judge for the Western District of Virginia.

Charles E. Schumer, Richard J. Durbin, Alex Padilla, Tina Smith, Elizabeth

Warren, Raphael G. Warnock, Gary C. Peters, Tim Kaine, Richard Blumenthal, Jack Reed, Sheldon Whitehouse, Peter Welch, Mark. R. Warner, Christopher A. Coons, Tammy Duckworth, Benjamin L. Cardin, Debbie Stabenow.

LEGISLATIVE SESSION

Mr. SCHUMER. Madam 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. Madam President, I move to proceed to executive session to consider Calendar No. 541.

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 Sunil R. Harjani, of Illinois, to be United States District Judge for the Northern District of Illinois.

CLOTURE MOTION

Mr. SCHUMER. Madam 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. 541, Sunil R. Harjani, of Illinois, to be United States District Judge for the Northern District of Illinois.

Charles E. Schumer, Richard J. Durbin, Alex Padilla, Tina Smith, Elizabeth Warren, Raphael G. Warnock, Gary C. Peters, Tim Kaine, Richard Blumenthal, Jack Reed, Sheldon Whitehouse, Peter Welch, Mark. R. Warner, Christopher A. Coons, Tammy Duckworth, Benjamin L. Cardin, Debbie Stabenow.

LEGISLATIVE SESSION

Mr. SCHUMER. Madam 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. Madam President, I move to proceed to executive session to consider Calendar No. 540.