

the fossil fuels, that we are going to do them cleaner, and the technology of the energy we want in the future. That is exactly what the bill was supposed to do. It was supposed to bring back manufacturing that we let go, basically, with the NAFTA agreement—North American Free Trade Agreement—way back when, in the 1980s and 1990s, and then now with what we are dealing with, with bringing China and the WTO in the late 1990s, early 2000s. We have allowed things to leave our country. We should have never allowed the manufacturing base to ever leave.

Let's be clear, there is no question that the IRA will go down as one of the most transformational bills that we have ever passed. It is bringing opportunity. It surely is. It is bringing opportunity in areas that got left behind.

Electric vehicle and battery makers announced \$52 billion in investments in North American supply chains before the IRS even started loosening the rules. They want to come back to America. They want to build. But as long as you basically allow the foreign entities of concern—the Chinas of the world—to continue to flood the market with cheaper prices, our people will never be able to have a foothold as far as manufacturing in the United States. That is the problem.

We knew it would take a couple of years for us to get up to speed, but we will never get up to speed as long as they can still buy cheaper products somewhere else.

Numbers like this show that breaking the law doesn't get us more investment; it just makes the costs go up for every American taxpayer and sends our tax dollars overseas. We are trying to bring that manufacturing back and keep those dollars here, not in China or Russia.

But even bribing Americans with a liberalized, unlawful \$7,500 wasn't good enough for the administration because it doesn't meet their political timetable to eliminate gas-powered vehicles. If they had a good enough product—a product in America—the market usually will react. The market will reject or accept. They won't do it on your timetable. But when you have the government behind you, pushing you in a way to force the options you may have, that is not how we built the country that we have. It is not how we built this capitalist mentality or this entrepreneurship. It is just not who we are.

The EPA piled on by proposing these new tailpipe rules that force automakers to limit consumer choice and force Americans to buy EVs full of Chinese parts. That is exactly what is happening now.

The EPA wants more than two-thirds of the new cars to be electric by 2032, when there is only 8 percent of them that are electric today. They can't meet that goal unless it is buying overseas, which is what we tried to stop. Their intention is to continue to flood the market any way they possibly can

for their own political agenda by their extreme environmental climates at the destruction, basically, of our own jobs, our own economy.

The only way it would be possible to get anywhere close, like I said before, is to do business with other foreign countries, because China has a lock on most of all the markets—anodes, cathodes, 80 percent of that; basically, rare-earth minerals, about 60 to 80 percent of that. They have been doing this for quite a while. We want to get back up to speed, but we can't do it by continuing to support them.

Xi Jinping is already showing that he will use critical minerals as leverage to put Americans and the free world at risk by directing the Chinese Government to implement new restrictions on exports of several critical minerals. Now he really starts putting the choke on us. He sees that we have legislation that is going to force us to buy a product that he has control over.

Can you imagine us getting ourselves into a jam where we are going to be dependent upon China for their critical minerals and the battery components that we need to run the vehicles that we decide to change our transportation mode to before we are ready to do it ourselves? I would expect that from Xi Jinping and the Chinese Communist Party, but I can't believe that we would be dumb enough to play into their hands. It is unbelievable. There is nobody who you can talk to in the industry who doesn't understand exactly what I am saying.

I never could have expected our own government to give up so easily and continue to let foreign—foreign—nations control our Nation's transportation. You know, I even said this to—they told me about all the charging stations that we have to spend billions and billions of dollars on, the Federal Government, the Federal taxpayers. I do not remember when Henry Ford, basically, was able to have the production of the Model T and bring it into mass production where the average person could buy it, that we said: Oh, oh, we have to go out and start building filling stations. I don't think the Federal Government built filling stations to meet the demands of the market. The market did it, and the market will do it again.

They say: Oh, no, we can't do that. We can't take a chance on the market, so let's go ahead and just commit billions and billions of dollars of taxpayers' money to do what the market has always done for America.

I will do everything in my power to hold this administration accountable to the deal we made—and intended to deal; everybody knew about it—to protect America's taxpayers and to secure our energy supply chains.

If we are going to do it, let's do it and benefit from it. Let's build America back. Let's do what we do best. Let's innovate and create. Let's believe in the market and allow the market, basically, to force us to work as it has always worked for America.

I urge my colleagues to support this amendment that is coming up because I can tell you one thing: We have got to send a signal that this country is able to take care of itself; we are able to compete for ourself; and we should not depend on unreliable foreign supply chains for the most critical building blocks of our country.

Transportation basically keeps the lights on. It keeps food on your table. It does everything necessary for us to live a quality of life in this country. To allow and give it up because we are not in control of our transportation mode is absolutely criminal.

With that, I would say I hope all of my colleagues will look at this amendment very seriously and see how important it is for us to maintain this tremendous independence this country has always had.

With that, I yield the floor.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the Schydlower nomination.

Thereupon, the Senate proceeded to consider the nomination of Leon Schydlower, of Texas, to be United States District Judge for the Western District of Texas.

NOMINATION OF LEON SCHYDLOWER

Mr. DURBIN. Mr. President, today, the Senate will vote to confirm Judge Leon Schydlower to the U.S. District Court for the Western District of Texas.

Born in Long Beach, CA, Judge Schydlower received his B.A. from the University of Texas at Austin and his J.D. from the University of Texas School of Law. After completing law school, Judge Schydlower began his legal career in the U.S. Navy, first as an assistant staff judge advocate, then as a military prosecutor. Thereafter, he joined the U.S. Attorney's Office for the District of Hawaii as a special assistant U.S. attorney, where he handled Federal law enforcement cases at the trial and appellate levels.

After leaving government service, Judge Schydlower practiced commercial litigation and medical malpractice defense at Kemp Smith, P.C. He later operated his own firm, where he handled Federal criminal defense cases and various business litigation matters. In 2015, Judge Schydlower was appointed to serve as a U.S. magistrate judge for the same district to which he is nominated. On the bench, he has issued more than 34,000 orders, reports and recommendations, opinions, and orders on motions.

The American Bar Association has unanimously rated Judge Schydlower "well qualified" to serve on the district court, and he has the strong support of his home State Senators, Mr. CORNYN and Mr. CRUZ.

Taken together, Schydlower's service to his country in the military and as a prosecutor, as well as his courtroom experience both on and off the bench, make him well-suited to serve on the Federal bench with distinction.

I urge my colleagues to support his nomination.

VOTE ON SCHYDLOWER NOMINATION

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

Mr. SCHATZ. 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. THUNE. The following Senators are necessarily absent: the Senator from Indiana (Mr. BRAUN) and the Senator from Florida (Mr. SCOTT).

The result was announced—yeas 90, nays 8, as follows:

[Rollcall Vote No. 104 Ex.]

YEAS—90

Baldwin	Gillibrand	Ossoff
Barrasso	Graham	Padilla
Bennet	Grassley	Peters
Blackburn	Hagerty	Reed
Blumenthal	Hassan	Ricketts
Booker	Heinrich	Risch
Boozman	Hickenlooper	Romney
Brown	Hirono	Rosen
Budd	Hoeven	Rounds
Butler	Hyde-Smith	Rubio
Cantwell	Johnson	Sanders
Capito	Kaine	Schatz
Cardin	Kelly	Schumer
Carper	Kennedy	Scott (SC)
Casey	King	Shaheen
Cassidy	Klobuchar	Sinema
Collins	Lankford	Smith
Coons	Lee	Stabenow
Cornyn	Lujan	Tester
Cortez Masto	Lummis	Thune
Cotton	Manchin	Tillis
Cramer	Markey	Van Hollen
Crapo	McConnell	Warner
Cruz	Menendez	Warnock
Daines	Merkley	Warren
Duckworth	Moran	Welch
Durbin	Mullin	Whitehouse
Ernst	Murkowski	Wicker
Fetterman	Murphy	Wyden
Fischer	Murray	Young

NAYS—8

Britt	Paul	Tuberville
Hawley	Schmitt	Vance
Marshall	Sullivan	

NOT VOTING—2

Braun	Scott (FL)
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The nomination was confirmed.

(Mr. KAINE assumed the Chair.)

(Mr. BOOKER assumed the Chair.)

(Mr. TESTER assumed the Chair.)

(Mr. REED assumed the Chair.)

The PRESIDING OFFICER (Ms. BUTLER). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action, and the Senate will resume legislative session.

LEGISLATIVE SESSION

UDALL FOUNDATION REAUTHORIZATION ACT OF 2023—Continued

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. SCHUMER. Madam President, I ask unanimous consent that the only motions and amendments in order to the House message to accompany H.R. 2882 be the following: Paul motion to refer, which is at the desk; motion to concur with Cruz No. 1804; motion to concur with Tuberville No. 1781; motion to concur with Lee No. 1722; motion to concur with Schmitt No. 1795; motion to concur with Johnson No. 1706; motion to concur with Lankford No. 1713; motion to concur with Lankford No. 1718; Blackburn motion to refer, which is at the desk; further, that the Senate vote in relation to the above motions and amendments in the order listed; that upon the disposition of the Blackburn motion to refer, Senator BUDD be recognized to make a motion to table the motion to refer with amendment No. 1794, and if that motion is not agreed to, Senator HAGERTY be recognized to make a motion to table amendment No. 1793, and that if that motion is not agreed to, Senator BUDD be recognized to make a motion to table the motion to refer with amendment No. 1792; further, that if the tabling motions are not agreed to, the cloture motion with respect to the House message be withdrawn, the pending amendments and motions be withdrawn, and the Senate vote on the motion to concur in the House amendment to the Senate amendment to H.R. 2882, with 60 affirmative votes required for adoption of the motion to concur, without further intervening action or debate, and with 2 minutes for debate, equally divided, prior to each vote; further, that S. 4072, introduced earlier today, be placed on the calendar and, notwithstanding rule XXII, at a time to be determined by the majority leader in consultation with the Republican leader but no later than Friday, April 19, 2024, the Senate proceed to the consideration of S. 4072, Crapo tailpipe emissions; that there be up to 2 hours for debate, equally divided, and upon the use or yielding back of time, the bill be considered read a third time, and the Senate vote on passage of the bill with 60 affirmative votes required for passage, without intervening action or debate, and if passed, the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. Madam President, I am going to be brief because we want to move quickly on to votes.

It has been a very long and difficult day, but we have just reached an agreement to complete the job of funding the government. It is good for the country that we have reached this bi-

partisan deal. It wasn't easy, but tonight our persistence has been worth it.

I want to thank the great leadership of Chair MURRAY and Vice Chair COLLINS for making this agreement possible.

Again, it is good for the American people that we have reached a bipartisan agreement to complete the job of funding the government tonight.

I am going to put us into a short quorum call as we wait for the first person of the first amendment to arrive. He is on his way. I will ask everyone to stay in their seats so we can get this done very quickly. Some people have very important places to go, and we want to get her there.

UNANIMOUS CONSENT AGREEMENT

Madam President, I ask unanimous consent that all of the votes after the first vote be 10 minutes.

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

Mr. SCHUMER. Again, I would ask Members respectfully but with strength to sit in their chairs, please, so we can get this done.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER OF BUSINESS

Mr. SCHUMER. Madam President, I ask unanimous consent to modify the previous order so that the Lee motion to concur be first in the order.

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

The Senator from Utah.

MOTION TO CONCUR WITH AMENDMENT NO. 1722

Mr. LEE. Madam President, I move to concur in the House amendment to the Senate amendment to H.R. 2882 with further amendment No. 1722.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. LEE] moves to concur in the House amendment to the Senate amendment with further amendment numbered 1722.

The amendment is as follows:

(Purpose: To prohibit Federal funding for the use of the CBP One application to facilitate the entry of aliens into the United States)

At the appropriate place in Division C, insert the following:

SEC. _____. None of the funds appropriated or otherwise made available by this division may be made available to utilize the U.S. Customs and Border Protection CBP One application, or any successor application, to facilitate the entry of any alien into the United States.

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided.

Mr. LEE. Madam President, when the rest of us board an airplane, we always