

The unravelling of the filibuster for judicial nominations should be a lesson to both parties on how well weakening the filibuster or creating a filibuster carve-out would work. Democrats carved out a filibuster exception for executive and judicial nominees, and Republicans, when they got power, took it to its logical conclusion.

A legislative filibuster carve-out would be the end of the legislative filibuster—period.

It has become disturbingly clear that the Democrat Party is committed to getting its way in whatever way it can, no matter how many institutions it damages or how many rules it breaks in the process. But I would hope that at least some of my Democrat colleagues might think about the fact that their operating principle of “the rules don’t apply to us” is generally more associated with despots than democratic republics and that they would put the long-term health of our country and our institutions above short-term partisan gain.

I yield the floor.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### NATIONAL DEFENSE AUTHORIZATION ACT

Mr. CORNYN. Mr. President, I don’t think it is any secret that the United States is facing a myriad of security threats both here domestically and abroad. I have said—and I truly believe—this is the most dangerous time our country has experienced since World War II due to the axis of autocracies, as they are sometimes called, ranging from Iran to Russia, to China, to North Korea.

But right here at home, we have a huge, gaping national security threat called the southern border. We know it is being exploited by drug traffickers, human smugglers, and, yes, perhaps, even by terrorists. Out of the, roughly, 10 million or so people we estimate who have crossed the border during the Biden-Harris administration, about 2 million of them are what the Border Patrol calls “got-aways.” In other words, they are people evading law enforcement and, perhaps, for a good reason: either they are carrying drugs; they have criminal records; or, heaven forbid, they want to do us harm through some sort of terrorist attack.

But, as we look around the world, we see countries like Israel, our close ally in the Middle East, defending its right to exist following a brutal and unprovoked attack by the terrorist group Hamas, which is a proxy of Iran. Iran and its proxies are even more emboldened than ever as they continue to wreak havoc across the region. Oh, by the way, they are also enriching uranium in pursuit, perhaps, of a nuclear weapon.

In Europe, we know that Ukraine continues to defend its sovereignty in the wake of Russia’s invasion more than 2 years ago, but actually it goes back earlier than that. Russia actually invaded Ukraine in 2014 and basically took over the Crimea, and nobody seemed to do much about it, by which Putin thought: OK. I got away with that. I am going to come back for another bite.

Then, following the devastating withdrawal of American and Allied troops in Afghanistan 2 years ago—we were just over in the Rotunda, honoring the lives of the servicemembers who lost their lives in Kabul 2 years ago as a result of the withdrawal from Afghanistan. But after that, Putin logically thinks: Well, the Taliban got to take over Afghanistan without a shot being fired. The United States coughed up tens of billions of dollars of equipment, ammunition, and transportation, and so maybe, just maybe—this is Putin’s thinking—I believe, maybe, I can go ahead and invade Ukraine, and I can march on Kiev, and not a shot will be fired.

Well, he underestimated the will of the Ukrainian people, to be sure.

In the Indo-Pacific, China continues to be aggressive and belligerent and to threaten the stability of the region, especially the future of Taiwan.

So there is a lot at stake, and the eyes of the world are on the United States.

I have had a chance, like so many of us, to travel around the world and talk to our friends and allies. What I have learned is that no one—no nation—can substitute for the leadership of the United States of America. If America acts, others will follow. They will join us, perhaps, but no one will take the initiative if the United States is standing back.

It is true that terrorists and dictators are watching to see how we respond. Vladimir Putin watches what we do. President Xi in China, Kim Jong Un in North Korea, and the Supreme Leader in Tehran—they all watch what kind of reaction they get when they push. If there is no pushback they keep coming.

So the question is, Will we brush all of this off and try to explain it just as regional conflicts; or will we stiffen our spine, lock arms with our friends and allies, and commit to defeating evil and aggression in all its forms?

Well, to meet this crucial moment, we need to solidify support for our military and our national security. That is the No. 1 job of the Federal Government. No local government or State government, no private entity can provide for the common defense. That is the No. 1 job of the Federal Government. Everything else comes after that, because if you don’t do that, none of the rest matters.

We are currently contemplating a short-term spending bill called a continuing resolution. But our commanders, the Secretary of Defense—

current and past—will tell you that a continuing resolution is one of the worst things you can do to the military because there are no new starts, no programs that we have authorized that plan for the future, particularly if you are looking at a funding bill of 3 months or 6 months in duration.

Even President Biden’s own Defense Secretary acknowledges that any delay in funding and in the National Defense Authorization Act hampers their ability to plan. So it is not just the funding; it is also the annual exercise known as the National Defense Authorization Act.

We know that our committees here in the Senate, the Armed Services Committee both in the Senate and in the House, have done a lot of work on a bipartisan basis to prepare the National Defense Authorization Act. But here in the Senate, this seems to be the last thing on the majority leader’s schedule and the last thing on his mind.

We are scheduled to be here roughly 2½ more weeks before we break for the November 5 election. In other words, we won’t even be in session in October. So then we will come back after the election in the so-called lameduck, and one of the must-do bills that we have to pass is the National Defense Authorization Act.

It didn’t have to be this way. We could have scheduled—the majority leader could have scheduled both an appropriations process that would make sure we didn’t have to pass short-term continuing resolutions. We could have taken up the good bipartisan work of the Armed Services Committee and put the National Defense Authorization bill on the floor. But the majority leader would have none of that. It is just not a priority for him.

So what are we doing instead? Well, we are taking up judicial nominations, which are not insignificant, but they pale in comparison to the responsibility that Congress has to provide for the common defense. And we do that two ways: One, we pass the National Defense Authorization Act each year; and, No. 2, we fund the military and the rest of government.

When we do this, when the majority leader makes this choice, it doesn’t give our commanders the certainty they need to make decisions that will serve both our short-term and long-term interests.

For our forces to continue the fight wherever necessary around the world, they need resources. They need stability. They need predictability. And they need to be able to start new, important programs like multiyear procurement programs to shore up our industrial base to make sure we have the resources we need to deter aggression anywhere in the world.

There is nobody else to do it. It is the responsibility of Congress. Nobody can do this for us. We can’t say, well, this is too hard, or it is inconvenient, or we have to go campaign for reelection.

There is nobody else to do it. It is up to us.

For more than 60 years in a row—six decades—Congress has passed an annual National Defense Authorization Act. That is in significant jeopardy. We are certainly not going to get it done in the next 2½ weeks that the majority leader has scheduled. And he has decided to wait until the last minute to even think about it. So in all reality, this is going to be an exercise in the lameduck after the election. But it is not the only thing we need to do.

As the Presiding Officer knows, we run out of money at the end of this month. It is the end of the annual fiscal year. So we are going to have to pass some sort of funding bill because the majority leader did not schedule votes on appropriations bills, all twelve appropriations bills, like he should have so we don't have to resort to a continuing resolution.

Well, in my home State of Texas alone, there are roughly 225,000 servicemembers stationed at places like Fort Cavazos, Fort Bliss, Joint Base San Antonio, the Red River Army Depot, and Ellington Field.

Those are the people I think of each year when we take up the Defense authorization bill. I think of them, and I think of their families, because while a servicemember wears the uniform, families also serve our Nation.

Well, the money and the programs that we should be authorizing under the Defense authorization bill include money for training, technology and equipment, and the pay and the benefits that families rely on. Supporting all of these people and these facilities is a Herculean task, and the Defense authorization bill is a very important way that we do just that.

This year's defense bill must also include efforts to strengthen military readiness. We know the nature of warfare has changed. It is not just tanks and airplanes and aircraft carriers. We are seeing what is happening in Ukraine, where the Ukrainians are using drones, relatively inexpensive drones, to knock out Russian tanks and armor. So this has changed quite a bit. The Houthis in Yemen are using inexpensive drones that are now being shot down by \$2 million missiles launched from Navy ships. So the nature of warfare has changed, and we have to keep up with it, not so we can fight wars but so we can deter those wars.

We know that deterrence is the primary objective, and we know that war is a whole lot more expensive, both in terms of treasure and blood, than keeping the peace by maintaining deterrence.

Well, this Defense authorization bill should have a focus on reforming our procurement process so we can quickly replenish our defense stockpiles. This has been a major problem because the Pentagon is probably the world's biggest bureaucracy; and because of layers and layers of redtape and difficult

processes, it is hard for innovators and creators and startups to do business with the Pentagon and with the Federal Government. So we are literally denied access to the latest and greatest technology because the Pentagon simply isn't postured to deal with that.

So what you have to do, in the case of companies like Palantir and SpaceX and Anduril, for example—just to name a few—well, SpaceX had to sue the Air Force so they can compete in space because the Air Force wouldn't allow them to compete for those projects. Now SpaceX, headquartered in Texas, launches the vast majority of payloads into space.

And, in fact, Boeing, whose spaceship went to the International Space Station, can't safely bring two of those astronauts back, so SpaceX is going to have to go get them sometime in February.

But the point is, we have a lot of heavy lifting to do, a lot of hard work to do when it comes to our national security. And the way that the majority leader has decided to schedule the Senate is a disservice, not only to the men and women in uniform, but it is, frankly, dangerous because it doesn't allow us to maintain maximum readiness and deterrence, which is so critical.

One of the things that I think should be part of the Defense authorization bill is something called the PAID OFF Act. This is critical legislation that will prevent foreign agents acting on behalf of our adversaries from influencing U.S. policymakers.

I know it is no surprise to anybody who follows the news here in Washington, DC, but foreign countries come in, and they hire lobbyists. And unbeknownst to Members of Congress, those lobbyists are working on behalf—sometimes—of foreign governments, not the American people. Yet because of a failure of the Foreign Agents Registration Act—we need to reform that legislation—there needs to be more transparency and disclosure so we know for sure who we are talking to and whose constituency they represent.

But it is not just the PAID OFF Act that needs to be part of this NDAA. I am hopeful that this bill, ultimately, in the lameduck session, will include key outbound investment measures to help the United States gather more information needed to better evaluate our national security vulnerabilities, as well as confront threats from our adversaries, and remain competitive on the global stage.

These are important goals that are becoming more and more urgent with each passing day.

But despite all of this, we have yet to formally begin the process of considering the national defense authorization bill, again, because this is, apparently, not a priority of the majority or the majority leader.

In a rational world, this would already be done. At the very least, this legislation should reach the President's desk before the end of this month. But,

as I said earlier, Senator SCHUMER has only scheduled about 11 more days between now and the time we break before the election. The election actually isn't for 8 weeks, but the Senate is going to be in session 11 days? I think that is not doing our job.

The only person who can schedule the Senate agenda is the majority leader. I can't do it; the other 98 Senators can't do it, only the majority leader, and he refuses to do it.

Well, unfortunately, this has become standard operating procedure. We have lurched from one potential shutdown to the next. We passed continuing resolutions which tie the hands of our military commanders and the Pentagon, and it just makes it impossible for government to operate as efficiently as it should. So this has become standard operating procedure in a dysfunctional Democrat-led Senate. We spend weeks voting on President Biden's controversial nominees, like we are doing today, many of whom are unqualified for the jobs that they have been nominated to fill.

But the majority knows, the Democratic majority knows that if they lose the majority, they won't be able to get those people confirmed; so, of course, they are trying to move as many of them as they can when they can. But what that means is national security is kicked to the back seat and is no longer a priority.

In addition to spending time on nominations when we should be spending time on national defense, we will cap off the vote of the week with a controversial bill that stands no chance of becoming law. That is what we call a show vote around here. It is designed to embarrass. It is designed for political advantage. It is certainly not designed in order to accomplish the goal of passing legislation and getting it signed into law.

We saw these same sorts of show votes used primarily to try to gain political advantage in the upcoming election. We saw this on proposed legislation on the border, on contraception, on abortion, on in vitro fertilization, and on tax policy. In each instance, these were not efforts to try to work out differences and build consensus; this was designed to fail. That was the point: to have a show vote and then be able to have a TV ad or use it in some campaign. That is my definition of partisan gamesmanship, and it is a waste of the Senate's time, especially when so many priorities remain unaddressed, like the Defense authorization bill and the appropriation bills.

Again, all of this could have been avoided, but, by design, it was not. The majority leader has given us precious little time to do our job this year, and he has wasted a lot of time on partisan show votes. As a result, one of our most important responsibilities is outstanding.

Just to remind everybody, the Defense authorization bill was completed by the Armed Services Committee

more than 2 months ago. They did their job in a bipartisan way. That, in and of itself, is a miracle. But it should have been brought to the floor and opened for debate and votes and passage.

I want to commend Senator REED of Rhode Island, the chairman; Ranking Member WICKER; and all of our colleagues on the Armed Services Committee for doing their job. Now, the majority leader needs to do his job so that we can do our job. It is long past time for Senator SCHUMER to bring this vital legislation to the floor. We are playing with fire, I believe, at a time when the national security threats loom so large, and I hope we will soon get a chance to debate and to vote on this bill.

Given the great power of competition and the fact that conflicts have unfolded in Europe, the Middle East, and the Indo-Pacific, the NDAA should be a top priority. It is regrettable that the majority leader doesn't see it as a priority.

Well, Mr. President, when you can't plan, you can't get ready, and so it is no exaggeration to say we now find ourselves in a true readiness crisis. We can't delay consideration of the Defense authorization bill. We can delay it, but we can't postpone our problems, and our adversaries are not acting on Majority Leader SCHUMER's timeline.

America's strength and leadership are vital to global security and equally vital to protecting our homeland. So the Democratic-led Senate should not ignore its responsibility to bolster our readiness and certainly should not stand in the way of the rest of us who are interested in addressing these challenges.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

RECOGNIZING MAY 22, 2024, AS THE 205TH ANNIVERSARY OF THE FOUNDING OF MEMPHIS, TENNESSEE, AND ACKNOWLEDGING THE ROLE THAT MEMPHIS HAS PLAYED IN SHAPING THE HISTORY, CULTURE, AND ECONOMY OF THE UNITED STATES

Mrs. BLACKBURN. Mr. President, as if in legislative session, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 806, which is at the desk.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 806) recognizing May 22, 2024, as the 205th anniversary of the founding of Memphis, Tennessee, and acknowledging the role that Memphis has played in shaping the history, culture, and economy of the United States.

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

Mrs. BLACKBURN. I ask unanimous consent that the resolution be agreed

to, the preamble be agreed to, and that the motions 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 resolution (S. Res. 806) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### EXECUTIVE CALENDAR—Continued

##### AFTER SCHOOL ACT

Mrs. BLACKBURN. Mr. President, it is September, which means that, across the country, America's 54 million K-12 students are starting the new school year. For so many parents and students, this is an exciting time, with new classes and teachers and projects and friends and opportunities for academic success. But for too many others, the new school year brings a growing risk, and that is juvenile crime.

Across the country, 64 percent of violent juvenile crime happens on school days, peaking between 2 p.m. and 6 p.m. At a time when violent juvenile crime is rising across the country, I know many communities, including in Tennessee, are looking to the new year with apprehension.

After years of steadily declining juvenile crime, in 2023, Shelby County saw a staggering 4,546 juvenile charges. Now, that is up 37 percent from 2021, and that spike in Memphis follows spikes we are seeing in cities like Washington, DC, and New York City, where the average age of a carjacking suspect last year was 15 years old.

Now, young people are facing little supervision at the end of the schoolday and before their parents get home from work, and they are being lured into gangs that plague cities with theft, drug dealing, and murder. In Memphis, there are at least 30 criminal gangs that are out recruiting children as young as 8 years old into their operations.

Every young American and Tennessean deserves the opportunity to succeed and avoid the dangers of criminal activity, and Congress has an incredible opportunity to help ensure that. Alongside Senator CORTEZ MASTO, I have introduced the AFTER SCHOOL Act, which would create a grant program administered through the Justice Department for local communities like Memphis to establish, maintain, and strengthen afterschool programs with the goal of reducing violent crime among juveniles.

Time and again, afterschool programs—ranging from athletics and tutoring to music and volunteer work—have proven to be successful at keeping young children out of trouble and focused on their own personal development. Across two different studies conducted by researchers at the University of Chicago, afterschool programs helped reduce arrests among at-risk

teens by 28 to 35 percent and violent crime by 45 to 50 percent. Recidivism rates among participants, meanwhile, fell 21 percent.

At the same time, studies have shown that afterschool programs improve behavior in class, decrease the likelihood of drug abuse, and promote academic success. The success of these programs is a big reason why the Memphis City Council unanimously endorsed and supported this bipartisan legislation.

With juvenile crime on the rise, the lives of countless young Tennesseans and Americans are at stake, and I call on all of my colleagues to support the AFTER SCHOOL Act to secure a brighter future for our Nation's youth.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. MARKEY). Without objection, it is so ordered.

#### LEGISLATIVE SESSION

##### MORNING BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

#### TRIBUTE TO ANN CLAIRE WILLIAMS

Mr. DURBIN. Mr. President, I have served on the Senate Judiciary Committee for more than two decades. During that time, I have evaluated and voted on more than 1,000 judicial nominees in the committee and on the Senate floor. I now serve as the chair of the committee, where one of my greatest privileges is helping to confirm President Biden's judicial nominees to the Federal bench. We have been steadfastly committed to confirming highly qualified, independent, and evenhanded judges; judges who rule with reason and restraint; judges who respect the rule of law, pursue justice, and answer only to the Constitution. And we have been committed to confirming judges who reflect the demographic and professional diversity of our Nation. So, it is safe to say that I understand what makes a person a capable arbiter of the law. The Hon. Ann Claire Williams is one such remarkable jurist.

For the entirety of her career, Judge Williams has defied odds and broken boundaries. In 1985, President Ronald Reagan nominated her to the U.S. District Court for the Northern District of