

For decades, the Senate has come together and confirmed all Commissioners to the Sentencing Commission by a voice vote and, on one occasion, two members by unanimous consent after they had been considered by the Judiciary Committee. This used to be just something easily done. There is no reason to depart from this incredible bipartisan precedent. We must confirm these two nominees today.

Just as a reminder, Congress created the Sentencing Commission in 1984 as an independent Agency, housed in the judicial branch, to reduce sentencing disparities and to promote transparency and proportionality in sentencing. By statute, the Commission must have bipartisan representation amongst its members. It calls for our coming together. This mandate reflects the consensus-driven, evidence-based approach Congress has envisioned in making Federal criminal sentencing fairer and more balanced for the United States of America.

The Sentencing Commission plays a critical role in our Federal legal system. It establishes sentencing policies and practices for Federal courts, and it promulgates and amends the sentencing guidelines, which serve as the cornerstone for every Federal judge when deciding a criminal sentence. It is deeply imperative that the Commission maintain a full slate of voting members to continue this profound work.

Recent history has shown us what happens when the Commission is deprived of its full membership. From 2019 to 2022, the Commission lacked a voting quorum and could not update the sentencing guidelines in response to new Federal criminal statutes, including the big bipartisan work we did to get the First Step Act passed and signed by Donald Trump. Without direction on how to implement the new provisions and criminal penalties, circuit courts split over the proper interpretation of the guidelines, resulting in disparate sentences for people who are dependent solely on which circuit court they were tried in. In other words, there was no equal justice under the law. There wasn't fairness or proportionality.

So, consistent with this Commission's mandate, these nominees have to and will need to continue to function in our bipartisan way—the vision. It is up to us to work in this bipartisan way. Therefore, I ask now to confirm two bipartisan members of the U.S. Sentencing Commission, Judge Claria Horn Boom and Judge Gleeson.

Mr. President, I ask unanimous consent that the Senate consider the following nominations en bloc: Calendar Nos. 602 and 603; that the Senate vote on the nominations en bloc without intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

The Senator from Alabama.

Mr. TUBERVILLE. Mr. President, reserving the right to object, therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Jersey.

Mr. BOOKER. Mr. President, supercalifragilisticexpialidocious. That word is difficult to say, but it seems like that happened quicker than even my saying that word. With something so important as this, I was hoping for more of an understanding of why this is being blocked.

Again, perhaps one of the greatest marks of this institution, in my 10 years of experience, has been the times we have come together—multiple times—to make our justice system more just.

This seems, to me, to be obstructionist to the hopes that we can be a nation that ends this partisanship, that ends this unnecessary partisanship—excuse me—and that ends the sort of tribalism that is making this institution less operative.

We all come here from various parts of our great Nation to get things done, and there seems to be this pattern in the United States of America of our finding less comity, less togetherness.

I love what Martin Luther King said; that we are all caught in an inescapable network of mutuality, tied with a garment of destiny, in that injustice anywhere is a threat to justice everywhere.

When it comes to the exercise of justice in our country, it is clear, by not having a bipartisan majority sitting on this body, that we create injustice, which, ultimately, hurts our democracy and our highest ideals.

We started this day by pledging allegiance to that flag, where we said with “liberty and justice for all.” It pains me today, with the stopping of this unanimous consent, that we are not fulfilling the hopes and aspirations of that pledge.

I yield the floor.

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

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

LEGISLATIVE SESSION

Mr. SCHUMER. Mr. 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. I move to proceed to executive session to consider Calendar No. 789.

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 legislative clerk read the nomination of April M. Perry, of Illinois, to be United States District Judge for the Northern District of Illinois.

CLOTURE MOTION

Mr. SCHUMER. Mr. 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 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. 789, April M. Perry, of Illinois, to be United States District Judge for the Northern District of Illinois.

Charles E. Schumer, Richard J. Durbin, Ben Ray Lujan, Benjamin L. Cardin, Jack Reed, Sheldon Whitehouse, Jeanne Shaheen, Tim Kaine, Chris Van Hollen, Tina Smith, Christopher A. Coons, Margaret Wood Hassan, Richard Blumenthal, Tammy Duckworth, Tammy Baldwin, Martin Heinrich, Alex Padilla.

Mr. SCHUMER. I ask unanimous consent that the mandatory quorum call for the cloture motion filed today, September 24, be waived.

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

Mr. SCHUMER. I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mrs. SHAHEEN. I come to the floor today, Mr. President, to support the nomination of David Kostelancik to be U.S. Ambassador to Albania.

For over 35 years, Mr. Kostelancik has served as a career member of the Foreign Service and a qualified and exemplary candidate to represent the United States in an allied capital. He also served in Congress as the senior State Department adviser to the Helsinki Commission.

Like so many of our career Foreign Service officers, Mr. Kostelancik has dedicated his career to serving the United States at home and abroad. He served in Albania before, as well as overseas assignments in Türkiye, Russia, and Hungary, where he led our Embassy as Charge d'Affaires for nearly 2 years. Most recently, he served as Foreign Policy Advisor to the Chairman of the Joint Chiefs.

It is clear that we have a highly qualified candidate to serve as Ambassador to Albania. But I also want to talk about why it is so critical that we confirm an ambassador to Albania and that we do it without delay.

Albania is a real success story for American foreign policy. Just 30 years ago, Albania was waking up from more than four decades of communist rule.

Today, Albania is a flourishing democracy, a fully engaged member of NATO, and an aspiring member of the European Union.

It was Albania in 2016 that answered our calls to take in vulnerable Iranian dissidents from Camp Ashraf. It was Albania back in 2021 that didn't think twice when they answered the call to accommodate Afghan refugees and SIV applicants. So what message does it send to Albania—a critical partner, a stalwart ally of the United States—that we can't confirm an ambassador for over a year?

Albania is currently the only NATO capital in which we do not have a confirmed Ambassador. As the United States confronts challenges around the world, we need our allies. We need Albania. That starts with ensuring that we have the stewards of our bilateral relationships in place. I can tell you, China and Russia have Ambassadors in Albania's capital right now. It is up to the U.S. Senate to determine whether we cede ground to our adversaries.

Mr. Kostelancik has the necessary experience. He speaks Albanian. He is eminently qualified to fill the post for which he was nominated.

For these reasons, I urge no further delays in confirming Mr. Kostelancik's nomination.

I ask unanimous consent that the Senate consider the following nomination and that the Senate vote on the nomination of David Kostelancik to be Ambassador of the United States of America to the Republic of Albania; that the Senate vote on the nomination without intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

The Senator from the Utah.

Mr. LEE. Mr. President, reserving the right to object, U.S. diplomats serve a singular purpose: to advocate for and protect U.S. interests all over the world.

The Constitution makes abundantly clear that the security of the American homeland and commerce with friendly nations are fundamental core interests of the United States of America. The promotion of woke cultural imperialism is never in the core interest of the United States.

The constant crusade of career diplomats to evangelize woke ideology on behalf of the United States often works decidedly against our interests and actively undermines the reputation and leverage of our Nation.

Like many Biden-Harris nominees, Mr. Kostelancik has proven unable to set aside his personal partisanship while representing U.S. interests abroad.

His past performance as Charge d'Affaires in Hungary should disqualify him from being trusted with a diplomatic mantle again. Mr. Kostelancik

openly meddled in Hungarian politics. He attacked press freedom and engaged in blatant social activism, which the Hungarian Government viewed as undue interference in Hungary's internal politics.

Mr. Kostelancik damaged our relationship with a reliable and important ally for the sake of partisan ideological advocacy abroad, all when he was essentially a placeholder until the Trump administration could nominate an ambassador.

Now the Biden-Harris administration wants to make him the permanent man in charge of the U.S. Government's interests in Albania. The Biden-Harris administration had every opportunity to submit a new nominee for this position when Mr. Kostelancik's nomination was returned to the President at the end of last year, but rather than submit a nominee with a more favorable reputation, a less controversial background, and a demonstrated track record of focus on core U.S. interests, President Biden is doubling down and promoting Mr. Kostelancik.

Cultural imperialism continues to dominate, to distract, and destroy the reputation and effectiveness of our diplomatic corps. I will not be complacent in such efforts, and on that basis, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I don't understand what my colleague is talking about in terms of woke ideology and cultural imperialism. That is not my understanding of how the State Department works.

The State Department and our Ambassadors are there to carry out America's foreign policy no matter who the President is, and that is what David Kostelancik did when he was in Hungary.

So I am perplexed by the arguments that are raised by my colleague from Utah. His objections are grounded in baseless rumors that are being spread by Victor Orban. They are not grounded in facts.

Here are the facts: Mr. Kostelancik received overwhelming support, bipartisan support, when he was voted out, on two occasions, of the Senate Foreign Relations Committee.

In the 35 years—35 years—of Mr. Kostelancik's service to the U.S. Government, he had never been accused of any political bias until Victor Orban decided that he didn't think he was executing America's foreign policy properly.

Mr. Kostelancik has served the American public faithfully across administrations of both parties. He has represented elected leaders' positions.

I have spoken with a number of my Republican colleagues. I wish my colleague from Utah were going to stay so I could talk to him about this, because he has gotten support from those Republicans precisely for the reasons I outlined above.

It is up to my colleagues whether they will listen to the recommendation of former administration officials and their own Republican colleagues or take heed of the baseless allegations of a foreign leader, who is ostensibly an "ally," who is making false, unproven claims of impartiality. I have looked for evidence. There is zero evidence to that effect. In fact, I have letters here from a former Governor, a Republican Governor, of New York, George Pataki. I have letters from the Albanian American Council in support of Mr. Kostelancik. What is more, a number of senior Republican officials, including the U.S. Ambassador to Hungary, who served under the Trump administration, have repudiated this claim.

So I don't know why my Republican colleague today is willing to believe a government that has shown more loyalty to Vladimir Putin and President Xi than he has to the United States, or is my colleague from Utah prepared to trust the repeated commitments made by the nominee—and senior-level Republicans—that he served in Budapest with the utmost professionalism? That is the question. Is he willing to trust that, to trust all of the people who have weighed in on behalf of Mr. Kostelancik, who, by all accounts in reading his public remarks as Charge d'Affaires, defended the Trump administration policy ably while in Budapest? That is what Ambassadors do when they are serving overseas—they defend the policies of the United States of America and whoever the President is and whoever the Secretary of State is.

Those charged with the conduct of U.S. foreign policy are proud civil servants. They believe in our institutions, and they represent the American people no matter which party is in office.

I am disappointed that what we have today is a number of people—a number of our colleagues who would rather denounce the United States and our foreign policy, who would rather oppose career Ambassadors who have been in the job for years, because they support Victor Orban, because they are spreading rumors about what people have done that have no basis in fact.

I intend to come back to the floor on a number of occasions—whenever I can—to ask for unanimous consent again because what is happening now is not in the best interest of the United States. When we refuse to confirm Ambassadors, we are hamstringing our foreign policy and we are harming U.S. national security. Right now, there are over 30 State Department nominees who are waiting for Senate confirmation, and by grinding to a halt our State Department nominees, my Republican colleagues have allowed partisan brinksmanship to pervade a critical aspect of our national security.

It is one I don't understand because I know we are in agreement that the United States is threatened by adversaries like Iran, China, Russia, and North Korea—all threats to the United

States. Yet they are willing to allow President Xi's diplomats to get placed in countries all around the world, and they are not willing to let our own diplomats get placed.

So I hope they will reconsider because what they are doing at its core is putting at risk America's national security.

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

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

UNANIMOUS CONSENT REQUEST—S. 2229

Mr. GRASSLEY. Mr. President, I come to the floor to make a unanimous consent request, but out of courtesy to somebody who may object—since there is nobody here to object—I won't make the motion, but I would like to give my remarks at this point.

Today, I am going to discuss a decades-long priority of mine, and that is reforming the Foreign Agents Registration Act. Around here, it is known by the acronym FARA. This legislation is necessary to give it the teeth that it needs to be effective.

Just a little bit of history about FARA: Until maybe 6, 7 years ago—now it is being enforced a little more often by the Department of Justice, but prior to that, a law that had been on the books for decades was not really being enforced. So that means people could be hired to lobby for a foreign country before the Congress of the United States and we didn't even know who they were.

Well, the FARA act, passed decades ago, was supposed to make that public because we ought to know who is working for foreign countries as they try to influence policy in this country. And now more attention is being paid to it. It is being enforced.

But I come to the floor today, as I am going to explain to you, because we had recent court decisions that have made it even weaker than it should be—is intended to be.

Since 2015—to give you a little history of my involvement with this issue—over four Congresses, I have investigated potential FARA violations to ensure the Justice Department equally enforces FARA without regard to power, party, and privilege. In 2017, as chairman of the Senate Judiciary Committee, I held a FARA oversight hearing, which contributed to the Disclosing Foreign Influence Act that year. I also introduced the bipartisan Foreign Agents Disclosure and Registration Enhancement Act in 2019, which was supported on both sides by the Senate Judiciary Committee and the Senate Intelligence Committee. The chairman of the Senate Foreign Relations Committee also signed off on that legislation. So then Senator COR-

NYN and I requested unanimous consent to pass that bill at that time; however, the then-ranking member of the Foreign Relations Committee, Senator MENENDEZ, objected.

The Foreign Agents Disclosure and Registration Enhancement Act is one of several FARA bills that I have sought to advance.

Today, I am here to talk about the bipartisan bill entitled "Retroactive Foreign Agents Registration Act." The purpose of that legislation is to overcome the court decisions that I have already spoken about. Chairman PETERS, my Democratic co-lead, and Senators WARREN, RUBIO, and YOUNG are cosponsors of the bill that goes by the number S. 2229. The bill overturns a recent court ruling that held a person doesn't have to register as a foreign agent if their relationship with a foreign principal has stopped.

It is understood that FARA imposes a continuing obligation for persons to register as foreign agents; otherwise, once a lobbyist for a foreign country is caught not reporting, it is pretty simple for them if they don't want to be prosecuted or registered; they just have to sever their representation with that country, and they are off the hook. And, of course, that is not what Congress intended.

My bill, the Retroactive Foreign Agents Registration Act, fixes that problem, overrides the court decisions.

Remember, FARA doesn't prohibit any activity. You are free to do anything you want to. It is a disclosure statute. It simply requires lobbyists and public relations groups on K Street representing foreign interests, which might be friendly to the United States or unfriendly to the United States, in the Halls of Congress—all they have to do is disclose, just disclose. They can do anything they want to, but they have to disclose whom they are working for.

If a lobbyist doesn't want everyone to know that they are working for the communist Chinese Government, then I guess that person shouldn't be working for the communist Chinese Government.

Now, it is pretty simple what the spirit of this FARA legislation is all about. It is all about transparency. And with transparency, you are more apt to get accountability. And who shouldn't want transparency because the public's business ought to be public, and you ought to be accountable for what you are doing.

My retroactive FARA fix is supported by almost a decade of oversight, hearings, legislative vetting, and discussions with the Department of Justice. Congress must send a crystal-clear message to foreign actors that they can't hide in the shadows.

So now that we have other people on the floor who might want to speak on this, at this point I want to make this request.

Mr. President, as if in legislative session, I ask unanimous consent that the

Committee on Foreign Relations be discharged from further consideration of S. 2229 and the Senate proceed to its immediate consideration. I further ask that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Mr. President, reserving the right to object, the Foreign Agents Registration Act was enacted in 1938 and requires individuals working on behalf of foreign governments to disclose their relationships and activities. Violations of the law are subject to criminal and civil penalties. Generally, a person who willfully violates these regulations may face up to 5 years in prison and a \$10,000 fine.

Now, many thought leaders have written about the overcriminalization of regulations, the fact that we add criminal penalties to people with paper violations. Ed Meese has written about this extensively. Justice Neil Gorsuch has written a new book, "Over Ruled," talking about so many regulation crimes, paperwork crimes, having criminal penalties.

A 2016 inspector general audit reported that, historically, the Department of Justice's practice has been to pursue voluntary compliance rather than the prosecution of agents who failed to register under the act. More recently, though, the Department of Justice has signaled that it is shifting from treating these violations as an administrative obligation to one that is increasingly an enforcement priority.

In 2022, DOJ reported that it had charged a record number of criminal cases for this regulatory breach. In other words, what was once considered a mistake that could be rectified simply by encouraging voluntary compliance is now a weapon that can be used to silence dissent by threatening individuals with prison time.

Just 2 weeks ago, four members of the African People's Socialist Party, two of whom are 82 and 78 years old, were convicted of conspiracy to violate a law similar to FARA by acting as agents of Russia. The Department of Justice press release states that the defendants "face a maximum penalty of five years in prison."

And what had they done to potentially lose their liberty? The specific acts they were accused of included attending an international conference in Russia, publishing a Petition to the United Nations on the Crime of Genocide Against the African People in the United States of America, accepting financial support for a speaking tour to discuss reparations, and speaking in support of the Russian Government.

The African People's Socialist Party was founded in 1972. For decades, the party has criticized the United States and maintained the government owes trillions of dollars in reparations for the crime of genocide against Black Americans.