

they maybe actually do understand that. CMS's intransigence seems to imply that it doesn't care.

Every State will feel the negative impact of this rule, but rural States like mine will be hurt the most.

I have sent letters advising CMS to hold off on this one-size-fits-all rule as far back as January of last year, and I have questioned CMS officials at hearings about the mandate's impact on already stressed staffing challenges.

And opposition to this rule has been bipartisan. It has been across the aisle and across the Capitol. In one example, Senator KING and I sent a second letter last October before introducing a bill together in March to require the Veterans' Affairs to study the CMS rule's impact on our war heroes, our veterans. Again, in June, we made the same request in a letter.

I also cosponsored a bipartisan Congressional Review Act resolution of disapproval in June to overturn the rule CMS is so unwilling to modify.

In addition, litigation is ongoing in two Federal districts, both of which argue the Agency exceeded its statutory authority and the rule should be set aside. It is not uncommon for Agencies lately to overstep their legal boundaries.

Our concerns have simply, to this point, fallen on deaf ears at CMS.

The minimum staffing rule is part of a broader pattern of CMS's bureaucratic crackdowns on facilities for no reason other than it can.

And that is what bothers me so much about bureaucratic bullies is they are bullies because they can be, without materially improving the health and safety of long-care residents. Again, that is their goal—supposedly, that is their goal.

This brings me to the second part of the issue impacting our long-term care facilities. They are called civil monetary penalties or, in bureaucratic speak, CMPs. They are punitive monetary actions that CMS can take against long-term care facilities in situations where CMS determines they do not substantially comply with Medicare or Medicaid participation requirements, the requirements that the bullies create out of thin air. These penalties are heavily used to punish facilities beyond a simple correction. The goal should be to help them comply, not to punish them.

During a survey visit of a facility—just for instance—an inspector can issue citations for a range of violations. The inspector has the ability to issue citations based on perceived severity, ranging from no actual harm up to immediate jeopardy, which indicates an issue or situation that puts a resident's health or safety at imminent risk—again, as determined by CMS.

The problem only begins with the initial citation, however. CMS can still issue additional citations following the survey or the visit, sometimes many months later. I will try to explain this as simply as I can so you get the sense

of just how awful this is. The Agency continues to expand its ability to issue these citations and related penalties to exert even more control over the facilities. And there is where the real issue is: control over you.

The irony here is that for every dollar spent on a penalty is one less dollar invested in staff, the facility itself, equipment, anything that might enhance the care for the senior or the veteran.

Our seniors and veterans certainly deserve to live in safe, regulated facilities. But this is not about letting facilities off the hook when infractions occur; rather, this is about the avalanche of penalties facilities face after a single infraction and the consequences of excess fines.

But it gets worse. CMS has updated its ability—remember, every time I reference what CMS is doing with regulations or updating, that is them arbitrarily, individually, unilaterally making up lies. For your benefit? I don't think so. So they updated their ability to impose these penalties for up to three survey cycles. What does that mean? Most of these survey cycles—these are the visits, again, by a regulator. Most of them include inspections on average of every 12 months. To simplify the math, what this means is paper-pushing bullies in Washington could issue another penalty from the comfort of their desks on top of the original penalty imposed at the time of the survey. They don't even have to leave their desk. In fact, I suspect many of them never have, except the ones that now work from home—that work from home. This could be months or years later and without ever having to set foot in a facility or in a State other than the District of Columbia and the surrounding counties.

So what is the purpose of these additional delayed penalties? Who thinks this would be a good idea? Well, it is certainly not about taking immediate action to enhance the care or to help them comply and help the safety of residents or addressing noncompliance during the visit itself. No.

To make matters worse, for certain citations—now, get this. When I read this, I had to check on it and check on it to make sure this is true. For certain citations, facilities are financially incentivized not to challenge the findings. Let me say that again because it is almost too hard to believe.

For certain citations, facilities are financially incentivized not to challenge the findings. Isn't that rich? In fact, CMS offers a 35-percent extortion discount to facilities if they waive their right to a hearing and just simply accept the penalties from the bureaucratic bully that was imposed. This, of course, only further empowers the bully and allows the initial citations to stand undisputed. It is unconscionable. I can't even believe it is legal; and maybe it is not.

I hesitate to even share this, but I feel I have to. I have had facility man-

agers in my home State plead with me not to use their specific example for fear of retaliation from the bureaucracy, the very people who are supposed to be helping provide safe, reliable care for our veterans and our seniors.

The recently finalized skilled nursing facility rule introduced yet another way to punish facilities with the addition of—get this—per instance per day civil monetary penalties. Only a bureaucrat could love a title like that. This is what's called an instance multiplier of fines—an instance multiplier of fines—based on the number of residents impacted or the number of times the conduct is repeated. It is another flawed approach as citations already account for this. When the initial citation is issued, it accounts for scope. It accounts for how insulated the incident is or pattern, how widespread the pattern may be. All of that is calculated into the initial citation.

But if that is not good enough, they can always go back and say: You know what? Let's multiply instances and see if we can't punish them a little bit more so maybe they could close down.

If these rules and penalties were really about better care for residents, CMS should yield to reason. However, the actions of the bureaucrats at CMS prove they are out of touch—simply out of touch—with operational challenges actually facing these facilities and the people that the facilities serve. If they, in fact, want to achieve the stated goal of improving quality, well, these decisions do just the opposite. In fact, what they do is they reduce choice and access and, ultimately, they lead to facilities closing.

I don't think that is the goal. It is not the stated goal. Maybe it is somebody's goal, but it is not the stated goal. I hope those with the ability to do something about it enter reality one of these days and listen to our warnings. They are real. These are real people living in real places.

And, yes, they might be in red States—I am sorry, some of them are. A lot of these rural places are. But that is not your job to worry about the politics.

I have little faith that they are going to do the right thing and reverse course, but I pray they will.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

#### ARTIFICIAL INTELLIGENCE

Ms. KLOBUCHAR. Mr. President, I rise today to again call on my colleagues across the aisle to take action to put in place commonsense guardrails to address the risk that artificial intelligence poses to our elections.

There are some incredible innovations that we are seeing and will see as a result of AI, and our country is in the lead. I want those innovations to be good, and I want us to lead the world as we have for so long, but if we don't put some commonsense rules in place, such as the bill Senator THUNE and I have, to create a regulatory framework for

nondefense applications or some of the other bipartisan bills that have come out of the Commerce Committee, I think that we are going to lose the positive for the negative. So I am trying to look at some commonsense rules, and one of the most obvious ways that we can put some rules in place is when it comes to democracy, which, to me, is kind of a hair-on-fire moment.

Like any emerging technology, as we know, AI brings both opportunity and uncertainty. As columnist David Brooks has said, the people in AI seem to be experiencing radically different brain states all at once.

He said:

I've found it incredibly hard to write about AI because it is literally unknowable whether this technology is leading us to heaven or hell.

So we want it to lead us to heaven, and we want to get those new cures for medical diseases, and I have seen the work done right in my own State at Mayo.

But one of the things that we must do—and Senator SCHUMER and Senators HEINRICH and ROUNDS and YOUNG have been leading the way—is to find a group of bills that we could actually pass, and perhaps we could do this at the end of the year. The ones that I would like to see today—which I know cannot happen as we work on the budget but at least by the end of the year—is to do something when it comes to democracy and the kind of videos and fake robocalls and things that we are seeing that could be a dangerous—and have already been a dangerous—threat to our democracy.

Maybe the first time this kind of hit the national conscience was something that wasn't actually created by AI. It was actually the voice. It turned out to be the voice of a magician who pretended that he was President Biden; and in the New Hampshire primary, he called people and said that they should not vote. That case, fortunately, has been taken up in New Hampshire by the prosecutors and is being investigated and prosecuted.

These are the kinds of things, when in the hands of AI, are going to get very dangerous because we are not going to know whether or not it is Donald Trump or KAMALA HARRIS. We are not going to know if it is really them or if it is a fake. We are already seeing videos and voices and things, so I am asking my colleagues to join with me to do what people have already done in so many States, including in red States.

Texas—Texas—has a ban on deepfakes. Minnesota has a ban on deepfakes. States like Mississippi and Utah have put in labeling requirements so that at least you know if something is being created by AI; so when an innocent citizen looks at the video or looks at the ad, they see that at the bottom.

And not everything is the same. If you use AI to, say, change your hair

color or do something to make someone look better, that doesn't come under at least the bills that we have for Federal elections that we are proposing. But if you actually are trying to mislead voters about whether or not it is actually the person, that would come under the bill that Senators HAWLEY and COLLINS and I—yes, that is right—that Senators HAWLEY and COLLINS and COONS and I and a number of others have introduced that would simply say: Once you do something like that, then you have to take it down.

We have a number of platforms, including open AI and Microsoft and others, that are supporting this bill. This is not some kind of radical idea. We haven't had any serious pushback for this particular bill because we were so careful in drafting it. We understood that we couldn't include, say, satire. When you have a satire, a joke thing that comes out, the Constitution says you can't really ban that, right? That's speech.

But for those kinds of products, we think you should at least say on it—which is allowed; this is what all these States have done—"produced by AI." That is the bill that Senator MURKOWSKI and I have—the Republican across our aisle, my friend from Alaska. So these are both bipartisan bills, and I am urging my colleagues to look at them.

Election day is now less than 45 days away. We have voters already casting their ballots, and absentee ballots have been mailed out. Truly, this is not a Democratic issue or a Republican issue. This is an American issue. People should be able to know that, when they see a candidate, it is the candidate.

We have a number of bills, as I said, that are before us, and I want people to know—and my colleague from Georgia, the Acting President pro tempore, is well aware—of how people can try to mess with elections. His words would probably be more straightforward than any words I will say today when it comes to trying to stop people from voting or feeding them with information. Sometimes it just comes down to some people don't want some people to vote. That is what that radio ad was about—radio; I am sorry—that call that was made in New Hampshire was all about: trying to get people not to vote or to think things are so bad that they don't want to vote for the person.

But there is something even more insidious going on, and that is that we have heard from our intelligence Agencies that foreign adversaries, like Iran, China, and Russia, are trying to interfere with our democracy.

Just this month, the Office of the Director of National Intelligence issued a public report confirming this. In May, the Director of National Intelligence, Avril Haines, testified about an increase in foreign influence efforts and how AI can make it easier to amplify deceptive content. By the way, this has happened before in our elections, and it

has happened around the world. It is not necessarily, in some cases, directed at the right or the left. The foreign interest just decides: Well, what do I want to mess around? Sometimes, as in the past, Russia just wants to mess around—mess around with the right or with the left—just to create chaos.

FBI Director Christopher Wray echoed this concern when he said that the U.S. will face more adversaries moving at a faster pace enabled by new technology. And the Department of Justice took action 3 weeks ago to disrupt Russian Government-backed efforts to interfere in our election, which includes the use of AI to spread disinformation online.

We have seen this technology being used to generate viral misleading content to spread disinformation and deceive voters about candidates from both parties.

In July, as I note, there was just recently the deepfake of Vice President HARRIS's voice saying things she never would say about President Biden. According to reports, it was seen more than 130 million times in just 4 days. Now, you know, maybe if you were to watch the whole thing, you would know that it is not her. Not everyone does that, right? You look at snippets on the internet; you look at part of it. Again, I had people say "wow" to me. I know that seems strange for people who are in the Beltway, and they watch everything, but if you just watch something for a few seconds, you may not know whether or not it is actually the candidate or not. That is why, in this case—because it was arguably satire—you would at least have a label through the whole thing, and that would be a requirement if we pass the bill Senator MURKOWSKI and I have.

Earlier this month, Taylor Swift talked about how AI was being used to make it look like she endorsed a candidate that she didn't even endorse. As the election approaches, now is when disinformation can have its biggest impact and when we could possibly see the worst of the worst.

So whether you are Democrat or Republican, no one wants to see fake ads or robocalls when you cannot even tell if it is the candidate you love or the candidate you don't like. That is why, as I note, 19 States across the country—red, blue, and purple—have passed laws in this area.

On the Federal level, the bill I have with Senator COLLINS and Senator HAWLEY is sitting there. We got it through the Rules Committee. But unfortunately our colleagues on the other side of the aisle have blocked this bill from being considered in the past when I asked unanimous consent for it.

I note it is a bipartisan bill. It is supported by 40 national security experts and current and former government officials, including former Secretaries of Defense Chuck Hagel and Leon Panetta and Secretaries of State from both parties. It is supported by former Federal Election Commission Chairman Trevor

Potter, who was appointed by a Republican President. I mentioned OpenAI, Microsoft, IBM, and Salesforce supporting the bill. It has a bipartisan companion bill led by Representatives DEREK KILMER of Washington and TONY GONZALES, a Republican from Texas.

We must get this done.

At this point, we are going to have to now rely on the platform—some of whom have policies in place—to take down these fake ads and these fake videos. Many of them have committed to do so. But those are not all the platforms, and we are much better off if we have standard legislation across the country that doesn't preempt the State laws for their own work but actually sets a standard for Federal elections—President, Senate, and Congress.

So I hope this isn't as bad as I think it is going to be through October, but I think we are already seeing signs that it is. That is not democracy. We cannot have a functioning democracy if our people can't tell if it is their candidate or not. It is going to make things much, much worse.

We can't stand on the sidelines. Let's work together for the sake of our democracy to put in place commonsense rules of the road on AI to uphold trust and faith in our election. I stand ready to work with our colleagues in any way to get this done.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. 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. KELLY). Without objection, it is so ordered.

#### UNANIMOUS CONSENT AGREEMENT—H.R. 9747

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate receives H.R. 9747 from the House, the Senate proceed to its immediate consideration; that there be up to 2 hours for debate, equally divided, and with no amendments or motions in order to the bill; that upon the use or yielding back of time, the bill be considered read a third time and the Senate vote on the passage of the bill, with 60 affirmative votes required for passage.

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

Mr. SCHUMER. Mr. President, there is very good news tonight. I have just locked in an agreement to pass the government funding bill tomorrow, without amendment, and avoid an unnecessary government shutdown.

American families can rest assured now that their lives won't be needlessly upended due to an unnecessary

government shutdown. This agreement ensures that the Senate will take up the CR after the House passes it tomorrow, which is well before the September 30 deadline.

The CR will give Congress more time to continue working on the appropriations process to fund the government before the end of the year.

As I have said all year, the only way to get things done is with bipartisan support—bipartisan support.

Now, I appreciate the work of all the leaders to move forward with this CR. This is how things should be done—without brinksmanship, without delay. I hope—I truly hope—we will continue to see the same bipartisanship in the Senate when we return and we work to fund the government.

#### EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate consider the following nominations en bloc: Calendar Nos. 741, 794 through 814 and all nominations on the Secretary's desk in the Air Force, Army, Marine Corps, Navy, and Space Force; that the nominations be confirmed en bloc; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; that the President be immediately notified of the Senate's action.

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

The nominations were considered and confirmed as follows:

##### IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

##### To be general

Lt. Gen. Ronald P. Clark

##### IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

##### To be rear admiral (lower half)

Capt. Christopher A. Nash

##### IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

##### To be brigadier general

Col. Matthew A. Leard

##### IN THE ARMY

The following named Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

##### To be major general

Brig. Gen. Dean A. Preston

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

##### To be lieutenant general

Maj. Gen. Jeth B. Rey

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

##### To be lieutenant general

Maj. Gen. Joshua M. Rudd

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

##### To be major general

Brig. Gen. Michael J. Simmering

##### IN THE AIR FORCE

The following named officer for appointment as the Chief of the National Guard Bureau and appointment in the Reserve of the Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 10502:

##### To be general

Lt. Gen. Steven S. Nordhaus

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

##### To be general

Lt. Gen. Randall Reed

##### IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

##### To be lieutenant general

Maj. Gen. Gavin A. Lawrence

##### IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

##### To be admiral

Vice Adm. Alvin Holsey

##### IN THE SPACE FORCE

The following named officer for appointment in the United States Space Force to the grade indicated under title 10, U.S.C., section 624:

##### To be major general

Brig. Gen. Devin R. Pepper

##### IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

##### To be lieutenant general

Maj. Gen. Jennifer M. Short

##### IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

##### To be major general

Brig. Gen. John M. Cushing

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

##### To be brigadier general

Col. Jonathan C. Taylor

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

##### To be general

Lt. Gen. Xavier T. Brunson