

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

The Republican whip.

ISRAEL

Mr. THUNE. Mr. President, before I begin, I would like to say a word about the International Criminal Court's issuing arrest warrants for Israeli Prime Minister Netanyahu and former Defense Minister Gallant.

The ICC's decision is outrageous, unlawful, and dangerous. Israel has the right to defend itself, and the ICC's rogue actions only enable the terrorists who seek to wipe Israel off the map. These actions threaten Israel, but, left unchecked, they could pose a threat to the United States in the future.

The Senate needs to stand strongly with our ally at this time. I am, again, calling on Leader SCHUMER to bring a bill to the floor sanctioning the ICC, which the House has already passed with bipartisan support.

Last night, the Senate sent a strong bipartisan message of support for Israel by rejecting resolutions that would have denied Israel the lethal aid that they need. Now, the Democrat leader needs to bring up the ICC sanctions bill.

If he chooses not to act, the new Senate Republican majority, next year, will. We will stand with Israel and make this bill and other supportive legislation a top priority in the next Congress.

In 6 weeks, Republicans will retake the majority here. And when we do, we will make it clear that the United States stands squarely in Israel's corner.

DEMOCRATIC PARTY

Mr. President, a Democrat Congresswoman said the quiet part out loud the other day when she admitted that while she would have supported the abolishment of the filibuster if Democrats had won full control of Washington, she did not support abolishing the filibuster now that Republicans have regained control.

This is her quote:

Am I championing getting rid of the filibuster now, when the Senate has the trifecta?

She answered, and I quote again:

No. But had we had the trifecta, I would've been, because we have to show that government can deliver.

Let me repeat that: "[H]ad we had the trifecta, I would've been," supportive of abolishing getting rid of the filibuster.

In other words, one rule for Democrats and one rule for everybody else. Democrats should be able to do whatever they want; Republicans, not so much.

I happen to agree with the Congresswoman about preserving the filibuster. This essential tool encourages compromise and helps ensure that all Americans, not just those whose party is in the majority, have a voice in legislation.

The difference between me and the Congresswoman is that I believe the rules should apply all the time. I don't think there should be special rules for Republicans—or, as the Congresswoman believes, for Democrats.

The Congresswoman is perhaps more frank than some Democrats in admitting out loud that she thinks the rules shouldn't apply to Democrats. But her attitude, I have to say, is hardly new. If there is one thing that we have learned over the past few years, it is that Democrats firmly believe that the only legitimate government is a Democrat government.

Take Democrats' campaign to undermine the legitimacy of the Supreme Court. Let the Court issue any decision that Democrats don't like, and these days you can be confident you will hear some Democrat decrying not just the Court's decision but the Court's legitimacy.

Never mind the fact that this Court, like others before it, is composed of nine Justices duly nominated and confirmed in accordance with the Constitution, or that so-called liberal Justices and so-called conservative Justices vote together a substantial percentage of the time.

This Court sometimes issues decisions that Democrats don't like, and, therefore, in their view, the Court is somehow illegitimate. I find it ironic that a party that has spent a fair amount of time this election cycle talking about the importance of preserving our democracy, seems intent on embracing the thoroughly undemocratic notion that only one party should be making decisions in this country.

I hate to tell Democrats, but that is not how it really works. And the idea that one party should have a lock on power and the Courts is usually associated with forms of government that go by less pleasant names than democracy.

I am also always struck by the elitism that goes with Democrats' attitude. It is no secret that a lot of people on the left despise individuals who voted for President Trump. Words like "racist," "sexist," and "misogynistic" get thrown around to describe voters who are simply tired of Democrats' failed economic policies or who are worried about the crisis at our border or who disagreed with many of the Democrats' radical social policies. And Democrats' apparent belief that it is the Democrat Party and the Democrat Party only that should be calling the shots in Washington betrays some of that same disdain for voters.

Well, the filibuster is safe for now. And while I don't have high hopes for Democrats changing their tune on the Supreme Court, perhaps being a minority in the next Congress will at least remind Democrats of the importance of protecting minority rights, no matter what party is in power, and ensure that the next time Democrats are in charge, they are not quite so eager to tear down this important safeguard.

We can only hope.

I yield the floor.

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

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

The Senator from Massachusetts.

ARTIFICIAL INTELLIGENCE

Mr. MARKEY. Mr. President, I rise today to discuss an issue that has been a dominant topic of conversation in this country: artificial intelligence, or AI.

Over the past 2 years, generative AI products like ChatGPT have exploded in popularity, while companies have invested tens of billions of dollars developing new AI models. The AI innovation race is in full swing, and I share much of this excitement.

AI holds great promise with the potential to transform the way we live, we work, and interact with the world. But as with any race, there are winners and there are losers, and I am deeply worried that we are too focused on the potential winners of this AI race and we are neglecting those who are already being left behind, because although AI may be having a moment right now, we have been living with its impact for years.

This is especially true for Black and Brown and immigrant and LGBTQ communities which have borne the cost of the "move fast and break things" mindset that pervades Silicon Valley.

To understand why, it is helpful to understand how these AI-driven algorithms actually work, because these algorithms are really just supercharged pattern recognition systems. It is not all that different from teaching a dog a new trick.

For example, to teach a dog to fetch, you gather a bunch of balls and treats and instruct the dog to run after and return the ball and provide feedback—treats—along the way. Over time, the dog recognizes the pattern: Run after it and return the ball and receive a treat.

The same principles apply to algorithms. A company will feed historical information into a computer with basic instructions. Like a dog that looks helpless when first told to fetch, an algorithm may first provide confusing responses to these instructions. But over time, as the algorithm receives feedback from a trainer, the algorithm will improve at responding to the instructions.

Here is the problem: This training and the algorithm's decision making and recommendations happen outside of public view. This lack of transparency and the failure to properly test for bias in algorithms create serious risk.

What happens when the information being fed into an algorithm reflects

preexisting societal biases? To return to our dog analogy, if the dog is only trained to fetch tennis balls, it may not understand how to fetch a stick, or it may return the stick to a different person.

The same problem happens with algorithms involved in decisions around banking, healthcare, and the criminal justice system, but with much more serious results. Numerous studies and reports have revealed the consequences that biased algorithms have for marginalized communities.

For example, a 2019 report found that due in part to biased mortgage approval algorithms, lenders were 80 percent more likely to reject Black applicants than similar White applicants. On another occasion, a tech company found that its AI resume screening tools recommended male applicants for jobs at much higher rates than similar female applicants. And, just yesterday, a comprehensive new report found that 92 million low-income Americans are subject to algorithmic decision making and, therefore, potentially subject to bias and discrimination baked into these algorithms.

This is unacceptable. That is why, in September, I introduced my AI Civil Rights Act, comprehensive legislation intended to ensure that the AI age does not replicate and supercharge the bias and discrimination already prevalent today in our real world.

Specifically, my legislation would impose new rules when companies use algorithms to make decisions on employment, banking, healthcare, the criminal justice system, and other important aspects of our lives.

Today, I am proud to announce that 54 new organizations have endorsed my bill, including some of the biggest labor unions in the country, critical housing organizations, and indispensable civil rights groups. In total, 80 civil rights organizations and AI experts have endorsed my AI Civil Rights Act.

This support sends a clear message: As Congress considers AI legislation in the coming weeks and years, we must ensure that the AI age does not come at the expense of already marginalized communities.

We cannot allow AI to stand for “accelerating injustice” in our country. We have a choice. Do we promote innovation without addressing AI bias and discrimination? Do we protect profits instead of people? Do we allow biased black box algorithms to control our lives?

Make no mistake: We can have an AI revolution while also protecting the civil rights and liberties of everyday Americans. We can support innovation without supercharging bias and discrimination. And we can promote competition while safeguarding people’s rights. And that is why we must pass my Artificial Intelligence Civil Rights Act.

This is the beginning of an era where we can do this right. But it is up to

Congress to make sure that that happens.

With that, I yield back.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

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. 782, Noel Wise, of California, to be United States District Judge for the Northern District of California.

Charles E. Schumer, Richard J. Durbin, Peter Welch, Cory A. Booker, John W. Hickenlooper, Martin Heinrich, Laphonza R. Butler, Elizabeth Warren, Jack Reed, Margaret Wood Hassan, Catherine Cortez Masto, Alex Padilla, Sheldon Whitehouse, Tammy Baldwin, Debbie Stabenow, Gary C. Peters, Tina Smith.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Noel Wise, of California, to be United States District Judge for the Northern District of California, shall be brought to a close?

The yeas and nays are mandatory under the rule.

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.

The yeas and nays resulted—yeas 50, nays 49, as follows:

[Rollcall Vote No. 301 Ex.]

YEAS—50

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

NAYS—49

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

NOT VOTING—1

Manchin

The PRESIDING OFFICER (Mr. KING). On this vote, the yeas are 50, the nays are 49.

The motion was agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill 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. 790, Gail A. Weilheimer, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Charles E. Schumer, Richard J. Durbin, John W. Hickenlooper, Jeanne Shaheen, Catherine Cortez Masto, Margaret Wood Hassan, Sheldon Whitehouse, Gary C. Peters, Tina Smith, Tammy Baldwin, Jack Reed, Ron Wyden, Christopher A. Coons, Brian Schatz, Chris Van Hollen, Alex Padilla, Richard Blumenthal.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Gail A. Weilheimer, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Florida (Mr. RUBIO) and the Senator from Ohio (Mr. VANCE).

The yeas and nays resulted—yeas 51, nays 47, as follows:

[Rollcall Vote No. 302 Ex.]

YEAS—51

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

NAYS—47

Barrasso	Crapo	Kennedy
Blackburn	Cruz	Lankford
Boozman	Daines	Lee
Braun	Ernst	Lummis
Britt	Fischer	Marshall
Budd	Graham	McConnell
Capito	Grassley	Moran
Cassidy	Hagerty	Mullin
Collins	Hawley	Murkowski
Cornyn	Hoeben	Paul
Cotton	Hyde-Smith	Ricketts
Cramer	Johnson	Risch