

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

GAZA

Mr. MERKLEY. Mr. President, we are all here, getting ready to leave after we fund the government and return home to our families. We get pretty excited about this time of year thinking about the holidays to come. We are heading home to our loved ones. We know there will be extended family gatherings. There will be games with the children. There will be exchanges of presents. There will be food. There will be awesome food—ham, turkey, all kinds of wonderfully crafted vegetable dishes—and there will be so much that we can drink. Oh, yes. There will be wine varieties. There will be eggnog; perhaps some of it will be spiked. There will be carbonated apple juice or cranberry juice for the kids. We will put it into glasses, and we will have a toast. We will really celebrate life. We will celebrate life with a roof over our heads, with our loved ones close by, and with our cupboards well-stocked.

Also in these holidays, there will be time for reflection in every religious tradition. For those of us who are fortunate to have that roof over our heads and food in the cupboards and our loved ones close by, we will recognize that, for so many, that is not the case. For so many here in the United States, who by virtue of economic conditions or the ravages of disease or mental afflictions, they will not have a roof over their heads; they may not have family members close by; they may not even have a cupboard, let alone one that is well-stocked. We will ponder our responsibility to try to improve those conditions.

We will ponder the landscape across the broader globe, knowing that in many places, people have been so ravaged by natural disasters, so affected by conflict and war. I am sure we will see programs and commentary about Sudan, where millions have been displaced by civil war and by drought and by famine; or in Burma, where so many are suffering escalating violence; or in Ukraine, where people are brutalized by Putin's invasion, in the efforts to defend their country.

No matter where you look, there is no shortage of suffering, but the place that weighs the heaviest on my heart this season is the Middle East. We have the families of Israel continuing to grieve the losses of 1,200 of their own loved ones on October 7, 2023. We have families in Israel who continue to not know the fate of their loved ones taken hostage—whether they are alive, whether they are dead, whether they are being cared for, whether they are suffering. Will they be released? And there will be an empty chair at the table.

The victims in Israel weigh on my heart, but the Palestinian victims also

weigh on my heart, individuals in the West Bank—Palestinians who have suffered from decades of occupation, of the economic constraints and indignity that come from checkpoints, that come from land lost to settlements and to outposts, to olive orchards bulldozed down, to lives lost and injuries suffered from increasing violence by settlers against Palestinian villagers.

But, by far, the most devastated communities are the Palestinian communities in Gaza because of the extraordinary level of devastation. And it weighs on my heart because of the connection between the United States and Israel, our close connection with our ally, where we share security strategies, where we provide economic and military assistance. We share intelligence on the issues of the world. We are so closely connected that we are connected to the devastation in Gaza.

Since October 7, 2023, more than 45,000 Palestinians in Gaza have died. More than 100,000 have been severely injured. The vast bulk of those injured and those who have died are women and children and seniors—people who have no connection whatsoever to Hamas, which conducted the raids on October 7 of 2023. The devastation is massive.

This same picture, taken in North Gaza, could be almost copied for community after community from north to south of Gaza.

Of the 2.1 million people, the Palestinians in Gaza, some 1.9 million—almost everyone, that is—are without a home, either because their home has been blasted into smithereens or because they have been forcibly moved to a different location within Gaza—forced relocation.

A year ago, Senator VAN HOLLEN and I went to Rafah gate. We had hoped to get inside Gaza to see with our own eyes and talk to people and understand better the devastation, but what we heard a year ago was that all of the fundamentals for a normal community were devastated. Shelter I have already spoken to—the 1.9 million people relocated either because they were forced to flee or because their homes no longer existed; that the phone networks were down; that the cell networks were down; that the internet networks were down. Even if they were up, people had very little opportunity to recharge their cell phones because there wasn't electricity. So the power was down. The transportation was down because many roads were impassable. Food was in short supply, driving malnutrition a year ago. Clean water was often unavailable a year ago.

A year ago, Senator VAN HOLLEN and I could not get into Gaza. Reporters have not been allowed into Gaza except for very carefully monitored, short visits monitored by the Netanyahu government. Humanitarian organizations were having a hard time getting in and often had to do a very careful exchange of an exact number for an exact number coming out.

But as we stood there at that gate, a couple of doctors came out, and I spent some time talking to them. One of them was a burn specialist, who described how hard it was to treat many of the massive burns he had witnessed. The other was a bone doctor, and he said: I can treat the broken bones, but I can't necessarily treat the soft tissue damage that comes from the shock waves that emanate from all of the explosions taking down the buildings. The impact, he said, of a blast's radius in terms of the shock waves was even greater than the physical damage.

We were able to talk to humanitarian organizations of aid workers who had been in Gaza, and they said: Understand this—that we are seasoned workers who have been in the worst places in the world. We have been in Yemen. We have been on the frontlines of Ukraine. We have been in Sudan. Nothing compares to the devastation in Gaza.

That was a year ago.

I was particularly affected by hearing about the challenges of mothers. Mothers receive our attention particularly when they are carrying babies because all our efforts go to making sure that delivery—that child will come safely into the world, healthy into the world, and that the mother will be cared for. But what we heard from the humanitarian organizations was that hunger was driving malnutrition and malnutrition made people more susceptible to disease, and for mothers, it meant increases in miscarriages, increases in stillbirths, increases in very low birth weight babies, increases in the difficulty of mothers' breastfeeding their children because they were too malnourished to produce milk, and babies getting sick because when formula was used, if available, the water might be contaminated.

Think about the children you have brought into the world or that your wife or your partner has brought into the world and how horrific it would be to see those circumstances.

This time of year is a time of year in my spiritual tradition where we think a lot about the challenges Mary went through. She and Joseph were traveling from Galilee to Bethlehem, and they were traveling there at the time that Mary was very pregnant with Jesus, because a census had been ordered by Roman Emperor Caesar Augustus, and they were required to be there and report to Joseph's ancestral home of Bethlehem. Traveling the roads when one is pregnant is very hard. And then they weren't able to find a room in Bethlehem, and Mary went into labor and delivered in a barn—not ideal circumstances.

Because of this time of year and because we think about that story so much, the mothers in Gaza—their conditions are so much worse. It is something we can connect with. And now the children in Gaza are entering their second year in this devastation. Some have some format of school, but many do not.

Now, we here in America know—we know—what COVID did to interrupt the education of our children. Some did well with tutors. Many suffered isolation. Many suffered setbacks in what they learned. Many are still carrying that challenge forward as they seek education. So we can also connect to the children of Gaza who have had their education, their lives so disrupted—lives disrupted by a lack of food and water, instability, a lack of safety.

Two weeks ago, an ambassador from the Middle East drew attention to a part of Gaza in worse shape than the rest of Gaza, and he referred to this area. Specifically, it is North Gaza. And where is North Gaza? You have northern Gaza and southern Gaza separated by the Netzarim Corridor that travels from Israel to the Mediterranean Sea. But then within northern Gaza, you have Gaza City and then communities: Beit Lahia, Beit Hanoun, and Jabalia. In those communities, he said, there are 65,000 people who are starving to death because food cannot get in—65,000 people starving.

We know food conditions have been horrific in Gaza for a year; but in this case, it is sustained prevention of food getting in, and people are starving. He asserted this, so I asked a visiting official from another Middle Eastern country about this. And he emphasized, yes. Yes, he said, there are, in fact, 65,000 people or more starving in northern Gaza, isolated from the rest of the world.

OK. Well, that is two officials. But that is a big thing to say. But then this came out, “Gaza Humanitarian Access Snapshot #8.” It is cosigned by 30 organizations, organizations like Save the Children, like CARE, like Mercy Corps, and 27 others.

What do they say in this report? They say.

... leaving 65,000–75,000 people trapped without food, water, electricity or reliable healthcare.

That is a direct quote from the report of these 30 humanitarian organizations.

It goes on to say:

Humanitarian aid has been almost entirely blocked for 60 days.

It goes on to say that “only three hospitals remain partially operational with restricted access.” Very little healthcare.

It says:

The population faces imminent risks of disease, starvation, and violence without urgent relief.

Without urgent relief.

I called up Cindy McCain. We know Cindy well here. Cindy McCain is executive director of the World Food Programme. She is the spouse of our former deceased colleague John McCain. I said to her: Is this right? Are 65,000 people isolated in north Gaza for week after week after week, no deliveries of food or virtually none? She said, “Yes.” She said, yes, that is the case.

She didn’t just say it to me. She also talked about Gaza more broadly. She said we can no longer sit by and just allow these people to starve to death. Children, especially, she said, are starving to death. The height of malnutrition, the height of hunger in that region is unbelievably horrible.

In November, the United Nations made 41 attempts to deliver aid to this section of north Gaza, to the besieged people trapped in north Gaza. But 37 of the 41 attempts were blocked by the Netanyahu government; four other deliveries were not blocked but were troubled.

Here is the situation. A year ago, we heard that if there isn’t sufficient food, chaos will ensue because starving people will storm whatever truck there is that has food because they are desperate. The trucks won’t be able to make it to the warehouse. Or if they do make it to the warehouse, the warehouse will be sacked.

We are now in the very condition that the humanitarian organizations told us would happen. So very little food is being allowed in; and what is being allowed in can’t be distributed in any significant, organized fashion, and people are starving. Even if those four truckloads could have been at the warehouse and distributed, there is too little food—a microscopic amount of food—for the 65,000 people who are there.

So here we are now. Gaza’s destruction—this destruction that we saw in the previous chart, this destruction—this is carried out by American bombs. This is how we are complicit in this situation. It is our munitions that are being used by the Israel Defense Forces to produce this result. We are connected; and, therefore, we are morally connected to the situation in Gaza.

Our weapon packages have included 50,000 120-mm high explosive mortar rounds. Our provisions have included more than 32,000 120-mm tank rounds, more than 14,000 2,000-pound bombs, and 6,500 500-pound bombs, and hundreds of 250-pound bombs.

Think about a 2,000-pound bomb. This is like the biggest bomb. The New York Times described how, when it is dropped, it is designed to break fortified military bunkers. It will create a massive crater 40 to 50 feet wide. And when it explodes, it will shatter “into razor-sharp fragments that can kill or incapacitate people over several hundred feet.”

You kind of get the feeling how any bomb like that is indiscriminate. Whether it is dropped on the intended building or it falls somewhere further afield, it kills a tremendous number of civilians. We are providing those bombs.

The Biden administration suspended the delivery of 200-pound bombs to the Netanyahu government because of that and also suspended the 500-pound bombs. But the Wall Street Journal reported in July that the delivery of the 500-pound bombs had been restored.

The point here is we continue to be deeply connected and tied to this devastation in Gaza. It is not just the devastation of civilians, it is also American lives, and it is also international law.

National Security Memorandum 20—a process that was created because of the work of my colleague Senator VAN HOLLEN, says this:

It is reasonable to assess that defense articles covered . . . have been used by Israeli security forces . . . inconsistent with its International Humanitarian Law [and the] obligations for mitigating civilian harm.

So what have we done? It was last February—now 10 months ago—that a group of us called on the United States for “Operation Gaza Relief.” We must at least provide massive amounts of humanitarian aid so people are not starving in Gaza. We have that responsibility.

If we are urging Israel to provide the aid, which is the best strategy, but they do not do it, we have the obligation to provide it. And we did so little.

We have the most massive sealift capability in the world, and we didn’t use a single bit of it to address the humanitarian crisis in Gaza.

We have two hospital ships that have a thousand beds each, and we did not move them into the Mediterranean to help out. We did not encourage other nations to provide their hospital ships.

We did do one modest thing. We did a floating pier that operated intermittently from May to July that had all kinds of problems breaking up in the waves. It provided, ultimately—at the best estimate—enough food for people of Gaza for a week, not at all addressing the magnitude of the challenge.

We had a responsibility to provide help, independent of any other cessation of hostilities, and we failed.

Yes, we pressed for a cessation of hostilities. We pressed for a ceasefire. And I applauded the administration for doing so. But while that failed, we also failed. We, America, failed in our responsibility to provide relief to the humanitarian suffering, on which we are so closely connected.

Our own law says that if our aid is impeded—as it has been by the Netanyahu government—that we cannot provide arms. But we have been violating our own law.

620I says:

No assistance shall be furnished under this Act or the Arms Export Control Act to any country when it is made known to the President that the government of such country prohibits or otherwise redirects, directly or indirectly, the transport or delivery of United States humanitarian assistance.

We have a moral responsibility, and we have a legal responsibility. So we must—must—do more. We must do more in the remaining weeks of this administration. We must do more in the opening year of the next administration, because these issues of moral responsibility, these issues of international law, do not depend on who sits in the Oval Office.

So as we stand here about to go home and celebrate with our big plates of food and our full pitchers of wine, as we read our cards calling for peace in the world, as we offer our prayers, let us not forget those who suffer in the Middle East. Let us not forget the families who lost their family members on October 7 in Israel. Let us not forget the families in Israel whose family members are still held hostage. Let us not forget those on the West Bank suffering the inflictions of local violence. But most of all, let us not forget the victims in Gaza and do all we can, under our moral responsibility, under our legal responsibility, to come to their aid.

The PRESIDING OFFICER (Mr. VAN HOLLEN). The Senator from California.

Mr. PADILLA. Mr. President, I ask unanimous consent to waive the mandatory quorum call.

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

CLOTURE MOTION

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

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. 849, Benjamin J. Cheeks, of California, to be United States District Judge for the Southern District of California.

Charles E. Schumer, Richard J. Durbin, Tammy Duckworth, Robert P. Casey, Jr., Tammy Baldwin, Catherine Cortez Masto, Debbie Stabenow, Patty Murray, Amy Klobuchar, Chris Van Hollen, Jack Reed, Jeanne Shaheen, Andy Kim, Margaret Wood Hassan, Elizabeth Warren, Christopher A. Coons, Adam B. Schiff, Jeff Merkley.

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 Benjamin J. Cheeks, of California, to be United States District Judge for the Southern 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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. MANCHIN) and the Senator from California (Mr. SCHIFF) are necessarily absent.

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 49, nays 47, as follows:

[Rollcall Vote No. 329 Ex.]

YEAS—49

Baldwin	Cantwell	Cortez Masto
Bennet	Cardin	Duckworth
Blumenthal	Carper	Durbin
Booker	Casey	Fetterman
Brown	Coons	Gillibrand

Hassan	Murphy	Smith
Heinrich	Murray	Stabenow
Hickenlooper	Ossoff	Tester
Hirono	Padilla	Van Hollen
Kaine	Peters	Warner
Kelly	Reed	Warnock
Kim	Rosen	Warren
King	Sanders	Welch
Klobuchar	Schatz	Whitehouse
Lujan	Schumer	Wyden
Markey	Shaheen	
Merkley	Sinema	

NAYS—47

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

NOT VOTING—4

Manchin	Schiff
Rubio	Vance

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 47.

The motion is agreed to.

The PRESIDING OFFICER. The senior Senator from Maryland.

UNANIMOUS CONSENT REQUEST—H.R. 766

Mr. CARDIN. Mr. President, in a moment, I am going to be making a unanimous consent request. I am going to wait for Senator GRASSLEY to be on the floor.

Let me just, if I might, explain what the unanimous consent will be. It deals with H.R. 766. I am a proud sponsor of the Preventive Health Savings Act since the 113th Congress as it stands. The Congressional Budget Office scores budgetary implications of preventive health legislation in a 10-year time-frame, limiting Congress's ability to understand the long-term impacts of meaningful prevention policies.

This bicameral, bipartisan legislation would direct CBO to more accurately reflect the long-term cost saving potential of preventive healthcare initiatives and encourage the use of data-informed preventive health measures.

On March 19 of this year, the House of Representatives passed this legislation by voice vote.

Now, here is the challenge we have. This legislation will allow us to implement preventive healthcare sooner. That will save lives and will save dollars. To just give you one example, we now have a multicancer blood screening test that could be implemented for certain targeted populations.

The longer that is delayed—and being reimbursable under our healthcare system—the more people are not going to have the advantage of that, and more lives are going to be lost. And later detection of cancer, we know, is a more costly type of care that is needed, and it costs more money.

So we have a chance today, because this is a House-passed bill, to send this bill to the President, and that is why I will be making a unanimous consent request in regards to the bill.

I know that Senator GRASSLEY has other legislation that he has been trying to get attached. I will urge him not to do that because it will, obviously, mean this bill will not pass. His issue is not related to the issue that this bill is about.

I want to thank Senator WHITEHOUSE and Senator GRASSLEY for their help on the Budget Committee itself. But this is our last opportunity to do something meaningful to implement preventive healthcare that will save lives and actually save dollars for the taxpayers of this country. There is no question about it. This bill saves money, and we can get it done now.

Any amendment on it, obviously, would have to go back to the House, and there is no possibility that the House would agree to it.

Mr. President, as if in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 766, which was received from the House and is at the desk; further, 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 Iowa is recognized.

Mr. GRASSLEY. Mr. President, reserving the right to object, I have a counteroffer. But before I get to that, I want to say, first of all, it is not easy for me to stand here and object to something the Senator from Maryland wants to bring up, because he is a gentleman in the 100 percent way in the U.S. Senate. So it is not easy to go against his ideas.

But I want you to know, I have been working on the this with Representative BURGESS, the leader in the House of Representatives, and we offered four amendments to him. In the negotiations, he agreed to two of them, and two of them he didn't agree to. And we agreed not to push for that amendment.

So we felt that we had good discussions with Representative BURGESS. But now we are working on the House bill here, and none of those things that Burgess agreed to could be. So where we are is that, even though Burgess agreed to some compromise, Senators over here have issues with preventing Congress from depositing savings into the Medicare Improvement Fund in budget years 11 through 30, based upon CBO estimates of preventing health savings legislation.

Now, I have no doubt that preventive medicine saves money, but putting money in a fund for 11 to 30 years out can only lead to what we know happens too often here in the U.S. Senate of budget gimmicks, saying that we are going to use funds in a certain fund. Well, that is a perfectly legitimate thing to do, but you have to have confidence that what CBO says about that is going to be legitimate and have credibility.

And so what I have been trying to work out with Representative BURGESS