

benefit managers, and insurance companies that take money out of the system while our families are stuck with big medical bills and substandard care.

Donald Trump has spent the last 2 weeks telling everybody who will listen that he wants to take on the drug middlemen. Let me quote Donald Trump here. He said:

They're rich as hell.

We're going to knock them out.

Well, at the very first opportunity to do that, he abandoned that pledge in order to follow Elon Musk's lead.

You don't choose to do business with pharmacy benefit managers, but I will tell you, they are dining out on your paycheck, nevertheless. These PBMs squat between Big Pharma and the insurance companies. While they are supposed to negotiate coverage and the price of prescription medicine for your insurance plan, they have ended up favoring higher priced drugs by taking a fee that is linked to the price of the drug.

The effort to reform these PBM practices has been bipartisan from the get-go. It ought to be a no-brainer. I think I told the President of the Senate, the Senator from Idaho, Senator CRAPO, and I kicked this effort off 2 years ago when the Senate Finance Committee passed a bill 26 to 0 and the House of Representatives has worked in a similarly bipartisan way.

Our legislation would end the practice of profiting off higher prices in Medicare by ensuring that a PBM can only receive a flat fee from drugmakers. That is going to save taxpayers' and seniors' hard-earned dollars because, finally, these pharmacy benefit managers are going to have an incentive to pick lower priced drugs.

Let me just pause on that point for a second. These middlemen are not the good guys. Earlier this week—and I heard my colleagues talking about matters involving opioids—the New York Times reported that in negotiations with opioid manufacturers like Purdue Pharma, the pharmacy benefit managers traded away protections designed to reduce the rate of opioid overdoses and addiction in order to make yet another fast buck. These are the people Donald Trump is letting off the hook at Elon Musk's direction.

The bipartisan agreement, I might also add, is particularly important for us Westerners because we have seen our small, independent community pharmacies hit so hard. These small businesses have been closing their doors at an alarming rate over the past decade, again, in large part, due to the practices by these PBM giants. The pharmacy benefit managers are able to pay independent pharmacies whatever they feel like and then the little pharmacy in Arizona or Oregon or Idaho or anywhere else—the small pharmacy has to accept what the PBMs will pay.

What we do in our bipartisan legislation, what a number of committees in the Senate have worked on—what has been the effort in the House and what

our program is all about is giving the small pharmacies a chance to fight back by reporting unreasonable contract terms to a Federal watchdog who is in a position to enforce a fair contract.

That is going to mean that independent community pharmacies are paid what they are owed and keep their doors open in rural America without having to pay off the PBMs by gouging customers.

Beyond the drug middlemen—I am just going to mention several other areas that the bipartisan legislation cracks down on in terms of helping the American people. The bipartisan legislation goes after ghost networks that are blocking Americans from getting the care they need. What these ghost networks are all about is, essentially, the insurance companies take your money, and then there aren't any providers, there aren't any navigators, there isn't anybody to help you get your coverage.

So under what we are calling for in a bipartisan way, the insurance companies would have to have a list of doctors that actually are going to make care available so Americans who need care can contact them, make an appointment, and not have to pay extra costs by going out of the healthcare network they paid for.

Too often, based on investigations conducted by the Government Accountability Office, as well as the investigative staff in the Finance Committee, we have found that, essentially, these ghost networks mean there is no: There, there. You paid your money, and you can't get access to real care. Either the doctors don't take new patients, nobody picks up the phone, you aren't able to get what you paid for.

Finally, the bipartisan agreement—that Donald Trump has directed be rejected. The bipartisan agreement strengthens requirements for insurance companies that sell Medicare Advantage plans to make sure that their directories are actually up to date.

Once again, we are seeing an area that cries out for reform because Americans across the political spectrum are sick and tired of paying premiums for health insurance, only to find they can't actually get care when they need it. So Medicare Advantage, ghost networks, these are the areas that we are strengthening in our bipartisan effort.

I will close by saying there is a lot more to like in the legislation when it comes to healthcare, like continuing access to telehealth and Medicare.

Again, Mr. President, bipartisan.

The late Senator Orrin Hatch negotiated with me the Chronic Care bill, which had telemedicine provisions which became the foundation for what we did to fight COVID—again, during the Trump administration.

But we are not getting the benefits of telehealth if we reject this bipartisan agreement, as Donald Trump is urging.

Telemedicine is in our package and higher funding for community health centers.

I want to commend Senator SANDERS and Senator CASSIDY for working in a bipartisan way on that. And we also have improvements to help moms and kids and Americans with disabilities and seniors with Medicaid coverage. Those, of course, are the dual eligibles, the folks who are eligible for Medicaid and Medicare.

I come to the floor simply to say, we have the holidays coming up. Everybody understands that. But there is another gift we can give to the American people, and that is a more fair shake in American healthcare.

We are spending enough money, Mr. President. We are spending over \$4 trillion. There are 330 million of us. Divide the 330 million into \$4 trillion, you could send every family of four in America a check for more than \$50,000 and say: "Get your healthcare." We are not spending it in the right places. I will tell you, in many instances, the reason that is the case is because of these middle men. They made sense 30 years ago when you didn't have all the technology and all the data and people who knew how to use it. But today, these pharmacy benefit managers are, in too many instances, ripping off seniors and taxpayers. And I hope Donald Trump will see that our bipartisan bill is important to do now; important to do before we go home and get some relief to seniors and taxpayers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

DEFENDING AMERICAN PROPERTY ABROAD ACT

Mr. HAGERTY. Mr. President, I am here today to discuss worrying developments in Mexico, our neighbors to the south, and to promote a solution in which we can all work together in the next Congress.

Sadly, I also need to call out actions by our own U.S. trade representative that would directly undermine American companies facing threats from Mexico by allowing the Mexican government to expropriate their properties.

Under the leadership of Mexico's previous President, Andrés Manuel López Obrador—colloquially known as "AMLO"—and current President Claudia Sheinbaum, the Mexican government is committing a blatant theft against a major America company and, by extension, the United States itself.

Earlier this year, AMLO launched an aggressive campaign of intimidation and "lawfare" to support the outright theft of assets in Mexico belonging to Vulcan Materials, an Alabama-based company that has been a trusted partner in our Nation's infrastructure development for decades. Vulcan built and operated the only deepwater port on the Yucatan Peninsula and has used it to supply the crushed limestone essential to infrastructure projects from Florida to California.

Vulcan's operations in Mexico are not just a business venture; they form

a critical link in our supply chain and a testament to the importance of American investment in Mexico.

But AMLO decided that he wanted Vulcan's assets for himself. Cloaking his true intentions under the facade of environmental claims, AMLO shut down Vulcan's operations and sent armed law enforcement and the military to intimidate Vulcan's employees. And now, under his handpicked successor, President Sheinbaum, Mexico is now seizing Vulcan's deepwater port.

President Sheinbaum now seeks to finalize this theft by declaring the property a naturally protected area.

Let's call this what it is: Corruption dressed up as environmentalism. This is not protection. It is plunder. Lending any credence to this authorization is absurd.

These actions violate international norms. They ignore contractual obligations. They trample over U.S.-Canada-Mexico Free Trade Agreement, again, an agreement where America actually gives preferential trade treatment to Mexico.

Surely America's government is standing up for her own Nation's interest in the face of this brazen misconduct by the government of Mexico, right? Sadly, no. A key reason for the current circumstances is an absence of American leadership, especially at the Office of the U.S. Trade Representative. America's top trade representatives—or America's top trade negotiator, U.S. Trade Representative Katherine Tai, along with our State Department, have stood idly by while AMLO and Sheinbaum have escalated their anti-trade and anti-American agenda.

Their inaction has sent a dangerous signal that the United States will allow its businesses around the world to be bullied, its laws to be ignored, and its negotiated agreements to be undermined.

And it gets worse. Now, as reported in the Wall Street Journal, we are learning that the Office of the U.S. Trade Representative is siding with Mexico against the interests of U.S. firms by reinterpreting trade rules in a way that will erode the rights of American investors whose property was either confiscated or expropriated.

According to news reports, USTR wants to limit the ability to seek redress by American companies whose property is expropriated.

I stand here before my colleagues in the Senate asking why neither Congress nor the U.S. companies that would be impacted by these actions were ever consulted before the USTR stealthily moved to alter the USMCA agreement in a manner that undermines American interest.

Ambassador Tai and USTR leadership need to clearly understand how negatively their actions will be viewed by this Congress. I can assure you, they will not be forgotten.

Making last minute, 11th-hour changes to U.S. trade agreements with-

out review from Congress or the U.S. companies that would be negatively impacted is outright malpractice. It is a slap in the face of American investors and employers who have risked their capital overseas, and it will drive scarcity and inflation of critical infrastructure materials in the United States if Mexico is allowed to confiscate these assets, including a very strategic deepwater port.

The implications of Mexico's theft and the failure of U.S. trade officials to defend America's interest go far beyond Vulcan materials. They directly attack the foundational principles of reciprocal trade, investor protection, and the rule of law.

If Mexico is allowed to target, without repercussion, a company like Vulcan, one that employs thousands of Americans and has operated responsibly in Mexico for decades, that means no American business is safe in Mexico. This kind of lawlessness will shatter investor confidence in Mexico. Why would any U.S. company risk capital in a country where contracts are meaningless, regulations are weaponized, and property can be seized at the government's whim?

This erosion of trust threatens not only American jobs, but also the economic integration of North America, which many think is vital to our national security and our global competitiveness.

Let's remember what the USMCA was supposed to be: a safeguard for trade and investment, a framework to protect the rule of law, and a cornerstone of North American prosperity.

AMLO and Sheinbaum have shredded the spirit of this agreement by expropriating Vulcan's port and its property and by pursuing an anti-investor agenda. AMLO and Sheinbaum are acting like saboteurs of the partnership that binds our two nations.

Congress must respond with strength and resolve, rather than roll over under the ruse of environmentalism. The U.S. Trade Representative should follow its duty as stated on its own website to protect American rights under our trade agreements and "ensure that American workers, farmers, ranchers, and businesses receive the maximum benefit under our international trade agreement." What USTR is contemplating now is anything but that.

That is why my colleagues and I are fully committed to passing S. 5137, the Defending American Property Abroad Act. This legislation will ensure that those who benefit from stolen American assets, whether they be individuals or governments, face substantial consequences.

The Defending American Property Abroad Act will prohibit vessels that utilize expropriated American infrastructure from ever entering U.S. ports. It will bar such facilities from U.S. trade and mandate a full accounting of these violations in the upcoming 2026 USMCA review. The Defending American Property Abroad Act will

make clear to President Sheinbaum that the United States will not tolerate the theft of American property.

AMLO and Sheinbaum must understand that their actions will have serious consequences. I will not stand by as Mexico betrays its commitments and undermines decades of cooperation.

The United States must defend its companies, its workers, and its principles with unwavering strength. That is why I am calling on my colleagues to join me in urgently finalizing and passing the Defending American Property Abroad Act in the next Congress. This cannot wait.

Mexico's actions are a test of our resolve. If we fail to respond decisively, we will invite further aggression, not just from Mexico but from every foreign leader watching to see if America will defend its interests. The United States should never be bullied, stolen from, or too feckless to respond to efforts to undermine its strength and sovereignty.

And here at home, USTR leadership must immediately reverse course from its plan to renegotiate trade rules and pull the rug from under U.S. firms—a particularly disgraceful capstone, I might say, for the reputation of this outgoing administration.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINÉ. Mr. President, I am glad to be here with my colleagues from Tennessee and Alabama to speak about this Mexican government's unfair, discriminatory treatment of Vulcan Materials and to encourage colleagues to support the Defending American Property Abroad Act.

Before I get into the details—and I see I am engendering an amazing response from the Gallery—I do want to say, I was a strong supporter of the USMCA. NAFTA was 20 years old. And any deal after 20 years, you would have learned what worked, what didn't, how to make it better. And I viewed USMCA as a significant achievement of the Trump administration, which I was glad to support. It got the overwhelming and bipartisan support of this body as well as the House.

I am very worried about incursions into this deal. We will have plenty of time to talk next year about one worry I have, which is the incoming administration's proposal to levy tariffs against Canada and Mexico. My thought is: Once you have a trade agreement that is a state-of-the-art trade agreement that has been voted for by an overwhelming bipartisan majority, that gives you an avenue of communication that you should be able to use with Canada and Mexico, and you shouldn't need to use tariffs against these trade partners. You should use the framework of the agreement to resolve disputes that you have.

But that is a matter for another day. Today, I want to talk about, in some detail, the matter that my friend and colleague Senator HAGERTY raised,

which is the treatment of Vulcan Materials. And it is not just the treatment of Vulcan, but what it might say either about the Mexican government's treatment of American companies generally or, frankly, the American government's posture of either battling to protect American companies or standing by while they are mistreated.

Vulcan is headquartered in Alabama—I see colleagues from Alabama on the floor—but employs over a thousand people in Virginia, nearly 70 facilities in the Commonwealth of Virginia. Vulcan has been operating in the Yucatan Peninsula for more than 30 years.

Senator HAGERTY and I came to the floor to talk about this matter a number of months ago in the hopes that we might be able to avert what the AMLO administration has done. But, nevertheless, even in a transition of government, Mexico has continued to ratchet up efforts to seize Vulcan's property in the Yucatan.

These actions against Vulcan were initiated, to be sure, by the López Obrador administration. But with the inauguration of the new President Sheinbaum earlier in 2024, these efforts that would continue to degrade the rule of law in Mexico continue. They are chilling investor confidence. They are making Mexico a more challenging place for American firms to do business.

In August, I joined Senators CARDIN, RISCH, and RUBIO in expressing our deep concern over proposed constitutional reforms in Mexico. Separate and apart from the matter of Vulcan, there is a larger context of actions in Mexico that should cause us some significant concerns. There is a judicial reform underway in Mexico promoted by the AMLO administration that was widely viewed by civil actors within Mexico, human rights and other organizations, as an effort to undermine the independence of the judiciary and make it harder for the Mexican judiciary to stand up against actions, illegal actions, by the Mexican government.

We strongly urged the AMLO administration in this bipartisan letter, as well as the incoming administration, to pursue only reforms that enhanced the professionalism and the independence of the judiciary; but, unfortunately, neither administration has heeded our call and, instead, moved forward on implementing reforms that weaken the independence of the Mexican judiciary.

Taken together, the direct bad-faith actions against Vulcan and the two administrations' insistence on degrading the independence of the Mexican judiciary are jeopardizing critical economic security interests of both of our nations.

Mexico is one of the top three trade partners of the United States, whether you measure by outgoing or incoming top three; and, certainly, it is the same in Virginia. Our two countries have a long history of friendship, and our cultural ties run deep.

The NAFTA, followed by USMCA, have integrated supply chains in the United States, Canada, and Mexico in a degree that I view as generally positive. We do share essential traditions of democracy, and they require consistent work to ensure strong and independent institutions.

Looking more closely at the USMCA in particular, my colleague talked about worries that rules are being renegotiated around the resolution of disputes that would make it harder for Vulcan and companies like Vulcan to seek assistance.

We have been in this Free Trade Agreement for three decades now. In exchange for preferential access to American markets, which has resulted in the intertwined supply chain that I described, Mexico has committed to uphold certain standards that American workers, consumers, companies, and investors expect. The standards were reinforced and strengthened in the USMCA in 2019. They include robust protection for workers, for the environment, and for companies operating abroad. And the standards not only protect Americans but promote economic growth in Mexico, helping address the root causes of migration and other challenges.

The protections for American investments, for instance, give certainty to other companies and investors looking to participate in helping grow and expand the Mexican economy.

Particularly as companies are looking to near-shore in the aftermath of COVID and looking to bring supply chains back to the United States and nations closer to the United States with which we have free-trade agreements, Mexico has been seen as a very attractive destination, but actions like those that are being taken against Vulcan now undermine that momentum. So in response to these actions, Senators HAGERTY, BRITT, TUBERVILLE, BARRASSO, BUDD, and I introduced the Defending American Property Abroad Act earlier this year. The bill would make it clear that the United States does not condone discriminatory treatment against American companies, particularly with our free-trade agreement partners.

We understand, even if we don't accept the notion, that some American companies are put at great disadvantage in nations where there are not trade agreements, but where there are trade agreements—particularly like USMCA, which is going to be scheduled for a renegotiation and consideration in 2026—we should not condone mistreatment of American companies by our trade agreement partners.

The bill that we have introduced would reiterate that it is a bipartisan priority in Congress for the U.S. Government to work to uphold the USMCA's investment standards in the upcoming 6-year review of the trade agreement. It would work to deter Mexico and any country in our hemisphere from illegally seizing additional

U.S. assets. We must make it clear that this behavior will not be tolerated.

I note for my colleague with some sense of dismay that I think I have some colleagues on my side of the aisle who don't like the notion that a disappointed company can seek relief against a regulation put in place by another country. They are concerned about whether that is a violation of sovereignty in some sense.

Yes, it is the case that the USMCA leaves wide latitude for the participating nations to adopt their own regulatory framework, but there should be no disagreement in this body that an effort to completely seize the property of an American company can never be justified as an appropriate regulatory action, and that is what is happening with Vulcan.

I would hope colleagues on both sides of the aisle, in thinking about companies in their own States, would realize that if this is allowed to happen with the United States turning a blind eye or shrugging their shoulders to it, you will see a lot more of it, and we need to stop this now.

I look forward to continuing to work to pass our bill next Congress. We must ensure that the future of the U.S.-Mexico relationship continues to be grounded in the rule of law.

I am the chairman of the Western Hemisphere Subcommittee of the Foreign Relations Committee. I care about this relationship. I want it to get stronger and stronger. I celebrate its successes. I celebrate Mexico's successes. But I don't hesitate to stand and challenge actions either by the Mexican Government or the inaction of the U.S. Government that pose risk to Americans and American companies.

With that, I yield the floor.

The PRESIDING OFFICER (Ms. CORTEZ MASTO). The Senator from Alabama.

Mrs. BRITT. Madam President, as has been discussed by my distinguished colleagues, in May of 2022, the Mexican military forcibly shut down Vulcan Materials Company's operations. Almost a year later, military police came in—the military of our supposed ally—and they breached and seized Vulcan's port facility at gunpoint. That is right. Instead of using its armed forces to confiscate the fentanyl killing hundreds of American citizens every single day, the Mexican military, under the directive of their former President, confiscated a port rightfully owned by an American company, an Alabama company. Instead of going after the cartels, our neighbor went after law-abiding Americans.

Radical leftist Andres Manuel Lopez Obrador seized Vulcan's operations and property. Make no mistake, that action was illegal under both Mexican and international law, and it is unacceptable that Mexico's new President seems to be carrying the water for him. She said absolutely nothing except that she is going to continue Lopez

Obrador's unlawful seizure of an American company and she stands with him.

Time and time again over the past 4 years, bad actors across the globe have poked and prodded at the United States because they saw weakness in the White House. They saw they could do it and get away with it. When they did it without even the slightest bit of response, let alone consequences, they just kept doing it.

The Wall Street Journal recently published an editorial citing sources stating that this administration, the Biden administration, has undergone last-minute, backroom negotiations on the U.S.-Mexico-Canada trade agreement. The changes, the Journal reported, would rob American companies like Vulcan of the protections they have relied on when investing in partner countries—the protections that would have prevented those partner countries from seizing, for example, operation centers or port facilities.

The Biden administration and its U.S. Trade Representative are actively undermining American interests. They are leaving American companies out in the cold without consulting Congress, preventing us from exercising our constitutional duty to provide oversight on trade.

The Biden administration's actions should be a front-page story in every newspaper across this Nation. The idea that a sitting President and/or his administration would be working against the interests of the country and/or the people he was elected to serve is absolutely unacceptable.

While we wait for January 20, I am proud, in the interim, to support—proudly—Senator BILL HAGERTY's piece of legislation. It is called Defending American Property Abroad Act. I joined this quickly, alongside Senators BARRASSO, BUDD, KAINE, TUBERVILLE, and WICKER. It would prohibit the Mexican Government from profiting from its unlawful seizure of Vulcan's property and port facility. No vessel that has used a port, land, or infrastructure illegally seized from an American entity would be allowed entry into a U.S. port. Should the Mexican Government attempt to violate the law, it would be met with crushing consequences.

The United States can no longer stand by as its companies are terrorized by foreign governments. We will not sit back and watch as our own government allows our interests around the world, in our own hemisphere, to come under attack, and we will not be afraid of protecting our own citizens and their interests.

This past November, the American people did not choose decline; we chose renewal. We must begin to reassert ourselves and make sure that no country—not Mexico, not anyone else—can get away with seizures like the one the Mexican Government carried out against Vulcan.

American interests, American families, American values, and American securities must come first.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. TUBERVILLE. Madam President, I would like to thank Senator HAGERTY for coordinating this event and Senator KAINE and Senator BRITT for standing up and supporting Vulcan Materials.

You know, supporting American businesses abroad should be a unifying position across political parties, and I thank our Democratic colleagues who have joined me in this effort for the past several months.

Unfortunately, we have seen just how little this administration cares about protecting American investments overseas. We could have corrected this problem. Specifically, I am talking about the unlawful actions taken by the Government of Mexico against Vulcan Materials Company, which is headquartered in Birmingham, AL.

Vulcan is the Nation's largest producer of construction inputs, including crushed stone, sand, and gravel. Vulcan is also a major producer of materials like asphalt and ready-mix concrete. The materials produced by Vulcan are used in nearly all forms of construction. This includes infrastructure repairs to a bridge or a road or when a new office building is built or a church that needs to be built. While headquartered in Alabama, Vulcan has 720 facilities and more than 12,000 employees in the United States of America. Its reach is international.

Vulcan has operated a quarry in Mexico since the eighties. This quarry supplies materials to Alabama, Florida, Louisiana, Mississippi, South Carolina, and Texas.

Vulcan has quarried limestone legally in Mexico, on land that it owns and has paid for, for over 30 years. It has full ownership of the property in Mexico and owns the limestone reserves on the property—all paid for by Vulcan. Vulcan also operates a deep-water port in Mexico paid for by Vulcan. Vulcan operates that port because Vulcan built the port.

Over the course of 30 years, Vulcan Materials has paid billions in taxes to the Mexican Government. It has employed thousands of people over the years, providing them with healthcare and pensions, which is why I was shocked when, 2 years ago, the Mexican Government swooped in and announced it would pursue legal action against Vulcan overnight. After all that Vulcan has done for the country of Mexico, the Mexican Government swooped in to stop all their operations in just a few days. The Mexican Government's baseless claim was that the company is operating illegally in Mexico—after 30 years. That statement is categorically false.

Unfortunately, the Government of Mexico followed through with its threat and legal action. Mexican Government officials presented local Vulcan employees with orders to immediately cease operations on Vulcan's own land in Mexico.

I believe this shutdown ordered by the Mexican Government represents a baseless attack on U.S. companies and demonstrates a disregard for rule of law. It is why I joined Senator HAGERTY in introducing the Defending American Property Abroad Act to impose retaliatory prohibitions that deter and punish any Western Hemisphere nation that unlawfully seizes American assets.

Clearly, Mexico's new President, Claudia Sheinbaum, didn't get the message that this is unacceptable. Under her leadership, the Mexican Government continues to pursue legal action against Vulcan.

Vulcan has been and continues to be subject to public harassment, intimidation tactics, and all kinds of harassment from the Mexican Government. The Mexican Navy sent troops to the entrance of the Vulcan facility for several days. The Mexican Navy flew Black Hawk helicopters and drones over Vulcan's property. The Mexican Navy sent patrol boats to Vulcan's harbor. The Mexican Government withheld the issuance of a routine customs permit for several months.

These actions by the Mexican Government are contrary to the most basic principles of international law and the free-trade agreements that bind our two countries together. Most notably, it goes against the USMCA—United States-Mexico-Canada Agreement—that was signed into law by President Trump.

However, the Mexican Government's attack on Vulcan is bigger than just one company. First of all, it undermines the rule of law in Mexico. It ignores international law and free-trade agreements. It weakens our bilateral relationship. It will discourage future U.S. investment in Mexico.

Over the last several years, we have all heard about the actions the Mexican Government has attempted to take against U.S. energy companies in Mexico. This action against Vulcan is just an example of how far Mexico is willing to go.

This will have a direct impact on the supply chain for major infrastructure projects in the United States and the entire world.

We cannot allow this to stand, and I know President Trump is not going to allow this to stand. He will not tolerate countries abusing the good work of American companies. As chief architect of the USMCA, President Trump won't allow any country in the Western Hemisphere to bully American businesses. It is a fight any country should think twice about starting.

In the meantime, I urge the Biden administration to take appropriate action at the Office of the United States Trade Representative and through diplomatic channels to ensure that Vulcan—a great, great, great American company—can maintain critical operations in Mexico.

I yield the floor.

NOMINATION OF BENJAMIN J. CHEEKS

Mr. DURBIN. Mr. President, today, the Senate will vote to confirm Benjamin Jerome Cheeks to the U.S. District Court for the Southern District of California.

Born in Albany, GA, Judge Cheeks earned his B.A. from the University of Miami in 2000 and his J.D. from the Washington College of Law at American University in 2003.

Judge Cheeks began his career in public service as an assistant district attorney in the New York County District Attorney's Office from 2003 to 2010. Cheeks then served as an assistant U.S. attorney in the United States Attorney's Office for the Southern District of California between 2010 and 2013.

Prior to joining the bench, he worked as a criminal defense attorney at his own firm from 2013 to 2024. As a member of the Criminal Justice Act panel, Judge Cheeks was regularly assigned to represent indigent defendants, and those cases comprised 98 percent of his caseload.

Since July of 2024, Judge Cheeks has served as a magistrate judge on the U.S. District Court for the Southern District of California.

Judge Cheeks enjoys the strong support of both of his home State Senators, and the American Bar Association unanimously rated him as "qualified" to serve on the district court.

Having served as a prosecutor, defense attorney, and Federal magistrate judge, Judge Cheeks is well prepared to serve as a district judge in the Southern District of California.

I am proud to support his nomination and urge my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Madam President, I ask unanimous consent that the mandatory quorum call with respect to the Murillo cloture motion be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

VOTE ON CHEEKS NOMINATION

All postcloture time has expired.

The question is, Will the Senate advise and consent to the Cheeks nomination?

Mr. TESTER. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

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) 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 result was announced—yeas 49, nays 47, as follows:

[Rollcall Vote No. 330 Ex.]

YEAS—49

Baldwin	Hickenlooper	Sanders
Bennet	Hirono	Schatz
Blumenthal	Kaine	Schumer
Booker	Kelly	Shaheen
Brown	Kim	Sinema
Cantwell	King	Smith
Cardin	Klobuchar	Stabenow
Carper	Lujan	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	
Heinrich	Rosen	

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
Rubio

Schiff
Vance

The nomination was confirmed.

The PRESIDING OFFICER (Mr. DURBIN). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I ask unanimous consent to complete my remarks prior to the next rollcall vote.

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

END OF THE 118TH CONGRESS

Mr. MCCONNELL. Mr. President, it is not entirely clear yet how or when Congress will conclude its end-of-the-year business. But when the Senate does adjourn, I will just about mark the end of my tenure as the Republican leader.

I have made it clear this year that our colleagues haven't seen the last of me. I still fully intend to keep frustrating my critics in the years ahead. But while I still command this particular podium, I thought I might make a few observations I have picked up along the way.

Folks come to Washington to do one of two things: either to make a point or to make a difference—to make a point or to make a difference. It is usually not that hard to tell who is doing which, especially in situations like the one we are in right now.

The people who are here to make a difference recognize pretty quickly you never get everything you want, but, often, you can get quite a lot. And the folks who prefer to make a point have a funny habit of reminding us out loud how poorly they understand that fact.

I don't care to count how many times I have reminded our colleagues—and our House counterparts—how harmful it is to shut the government down and how foolish it is to bet your own side won't take the blame for it.

Recent history doesn't leave a whole lot of room for interpretation on this one: When you try to use normal government function as a bargaining chip, you pay a political price.

That said, if I took it personally every time my advice went unheeded, I probably wouldn't have spent as long as I have in this particular job. Getting a legislative outcome in the Senate requires large majorities of people who don't share all of the same views to actually work together toward outcomes where they do see eye to eye.

We have had divided government here most of the time I have been in this job; neither side has owned the place. You have a choice: Do nothing or try to find things you can agree on and do them together.

With the exception of just one short period of a few months, this place hasn't seen a filibuster-proof Senate in 50 years. Getting things done almost inevitably requires dealing with a lot of people who disagree with you on most things.

And in the interests of stable, enduring outcomes, that is actually a good thing. Anyone who comes to the Senate hoping for a rigid, hard-line conformity and prompt action is barking up the wrong tree.

I have heard folks who like making a point, they would rather serve with 30 colleagues who all agree than with a majority who didn't. So if you want to accomplish absolutely nothing—nothing—sign up with the group that would rather serve with 30 people who all agree than those who have differences.

Everyone I know who is interested in making a difference understands pretty quickly that it requires that kind of interaction in order to achieve something.

Leading means letting folks take a walk when they need to and rallying together when we need to. I have been so grateful over the years to lead majorities that embrace these necessary rhythms. I am gratified by the trust they have placed in me, repeatedly, to determine what that moment requires. And I am so proud of the outcomes we have achieved for our country.

I am looking forward to spending the next Congress as a member of another majority in a set of capable hands. I am rooting hard for my friend JOHN THUNE and the leadership team our conference has assembled around him. There will be no shortage of important work to do, and I will stand ready to do my part.

Back in 2007, my first day in this job, I told our colleagues:

The Senate has no claim on greatness unless its power is put to great ends.

And I stated my view that "the first duty of government is the defense and protection of its citizens." The Senate