

With an arsenal stocked by North Korea and Iran, Russia, literally, mocks Western hesitation. With brazen terrorist aggression, Iran defies American strength. With intense focus, China bets against America's resolve.

No none of the challenges we face from our southern border to the Red Sea get any easier the longer we wait to address them. Unfortunately, our own allies and adversaries alike have every reason to doubt us. Three years of this administration's hesitation, self-deterrence, and half measures have exacted a steep price. So our work this month is the clearest possible test of America's credibility as a global superpower, as the leader of allies, and as the nation capable of upholding our own sovereignty. The Senate simply must not fail this test.

CRIME

Mr. President, on a different subject, residents of blue cities across America likely began the new year with the simple wish for the Democrats charged with keeping them safe, that this year would be the year they finally get serious about addressing violent crime. Unfortunately, if our Nation's Capital is any indication, 2024 is already off to a bleak—a bleak—start. Just 3 days into the year, the city has recorded 53 car thefts; one week in, there have been at least 125 carjackings and 44 robberies; and one of the year's first homicide cases involved a body found in a trash can within sight of the Capitol Building.

Unsurprisingly, violent crime in the new year is already following familiar patterns. To the surprise of absolutely no one involved, the perpetrator of a drug store robbery last week was the same man who had attempted to rob a single establishment six times—six times—last year. A six-time offender was still on the streets to try again.

Washington's radical local government has lost the plot. The city's leaders aren't just failing to get rampant crime under control, they are actively making matters worse. Less than 4 years ago in a fit of woke righteousness, the city cut police funding by \$15 million. Two years ago, prosecutors decided to prosecute two-thirds of the criminals officers brought in.

And if catch-and-release wasn't enough, MPD officers are still subject to bizarre do-not-pursue orders that prevent them from doing their jobs. No wonder the department is suffering a recruiting crisis—and at the exact time that law enforcement is needed the most.

So I am sorry to say that the list of local disgraces doesn't end there. Late last year, the city's Mayor announced a program to fight the epidemic of carjackings in Washington by distributing free tracking devices for residents' valuables. Apparently, even if you can't expect the police to hunt them down, at least residents of our Nation's Capital can watch them—watch them—as they escape.

The American people deserve to walk the streets of their Capital City without fear. They deserve leaders who care

more about safety than about keeping up with the far left's new soft-on-crime orthodoxies.

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. THUNE. 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.

CONGRATULATING THE SOUTH DAKOTA STATE UNIVERSITY JACKRABBITS ON WINNING THE 2024 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I FOOTBALL CHAMPIONSHIP SUBDIVISION TITLE

Mr. THUNE. Mr. President, winter in South Dakota can be tough going, but no matter how low the temperatures go or how high the snowbanks rise, you can count on South Dakota sports fans coming out to support local athletes. After all, there are games, tournaments, and trophies on the line this time of the year. For sports fans like me, there is no better place to be than on the sidelines cheering for South Dakota's athletes.

This year, we have not been disappointed. On Sunday, the South Dakota State University football team won its second consecutive national title. That is right—the Jackrabbits are back-to-back FCS champions.

This Jacks team has a lot of talent and an awful lot to be proud of. Sunday's win closed out SDSU's first undefeated season as a Division I program. They now boast a 29-game winning streak—the third longest in FCS history.

Their defense was impenetrable this season, allowing an average of just 9.27 points per game and allowing just 15 points to be scored against them in four postseason games. I want you to think about that. When you get into the postseason, these are the playoffs. These are the best teams. In the four postseason games that they played, including the national title game, they gave up a total—total—of just 15 points.

I think that record of accomplishment this year was perhaps best personified in the title game, when Montana was driving the ball in the first quarter down in SDSU territory, and they had a fourth and goal at the 1-yard line, and the SDSU defense made a stand. In an iconic play, linebacker Adam Bock stopped the Montana ball carrier at the 1-yard line, stood him up, and took him down before the ball could cross the end zone and give them a touchdown. The Jacks got the ball back, and from then, it was on to a 23-to-3 victory.

Jacks quarterback Mark Gronowski won the Walter Payton Award for outstanding offensive player—the first SDSU player to win this award—and I don't believe there was a close second. He was richly deserving of it. Gus Mil-

ler, center, from Brookings, SD, won the Rimington Award for best FCS center—also incredibly well-deserved.

As one reporter put it, "This team is just dynamite." I couldn't agree more. Their hard work and commitment to each other and to the team has brought them success this year, and Jacks nation is incredibly proud of them.

I want to congratulate the Jackrabbits players, coaches, and staff on this incredible championship season. There is much to celebrate now, but I am sure Coach Rogers will soon have the team working hard again to keep that winning streak going.

Mr. President, at this point, I want to recognize the South Dakota State University Jackrabbits football team by entering a resolution into the CONGRESSIONAL RECORD.

I would ask, as in legislative session, unanimous consent the Senate proceed to the consideration of S. Res. 519, which is at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 519) congratulating the South Dakota State University Jackrabbits on winning the 2024 National Collegiate Athletic Association Division I Football Championship Subdivision title.

There being no objection, the Senate proceeded to consider the resolution.

Mr. THUNE. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res 519) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

EXECUTIVE CALENDAR—Continued

SOUTH DAKOTA

Mr. THUNE. Mr. President, as I said, it is not just football championships keeping South Dakota sports fans busy this time of the year. There is just as much excitement—sometimes even more—at a Friday night basketball game in towns across our State.

Over the holidays, I was able to get around South Dakota for some of those games. I caught up with Coach Phillips and the Northern State University basketball team last week. I brought my grandkids to see the Sioux Falls Jefferson girls take on the O'Gorman Knights girls for some Friday night hoops. I went to a girls hoops matchup between the Faulkton Trojans and Highmore-Harold Pirates. I got to see some of the Hoop City Classic at the Corn Palace in Mitchell, SD, and Saturday was able to see a cross-State matchup between the boys teams from

Rapid City Central and Sioux Falls Roosevelt.

As I travel around the State, I take every opportunity I can to stop in to a local game or a sporting event. I can count on catching a good matchup wherever I go. It is a chance to connect with people across South Dakota and to support South Dakota's athletes.

This weekend, I am looking forward to being back in my hometown of Murdo for the Jones County Invitational Basketball Tournament. For 3 days in January, the gym at Jones County High School is the center of the universe for the eight teams that are competing for the tournament title. For West River basketball fans, the Jones County Invitational is just in our DNA, and it certainly has a special place in my heart.

The 1969 inaugural tournament was organized by my high school basketball coach, Jerry Applebee; and my dad Harold Thune, who was our school's athletic director; plus Murdo Superintendent Maurice Haugland. When they organized that first tournament, they weren't sure how long it would last. But each year, the entire community would come together to make it a success. And now it is the longest running tournament of its kind in South Dakota, which is a fitting tribute to the impact that my dad and Coach Applebee had in our community and on countless young athletes, myself included.

I can remember sitting in the stands as a kid, dreaming about the opportunity to play in the big tournament one day. I remember the rush of adrenaline that I got coming out of the locker room to a packed house for those games. Nothing could compare to the thrill of winning the whole thing with my teammates, which is something that we were able to do a couple of times when I was in high school.

The Jones County Invitational was also how I got introduced to an important influence in my life, and that was, at that time, Congressman Jim Abdnor.

In the Friday night semifinal game in my freshman year, I had six attempts at the free-throw line, and I made five of them. The next day, we had to play again, the Saturday night game. I was at the Main Street department store in my hometown at the checkout counter, getting ready to buy something, and somebody in the line behind me tapped me on the shoulder. I turned around, and he says: I noticed you missed one last night.

I am like: Who is this smart aleck? I made five out of six. I am a freshman, right? Give me a break.

Well, he introduced himself as then-Congressman Jim Abdnor.

Jim would go on to be a great friend and mentor, and I would eventually have the opportunity to work for him when he served in the U.S. Senate and as head of the Small Business Administration under President Reagan. But the Jones County Invitational is how I

got introduced to him, and that chance meeting is what first opened the door that would lead me to public service.

Sports are a part of the fabric of South Dakota's way of life. They are one of the places we come together and connect as a community and, as I said, particularly on these cold winter evenings.

For many of us, sporting events bring back good memories of our days competing for our school and remind us of the important lessons that we learn from competitive sports—lessons that have often had an impact far beyond the field or the court.

So I am looking forward to being in the bleachers once again this season and watching South Dakota's athletes keep our great heritage going.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

DONALD TRUMP

Mr. SCHATZ. Mr. President, I get it. I understand that people are tired of hearing about whatever insane thing Donald Trump just said or did. I get that it is emotionally exhausting; it is intellectually exhausting; it is certainly politically exhausting to be panicked and outraged all the time. And, frankly, it is not possible.

We have now been living in this reality of Trump's unending lies and chaos for almost a decade, and people understandably just want to live their lives. They want to go to school. They want to drop their kids off at school. They want to make dinner. They want to maybe get some exercise or read a book or watch a show. They want their life to continue. And so you can't wake up every morning and be one of those people, one of those people who says: Did you see what Trump said? Did you see how crazy it was? Aren't you worried? You can't live life like that. I totally understand.

But Trump's lawyers said something this week in a courtroom just a few blocks from here that is impossible to ignore, and it must cause alarm because it was the clearest indication that Trump and his team believe that he can commit any crime in the book—crimes as clear as day—and get away with it without any consequences whatsoever.

When asked by a Federal judge if a President could be criminally prosecuted for ordering SEAL Team Six to assassinate a political rival, Trump's lawyer responded, "He would have to be, and would speedily be, impeached and convicted before the criminal prosecution could proceed."

What does that mean as a practical matter? It means that the President could commit any crime—it means

that the President could commit any crime—up to and including ordering the U.S. military to murder a political rival, and there would be no way to hold him accountable as long as 34 U.S. Senators stood ready to vote to acquit.

Do you think 34 U.S. Senators stand ready to vote to acquit? I don't know, honestly. I don't know. But I can tell you that way more than 34 U.S. Senators voted to acquit former President Trump, who was impeached and then tried by the U.S. Senate twice.

So I guess what we are saying is, this time, the Senate would stand up because that crime would be more egregious than the other ones.

Let's back up for a second because during the impeachment trial 3 years ago, Trump's legal team and a majority of Senate Republicans argued that it was the job of the criminal justice system to deal with statutory crimes—crimes that are in the law books, right—not the Senate. They said the question before Congress was whether or not Trump's actions rose to the level of crimes against the country, which are different from statutory crimes—a novel argument. And it worked, right? It doesn't have to be a good argument. It doesn't have to be a compelling argument. It just has to work in this body because we have 100 jurors, all politicians, and however the chips fall is however the chips fall.

But their argument was explicit, which is: This is not the venue. And now Trump's lawyers are arguing in the other venue—I am sorry. What I meant was this is the venue. So what they are really saying is: Our guy gets to commit crimes. Our guy gets to commit crimes.

I want everybody who is right of center—far right of center, center right, right in the center, I don't care. I want everyone to think about the consequences of accepting this argument: Any President can commit any crime.

Not only that, by the way, it is not a matter of just committing a crime, it is a matter of commanding the U.S. military; it is a matter of being the most powerful individual on the planet.

It is a matter of being the Commander in Chief and using those resources to assassinate a political rival. And you can't even get a Trump lawyer to say: Yeah, that would probably be illegal and cause him to go to jail.

Their question is: Well, that would depend on how the votes fell in the Congress.

I am alarmed. Trump's team is in court arguing that it is up to Congress; that the political system, not the justice system, should render judgment even on statutory crimes.

I say this as a Senator and someone who believes deeply in the awesome responsibility of this institution. "If the Senate says so" is not a serious legal argument. "If the Senate says so" is not a legal argument.

What is being contemplated here—the ordering of a murder—is a crime. It is a violation of the criminal code, and

every other person in the land would be arrested and tried for it. But, apparently, the official view of Donald Trump's lawyers is that he, and he alone, should be exempt from the law.

In the authoritarian future that he is clamoring for, he gets to do anything he wants, wielding unparalleled power in the Presidency and zero repercussions. That is not a President; that is a dictator. That is not equal justice under the law; that is one law for Trump and another for everybody else.

Think about what they are saying and ask yourselves: Are you comfortable with that? Are you comfortable with a democratic President with those kinds of authorities? Is that the kind of country that you want to live in?

To be clear, this can't be dismissed as, like, "I don't read the tweets" or "Oh, that guy is crazy; he just says stuff" or, "What a showman." Right? That was always the kind of hand waving away of whatever Trump said or did.

But now there are two differences. First, we now have 4 years of the Trump Presidency, two impeachments, and many—both statutory and constitutional—crimes to look straight at. The other thing is, again, this is not a tweet. This is not a comment in a townhall, right? What this is is the official position of the lawyers for the former President of the United States.

Authoritarianism is no longer just a remote problem in foreign lands. I just joined the Foreign Relations Committee a couple of years ago, and one of the things that we do as members of the Foreign Relations Committee is we go to other countries and encourage them to adopt democratic reforms. We encourage them to adopt democratic reforms. And, now, when we have our meetings, they are encouraging us to maintain our democracy.

And make no mistake, this is not some nebulous movement that is difficult to decipher. This is because Donald J. Trump was President and does not believe in American-style democracy. He doesn't. He doesn't believe he should be accountable. He believes he should be immune. And he believes that when and if he becomes President again, he will exact revenge, that he will be a dictator from day one, and that if he is held accountable for his crimes, there will be bedlam.

Now, does that sound like a rhetorical flourish? It sure does, doesn't it, except that I am quoting him.

So, again, I want everybody to be able to live a life. I don't want everybody to wake up every morning freaked out about whatever Donald Trump says. But, today, this week, it is worth marking what his lawyers said because it is an official position of a Presidential candidate, and it is a position that is antithetical to everything that we all believe in.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

GOVERNMENT FUNDING

Mr. CORNYN. Mr. President, well, just like a bad movie, Congress finds itself within days of a government shutdown threat. Of course, this isn't an accident. This is a choice made by the majority leader in particular because, rather than take up the appropriations bills, which is the most basic responsibility of the government—to try to keep the lights on and keep the functions of government operating—the majority leader has decided not to process bipartisan appropriations bills across the Senate floor.

And so here we are—portions of the Federal Government scheduled for a shutdown a week from tomorrow. This is not the first nor the second time we have found ourselves scrambling to avoid a shutdown in the past few months.

You know, I wonder what the American people, when they watch this, must be thinking. They must be thinking: These folks can't run a two-car funeral. This is the very picture of incompetence.

But the truth is, like I said, this is a choice. This marks the third time since the end of September that we have just been days away from the funding deadline without a plan in place. I personally find this embarrassing. And it is unnecessary drama because funding the government, as I said, is one of the most basic functions of the Congress. Congress has all year to prepare for the end of the fiscal year, which was the end of September. But here we are, 3½ months past the funding deadline, and not a single regular appropriations bill has been signed into law.

This is a sad state of affairs, but it is not a reflection on the work of our Senate Appropriations Committee. Under the leadership of Senator MURRAY and Senator COLLINS, the committee has passed all 12 bipartisan appropriations bills in June and July. That was last summer. Each bill received strong bipartisan support, and more than half of them passed unanimously.

Well, you might wonder, if the leading Democrat, the leading Republican, and the Appropriations Committee—composed of Republicans and Democrats—passed bipartisan bills last summer, why do we find ourselves days away from a potential government shutdown? The Appropriations Committee handed the majority leader, who manages the floor—he is the only one who can schedule bills for a vote—12 bipartisan funding bills on a silver platter. They put the Senate in the strongest possible position to return to regular order and pass, on time, bipartisan appropriations bills, but that is not what happened.

And you might wonder why—why in the world would the majority leader ignore the bipartisan work of the Appropriations Committee and put us in this posture? Well, there is an answer for that, and that is because this is about power. The majority leader wants the

power to be able to shape these appropriations bills to deny rank-and-file Members an opportunity to participate in the process on the Appropriations Committee and on the floor and then present us with a fait accompli, saying: Vote for this; it is up or down. Either you shut down the government or you vote for this ominous appropriations bill—not an omnibus but an ominous appropriations bill.

Well, by the end of September, it was clear that there wasn't enough time to pass all 12 appropriations bills before the deadline. So we had to go to a stop-gap bill. That set a new deadline of November 17. When that deadline came and went, Congress had to punt one more time, this time setting up two funding deadlines: one January 19, just about a week from today; and February 2, which is, perhaps ironically, Groundhog Day. That brings us to today, 8 days from the first deadline, and no closer to passing regular appropriations bills.

Well, more than 100 days have passed since the start of the new fiscal year, and the Senate has been in session 39 days. Let me say that again. Over 100 days have passed since the start of the current fiscal year, and, out of 100 days, the Senate has been in session 39 days. That amounts to working an average of 2½ days a week.

Again, the majority leader, Senator SCHUMER, the Senator from New York, is the only one who can schedule the Senate. Rank-and-file Members have no power to do that.

But, frankly, I don't know any business in America where people can work roughly a third of the time and expect to receive a paycheck. And it is no surprise that, if you are only working a third of the time, you are not going to be able to get your work done.

How have we spent that time? Well, we know that the world is on fire, between Ukraine, Israel, the Indo-Pacific, the border. The President has requested more than \$100 billion in an emergency supplemental appropriation bill in order to fund those causes, those issues—it is very important—but the Senate hasn't even acted on that Presidential request, even though the House passed an Israel aid bill on November 2. It hasn't moved in the Senate. The majority leader hasn't made it a priority. As a matter of fact, he is waiting to bundle that, making our job a lot more complicated, to be honest. And so that remains undone.

We haven't passed a long-term reauthorization of a very important law called section 702 of the Foreign Intelligence Surveillance Act. I think this is probably the most important law that nobody has heard of because it authorizes our intelligence community to collect necessary intelligence in order to keep our country safe.

We haven't reauthorized the Federal Aviation Administration. The news today is full of news of near misses and accidents occurring on airlines, and we haven't even taken up to debate or

vote on the Federal Aviation Administration reauthorization.

And, as I said, we haven't taken action to address the border crisis, the fentanyl epidemic that killed 71,000 Americans last year alone, or other issues that are urgent issues.

Instead, the majority leader has focused almost all of the Senate's time, such as it is, on nominations. Well, to be clear, considering nominees is important work, but there is no world in which nominees should take priority over funding the government.

This entire saga could have been avoided if the majority leader had prioritized the appropriations process. It could have allowed this Chamber to start voting on individual funding bills over the summer as soon as they were approved by the Appropriations Committee. Instead, here we are, a week away from a partial government shutdown and 3 weeks away from a potential full government shutdown.

As he said, I can't imagine any line of work in any business, large or small, across America where you work 2½ days a week, you blow through your deadlines, and you ignore your most important work. This is insanity and no way to run a railroad, much less the U.S. Senate.

The majority leader had ample time and countless opportunities to move funding bills through regular order. Our colleagues on the Appropriations Committee, on a bipartisan basis, gave him a long runway to land thoughtful and on-time appropriations. But, regrettably, he has prioritized virtually everything but that most basic responsibility, putting us in the embarrassing and unenviable position we find ourselves in today. I should say that I find this embarrassing, and I bet other colleagues do as well. I guess the majority leader doesn't find it embarrassing.

Again, this is purposeful because it maximizes his power to force through an end-of-the-year appropriations bill on an emergency basis that he basically gets to write. And, of course, it turns the rest of the Members of the Senate into virtual potted plants—spectators in the process rather than full participants.

Well, it looks like another continuing resolution is in the future. We have run out of time because of this intentional planning by the majority leader. And so we don't really have much alternative but a government shutdown, other than to pass another continuing resolution—basically, kicking the can down the road.

Of course, the Senate is only half of the equation here. Our colleagues in the House are still weighing various options, and I am eager to see the route they choose.

The House has its own challenges, to be sure, but we ought to be leading by example. We ought to be passing bipartisan appropriations bills and sending them to the House. Then we can work out in a conference committee a compromise and send them to the Presi-

dent to keep the lights on, to keep the Border Patrol paid, to keep our commitments to our veterans, to pay our Active-Duty military and their families. That is what is at risk here, and it is completely avoidable.

Stopgap funding bills should not be the norm. They fail to provide government Agencies with the certainty they need to plan for the future. The Pentagon—the Defense Department—is the single largest discretionary appropriation that Congress passes every year. They can't plan for how to deal with the crisis in the Middle East or in the Indo-Pacific or in Ukraine or even at the border. If you are on a continuing resolution, they can't plan because they don't know what the future holds.

Well, the consequences of a continuing resolution or these stopgap, kick-the-can pieces of legislation are especially dire when it comes to our national defense and military readiness.

Despite the drawbacks of a stopgap funding bill, though, it is obviously better than a shutdown. I am not a fan of shutdowns. Nobody wins in a government shutdown because when you reopen the government, you are still staring in the face the same problems that caused you to shut down the government in the first place. Shutdowns penalize innocent people and hurt our economy. When the government shuts down, critical programs are paralyzed. Government services are put on hold, and millions of Federal workers are left without pay. Given the challenges we face, a shutdown would be a terrible mistake.

Mr. President, as is probably painfully obvious, I am extremely disappointed we find ourselves where we are today. Again, this is not an accident. This is not even negligent. This is intentional on the part of the majority leader. I think he bears responsibility for where we are today. I hope we can make some progress in the near future. But this is no way to run a railroad, much less the U.S. Congress or the business of the American people.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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. 375, Erika L. McEntarfer, of the District of Columbia,

to be Commissioner of Labor Statistics, Department of Labor, for a term of four years.

Charles E. Schumer, Bernard Sanders, Christopher Murphy, Richard J. Durbin, Tammy Baldwin, Margaret Wood Hassan, Tina Smith, Alex Padilla, Gary C. Peters, Robert P. Casey, Jr., Mazie Hirono, John W. Hickenlooper, Patty Murray, Debbie Stabenow, Richard Blumenthal, Elizabeth Warren, Jeanne Shaheen, Peter Welch.

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 Erika L. McEntarfer, of the District of Columbia, to be Commissioner of Labor Statistics, Department of Labor, for a term of four years, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant executive clerk called the roll.

Mr. DURBIN. I announce that the Senator from Washington (Ms. CANTWELL) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Dakota (Mr. CRAMER), the Senator from Kansas (Mr. MORAN), and the Senator from Oklahoma (Mr. MULLIN).

The yeas and nays resulted—yeas 88, nays 8, as follows:

[Rollcall Vote No. 6 Ex.]

YEAS—88

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| Baldwin | Grassley | Ricketts |
| Barrasso | Hagerty | Romney |
| Bennet | Hassan | Rosen |
| Blackburn | Heinrich | Rounds |
| Blumenthal | Hickenlooper | Rubio |
| Booker | Hirono | Sanders |
| Boozman | Hoeben | Schatz |
| Braun | Hyde-Smith | Schumer |
| Britt | Johnson | Scott (SC) |
| Brown | Kaine | Shaheen |
| Budd | Kelly | Sinema |
| Butler | King | Smith |
| Capito | Klobuchar | Stabenow |
| Cardin | Lankford | Sullivan |
| Carper | Lujan | Tester |
| Casey | Lummis | Thune |
| Cassidy | Manchin | Tillis |
| Collins | Markey | Tuberville |
| Coons | Marshall | Van Hollen |
| Cornyn | McConnell | Vance |
| Cortez Masto | Menendez | Warner |
| Cotton | Merkley | Warnock |
| Daines | Murkowski | Warren |
| Duckworth | Murphy | Welch |
| Durbin | Murray | Whitehouse |
| Ernst | Ossoff | Wicker |
| Fetterman | Padilla | Wyden |
| Fischer | Paul | Young |
| Gillibrand | Peters | |
| Graham | Reed | |

NAYS—8

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|--------|---------|------------|
| Crapo | Kennedy | Schmitt |
| Cruz | Lee | Scott (FL) |
| Hawley | Risch | |

NOT VOTING—4

| | |
|----------|--------|
| Cantwell | Moran |
| Cramer | Mullin |

The PRESIDING OFFICER (Mr. KING). On this vote, the yeas are 88, the nays are 8.

The motion is agreed to.

The Senator from North Carolina.

REMEMBERING HAROLD LEE FRANK

Mr. BUDD. Mr. President, I rise today to remember the life of Harold

Lee Frank and to recognize his dedication to family, freedom, and service.

Born in 1924 in Davidson County, NC, Harold Frank came of age during the Great Depression. When his country needed him, he answered the call to serve during the Second World War. Assigned to the U.S. Army's 90th Infantry Division, he landed on Utah Beach, Normandy, France, on June 6, 1944: D-day.

After receiving a gunshot wound to his shoulder, he was captured by German troops on July 8, 1944, and held as a prisoner of war by the Nazis. As a prisoner, his wound was treated for infection by a fellow American medic POW, and the bullet was eventually removed on October 13, 1944. PFC Frank was actually allowed to keep the German bullet that was extracted from his shoulder.

On July 5, 1945, he was released from prison and was found by an American Army unit.

After the war, PFC Frank was awarded the Purple Heart and a Bronze Star. He was also knighted by the French Ambassador to the United States and awarded the French Medal of Honor for his courage and for his valor.

Once home, he married the love of his life: Reba Mae McDaniel Frank. They were married for 68 years, until her passing in 2016.

Harold continued to give back to his community as a county commissioner and a special deputy sheriff. He also assisted in organizing the Cornatzer-Dulin Volunteer Fire Department.

Throughout his life, Harold maintained a desire to serve, and he traveled as a motivational speaker at numerous military and veteran events.

Friend, travel companion, and fellow U.S. Army veteran Mark Hager wrote a book about Harold titled "The Last of the 357th Infantry." He would later produce a documentary titled "From BAR to POW," highlighting his experiences as a POW.

Harold returned to Normandy for the 75th anniversary of D-day in 2019. He visited the National World War II Memorial in Washington, DC, on an Honor Flight and was recognized by the Gary Sinise Foundation's Soaring Valor flight to visit the National World War II Museum in New Orleans, LA.

Later in life, Harold would often be seen around his home in Davie County, my home—in Davie County, NC, visiting with friends at the Davie County Senior Center, Miller's Restaurant, or the Forks of the Yadkin and Davie County Museum.

He was a fixture at area veterans events right up to his passing on New Year's Eve, December 31, 2023.

Mr. President, please join me in a moment of silence for Mr. Harold Lee Frank, a man who embodied the "greatest generation," and in recognition of a life well lived.

(Moment of silence.)

I yield the floor.

The PRESIDING OFFICER (Mr. PETERS). The Senator from Connecticut.

UKRAINE

Mr. MURPHY. Mr. President, the weapons that we send to Ukraine aren't used in military parades. They don't sit in warehouses. They are used by the Ukrainians to fend off the brutal Russian invasion of that country. They are used by Ukraine to maintain that country's sovereignty and independence.

At the height of the summer offensive, Russia was firing 10,000 artillery rounds per day at Ukraine. In response, Ukraine was firing back 7,000 rounds per day. But by the end of last year, just a few weeks ago, Ukraine's stocks were so low that they were firing just 2,000 rounds per day. Russia is still firing 10,000 rounds per day.

I want my colleagues to step back for a moment and imagine you are in a duel with an opponent where, in each round, your opponent has five bullets for every one that you have. You are not going to survive that fight. That is not a fair fight. Soon, you won't even have one bullet. How long do you think that fight continues for you?

Right now, ammunition levels are so low that a Ukrainian artillery brigade that used to fire 50 to 90 shells per day is now forced to ration its supplies down to 10 to 20 shells per day. That is barely enough for them to just defend themselves, let alone push forward or reclaim any additional territory.

And it is not just ammunition that Ukraine desperately needs right now. It is supplies for their air defense system as well.

For 2 years now, Russia has not had air superiority, except once, in the city of Mariupol, and there Russian bombs flattened the city. In 2 months, 95 percent of the city was destroyed, and 25,000 people were killed. But, elsewhere in Ukraine, the casualties are much more limited because Russian planes were being shot down.

So, perhaps, it is no coincidence that, just a few days ago, Russia launched a major missile barrage at Kyiv in what was the single largest attack since the start of the war.

Why do I say that perhaps it wasn't a coincidence? Well, maybe it is because Russia is pushing all its chips in on a bet that Ukraine is not only going to run out of ammunition, but it is going to run out of air defense missiles.

And with no American funding to replenish those systems, Russia would then be able to destroy the missile defense batteries themselves, finally giving them a free hand to completely decimate every single Ukrainian city. They will apply the Mariupol tactics—the Mariupol playbook—to Odessa, to Kharkiv, and to Kyiv. And millions will die, and Kyiv will become a Russian city.

While this body hesitates to resupply Ukraine, Russia is putting one-third of its entire budget for 2024 toward its war effort. Russia is receiving new ballistic missiles, artillery rounds, military equipment, and attack drones from its allies—North Korea, China, and Iran.

And yet we are still deciding whether we, as Ukraine's primary ally, are going to support them in the fight to come.

I just want to remind my colleagues what is at stake in this fight. We are making a decision, as we speak, right now, as to whether Ukraine is an independent, sovereign nation, or whether Ukraine, once again, is a Russian state, a Russian vassal, a Russian province; whether Kyiv is an independent city or whether Kyiv is a Russian city.

Never before in our lifetime has a large, nuclear-armed nation like Russia invaded a neighboring country with the sole purpose of destruction, annihilation, and annexation. If they succeed, if Kyiv does become a Russian city, the post-World War II order is over. It is over, and no one here is really prepared to deal and live with those consequences.

The rules that have governed the past 70 years and that have provided us with relative global stability, the rules that have protected our country and our economy, which relies on a stable global system—they will all be permanently broken. Consider the Pandora's box open.

I wish it were hyperbole to say that the fate of the free world is at stake, and I wish we weren't in a position where my Republican colleagues, who say that they support Ukraine, weren't making funding for Ukraine dependent on solving one of the most vexing, most difficult political issues in American politics: the issue of immigration and border policy. But that is where we are.

My Republican colleagues say they will let Vladimir Putin destroy and occupy Ukraine if we can't come to a conclusion on immigration policy and border policy. I wish we weren't here, but we are. And so Democrats are at the table trying to find a compromise that helps the Biden administration and future administrations better manage the situation at the border while also living up to our fundamental American values.

I wish we weren't here. I wish we could just all say that we believe it is in the interest of the United States of America to support Ukraine, to make sure that they have what they need to defend themselves, and we are going to get that job done. And we are going to sit down and try to work together on the crisis of a broken immigration system. Tying the two together in this way threatens to become the biggest gift America has ever given Vladimir Putin.

IMMIGRATION

And so, Mr. President, I want to focus the remaining part of my remarks today on what I think we can do to help the administration manage the border, but I also want to tell you what I think we cannot and should not do—the changes to immigration law that would fundamentally compromise our Nation's values and our moral underpinnings as a nation built by immigrants.

I think it is easy for us here in Washington to forget, when we are talking about asylum, that we are often talking about a life-and-death choice for people. We are talking about men, women, and children who are not safe in their home countries, who will die if they stay, who don't want to leave their family, their neighbors, everything that they know. But they are so desperate that they feel they have no choice but to make the often life-threatening journey to the United States of America.

We are talking about people like Sandra Gutierrez. She lived in Honduras, and, like any parent, Sandra wanted to make sure that her kids were safe at the school they attended every day, but they weren't. They were under regular threat from armed gangs.

So she joined together with her local parents board in her Honduran town and started working with other moms to try to get the violent gangs that were a constant presence at her kids' school away from the campus.

But guess what happened to Sandra. That work made Sandra a target. These armed gangs stalked her. They hunted her. They threatened to kill her and her children if she didn't stop and if she didn't meet their demands. And so she did what any of us would do, what any parent would do. She protected her children. She left Honduras, where she would be hunted by these gangs, and she came to find asylum in the United States of America.

It is people like Aliyah, a journalist in Cameroon, who wrote powerful stories exposing discrimination by the Cameroonian Government and sexual assaults committed by powerful people in her country. She reported the truth, and that made her a target. She was attacked, beaten, detained, and imprisoned, not by gangs but by her own government.

After she escaped and fled her country—the place where she had lived her entire life, where she had built a reputation, a career—she found asylum here in the United States of America.

It is true that many people who come to the United States seeking asylum do not have a story like Sandra or Aliyah. It is true that many immigrants seeking asylum are actually here as economic migrants. And so I agree that we should come together and do what we can to provide a fully funded and much more effective and efficient asylum system to determine which people showing up at our border are like Sandra and Aliyah, with legitimate asylum cases, where the United States of America is a place where they can have their life saved, versus people who are just trying to use the asylum system to find work.

So I support building a better system, but I don't support proposals that completely shut off the ability for people to come to the United States to save their lives. I think it is really important that we understand that, when

you are talking about asylum, you are talking about a system that works for thousands of people who are fleeing terror and torture. It does not work when many people are using it as an end route to come to the United States to work.

But we can solve that problem, we can fix that system, while still allowing people, like those brave women that I talked about, to have the ability to come to the United States to save their lives.

We are also talking about another topic, a topic that a lot of Republicans are discussing in the hallways these days, and that is parole. It is one of the most important tools that the administration has at its disposal to respond to humanitarian crises all around the world and to manage the flow of individuals at the border.

Immigration parole authority has been used by every single President for the last 70 years to provide relief for individuals who are fleeing danger and persecution. Republican and Democratic Presidents have used this authority to protect Soviet Jews fleeing persecution, Cubans during the Cold War, and, most recently, Ukrainians and Afghans fleeing violence and unrest.

Despite what some Republicans will have you believe, the Biden administration's use of parole has created more, not less, order at the border. The Uniting for Ukraine and Cuba, Nicaragua, Haiti, and Venezuela parole programs have enabled more than a quarter of a million people to come to the United States safely after having passed an extensive vetting and background check process and also obtaining private sponsorship, families here in the United States. They have the ability to work, and they are not forced to take that dangerous journey to the southern border. It denies smugglers and cartels the ability to exploit all of these people. It gives us a chance to vet those individuals before they show up in the United States.

What has happened since these programs have been put into place? A significant drop in unlawful encounters at the southern border from individuals from these countries. Unlawful crossings of Venezuelans are down 50 percent. Unlawful crossings of Cubans, Nicaraguans, and Haitians are down 90 percent. This is stunning but important progress.

In November of last year, for instance, Border Patrol encountered 34,000 Nicaraguans on the border—a year and a half ago. This past November, Border Patrol encountered 4,000. Mr. President, 34,000 before parole; 4,000 after parole.

No other tool at the President's disposal has been so effective in reducing unauthorized crossings as has parole. Limiting this ability will only push more people to cross in between the ports of entry, exacerbating the very problem that Republicans claim they want to solve.

I am not saying that we shouldn't have a conversation about reforming this practice. I am at the table. But to completely deny the President the ability to use parole is to make the situation at the southwest border more unmanageable, not less unmanageable.

I think we all do agree that what is happening at the southwest border today, the number of people who are crossing every day compared to the resources we have, is untenable. Democrats—we do want to give the administration tools to better manage the border, but we are not interested in taking away tools that have a proven track record of success.

This work is not easy. I wish we weren't here. I wish we were passing immigration reform and moving funding for Ukraine, that the two hadn't been tied together. But I accept that this is what has been made necessary by Republicans to get Ukraine the funding it needs.

I am really grateful for the progress we have been able to make. Senator LANKFORD, Senator SINEMA, myself, the White House, and members of leadership have been working together throughout the holiday nonstop, every single day, trying to find a compromise that lets us fund Ukraine, that lets us fund Israel, that gives the President new tools to manage the southwest border but that also respects fundamental American values, that honors our tradition of immigration.

We are not there yet, but we are close. To get to that finish line so that we can all join together in the effort to support Ukraine—that is going to mean that both Democrats and Republicans have to compromise. Neither side is going to get everything they want. I wish Republicans would choose to support Ukraine just because it is the right thing to do, but we are where we are. We have made a lot of progress, and, to me, the stakes are just far too high to give up.

NOMINATION OF ERIKA L. MCENTARFER

Mr. SANDERS. Mr. President, I would like to say a few words on the nomination of Erika McEntarfer to be the Commissioner of Labor Statistics at the U.S. Bureau of Labor Statistics at the Department of Labor.

President Biden nominated Ms. McEntarfer to the position on July 12, 2023, and last October, she was reported out of the HELP Committee by a unanimous vote of 21–0. Ms. McEntarfer has had a long career as an economist at the U.S. Census Bureau, currently serving as the lead economist in the labor markets section of the Center for Economic Studies. She has worked at the Census Bureau since July 2002, with the exception of July 2008 through January 2010, when she was an economist at the Treasury Department. She also did a 1-year detail assignment at the Council of Economic Advisers as a senior economist from 2022–2023.

Ms. McEntarfer has written or co-written economic reports that cover a wide range of issues, from the effects of

macroeconomics on older workers and retirements, to job displacement and job mobility. She focuses her own research on U.S. labor market and wage dynamics over the business cycle.

Ms. McEntarfer holds a B.A. from Bard College and a Ph.D. from Virginia Tech.

I have no doubt that her experience and dedication to public service will help her succeed as Commissioner of Labor Statistics, and I urge my colleagues to support her nomination.

Mr. MURPHY. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

VOTE ON MCENTARFER NOMINATION

The PRESIDING OFFICER. Under the previous order, The question is, Will the Senate advise and consent to the McEntarfer nomination?

Ms. HASSAN. 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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Washington (Ms. CANTWELL), the Senator from West Virginia (Mr. MANCHIN), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Dakota (Mr. CRAMER), the Senator from Kansas (Mr. MORAN), and the Senator from Oklahoma (Mr. MULLIN).

The result was announced—yeas 86, nays 8, as follows:

[Rollcall Vote No. 7 Ex.]

YEAS—86

| | | |
|--------------|--------------|------------|
| Baldwin | Graham | Reed |
| Barrasso | Grassley | Ricketts |
| Bennet | Hagerty | Romney |
| Blackburn | Hassan | Rosen |
| Blumenthal | Heinrich | Rounds |
| Booker | Hickenlooper | Rubio |
| Boozman | Hirono | Schatz |
| Braun | Hoeven | Schumer |
| Britt | Hyde-Smith | Scott (SC) |
| Brown | Johnson | Shaheen |
| Budd | Kaine | Sinema |
| Butler | Kelly | Smith |
| Capito | King | Stabenow |
| Cardin | Klobuchar | Sullivan |
| Carper | Lankford | Tester |
| Casey | Lujan | Thune |
| Cassidy | Lummis | Tillis |
| Collins | Markey | Tuberville |
| Coons | Marshall | Van Hollen |
| Cornyn | McConnell | Vance |
| Cortez Masto | Menendez | Warner |
| Cotton | Merkley | Warnock |
| Daines | Murkowski | Warren |
| Duckworth | Murphy | Welch |
| Durbin | Murray | Whitehouse |
| Ernst | Ossoff | Wicker |
| Fetterman | Padilla | Wyden |
| Fischer | Paul | Young |
| Gillibrand | Peters | |

NAYS—8

| | | |
|--------|---------|------------|
| Crapo | Kennedy | Schmitt |
| Cruz | Lee | Scott (FL) |
| Hawley | Risch | |

NOT VOTING—6

| | | |
|----------|---------|---------|
| Cantwell | Manchin | Mullin |
| Cramer | Moran | Sanders |

The nomination was confirmed.

The PRESIDING OFFICER (Ms. BUTLER). 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.

The majority leader.

LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

AMENDING THE PERMANENT ELECTRONIC DUCK STAMP ACT OF 2013—Motion to Proceed

Mr. SCHUMER. I move to proceed to Calendar No. 243, H.R. 2872.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant bill clerk read as follows:

Motion to proceed to Calendar No. 243, H.R. 2872, a bill to amend the Permanent Electronic Duck Stamp Act of 2013 to allow the Secretary of the Interior to issue electronic stamps under such Act, and for other purposes.

CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The 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 motion to proceed to Calendar No. 243, H.R. 2872, a bill to amend the Permanent Electronic Duck Stamp Act of 2013 to allow the Secretary of the Interior to issue electronic stamps under such Act, and for other purpose.

Charles E. Schumer, Patty Murray, Alex Padilla, Gary C. Peters, Jack Reed, Tina Smith, Sheldon Whitehouse, Margaret Wood Hassan, Jeanne Shaheen, Richard J. Durbin, Tim Kaine, Tammy Baldwin, Peter Welch, Catherine Cortez Masto, Christopher Murphy, Richard Blumenthal, Mark R. Warner.

Mr. SCHUMER. I ask unanimous consent that the mandatory quorum call for the cloture motion filed today, January 11, be waived.

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

MORNING BUSINESS

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate be in a period of morning business,

with Senators permitted to speak therein for up to 10 minutes each.

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

REMEMBERING HERB KOHL

Mr. DURBIN. Madam President, over the holiday recess, the U.S. Senate and the people of Wisconsin experienced a profound loss: the passing of Herb Kohl.

I had the pleasure of serving with Herb in the Senate for 15 years. He was a tremendous Senator and an even better man. Born in Milwaukee to two Jewish immigrant parents, Herb went to school at the University of Wisconsin-Madison and later earned a master's degree from Harvard University. He went on to serve in the Army Reserve.

In many ways, Herb's story is the American dream personified. A Midwestern boy from humble roots who teamed up with his father and brothers to grow a family business into an iconic retail chain, becoming a successful businessman and philanthropist in the process. Herb took what he learned from the world of business—hard work, integrity, and humility—and pivoted to politics. Getting his start in Wisconsin politics in the 1970s, he went on to chair the Wisconsin State Democratic Party. And in 1988, he ran for the U.S. Senate. Unsurprisingly to all of us who knew Herb, he was a beloved candidate, and he faithfully served the people of Wisconsin for four terms.

In his conduct and commitment to his constituents, Herb proved that the Midwest's reputation for kindness and loyalty does not stop at the doors of the Senate. He had a quiet manner about him, with little ego. In many ways, he was an anomaly. He put his head down, and he focused squarely on how he could improve the lives of those who entrusted him to serve.

Even with his success, Herb never forgot his roots and used every position he found himself in to give back to his beloved Wisconsin. In 1970, he was instrumental in bringing a professional baseball team to Milwaukee. When Milwaukee's professional basketball team, the Milwaukee Bucks, threatened to leave town, Herb purchased the team to ensure they remained in his hometown. When he saw educational need in his State, he founded the Herb Kohl Educational Foundation to provide scholarships and fellowships to students, teachers, and schools. When his alma mater found itself in need of a new athletic facility and arena, it was Herb's donation that helped bring it to life.

A fellow Midwesterner, Herb and I worked together on many issues. He was a colleague, a friend, and above all, the resident dairy expert. I can still recall when Herb retired in 2013, I quickly realized I had lost my most trusted adviser on all things dairy. It was important to his constituents, so it was important to him. And no one knew more than Herb.