

measles. Eighty-three people died; almost all of them were children. That was the conclusion of Mr. Kennedy's natural experiment—children died.

This isn't some ancient history I am digging up here; this was less than 6 years ago. It is alarmingly reminiscent of one of the darkest chapters in our country's history—the Tuskegee experiment.

For 40 years, beginning in 1932, the U.S. Public Health Service ran an experiment with 600 Black men in Alabama. The majority of them had syphilis, and the objective was to "observe the disease process." So even when penicillin became the standard of care in 1947, the men who needed that treatment, who could have been given life-saving care, were denied penicillin. Researchers did nothing as men died and they went blind because they wanted to see how the disease would develop—a natural experiment.

It took a young doctor, not long out of medical school, who read about the study in a medical journal and couldn't believe his eyes. He could not understand how the U.S. Government had come to view these poor sharecroppers as expendable, as subhuman. He thought about the Hippocratic oath that he and every other doctor like him had sworn to. What happened to "First do no harm"?

And so not knowing what else to do but knowing he was risking a whole lot by speaking out, he wrote to the study's authors, and I want to read a bit of what he wrote:

I am utterly astounded by the fact that physicians allow patients with a potentially fatal disease to remain untreated when effective therapy is available. I assume you feel that the information which is extracted from observation of this untreated group is worth their sacrifice. If this is the case, then I suggest the United States Public Health Service and those physicians associated with it in this study need to reevaluate their moral judgments in this regard.

The man who wrote that letter and was the first—and for a long time, the only—person to sound the alarm about the depravity of the Tuskegee experiment was my dad, Dr. Irv Schatz. It is one of the many reasons that he is my hero.

But I never thought—I never thought—that 60 years later, I would be standing in the very body that passed legislation in response to that shameful period arguing against confirming someone who wants to replicate that experiment at scale.

That is what RFK, Jr., wants to do. He wants to use Americans as lab rats in a national experiment, and if it means bringing back the measles or the mumps or rubella or polio, so be it. That is the cost of doing business, as he sees it.

I understand my Republican colleagues are facing a lot of pressure from within. It is a new administration, and you want to give them deference; an Executive, generally speaking, gets to have their team. But this nomination is not actually like the

others. Even if you don't want to take Mr. Kennedy's words so literally—maybe you think he is just wondering aloud—look at his actions. Look at what he has done. Time and time again, he has abandoned every physician's first principle: Do no harm.

I shall do by my patients as I would be done by . . . and shall minimize suffering whenever a cure cannot be obtained.

That is the part of the oath that every medical student takes at graduation before they can practice. Yet the person nominated to lead the country's entire health system has consistently done the exact opposite. He has caused disease. He has caused pain. He has caused death.

And so the vote we are going to be taking on this nominee is much more than your party or mine. It is life or death. And I promise you, if this person is confirmed, it will not age well—not in a Republican primary, not in a Democratic primary, not in your family, not in your community. Nowhere will an RFK "aye" vote age well. This person is going to cause disease across the United States.

I urge a "no" vote.

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

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

#### BORDER SECURITY

Mr. CORNYN. Mr. President, as the world knows, it goes without saying that one of President Biden's biggest failures was security at our southern border. In fact, the situation is so dire that now Democrats, after the November 5 election, are actually finally seeing the light that they need to do something to recapture the support of the American people, and that was reflected in the first piece of legislation we passed that President Trump will sign into law tomorrow: the Laken Riley Act.

Twelve of our Democratic colleagues in the Senate and 46 in the House supported that bill, which I have to think, before the November 5 election, they would have uniformly voted against. But they realized that they were so out of sync with the American people and our national security interests, I would love to say they got religion or saw the light. Maybe they just counted the votes.

I am heartened, though, that they have seemed to buck the liberal status quo when it comes to the border and actually helped us pass a law that will strengthen our security and make our communities safer. But let's make no mistake about where this crisis came from that took the life of Laken Riley and so many others. This is one that the Biden administration invited and exacerbated from day one after President Biden took office.

On the campaign trail in 2020, President Biden made this pledge. He said:

I would in fact make sure that we immediately surge to the border all those people who are seeking asylum.

Now, that was a big welcome mat or invitation for anybody and everybody across the planet to show up at the border and to claim asylum. And because of the backlog in asylum claims and the fact that they would be released into the interior of the country, basically that was a free ticket into the United States outside of what should be our regular, orderly, lawful immigration system.

But President Biden didn't stop there. When he assumed office, he ended all of the policies of the previous administration—very successful policies like President Trump's "Remain in Mexico" policy. He halted the construction of the border wall and, instead, spent Federal dollars to store unused wall materials. And then, right before the election or right after the election, we found out they were actually selling these border wall materials for essentially salvage or for pennies on the dollar. And knowing that, with President Trump resuming office again, we would have to repurchase those items, it just seemed like a kick in the teeth for the American taxpayer and contemptuous, frankly, of law and order.

So we also know that, sort of to add insult to injury, the Biden administration created the so-called CBP One app. This is an app for your phone. CBP stands for "Customs and Border Protection." So, basically, what happens is people outside of the country who wanted to come here and claim asylum, knowing they would be released into the interior of the country and have to wait for years—maybe as long as a decade—before they would appear before an immigration judge, they could literally make an appointment to show up at a port of entry using the CBP One app.

So here you have the Federal Government, the U.S. Government, facilitating the movement of people into the country that were transported here by criminal organizations that got rich thanks to the Biden administration. And it was not uncommon to see people coming from far-flung parts of the planet.

Now, I live in Texas. We have a 1,200-mile border with Mexico. We are accustomed, over the years, to people from Mexico or Central or even South America coming to the border, but not people from Latvia, from China, from the Middle East. But under the Biden administration, they knew that they were going to be able to come to the United States, and they could actually even schedule an appointment thanks to the misguided policies of the Biden administration.

Even as this crisis continued to grow, President Biden ended the use of the very effective title 42 authority, which was used during COVID to limit the

movement of adult males into the country because of the COVID situation.

While this is a national crisis that President Biden created, it is one that has been felt most acutely by the people of Texas, the 31 million people I represent. In the midst of the Biden administration's abject failure to keep the American people safe and to control the movement of people and drugs, including some of the most dangerous criminals you can imagine, it was up to the State of Texas and our leadership, like Governor Abbott, to step up and defend our people and our borders the best we could.

Now, understand, border security is not normally a State function because this is an international border, which means it is a Federal responsibility. But what are we supposed to do when the President of the United States and the Federal Government fail to do their job? Well, the State stepped up, which means not only our leadership, our National Guard, but also Texas taxpayers. In other words, we had to pay the tab to provide for border security such as we could, instead of the Federal Government picking up the tab, as it should have.

So Governor Abbott initiated Operation Lone Star, which resulted in more than half a million illegal immigrants being apprehended by Texas law enforcement. More than 50,000 criminals were arrested, and more than 240 miles of border barriers were built by the State—not at Federal expense, a Federal responsibility, but at State expense, by State taxpayers.

This law enforcement operation also intercepted a half a billion doses of fentanyl. Fentanyl, as we now know, is spread throughout the United States—is hidden in counterfeit pills that look like an innocuous pharmaceutical, only to find out that it will kill you in small doses. It took roughly 70,000 lives last year alone, and it is a leading cause of death for young people between the age of 18 and 45. That is what comes over the border in addition to the millions of people.

I applaud the efforts of the Governor and our State legislature to step up and to secure the border and to protect my fellow Texans, even when the Federal Government—the President of the United States and Vice President—turned a blind eye.

As a result of Operation Lone Star, Texas was able to reduce illegal immigration into the State by 87 percent. But, as I said, these efforts came at a very real cost. The State of Texas spent nearly \$4.8 billion on walls and barriers, local grants to counties and cities, processing criminal arrests, and moving migrants out of small Texas towns.

Deploying the National Guard for building border barriers, guarding and constructing those barriers, and apprehending migrants who were illegally present in the United States cost another \$3.6 billion. Then Texas had per-

sonnel costs for our State troopers, Department of Public Safety troopers, who were responsible for repelling additional illegal migrants, arresting those who otherwise broke the law, transnational gang members, cartel members, human smugglers, and human traffickers. The Federal Government didn't do it; so Texas did. That came to an additional \$2.25 billion in taxpayer expenditure—money that should have been provided by the Federal Government for a Federal responsibility, borne by the taxpayers of my State.

The Texas Department of Criminal Justice spent an additional \$311.2 million on anti-gang violence. The number of dangerous gangs emanating from Central America or Venezuela are well-known and, indeed, these are some of the most dangerous people that have made their way into the United States as a result of the policies of the Biden administration. So Texas had no choice but to deal with anti-gang violence.

And then there is a cost associated with the prosecution of these border crimes at Operation Lone Star's criminal processing centers.

And then the game wardens—this was an "all hands on deck." Even the game wardens in Texas played a role. They patrolled the Rio Grande River to prevent illegal entries.

Criminal processing centers required health and safety services. And the list goes on and on and on.

This was an all-of-government effort in the State of Texas. Even the Texas Alcoholic Beverage Commission put millions of dollars toward interdicting human trafficking at the border.

All told, as a result of the Biden-Harris administration's abject dereliction of its responsibility at an international border, to enforce the law cost the State of Texas about \$11.1 billion.

Now, Texas, unlike many of the States in the rest of the country, doesn't have an income tax. We fund our government through sales tax and through property tax, and we don't have an income tax. This was a painful expenditure by the Texas legislature and by our leadership. And that figure doesn't even take into account what local counties and cities and other nonprofits were forced to further shoulder when it came to the financial burden.

Before President Biden came to office, Texas spent \$800 million every 2 years on border security, roughly \$400 million a year. That means that taxpayers are on the hook for nearly 14 times what they typically spent on border security due to the failure of the Biden administration.

It wasn't just negligence. It was intentional. It was willful.

Keeping our Nation's border secure is the responsibility of the Federal Government. It is not and it should not be the responsibility of the individual States. That is part of our constitutional framework.

This is a crisis that the Biden administration literally invited by rolling

out the welcome mat and refusing to enforce laws that were on the books.

What is worse? In the midst of this disaster, the Federal Government reimbursed others—nonprofits, nongovernmental associations—to help facilitate illegal immigration, through FEMA's Emergency Food and Shelter Program to the tune of hundreds of millions of dollars.

So Texas has been stuck with the check for the Biden-Harris failed policies, and that is wrong. Governor Abbott has asked Congress to reimburse Texas for its costs that should have been incurred by the Federal Government in the first instance. I support this request. And along with our State delegation, we are going to fight to get Texas taxpayers the money they are rightfully owed.

The Texas congressional delegation is 40 individuals strong—38 in the House and 2 here in the Senate—and we believe it is only right and just for the Federal Government and the Congress to reimburse the State for expenditures it should have never had to make if the Biden-Harris administration had simply done its job, which is to provide for a secure border.

Surely, if the Federal Government can reimburse nongovernmental organizations for rolling out the welcome mat for illegal migrants, it could also cover Texas's expenses for keeping U.S. citizens safe.

And the work that was done along the border did not accrue to the benefit solely of people in Texas. I mentioned the fentanyl crisis. Fentanyl now, unfortunately, has spread to 50 States. But the work that was done at the border, keeping some of the fentanyl out of the country and arresting criminals at the border, that benefited people in all 50 States—again, another reason why this is a Federal responsibility.

It is only a matter of basic fairness that the Federal Government should step up and help address a crisis that was a problem of its own making. Texas taxpayers should not have to foot the bill alone as a result of President Biden's mishandling of border policy.

So I urge all of our colleagues here in the Senate, as well as our colleagues in the House, to work with me and the Texas delegation—all 40 of us—on fulfilling this request by Governor Abbott to reimburse Texas for its expenses that it never should have had to spend and make, if President Biden and the Federal Government had simply done their job.

The Federal Government created this crisis, and it is up to the Federal Government to pay the tab.

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

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

## INTERNATIONAL CRIMINAL COURT

Mr. RISCH. Mr. President, I come to the floor today to talk about the ICC bill and the vote we are going to have immediately following the lunch hour.

When the International Criminal Court issued arrest warrants for Israeli Prime Minister Binyamin Netanyahu and his former Defense Minister for defending their country against an unprovoked brutal attack on their homeland, the ICC was exceeding its mandate. There is no question about that in my mind. Further, there is no question in my mind that it is a clear demonstration of the Court's inability to focus on justice and determine what is justice and determine what is right and what is wrong.

The ICC does not have jurisdiction over Israel. This clearly political move erased the last illusions of legitimacy for the organization and is just another example of partisanship and anti-Semitism infecting our international organizations like the United Nations, the ICJ, and, of course, the ICC. This needs to end.

The United States needs to stand in solidarity with our ally Israel, not only by providing them with the assistance they need for their self-defense but by sanctioning the ICC to compel the organization to change its corrupt behavior in countering this blatant anti-Semitism wherever it appears.

I look forward to working with the Trump administration and Secretary of State Rubio, whom I believe will be excellent partners in rooting out the corruption in our international organizations. And I urge my colleagues to vote yes on this bill to support our greatest ally in the Middle East, Israel.

This is a unique opportunity to vote, and a vote on this will very clearly state whether you stand on the side of Israel or you stand on the side of the United States, and that we will not cede jurisdiction over our citizens to such a corrupt and blatantly inequitable institution as the ICC.

I yield the floor.

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

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

## VOTE ON DUFFY NOMINATION

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

Mr. LEE. Mr. 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 Georgia (Mr. OSSOFF) is necessarily absent.

The result was announced—yeas 77, nays 22, as follows:

[Rollcall Vote No. 21 Ex.]

## YEAS—77

Alsobrooks	Grassley	Padilla
Baldwin	Hagerty	Paul
Banks	Hassan	Peters
Barrasso	Hawley	Ricketts
Bennet	Hickenlooper	Risch
Blackburn	Hoeven	Rosen
Boozman	Husted	Rounds
Britt	Hyde-Smith	Schatz
Budd	Johnson	Schiff
Cantwell	Justice	Schmitt
Capito	Kaine	Schumer
Cassidy	Kelly	Scott (FL)
Collins	Kennedy	Scott (SC)
Cornyn	King	Shaheen
Cotton	Klobuchar	Sheehy
Cramer	Lankford	Sullivan
Crapo	Lee	Thune
Cruz	Lummis	Tillis
Curtis	Marshall	Tuberville
Daines	McConnell	Warner
Ernst	McCormick	Warnock
Fetterman	Moody	Welch
Fischer	Moran	Whitehouse
Gallego	Moreno	Wicker
Gillibrand	Mullin	Young
Graham	Murkowski	

## NAYS—22

Blumenthal	Hirono	Sanders
Blunt	Kim	Slotkin
Booker	Lujan	Smith
Coons	Markey	Van Hollen
Cortez Masto	Merkley	Warren
Duckworth	Murphy	Wyden
Durbin	Murray	
Heinrich	Reed	

## NOT VOTING—1

Ossoff

The nomination was confirmed.

The PRESIDING OFFICER. 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.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m.

Thereupon, the Senate, at 12:42 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Mrs. BRITT).

## EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from New Hampshire.

## ILLEGITIMATE COURT COUNTERACTION ACT

Mrs. SHAHEEN. Madam President, I come to the floor today to oppose H.R. 23. This is a bill that levels unprecedented mandatory sanctions on the International Criminal Court, the ICC.

I understand my colleagues' concerns about whether the court has jurisdiction over Israel, and I share those. I agree the court should not focus its resources investigating U.S. servicemembers. I can't believe anybody in this Chamber wants to see that. But the way this bill is drafted, sanctioning the ICC will not get them to withdraw the

arrest warrants for Israeli officials. It could actually have the opposite effect, hardening the court's position.

These sweeping sanctions we are about to consider are an incredibly powerful tool, and making this an issue that, frankly, goes beyond Israel and the United States and stretching around the world is not going to be helpful to our national security. These sanctions will make it almost impossible for the United States to engage the court on other issues in our national interest, whether that is prosecuting the atrocities in Sudan or human rights abuses by the Taliban or in Venezuela or Russia's war crimes against Ukraine.

This bill would target the civil servants who work at the ICC—and not just them, it would target their families. Lower level workers who provide administrative, paralegal, research, even catering and sanitary services would be affected. It could target their family members just for being related.

The bill could also potentially target subsidiaries of major U.S. companies like Microsoft for providing technical services to the ICC, which they may have been performing for a number of years before this bill was passed, and the way it is worded, it is retroactive. It would affect them.

Not only that, this bill targets some of the United States' most important allies—for example, the host country for the ICC, the Netherlands, as well as the United Kingdom, France, Germany, Italy, and Japan, which are the ICC's biggest donors. It also includes their citizens who work at the ICC and their companies.

These alliances are one of America's greatest assets. They make us stronger and safer, and this bill could do real damage to these relationships. It could undermine vital multilateral organizations and hurt U.S. strategic interests.

So I was hoping we could come to an agreement. We have been negotiating with Senator COTTON, who is the author of this bill. I know we share most of the same concerns that he does in drafting the bill. But I think it is overly broad. It is not drafted in a way that addresses what I think are the unique concerns that we have with respect to the International Criminal Court.

Sadly, since we have not been able to come to an agreement to address those concerns, I intend to vote no on this bill, and I urge my colleagues to do the same on the motion to proceed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. COTTON. Madam President, I ask unanimous consent that the mandatory quorum call with respect to the motion to invoke cloture on the motion to proceed to Calendar No. 3, H.R. 23, be waived.

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

Mr. COTTON. I ask unanimous consent to be able to complete my remarks before the scheduled vote.