

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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	Hoeben	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 Rochester	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.

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

Mr. COTTON. Madam President, the so-called International Criminal Court is a major threat to America's sovereignty and our troops. That threat was clear from the court's founding in 2002, 23 years ago. It is why the United States never agreed to its jurisdiction. It is why in the same year Congress passed the American Servicemembers' Protection Act—also colloquially known as the Hague Invasion Act—a law which authorizes the President to use all means necessary to release our citizens detained by the court.

Twenty-three years is a long time, but we still have some Senators in the Chamber who voted for that bill, including none other than the Democratic leader, Senator SCHUMER. Senator WYDEN also voted for it. But even that hasn't stopped the Hague from targeting Americans. Under President Obama, the court threatened to investigate American soldiers in Afghanistan. It did so again in 2020 under President Trump. To this very day, the ICC has an open investigation into U.S. troops who risked their lives to fight against terrorism.

To be clear, the United States is not and will never be a member of the International Criminal Court. Yet this kangaroo court continues threatening to haul our citizens in front of foreign judges—judges who have no jurisdiction over Americans and who do not follow basic rules of due process provided for by our Constitution.

The State of Israel is another nonparty to the court and the Hague, where anti-Semitism is regrettably alive and well. Although Israel has never consented to the court's judgment, the ICC issued arrest warrants for the leader of Israel and its former Defense Minister last November.

By asserting jurisdiction over a non-member, the ICC has grossly violated the Rome Statute, the treaty that created the court. The court also broke its own rules against prosecuting individuals under governments with functioning criminal justice systems, like Israel.

I also would note that the court has not issued arrest warrants for flagrant human right abusers like—I don't know—Iran's Supreme Leader Ayatollah Khamenei, former Syrian President Bashar al-Assad, or the genocidal President of China Xi Jinping. The court seems to prefer targeting democratically elected leaders instead of terrorists and despots.

It is no secret that the court's targeting of Israel is a trial run to go after Americans. If they succeed against Israel, America will be next. That is why Congress must guarantee that any acts of aggression by this court against our citizens and our friends will be met with a swift response.

Our Illegitimate Court Counteraction Act would sanction ICC officials involved in prosecuting any American,

Israeli, or other allied citizen wrongfully targeted by the court. It would also revoke their visas.

This act is a targeted and justified response to the constant threats of this court against our troops and our allies. That is why more than half of Americans said they would support sanctioning this court. It is also why every House Republican and 45 House Democrats voted for the bill earlier this month.

Now, despite this broad bipartisan public support, some of my Democratic colleagues still have concerns, so let me put their minds at ease.

First, someone called the sanctions in this bill “draconian.” Far from draconian, these same property and visa restrictions were used by the Obama and Biden administration not once, not twice, but 49 times.

Others have said the bill could target our allies. The bill, however, clearly is directed at foreign persons, not foreign nations.

OK. But still others have said the ICC bill targets “citizens of our allies.” Yes, if you are involved in illegitimately targeting Americans, you could face sanctions.

This bill does not, once again, sanction foreign nations like the United Kingdom. But if British nationals at the court are targeting American citizens, you better believe they could face sanctions.

Still, others say it would undermine our alliances. Yet again, the bill only targets officials directly involved in action against the United States and our allies, not foreign nations. Furthermore, if past is prologue, all of our allies will stick with the United States.

When Congress passed the “Hague Invasion Act” in 2002 with Senator SCHUMER's vote, all of those nations entered agreements with us to continue their relationship with us, not with the court.

Still, others say that this would target foreign subsidiaries of American companies. I worked with Senator SHAHEEN in good faith, and I commend her for her work with me on that over the last few days. It seems to have become clear, though, that these American subsidiaries don't want a narrow carve-out. They want a massive carve-out that would, in fact, allow them to continue in the future, say, providing information about American troops' actions in Afghanistan, which we do not think they should have.

Again, every Republican in the House voted for this; 45 Democrats in the House voted for it; 2 Democratic Senators who were in the House last year voted for it.

Last April, I led several of my colleagues in a letter to the court's prosecutor Karim Khan. The letter warned him against issuing arrest warrants to target Israeli leaders. We said “Target Israel, and we will target you.” Despite this clear warning, he proceeded anyway, a gross insult to our friends in Israel and an even more dangerous

threat in the future to American sovereignty.

He and his court should now face the consequences. I urge all of my colleagues to vote on this motion so we can continue debate on this critical legislation.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Madam President, I have spent decades watching the International Criminal Court with a critical eye.

From the beginning, even when I was in Congress, I was certain that the ICC would display the same anti-Israel bias that permeated the U.N. and other international organizations. Unfortunately, I believe subsequent years have proven me correct.

While the ICC has undeniably done some good work, including going after President Putin and addressing atrocities in Darfur, their anti-Israel bias has taken over and become too much to ignore. Last May, 7 months after Hamas's horrific attack on Israel, the ICC made a shocking announcement. Instead of going after terrorist organizations who ordered the murder, rape, and abduction of innocent Israelis, the ICC's prosecutor chose to equate those ungodly actions with the justifiable response of the Israeli government.

I know that is hard to comprehend, so I will say it again. Last May, the ICC equated the Hamas terrorist organization with the Israeli government, betraying an anti-Israel bias that cannot be ignored; a bias that is deeply rooted, sinister, and which fuels the anti-Semitism resurging across the globe including here in America, the country I love. It is hard for me to comprehend even today.

And that false equivalence, I believe, is the reason we are here on the Senate floor considering an ICC sanctions bill. The ICC bill is one I largely support and would like to see become law. However, as much as I oppose the ICC's deep bias against Israel and as much as I want to see that institution drastically reformed and reshaped, the bill before us is poorly drafted and deeply problematic. It will have many unintended consequences that undermine its primary goal.

The bill, as drafted, would enable sanctions against American companies who have contracts to support the ICC's technology functions. These American companies do not make investigative or prosecutorial decisions. These American companies' employees do not recommend nor bring cases. These American companies do not demonstrate the same anti-Semitic bias that the ICC does.

But the work of those companies does defend the ICC's computer network against Russian hackers who would like to expose witnesses who have shared information about Russian atrocities. A small fix—a small fix—could have been made to protect the work of those companies, but the Republican majority refused to make such a fix.

The bill, as drafted, would also allow President Trump to arbitrarily sanction the heads of state of our allies. They all called and complained about that part because their countries are members of the ICC.

During this time of world tumult, that is an unnecessary burden to place on our allies. By sanctioning our allies, this bill, as drafted, would hamstring the ICC's ability to go after Putin for his war crimes, giving him the best gift possible. Again, a small fix, which Senator SHAHEEN tried to get, would easily have addressed this concern.

These fixes could have easily been made and, Lord knows, Senator SHAHEEN tried to fix them. You see, once Leader THUNE brought this to the floor, I asked Senator SHAHEEN, the ranking member of the Senate Foreign Relations Committee, to try to work with our Republican colleagues to address some of the drafting errors—not changing in any way the way the ICC should be taken to task for the way they go after Israel, but these other changes unrelated to Israel.

She and her staff worked tirelessly to find a way forward, but the Republican majority, the Senator from Arkansas, refused to make these simple changes.

Therefore, because they have chosen this partisan, nonconsultative path, I will oppose cloture on the motion to proceed, with the fervent hope that the other side will realize their error and their careless drafting and resume real conversations with us.

A bipartisan agreement is still very possible, and we hope and urge our Republican colleagues to sit down with us and come up with a bill that addresses the very real problems at the ICC without adversely affecting American companies and our allies.

CLOTURE MOTION

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 3, H.R. 23, a bill to impose sanctions with respect to the International Criminal Court engaged in any effort to investigate, arrest, detain, or prosecute any protected person of the United States and its allies.

John Thune, Tom Cotton, Tim Scott of South Carolina, Pete Ricketts, Shelley Moore Capito, Deb Fischer, Markwayne Mullin, Rick Scott of Florida, Tim Sheehy, Cindy Hyde-Smith, John Boozman, Marsha Blackburn, Mike Rounds, James Lankford, Ted Budd, John R. Curtis, Tommy Tuberville.

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 motion to proceed to H.R. 23, a bill to impose sanctions with respect to the International Criminal Court engaged in any effort to investigate, arrest, detain, or prosecute any protected person of the United States and its allies, 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 Georgia (Mr. OSSOFF) is necessarily absent.

The yeas and nays resulted—yeas 54, nays 45, as follows:

[Rollcall Vote No. 22 Ex.]

YEAS—54

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

NAYS—45

Alsobrooks	Hickenlooper	Rosen
Baldwin	Hirono	Sanders
Bennet	Kaine	Schatz
Blumenthal	Kelly	Schiff
Blunt Rochester	Kim	Schumer
Booker	King	Shaheen
Cantwell	Klobuchar	Slotkin
Coons	Lujan	Smith
Cortez Masto	Markley	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Gallego	Murray	Warren
Gillibrand	Padilla	Welch
Hassan	Peters	Whitehouse
Heinrich	Reed	Wyden

NOT VOTING—1

Ossoff

The PRESIDING OFFICER. On this vote the yeas are 54, and the nays are 45.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The motion was rejected.

The PRESIDING OFFICER (Mr. BANKS). The Senator from Alabama.

WALL ACT

Mrs. BRITT. Mr. President, January 2025 has been a turning point for the United States of America. President Donald Trump's inauguration marked the beginning of, as he put it, a new "golden age" for America. And our new President unveiled a list of Executive orders undoing 4 years of decline, in his very first week in office.

He has already reversed a number of the failed Biden-Harris policies that weakened both security at our border and enforcement of our immigration laws in our Nation's interior. He has taken action to end catastrophic catch-

and-release policies. He reinstated "Remain in Mexico," and he stopped the abuse of immigration parole.

Not only did President Trump turn our country's border and immigration policies around 180 degrees on his very first day, but, finally, at long last, Congress is working again. The House and the Senate sent the strongest immigration enforcement legislation to the President's desk since 1996.

After nearly a year of working to get the Laken Riley Act through, it is finally mere hours from becoming actual law. We are finally on our way to ensuring that criminal illegal aliens are off our streets before they can commit the most heinous crimes imaginable. Providing our States the ability to compel the Federal Government to do its job is something it also includes—and the enforcement of the laws that are actually on the books.

Far too often, we hear from grieving parents whose children's lives were cut far too short by illegal border crossers, who were poisoned by fentanyl brought across our southern border, or who suffered abuse at the hands of people who shouldn't have been in our country to begin with.

The American people have heard enough of those stories, and, on November 5, they told us they wouldn't take it any longer. The results of the November election were a signal from the people we represent to the lawmakers meant to act on their behalf. They were a verdict from the American people that Washington had, for far too long, become guilty of overlooking the problems that actually mattered to the people we are here working for.

With the Laken Riley Act, we have started to deliver on that verdict, but we are not done yet. The Laken Riley Act addresses the important problems of criminal illegal aliens already inside our country, but interior immigration enforcement is only one aspect of the problem we face. There is another priority we must focus on: preventing criminals from entering our country to begin with.

That is why I have reintroduced the WALL Act. It is long past time to finish construction of a wall on our southern border, and this bill would put us on the path to doing just that. It would appropriate funding necessary to finish the wall, and it would allow President Trump to do so without raising taxes on U.S. citizens or increasing our national debt by a single cent. In fact, we would fund the wall by fixing yet another issue with our immigration system: We would eliminate taxpayer-funded entitlements and tax benefits to illegal aliens. Not only would taxpayers stop having to foot the bill for illegal aliens, but we would also close the loopholes that illegal aliens are taking advantage of. Meanwhile, the benefits intended for citizens and legal residents would truly only go to citizens and legal residents.