

people between the ages of 18 and 45. It is perhaps less well-understood or -known that these drugs are smuggled across our southern border by Mexican drug cartels, but they are manufactured from chemicals imported from China to Mexico—so-called precursor chemicals.

But one thing is abundantly clear from all of this: China is not a threat we can ignore.

Failure to address this provision on outbound investment is not just to ignore the threat of China but to actively help them build up their own defense arsenal and threaten peace in the Indo-Pacific.

At this very moment, U.S. companies are investing money in China. They are bankrolling China's capabilities in semiconductors, quantum computing, hypersonic systems, and artificial intelligence. We are in a competition with China in each of those areas, so why in the world would we blindly allow American investors to invest in our opponent and help them defeat us in the race in each of these areas of technology? It is estimated that U.S. investments in Chinese companies currently total about \$2.3 trillion in market value. That was by the end of 2020. It included \$21 billion in semiconductors, \$54 billion in military companies, and \$221 billion in artificial intelligence.

Part of the problem is that China doesn't recognize a separation between commercial enterprises and their military. They have a law that forces their commercial enterprises to share information with their military. It is called military-civil fusion. So there is no way to just say "Well, we are just investing, in America, in Chinese businesses; we are not investing in the military." It is impossible for that to be true given the Chinese law enforcing military-civil fusion. So when you invest in China to help them build their capacity in any one of these areas, you are helping the Chinese military that one day may be an adversary—an open adversary—of the United States and our friends and allies.

How can we expect the United States to dominate in the artificial intelligence frontier if our companies are investing in the rise of our biggest competitor? We have heard in the Foreign Relations Committee, in a subcommittee that Chairman RICKETTS chaired recently, that this is the No. 1 race between China and the United States. It is who is going to perfect the use of artificial intelligence and to use it not only for commercial purposes but to defend the Nation or to use it for aggressive offensive purposes. So wouldn't we want to know if American companies are investing in the very technology China will try to use to defeat us?

Again, China is more than just a commercial competitor. Every dollar that the United States invests in a Chinese company is a dollar that is going toward the potential production of

weapons that may one day be used to kill American soldiers.

Let me say that once more. Every dollar invested in China by a U.S. investor into a Chinese company is a dollar that is going toward the potential production of weapons and technology that one day may be used to kill Americans.

It is mind-boggling to me that anyone in the U.S. Government would not see the urgency of this policy of outbound investment transparency. Once we have a good picture of exactly what is going on, we as policymakers can decide what, if any, other policies we need to enact to protect our country, but if we don't know because there is no requirement to notify the government about what those investments look like and what the nature of those investments is, we are completely blind—I would say willfully blind—to that growing threat.

Those who have thrown up roadblocks against this provision over the last 3 years are working directly, whether they know it or not, in the interests of the Chinese Communist Party and directly, whether they know it or not, against the interests of the people they represent—the American people. But now, after nearly 5 years of work from Members in both Chambers, I am proud to say the language that we have proposed to address outbound investment transparency is in the final version of this year's National Defense Authorization Act. The House, as I said earlier, will vote this week, and I look forward to supporting that provision again in the Senate.

This has been a marathon, and I am thankful to the majority leader, Senator THUNE. I mentioned the Speaker of the House, MIKE JOHNSON. I would add a number of other names: Senator TIM SCOTT, Senator CORTEZ MASTO, Senator DAN SULLIVAN, and Representative ANDY BARR in the House of Representatives—all of whom will have contributed to this success when we pass the bill.

The Chinese Communist Party may have successfully evaded our scrutiny for the past few years, but this is the year we will finally put the nail in the coffin and open our eyes to the growing challenge that China represents—again, not just as a commercial, economic competitor but as a potential military competitor on the battlefield. That is something none of us want. The best way for us to prevent that from happening is to deter China, and you don't deter them by having American dollars invested in the very military capability that they could use to fight us and defeat us and our allies in the Indo-Pacific.

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. 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.

NOMINATION OF JAMES D. MAXWELL II

Mr. DURBIN. Mr. President, today, the Senate will vote to confirm James Donald Maxwell to the U.S. District Court for the Northern District of Mississippi.

I will vote in opposition to Judge Maxwell's confirmation to a lifetime appointment on the Federal bench.

During his tenure on the Mississippi Supreme Court, he authored two opinions that raise serious concerns. In *Nash v. State*, Justice Maxwell wrote for the majority in upholding a 12-year sentence for a man convicted of possessing a cell phone in jail.

Although agreeing with the outcome in the case, another Mississippi Supreme Court justice wrote separately to highlight how the case "seem[ed] to demonstrate a failure of our criminal justice system on multiple levels."

Among other things, the facts suggested the crime was accidental and likely caused by a failure in booking procedures. In addition, the concurring justice noted that the crime was victimless and that the defendant had three children and a wife depending on him.

I asked Justice Maxwell whether he agreed with this characterization of the case. Instead of answering my question, he only summarized the case and cited the relevant statute, which authorized a sentence ranging from 3 to 15 years.

If confirmed as a district judge, Justice Maxwell will be in a position to exercise judicial discretion when sentencing a defendant. His lack of responsiveness to my questions does not give me comfort that he understands the gravity of sentencing.

In another case, Justice Maxwell affirmed the denial of a name change petition for a teenager who had the support of their parents. The lower court denied the petition, finding that the petitioner should mature further before the name change was granted.

Justice Maxwell upheld the lower court's decision, asserting without evidence that denying the name change petition was in the teenager's best interest due to a lack of maturity.

I asked Justice Maxwell about the insufficiency of the evidentiary record to determine the teenager's maturity level. He once again dodged my question.

For these reasons, I will be opposing Justice Maxwell's nomination.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask that the vote scheduled here soon occur immediately.

VOTE ON MAXWELL NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Maxwell nomination?

Mr. CORNYN. 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. BARRASSO. The following Senators are necessarily absent: the Senator from West Virginia (Mr. JUSTICE) and the Senator from Pennsylvania (Mr. McCORMICK).

Mr. DURBIN. I announce that the Senator from Illinois (Ms. DUCKWORTH) is necessarily absent.

The result was announced—yeas 51, nays 46, as follows:

[Rollcall Vote No. 640 Ex.]

YEAS—51

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

NAYS—46

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

NOT VOTING—3

Duckworth	Justice	McCormick
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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.

The majority whip.

LEGISLATIVE SESSION

Mr. BARRASSO. Mr. President, I move to proceed to legislative session.

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

PROVIDING A HEALTH SAVINGS ACCOUNT CONTRIBUTION TO CERTAIN ENROLLEES, TO REDUCE HEALTH CARE COSTS—Motion to Proceed

Mr. BARRASSO. Mr. President, I move to proceed to Calendar No. 285, S. 3386.

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

The legislative clerk read as follows:

Motion to proceed to Calendar No. 285, S. 3386, a bill to provide a health savings ac-

count contribution to certain enrollees, to reduce health care costs, and for other purposes.

CLOTURE MOTION

Mr. BARRASSO. Mr. 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 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 Executive Calendar No. 285, S. 3386, a bill to provide a health savings account contribution to certain enrollees, to reduce health care costs, and for other purposes.

John Thune, John R. Curtis, Tim Sheehy, Roger F. Wicker, Joni Ernst, Markwayne Mullin, Mike Crapo, Jon A. Husted, Lindsey Graham, James E. Risch, Todd Young, Mike Rounds, Chuck Grassley, David McCormick, John Boozman, John Barrasso, Bill Cassidy.

MOTION TO WITHDRAW

Mr. BARRASSO. Mr. President, I withdraw the motion to proceed.

The PRESIDING OFFICER. The Senator has that right.

The motion is withdrawn.

The Democratic leader.

AMENDING THE INTERNAL REVENUE CODE OF 1986 TO EXTEND THE ENHANCEMENT OF THE HEALTH CARE PREMIUM TAX CREDIT—Motion to Proceed

Mr. SCHUMER. Mr. President, I move to proceed to Calendar No. 284, S. 3385, the 3-year extension of our ACA premiums.

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

The legislative clerk read as follows:

Motion to proceed to Calendar No. 284, S. 3385, a bill to amend the Internal Revenue Code of 1986 to extend the enhancement of the health care premium tax credit.

CLOTURE MOTION

Mr. SCHUMER. Mr. 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 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. 284, S. 3385, a bill to amend the Internal Revenue Code of 1986 to extend the enhancement of the health care premium tax credit.

Charles E. Schumer, Patty Murray, Amy Klobuchar, Brian Schatz, Tammy Baldwin, Richard J. Durbin, Christopher Murphy, Jack Reed, Tina Smith, Tim Kaine, Alex Padilla, Jeff Merkley, Maria Cantwell, Christopher A. Coons, Elizabeth Warren, Peter Welch, Richard Blumenthal.

The PRESIDING OFFICER. The majority whip.

MORNING BUSINESS

Mr. BARRASSO. Mr. 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.

ARMS SALES NOTIFICATION

Mr. RISCH. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is still available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications that have been received. If the cover letter references a classified annex, then such an annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY  
COOPERATION AGENCY,  
Washington, DC.

Hon. MIKE JOHNSON,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 25-1K. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1)AECA certification 24-62 of July 25, 2024.

Sincerely,  
MARY BETH MORGAN  
(for Michael F. Miller, Director).

Enclosure.  
DEFENSE SECURITY  
COOPERATION AGENCY,  
Washington, DC.

Hon. JAMES E. RISCH,  
Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 25-1K. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 24-62 of July 25, 2024.

Sincerely,  
MARY BETH MORGAN  
(for Michael F. Miller, Director).

Enclosure.