

LEGISLATIVE SESSION

including loosening the age restrictions for prospective agents and shortening the training period from 13 weeks to merely 6 weeks and giving each of the new ICE recruits a \$50,000 cash bonus. This approach has proven woefully inadequate and downright dangerous.

Recent reporting suggests these new lowered hiring standards have resulted in ICE recruits who have barely been able to read or write, failed drug tests, displayed tattoos associated with gangs and White supremacists, failed to meet basic physical fitness requirements, and even have pending criminal charges.

Secretary Noem calls this her dream team—her dream team.

In one instance, the staff of the Georgia-based Federal Law Enforcement Training Center, where recruits were trained, were left shocked when a student asked to be excused from class to attend a court case that he faced on a gun charge.

A male recruit reportedly barged into a female dorm at one of these training facilities, after bar hopping, and harassed the occupants. Another recruit groped a woman in a training course. These are the people—the dream team of Secretary Noem—that President Trump is attempting to release onto our streets to restore law and order.

With these lower standards, the troubling incidents I have described are definitely going to increase. Given all this, I ask my Republican colleagues, if you think we need to keep an eye on the Federal Government, why don't we start here? Will any of you rebuke this lawlessness and cruelty, any one Republican Senator? What will it take for you to finally do so?

We ought to be united in calling out these abuses. Secretary Noem wants to play dress-up in her camo wardrobe, demanding government jets to tour battleground States, brag about her dream team of masked secret police, arrest ordinary people who are working hard on tough jobs, with what, I believe, is an attempt to change basic constitutional principles. We have to stand up and speak out. Is this what America is really all about?

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

ORDER OF BUSINESS

Mr. KING. Mr. President, first, I ask unanimous consent that the following Senators be permitted to speak prior to the scheduled rollcall vote: myself for up to 15 minutes, Senator WYDEN for up to 10 minutes, Senator ERNST for up to 10 minutes, Senator CASSIDY for up to 5 minutes.

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

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE OFFICE OF THE SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES RELATING TO "POLICY ON ADHERING TO THE TEXT OF THE ADMINISTRATIVE PROCEDURE ACT"—Motion to Proceed

Mr. KING. Mr. President, I move to proceed to Calendar No. 203, S.J. Res. 82.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant executive clerk read as follows:

Motion to proceed to Calendar No. 203, S.J. Res. 82, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Office of the Secretary of the Department of Health and Human Services relating to "Policy on Adhering to the Text of the Administrative Procedure Act".

Mr. KING. Mr. President, this is a nonpartisan CRA, which doesn't happen around here all that often. This is basically just public participation in good government.

When the Administrative Procedure Act was passed in 1947, the Department of Health and Human Services didn't exist. And for about a dozen years, it didn't have much in the way of responsibility. And so it was exempt from the provisions of the Administrative Procedure Act that apply to public comment and public input on significant decisions in Agencies that apply throughout the Federal Government.

In the early seventies, Elliot Richardson, who was President Nixon's Secretary of Health and Human Services, issued a waiver of the exemption. I realize it is a little contorted, but, basically, what he found was that the role of the Health and Human Services Department was vastly expanded after Medicare, Medicaid, and the other responsibilities that had been placed in that Department. So he said, in effect: We will be subject to the Administrative Procedure Act, and we will notice the major activities that we are going to do to the public, and we will allow public comment.

It is not a veto. It is just a simple transparency of "here is what our activities are going to entail," and it allows the public to comment. And that has been the law for 54 years, through six Republican Presidents, including Ronald Reagan and the first administration of Donald Trump.

In March of this year, Secretary Kennedy chose to repeal this waiver—this rule that was adopted 54 years ago—and closed the processes of the Department of Health and Human Services to the public and, essentially, obscured activities that they were making so the public only learned about them after they had happened. There was no

opportunity. There was no notice, and there was no opportunity for the public to comment.

So we are not really talking about politics here. We are not talking about Democrats and Republicans. We are just talking about a fundamental rule of how our government works in an effort to be in touch with the public, to allow them to know what is going on in these important decisions and to have a role.

Now, it is ironic because Secretary Kennedy, in his confirmation hearing, used a term that, frankly, I had never heard before, but he used it repeatedly: "radical transparency."

He said: We are going to have "radical transparency."

And we went back and looked. He used the term "transparency" something like a hundred times in his response to questions either in his hearing or in his written responses. This was a basic premise of what he presented to the Congress in his path to confirmation.

This is the opposite of "radical transparency." It is radical obfuscation. It is deliberate action. He had to take an action to rescind this, what had been the rule for the Department of Health and Human Services, as I say, for 54 years, under Presidents of both parties and different administrations.

And what we are really talking about is simply allowing the public to know what these proposed actions will be and the ability to comment. What is wrong with that? What is objectionable about that? It doesn't slow things down appreciably. It is not a huge impediment to Executive action.

And we are not talking about emergency action. We are talking about fundamental policy decisions being made by the Department.

Now, here is what we are talking about. Basically, it is called the Richardson waiver, and it was the waiver of the exemption of the Department that was in the original Administrative Procedure Act. By rescinding it, which is what they did, we are—the CRA that we are talking about today would rescind the rescission. It would basically overturn the decision of the Secretary to close the processes of the Department to the public.

So it basically says the public can't weigh in. And, again, we are not talking about a veto or some extraordinary opportunity for things to be obstructed, just notice and comment. That is sort of the basic process of our administrative work that we do here in Washington—so no ability of people to weigh in on major healthcare policy changes.

He reorganized the entire Department without any notice, without any studies or analysis or public notice of what they were doing and why.

Clearly, the Executive can make changes in the staffing arrangements and that kind of thing. They can work on how to organize their Departments. But there should be some—when it is a

wholesale reorganization, there should be some notice of “here is what we are going to do, here is the basis, here is the study we have done, here is why we need these jobs; and we don’t need these jobs.” None of that happened after the rescission of this rule. And there was no public comment. There was no public input on, really, a fundamental reorganization of one of the most important and the second largest Department that we have in the U.S. Government—HHS reduction in force and mass firings, tremendous changes in the organization and the ability of this Department, created by the Congress to meet the needs of the people that the Congress had in mind when they funded these programs and created this Agency.

They canceled thousands of grants and billions of dollars of research funds. Again, without any notice, without any opportunity to comment, they were just gone, including, believe it or not, research into Alzheimer’s, research into some of the most serious diseases that we have in this country that are ravaging our people, cutting off research.

Again, if that is what they are going to do, they should do it, but they should let the people know that they are doing it and why, and allow people to say: No, no, we think this is important. We think this area is particularly important—just to have the input.

To do it arbitrarily and behind closed doors with no notice and no opportunity for people to have input is a disservice to the American people. And that is what this has done.

Thousands of grants, billions of dollars—and I am talking about like \$11 billion in medical research. Imagine what might be in that research that has now been canceled. And people were in clinical trials that were canceled. That is, I believe, one of the most important functions of the Federal Government. It is research and supporting research. And here we are, canceling this with no notice, no opportunity for people to comment.

Another point: appointing members of important advisory committees with no public input. In the past, there was public input. There was a notice posted that we are going to appoint these advisory committees. Come forward. Make nominations. Give us names.

None of that happened. And we all know that there have been some pretty questionable decisions recently by these purged advisory committees.

So, again, this is good government. This isn’t an attack on Secretary Kennedy, on President Trump. This is just getting us to the place where the public has some input and knowledge of these major decisions that are being made that affect the health and welfare of the people of the United States.

So I hope that we can have a bipartisan vote on this today because, again, this is just a sort of wonky process flow, but it protects the public’s ability to know what is going on in one of the

most important Departments in our government and to have a chance to have a little say on those decisions.

So I hope that we can have a significant bipartisan vote today. I think this will make a difference. I think it will help the country. I don’t think it will hamstring the Department or the Secretary in any way, and it will, in fact, improve the health and welfare of the people of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. While he is on the floor, I want to tell my colleague, it has been a pleasure to work with him on this, and what you have said is so eloquent. I am going to be very brief and just make one point. What you want to make sure of is that the American people aren’t in the dark with respect to important health issues. You want them to be able to comment. You want them to be able to weigh in. And I think that is extraordinarily important.

And the reason it is needed is, earlier this year, Robert Kennedy took the unprecedented step of doing away with that and basically taking away that right to comment on matters that are so important to them. From day one of his tenure at HHS, he has gone to great lengths to upend public health and erode the safeguards that have been in place for decades to keep kids and seniors and families safe and healthy. He has fired thousands of scientists, health professionals, and staff in charge of the health and well-being of kids and families.

And one of the things that I appreciated your mentioning is, the roots of this—the roots of the Richardson waiver—are with Republicans. This was not some plot by a bunch of people for ideological reasons on the other side of the political spectrum. This was a basic proposition of making sure that people had a say in the healthcare policies that the Federal Government enacts.

And I would just say to my friend, back in my days when I was director of the Gray Panthers—I know my colleague was with legal aid—we thought the right to participate was just about as fundamental as you can get. And doing away with that makes it a lot easier to undermine science and healthcare in America and make every one of us less safe.

And under the rule change that is being talked about, it is all being done for reasons of secrecy.

Since Kennedy’s repeal of the Richardson waiver, HHS has abruptly and arbitrarily canceled hundreds of millions of dollars of previously approved public health funding. The Secretary has announced a major reorganization of his Department, resulting in fewer health experts at HHS, and without the Richardson safeguard in place, it seems to me that we will have a government that is emboldened to move forward with sweeping rules about vaccines without input from the public.

Robert Kennedy—and my colleague touched on this—promised radical transparency. We had the confirmation hearing in the Senate Finance Committee. So on promises for radical transparency, it looks like what we got, to me, I would say to my colleague, is radical secrecy. Instead of throwing open the doors of government, what has happened is the gates have been shut, and the key has been thrown away.

So the resolution that you are introducing today makes sure that the American people get their voice back, and on what I think is the most important issue, which is health.

I visited with my colleague before on this, I have always felt the most important issue is health because, if you and your loved ones don’t have their health, everything else goes by the board.

And what you are doing with this important resolution is giving Americans a say in the future direction of their own health. You are giving them the power to speak up about this crusade against healthcare and the power to speak out against the policies that are making them less safe.

I come to the floor today to say that this is a thoroughly nonpartisan CRA. You look at this and the language and what you are trying to do, and how you describe it on the floor has really drained some of the ugly partisanship out of an important debate. You have said this comes down to—as I said earlier: Let’s make sure the American people aren’t in the dark.

I urge my colleagues to vote for transparency, to vote for the right to weigh in on these healthcare issues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

WAIVING QUORUM CALL

Ms. ERNST. Mr. President, I ask unanimous consent to waive the mandatory quorum call with respect to Executive Calendar No. 4, S. Res. 532.

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

UNANIMOUS CONSENT REQUEST—S. 3166

Ms. ERNST. Mr. President, the COVID pandemic is over, and the emergency spending spree should be over too. The COVID-era ObamaCare boosts were temporary, and now those temporary benefits are set to return to pre-COVID levels—exactly as the law intended. These emergency measures were for an actual emergency, not a forever program and definitely not a backdoor expansion of ObamaCare.

Healthcare costs increased for everyone during the Biden years, not just those with ObamaCare. We need a plan that brings down healthcare costs for everyone.

In addition to ending the emergency spending spree, as the law says, we need to claw back every last COVID slush fund dollar before Washington finds a new way to waste it. There are billions of dollars still sitting in the U.S. Treasury with “for COVID” written on them.

This summer, the GAO, the Government Accountability Office, identified \$65 billion—that is billion with a “b”—still in COVID slush funds. Let’s close the book, return to reality, and give taxpayers the accountability they have long demanded—because, yes, their hard-earned money ended up paying for binge-drinking monkeys in Oregon. What? Let’s hear you all say: What? It is unbelievable, but it is true. The Oregon Health and Science University raked in more than \$1.8 million for this. In one study, monkeys were fed 8 to 16 alcoholic drinks a day to see how their chronic boozing affects COVID-19. Taxpayers didn’t sign up for that, and it is long past time we put a stop to it.

Let me also give you some examples of unspent COVID funds.

Three million dollars is sitting in an account for museum and library services for COVID.

There is \$390 million for USAID’s Emergency Connectivity Fund for educational connections and devices. USAID is no more, so these millions should have been returned to taxpayers yesterday.

Four million dollars for international broadcasting operations at the Millennium Challenge Corporation. I challenge you to find any American on the street who would want their tax dollars going toward COVID funds for international broadcasting 6 years after the COVID pandemic.

Mr. President, \$389 million in COVID funds sits unspent for HHS program management. I think they have managed COVID enough.

One million dollars for USDA’s marketing services. USDA. I can tell you that Iowa farmers would much prefer these funds be put toward a better use.

One million dollars for an account that just simply says “science” at the State Department, OK? So let me tell you, my friend Secretary Rubio is holding down a lot of different jobs—but “science”? Let’s give that COVID “science” money back to taxpayers.

Those are just a few examples. I have tracked 82 program accounts—82 program accounts—with remaining COVID funding.

My Returning Unspent COVID Funds Act is very simple. The COVID pandemic was 6 years ago. It is past time for the unspent COVID funds to be clawed back. Let’s pass my bill and send these funds back to the treasury.

So, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 266, S. 3166. I further ask that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Oregon.

Mr. WYDEN. Mr. President, reserving the right to object, I am going to make just a few brief points in response to Senator ERNST’s proposal.

This bill would rescind each dollar of unspent funding from emergency

supplementals, including funds America needs to prevent the spread of infectious diseases. For example, the Trump administration is using this funding right now—that is right now—to address an Ebola outbreak.

Rescinding this funding makes America less safe. The point of the Rapid Response Reserve Fund is to have money in case there is a need for a rapid response.

This funding can save lives. This bill would further rescind funding for medical supply chain development, manufacturing, and production to develop products like a universal flu vaccine to prevent the next pandemic. And it rescinds funding available to build a stronger healthcare workforce for nurses and disease specialists who can address emergency interventions.

I want to say to my colleague: We have always worked well together, and I would be glad to work with her and other colleagues to have a comprehensive look at what should and should not be rescinded because of the discussion that we have just had.

That is something that should be done as part of the appropriations process, not, in my view, through this legislation.

For that reason, Mr. President, I object.

The PRESIDING OFFICER (Mr. RICKETTS). The objection is heard.

The Senator from Louisiana.

S.J. RES. 82

Mr. CASSIDY. Mr. President, this well-meaning CRA is not needed. For decades, Congress has allowed Agencies to fast-track regulations on bureaucratic topics that do not impact the public. The policy that is sought to be overturned merely aligns HHS policy with this longstanding exemption. It does not change the process for major regulations that impact the public.

The courts have weighed in repeatedly on Agency processes for issuing regulations. Fast-track procedures can only be used in a narrow set of circumstances.

If there is a concern about the HHS policy, the goal should be to change the law, not pass this CRA.

There has been an implication that reductions in force would have gone through rulemaking if HHS still had the Richardson waiver in place. That is actually not true. The reductions in force are governed by an Office of Personnel Management regulation implemented by HHS.

I yield the floor.

VOTE ON MOTION

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

Mr. TILLIS. 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 Senator is necessarily absent: the Senator from Montana (Mr. DAINES).

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 641 Leg.]

YEAS—50

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

NAYS—49

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

NOT VOTING—1

Daines

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 49. The motion is agreed to.

The motion was agreed to.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE OFFICE OF THE SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES RELATING TO “POLICY ON ADHERING TO THE TEXT OF THE ADMINISTRATIVE PROCEDURE ACT”

The PRESIDING OFFICER. The clerk will report the joint resolution.

The senior assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 82) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Office of the Secretary of the Department of Health and Human Services relating to “Policy on Adhering to the Text of the Administrative Procedure Act”.

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 Executive Calendar No. 4, S. Res. 532, an executive resolution authorizing the en bloc consideration