

the Senator from New Jersey (Mr. BOOKER), the Senator from Pennsylvania (Mr. FETTERMAN), the Senator from Minnesota (Ms. KLOBUCHAR), and the Senator from Oregon (Mr. MERKLEY) are necessarily absent.

The yeas and nays resulted—yeas 49, nays 42, as follows:

[Rollcall Vote No. 165 Leg.]

YEAS—49

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

NAYS—42

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

NOT VOTING—9

Bennet	Fetterman	Merkley
Booker	Graham	Risch
Cramer	Klobuchar	Tillis

The PRESIDING OFFICER (Mr. RICKETTS). On this vote, the yeas are 49, the nays are 42. The motion is agreed to.

The motion was agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant executive clerk read the nomination of Anthony W. Mattivi, of Kansas, to be United States District Judge for the District of Kansas.

The PRESIDING OFFICER. The majority leader.

ORDER OF BUSINESS

Mr. THUNE. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the postcloture time with respect to Executive Calendar No. 744 be expired and the Senate vote on confirmation of the nomination at 2:15 p.m. tomorrow; finally, that if the nomination is confirmed, the motion to reconsider be considered made and laid upon the table, and the President be immediately notified of the Senate's action.

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

LEGISLATIVE SESSION

Mr. THUNE. 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.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. THUNE. Mr. President, I move to proceed to executive session to consider Calendar No. 745.

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

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant executive clerk read the nomination of Anthony J. Powell, of Kansas, to be United States District Judge for the District of Kansas.

CLOTURE MOTION

Mr. THUNE. 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 senior assistant executive 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. 745, Anthony J. Powell, of Kansas, to be United States District Judge for the District of Kansas.

John Thune, Tim Sheehy, Pete Ricketts, Mike Rounds, John Barrasso, Ted Budd, Jim Banks, Rick Scott of Florida, Todd Young, David McCormick, Shelley Moore Capito, Jerry Moran, Jon Husted, John Boozman, Mike Crapo, Katie Boyd Britt, John R. Curtis.

LEGISLATIVE SESSION

Mr. THUNE. 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.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. THUNE. Mr. President, I move to proceed to executive session to consider Calendar No. 765.

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

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant executive clerk read the nomination of Brock Dahl, of Maryland, to be Legal Adviser of the Department of State.

CLOTURE MOTION

Mr. THUNE. 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 senior assistant executive 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. 765, Brock Dahl, of Maryland, to be Legal Adviser of the Department of State.

John Thune, Ted Budd, Cindy Hyde-Smith, Chuck Grassley, Katie Boyd Britt, Roger Marshall, John Boozman, John Cornyn, Tim Sheehy, Rick Scott of Florida, Mike Rounds, Tommy Tuberville, Bernie Moreno, Tim Scott of South Carolina, John Barrasso, Steve Daines, Shelley Moore Capito.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. THUNE. Mr. President, I ask unanimous consent that the Senate resume legislative session and 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.

EMERGENCY PRESIDENTIAL DETERMINATION ON REFUGEE ADMISSIONS FOR FISCAL YEAR 2026

Mr. DURBIN. Mr. President, I ask unanimous consent to print the attached letter in the CONGRESSIONAL RECORD.

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

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington DC, June 8, 2026.

PRESIDENT DONALD J. TRUMP,
The White House,
Washington, DC.

DEAR PRESIDENT TRUMP: On May 21, 2026, you issued an Emergency Presidential Determination on Refugee Admissions for Fiscal Year 2026, increasing the refugee admissions goal from 7,500 to 17,500. We offer the following observations and recommendations on your Administration's shameful efforts to gut the refugee admissions program.

We have identified multiple legal defects with the Emergency Presidential Determination on Refugee Admissions for Fiscal Year 2026. First, your Administration did not conduct the appropriate consultation required by Immigration and Nationality Act (INA) section 207(a)(2) before the President may increase the refugee admissions goal in response to an unforeseen refugee situation. INA section 207(e) defines an appropriate consultation as including "discussions in person by designated Cabinet-level representatives of the President with members of the Committees on the Judiciary of the Senate and of the House of Representatives to review the refugee situation or emergency refugee situation." The purported consultation on May 21 occurred with the Deputy Secretary of State and Deputy Secretary of Homeland Security, and no attempts were made to ensure that members of the Committee on the Judiciary of the Senate could attend. Prior to the consultations for Fiscal

Year 2026, there are no recorded instances of a consultation occurring without at least one cabinet level official. The consultation therefore did not meet statutory requirements for an appropriate consultation. This follows multiple instances in the first Trump Administration when the Executive Branch violated the Refugee Act by failing to hold timely and meaningful consultations with Congress.

We also observe that there is no “unforeseen refugee emergency” in South Africa justifying an increase in the refugee admissions goal. Congress created a process in the Refugee Act of 1980 under which the President can increase the refugee admissions allocation when a crisis resulted in an unexpected impact on countries of first asylum or when a U.S. response would alleviate grave humanitarian concerns or promote national interests. The Senate Judiciary Committee report on the Refugee Act (S. Rept. 96-256) listed the following examples: a “sudden exodus of people from a country where there had been no refugee flow before,” “a substantial increase in the number of refugees in an area of the world where ‘normal flow’ refugees were anticipated, but urgent new numbers developed,” or “any catastrophic circumstance affecting an asylum area requiring immediate action.”

No such unforeseen emergency was described by the Administration’s briefers during the consultation or through supplemental materials. To justify the increase in refugee admissions, your designees pointed to an increase in ongoing reports of “rhetoric” attacking Afrikaners by the South African government. However, in your Executive Order issued on February 7, 2025, entitled, “Addressing Egregious Actions of the Republic of South Africa,” you cite “hateful rhetoric and government actions” by the South African government against Afrikaners—if we accept these representations as accurate, continued rhetoric was not unforeseen. Similarly, the Report to Congress on Proposed Emergency Presidential Determination on Refugee Admissions for Fiscal Year 2026 discusses a raid by South African officials on a U.S. Refugee Processing Center. By all accounts, the U.S. government had contracted officials to work in the Center without lawful work authorization, and enforcement action against individuals working unlawfully could hardly be called unforeseen. During the consultation, your designees further admitted that South Africa’s official policies regarding Afrikaners have not changed since the previous consultation in November 2025.

By contrast, there are numerous forced displacement crises and conflicts worldwide that would justify an emergency increase in the ceiling, including, for example, in Sudan, Burma, and Haiti. During the consultation, some members raised resettlement of refugees from Iran, including religious minority community members and political dissidents. Escalating violence in South Sudan, including attacks on civilians, led 100,000 people to flee into Ethiopia in March 2026 alone. Since the November 2025 consultation, escalating violence in the Democratic Republic of Congo between the Congolese Armed Forces and M23 rebel group led more than 40,000 people to flee to Burundi in a single week. Since early March 2026, more than one million people in Lebanon, or 20 percent of the country’s population, have been internally displaced due to escalating hostilities in the Middle East.

Your designees also stated that only Afrikaners are being considered for an exception to the bar on refugee admission. On January 20, 2025, you signed Executive Order 14163, putting an indefinite pause on the U.S. Refugee Admissions Program. This Executive

Order allows the Secretaries of State and Homeland Security to admit refugees to the United States on a case-by-case basis, in their discretion, but only so long as they determine that the entry of such noncitizens as refugees is in the national interest and does not pose a threat to the security or welfare of the United States. On December 19, 2025, the Secretary of State designated this authority to the Deputy Secretary, the Deputy Secretary for Management and Resources, and the Under Secretary for Foreign Assistance, Humanitarian Affairs, and Religious Freedom.

During the consultation, however, the designees noted that only Afrikaners are currently being excepted from the Executive Order and could not describe a process by which any other applicant for refugee admission may be considered for an exception. There were 42.5 million refugees worldwide at the end of 2025, including many who present no threat to the security or welfare of the United States, and whose admission would be in the national interest of the United States. For example, many refugees remain separated from their families in the United States. Thousands of Afghan allies remain stranded abroad after risking their lives to serve alongside our servicemembers. There are also 123,000 fully vetted refugees who were in the pipeline to come to the United States on the first day of this Administration, 12,000 of whom had their travel to the United States scheduled. During the consultation, your designees stated these refugees will remain stranded until the policy is changed. We urge you to consider additional refugees for exceptions to the ban on refugee admission under Executive Order 14163.

The U.S. refugee admissions program has been the gold standard of vetting and served as a key diplomatic tool for 46 years. The program was created by Congress with the express purpose to give “statutory meaning to our national commitment to human rights and humanitarian concerns.” Your decision only to admit as refugees members of a group favored by your Administration is a betrayal of our nation’s longstanding bipartisan commitment to serve as a safe haven for those fleeing persecution. We urge you to conduct an appropriate consultation that complies with the law and to admit refugees impacted by the emergencies described above.

Sincerely,

RICHARD J. DURBIN,
Ranking Member, Committee on the Judiciary.
ALEX PADILLA,
Ranking Member, Committee on the Judiciary,
Subcommittee on Border Security and
Immigration.

REMEMBERING BARNEY FRANK

Mr. DURBIN. Mr. President, Barney Frank was one of the brightest Members of Congress I have ever had the pleasure of serving with. He was smart, outrageous, colorful, and courageous. Most importantly, he was a good man. Barney passed away last month, and I would like to take a moment to recognize his lifetime of public service.

Born in Bayonne, NJ, Barney discovered his interest in government at the age of 10 watching Senate hearings on his father’s television set. Barney said in his own words: most children were interested in becoming “a cowboy, a boxer, or a puppeteer. I preferred the idea of sitting behind an impressive dais grilling colorful Mafiosi.” To feed his passion, Barney volunteered for

Adlai Stevenson’s second Presidential campaign in 1956 while he was in high school, and the next year, he arrived at Harvard University to study public policy. Barney remained in Massachusetts for 56 years, rising in the ranks of government from executive assistant to the mayor of Boston to the Halls of Congress.

Anyone who met Barney knew that he was the last person you would want to argue with. His sharp tongue and acerbic retorts were legendary, and Barney was never afraid to use his talents to defend the causes that he believed in. Fortunately for our country, his cause was often that of the disenfranchised and powerless. Elected in 1980—the same year as President Ronald Reagan—Barney fought against the Reagan administration’s attempts to cut government programs that helped working families, and he passionately defended the Legal Services Corporation, which was facing backlash for assisting the United Farm Workers. Barney’s political acumen was as strong as his intelligence, and he achieved huge success for a new congressman.

Yet Barney’s early years in the House are perhaps best remembered for his courageous decision to come out as gay at a time when LGBTQ+ people were still banned from serving in the Armed Forces or holding a security clearance. That decision took guts. No congressman had ever come out of the closet willingly before Barney, and many had warned him that doing so would jeopardize his ability to reach higher office. But Barney refused to take the easy way out, and in 1987, he became the first openly gay Member of Congress. Barney had already been a staunch advocate for gay rights long before he came out; he even introduced the first gay rights bill in Massachusetts history as a State representative in 1972, and he continued that fight long after he announced his sexuality. Barney worked to remove homophobic provisions from America’s immigration laws, advocated for funding for AIDS and HIV research and treatment, and fought passionately against the discrimination of the LGBTQ+ community at every level of government. By the time Barney left Congress, gay people were able to openly serve in the military, sodomy laws were declared unconstitutional, and hate crimes based on an individual’s sexuality were explicitly prohibited by law.

Behind Barney’s brilliant wit and courage was also a statesman who was just as comfortable crafting bipartisan compromise as he was delivering a soundbite. Barney was indispensable in picking up the pieces of our economy in the aftermath of the 2008 financial crisis. Not only did he work with the Bush administration to prevent the crisis from deepening, but he also joined forces with Senator Christopher Dodd to pass the Dodd-Frank Act, the largest reform to Wall Street and the American financial system in the post-war era. This bill created the Consumer