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## Senate

(Legislative day of Friday, September 22, 2023)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable PETER WELCH, a Senator from the State of Vermont.

### PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Air National Guard Chaplain Lt. Col. Kent Lundy, wing chaplain at the 181st Intelligence Wing from Terre Haute, IN.

The guest Chaplain offered the following prayer:

If you would be in prayer with me.

Inspiring God that creates a way where there is no way, inspire these servant Senators to rise to every challenge by putting people over profits and freedom for all over privilege for a few. Bless them and their staff with a passion in their bellies and steel in their spine so that they can do the hard things well. May they never take more power than we the people give them. May the good they seek to do be the good for everyone who calls the United States home.

Give this body a passion to especially make sure our military is ready to defend democracy at home and around the world.

Eternal light that never shuts down, may our Senators answer a higher calling that will care for Your creation for at least the next seven generations, and may You endow them with wisdom as they steward the gift of freedom for such a time as this.

Instill the characteristics of integrity, truth, humility, and compassion in all Americans, just as we expect the same from these servant Senators. And let us commit to making selfless service great again.

Even if the institution of the Senate would last a thousand years, may the people one day say: This—this—was their finest hour.

Mindful of all the names Your children use to call upon You, I pray in the Name of Jesus. Amen.

### PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mrs. MURRAY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 27, 2023.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PETER WELCH, a Senator from the State of Vermont, to perform the duties of the Chair.

PATTY MURRAY,  
President pro tempore.

Mr. WELCH thereupon assumed the Chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

### LEGISLATIVE SESSION

#### SECURING GROWTH AND ROBUST LEADERSHIP IN AMERICAN AVIATION ACT—MOTION TO PROCEED—Continued

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 3935, which the clerk will report.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 211, H.R. 3935, a bill to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

WELCOMING CHAPLAIN KENT A. LUNDY

Mr. YOUNG. Mr. President, "Let us all strive to make selfless service great again." Lt. Col. Kent Lundy opened this Chamber in prayer today.

When the Constitutional Convention reached an impasse in the summer of 1787, the oldest delegate offered a suggestion to the assembled. Rather than searching in the dark for truth, Benjamin Franklin reasoned they should instead begin each day's work with an appeal through prayer to the "Father of Lights" to illuminate their path. Without his assistance, Franklin argued, "[w]e shall be divided by our little partial local interests; our projects will be confounded, and we ourselves shall become a reproach and a byword down to the future age."

With that divine assistance, none of these ever came to pass, blessedly; that we stand in this institution that they built, guided by the Constitution that they wrote, is surely proof of it and proof of his blessings. We still need them. We need those blessings over our work here, over our Nation.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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I am honored that, today, that appeal was made by one of Indiana's own. An airman pastor, Lt. Col. Kent Lundy has long served his Nation and the communities he has called home. He wears the uniform of the Air Force as a member of the Indiana National Guard. He is an ordained elder in the United Methodist Church. Chaplain Lundy has been a member of the Indiana Air National Guard for 16 years, 12 of which were with the 122nd Fighter Wing in Fort Wayne as a chaplain.

He has been deployed overseas twice, and for the last 4 years he has been on Active Duty with the 181st Intelligence Wing in Terre Haute, IN.

As wing chaplain, he supports the physical, social, mental, and spiritual needs—the four pillars of airman fitness—of his fellow guardsmen as they do their work, as they seek to make America great again through service from the ground up, as they provide our military critical assistance for missions and rescue efforts during natural disasters.

A testament to the passion he brings to his work, Chaplain Lundy has said being an Air Force chaplain is “the greatest job in the Air Force.” And when you meet him, you get a sense of his enthusiasm for his work, for his service. You come to understand that.

But his work goes beyond that. He is an advocate for Hoosier veterans, and he has worked to destigmatize and increase access to mental health care for those who have served.

Chaplain Lundy originally joined the Air Force in 2006. His calling goes back much further than that, though. He first heard it during a visit to the Holy Land as a seventh grader shortly after joining the church. Over the years, it has led him to pastor churches in Fort Wayne and other parts of northeast Indiana.

His wife, Rev. Dr. Marti Gates Lundy, who is with us today as well, is also a United Methodist pastor.

Chaplain Lundy has devoted his life to God and to meeting the spiritual needs of his fellow Hoosiers and the men and women who serve our country.

I don't know if he found the U.S. Senate as big of a thrill as he has the Indianapolis Motor Speedway—we are not going to ask him that question; he has offered prayers there, too—but we are privileged to have had Chaplain Lundy deliver today's invocation.

After all, to borrow Franklin's words, we still need the assistance of Heaven and its blessings on our deliberations.

Thank you, Chaplain Lundy, for making those appeals on our behalf.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

Mr. BRAUN. Mr. President, I would like to thank you, Chaplain Lundy, for coming all the way from Terre Haute. That is on kind of the west central side of our State, a pretty good trek out here.

You heard what the senior Senator from Indiana said. You have had a storied career in the military, but I think

having a life led based upon strong faith, there is no substitute for it, serving there with the National Guard.

Indiana has the notoriety for having a lot of veterans in our own State, always coming to the call when there is a need, whether it is through the National Guard or through Active Duty.

You play such an important role because so often the troops who give the most, who serve, need the help of probably the Almighty more than any of us in that task. Thank you for doing that. Caring for that spiritual well-being, it is hard to imagine how that works in some instances. Again, doing it, you ought to feel good about the career you have made and spent, especially back home in Indiana.

We are a State where, I think, faith is the cornerstone of so much of what we do. Our families and our communities all intertwine. Every town, I think, needs that. Every State needs that.

Thank you, again, for doing this today, opened the Senate session in prayer, and for what you have done throughout your storied career.

Chaplain LUNDY. Thank you.

Mr. BRAUN. You are welcome.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

CONTINUING RESOLUTION

Mr. SCHUMER. Mr. President, well, yesterday afternoon, Democrats and Republicans reached an agreement on a CR that will keep the government open until November 17, and, with a strong bipartisan vote of 77 to 19, the Senate agreed to move forward last night on this legislation. It shows that, in the Senate, both parties can work through our differences for the betterment of the country.

But in the House, Republicans have tried everything but bipartisanship. Last night, the Speaker twisted himself into pretzels yet again, trying to avoid his responsibility of governing. But this is the truth: Every bill House Republicans have pushed has been partisan, every CR has been aimed at the hard right, and every path they have pursued to date will inevitably lead to a shutdown.

Speaker McCARTHY, the only way—the only way—out of a shutdown is bipartisanship, and by constantly adhering to what the hard right wants, you are aiming for a shutdown. They want it. You know it. You can stop it. Work in a bipartisan way like we are in the Senate, and we can avoid harm to tens of millions of Americans.

Bipartisanship is precisely what we have been pursuing here in the Senate. We haven't agreed on everything, and there is still a lot more work to be done. But we haven't let our differences paralyze us, and the result has been a commonsense, bipartisan, sensible approach for a CR.

It will keep the government funded at current levels until November 17. It

will extend the Federal Aviation Administration until December 31. It will replenish the Disaster Response Emergency Fund to help communities battered by natural disasters. It will continue paying Federal firefighters. It will extend funding for community health centers, the National Health Service Corps, and other healthcare programs. And it will send more help to our friends in Ukraine.

Thank you to my colleagues who negotiated this bill in good faith. Thank you to Chair MURRAY and Vice Chair COLLINS and all the staff on the Approps committees, who worked all day and night through the weekend. And thanks to Leader MCCONNELL and the many, many Republicans who worked with us and joined us in passing this, for moving forward on this bipartisan CR.

Now, there is still much more work to do. Now that we are on the bill, it will require consent and cooperation to move it swiftly through the Chamber. We cannot have Members trying last-minute delay tactics and risk a shutdown. The CR agreement the Senate has released is a good, sensible, and bipartisan—let me emphasize “bipartisan”—bill. It is a bridge toward greater cooperation between the Chambers and away from the paralyzing extremism we have seen in the House.

And a reckless shutdown will serve no purpose except for hard-right partisans, whose only goal is to grind the gears of government down and promote extremism. It will cause grave harm for communities across the country. A reckless shutdown will cause grave harm to our border. It will affect our military by withholding their pay. It will disrupt everything from food safety inspection to TSA operations, to small business loans.

This is the problem with MAGA extremism. It is not serious about governing. Chaos is the only word in their playbook. Conflict seems to be their natural state of being. And some of them seem to exult in shutting down the government.

And if MAGA Republicans get their way, the danger for this country will be great. Extremism will be dominant. The ultrarich will be empowered. Working families will suffer. Women's healthcare will be even more curtailed.

We don't want to go down that troubling road. The Speaker should resist the 30 or so Republicans who want to drag us in that direction, and he can do it by giving bipartisanship a chance, just as we are doing here in the Senate.

SAFER BANKING ACT

Mr. President, now on SAFER Banking, this morning, as we speak, the Banking Committee is holding a markup on our bipartisan SAFER Banking Act. Today's markup of SAFER Banking represents a huge step forward in the Senate's effort to help cannabis businesses operate more efficiently, more safely, and more transparently.

I worked long and hard to get to this point with Chairman BROWN and Ranking Member SCOTT; and special thanks

to Senators Merkley, Daines, Lummis, Sinema, and Reed, because I thank them for their cooperation as well. It has been a goal of mine since we started this session of the Senate to move forward on this legislation.

And the good news: The SAFER Banking bill is about to be reported out of committee with strong bipartisan support this morning. Once it is reported out of committee, I will bring SAFER Banking to the floor for a vote as quickly as possible.

For too long, cannabis businesses have been forced to rely primarily on cash transactions—no credit or debit cards. Dealing only in cash stifles these businesses' growth, opens them up to so many risks, and makes them easy targets for theft, robbery, and other crimes. No industry has the ability to thrive if they can't access banking infrastructure, especially not an industry that is growing as quickly and is as new as the cannabis industry.

Congress has always been in the business of promoting entrepreneurs, promoting small business, and promoting job growth. We should continue doing so with the cannabis industry. Our SAFER Banking Act will connect cannabis businesses, especially ones in minority and underserved communities, to traditional financial resources like bank accounts and small business loans, creating a safer and more transparent environment for the industry to grow.

I am also committed to including criminal justice provisions like HOPE and GRAM in SAFER Banking. I have long advocated for expungement of records for cannabis offenses, and with SAFER Banking moving through the committee in a strong bipartisan way, now is the time to get it done.

So, again, I thank my colleagues on both sides for their work on this legislation, which has been an effort years—in the making. And once it is reported out of committee, I will put SAFER Banking on the floor for a vote very soon.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

#### CONTINUING RESOLUTION

Mr. McCONNELL. Mr. President, yesterday, the Senate took the first step toward avoiding a harmful and unnecessary government shutdown. The business before us now is to pass standard, short-term funding legislation to keep basic and essential government functions operating while work continues on full-year appropriations.

We are talking about making sure that the servicemembers who will con-

tinue to stand watch around the world and the Border Patrol and ICE agents who will continue to contend with the Biden administration's border crisis here at home and the VA medical providers who will continue to care for America's heroes don't have to go without their paychecks.

The choice facing Congress is pretty straightforward. We can take the standard approach and fund the government for 6 weeks at the current rate of operations, or we can shut the government down in exchange for zero meaningful progress on policy.

So let's be clear. There are a number of important discussions on additional funding priorities that are still unresolved. Many colleagues are eager to make real progress in bringing the Democrats' reckless spending to heel; to force the administration to start taking its southern border crisis seriously; to provide greater relief for victims of wildfires, hurricanes, and other natural disasters; and to deliver continued assistance to Ukraine's defense against Russia. And on all of those counts, I am one of them.

We would like to address all of those issues, but these important discussions cannot progress if Congress simply fails to complete our work on standard, short-term funding and the basic functions of government end up being taken hostage. So a vote against a standard, short-term funding measure is a vote against paying over a billion dollars in salary for Border Patrol and ICE agents working to track down lethal fentanyl and tame our open borders. Letting FEMA's Disaster Relief Fund dry up is not a productive way to advocate for victims of disasters. Letting small businesses' loan applications collect dust is not a productive way to help working Americans contend with Washington Democrats' historic inflation.

Shutting down the government isn't an effective way to make a point. Keeping it open is the only way to make a difference on the most important issues we are facing.

#### ECONOMIC RECOVERY

Mr. President, on another matter, the American people are absolutely sick—sick and tired—of living under Bidenomics. According to one recent survey, nearly 70 percent of Americans think the economy is actually getting worse. And support for President Biden's handling of the economy is at the lowest level of his Presidency.

It might have something to do with the fact that since President Biden took office, soaring inflation has turned rising wages into net pay cuts for American workers. Real wages are down 2.3 percent since 2021. Household incomes fell in 17 States last year. And for all but the wealthiest 20 percent of households, American families' savings have actually shrunk.

A food truck owner in Atlanta told reporters recently that he is paying—listen to this—25 percent more for ingredients, while the lines for his sand-

wiches are dwindling as customers cut back on their spending. Here is what he said:

I've had to raise some of my prices just to kind of keep up to make it. . . . And gas prices, when you drive a food truck, you only get eight miles a gallon. So the cost of [my] fuel really hurts.

Here is what the Fed Chairman Jerome Powell said last week:

People hate inflation, hate it.

The Chairman of the Fed is absolutely right. Working families are tired of wondering how to make ends meet every month. They are tired of being told that Bidenomics is working for them.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### STOP CSAM ACT

Mr. DURBIN. Mr. President, a few weeks ago, regulations enacted in the European Union went into effect that cover more than a dozen of the world's biggest tech platforms. This includes online marketplaces, app stores, and social media platforms like Facebook and Instagram.

The European Union regulations address a host of harmful practices, including preventing targeted advertising, minimizing illegal content and hate speech, and, most importantly, protecting kids from horrible content.

If companies fail to comply in the European Union, they could be fined up to 6 percent of their annual global revenue. They can also be banned from operating in the European Union countries.

This shows that Big Tech can be regulated. It is possible to craft rules to protect our families without breaking the miracle of the internet.

In contrast to what has happened in Europe, here in the United States, Congress has failed to regulate high tech. And while we sit on our hands, other nations are moving ahead and shaping the rules of the digital world.

Worse than that, while we fail to act, children are left in harm's way. We can, and we must, regulate Big Tech to protect our kids.

Let me tell you about one young man named Cornell Johnson. He is from Illinois. He is a man who preyed on 17 victims, ranging in age from 4 to 17 years old and located across 8 States. His tool of choice: Facebook.

Johnson would set up profiles claiming to be a woman and then use these Facebook profiles to contact girls all over the country. First, he would entice these girls to send him sexually suggestive images of themselves in various stages of undress. Then he would

use these images to coerce the victims into sending him sexually explicit content. He would threaten to post the nude pictures online unless the young victims submitted to his demands for still more explicit images.

Horribly, Johnson also directed his teenaged victims to sexually abuse younger children in their household and send him the images. He was prosecuted and sentenced to 45 years in Federal prison.

Johnson was held accountable for his conduct, but what about Facebook? Johnson could not have committed his crimes without the social media platform. He could not have sexually exploited those 17 children in 8 different States. Yet our current law, as written, shields Facebook from any accountability for the role they played in making Cornell Johnson's crimes possible.

Sadly, there are many examples where Big Tech is failing children in America.

Earlier this year, the Wall Street Journal exposed how Instagram's algorithms are connecting pedophiles and guiding them to locations where they can purchase child sexual abuse material. The platform permitted searches with terms associated with child abuse so vile that I won't repeat them in this Chamber. Senator LINDSEY GRAHAM and I wrote to Meta, Instagram's parent company, in June asking for answers to explain these algorithms. We are still waiting.

On X, formerly known as Twitter, Elon Musk reinstated the account of a user who was banned for tweeting an image of a toddler being tortured. As of late July, that image had drawn more than 3 million views and 8,000 retweets. A study released in June found that Twitter failed to stop the uploading of copies of known child sexual abuse material, CSAM. The study also found that Twitter would sometimes allow accounts to remain active until they had uploaded CSAM multiple times. Elon Musk's claims of a zero-tolerance policy for child exploitation on his platform doesn't reflect the disturbing reality.

Another company failing our children is Apple. In 2021, the company paused its plan to detect CSAM uploaded to its cloud service. Then last month, Wired published a letter from Apple in which the company confirmed it will make no effort to address child sexual abuse material stored on its platform. Apparently, Apple views permitting this ongoing child sexual exploitation as an acceptable and necessary cost of protecting their right to privacy.

But I believe we can live in a world where user privacy and child safety can coexist, and I believe I have written a bill that does just that. My STOP CSAM Act will end Big Tech's free ride and give victims a way to hold these companies accountable for their failure to stop online child sexual exploitation and, in some cases, for their actions that make it worse.

Importantly, the bill achieves this goal in a manner that will avoid any unintended impact on technology that protects privacy.

The STOP CSAM Act is the product of extensive consultations with stakeholders. It passed out of the Judiciary Committee, which I chair, unanimously—every Democrat, every Republican supported it—and I am working to bring it to the floor.

The Senate must act. Our failure to do so will preserve the status quo where our children are being sexually exploited online every single day. What a nightmare. As a father, mother, grandfather, grandmother, you think all the time: What are they looking at on those phones all day long? What is on those screens? What message is being sent to them? What is changing them from that experience? And what can I possibly do as a parent or grandparent to police what is going on there?

We need to have the law on our side. Sure, I want to be certain to recognize the basic fundamental constitutional rights in our country, but I have to acknowledge as well that we aren't doing anything at this point. The current law says that these platforms are not responsible for whatever they do or fail to do. It is a get-out-of-jail-free card completely, and it has been that way for decades.

We have to wake up to the reality of the year we live in and the reality of life in families across America. Even the most conscientious parents cannot know what is going on every hour of every day with children and these screens.

The sexploitation which I outlined here in detail is happening, and what are we doing about it? If we are going to help Americans raise good kids—and we want them all to raise good kids—we have to give them the tools and we have to back them up with laws that say we are going to take it seriously. The European Union has done it, so why not the United States of America? It is time for us to make progress in this area for the good of our children.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### BORDER SECURITY

Mr. THUNE. Mr. President, "No end in sight"—that is how one Border Patrol chief described the influx of migrants in the Rio Grande Valley sector of the southern border in March 2021. "No end in sight." That was 2½ years ago, and there is still no end in sight to this crisis.

On Friday, we learned that 232,972 individuals were caught trying to ille-

gally cross our southern border in the month of August—232,972. That is the highest August number yet for the Biden administration. All signs suggest that we are on track for a third record-breaking year of apprehensions at the southern border. In fact, roughly 11,000 individuals were apprehended attempting to cross our southern border in just 24 hours this past weekend—11,000 in 24 hours.

If the White House really thinks it is "stopping the flow at the border," as the White House Press Secretary said last month, it should think again.

It is important to note that the numbers I have mentioned only reflect individuals who were actually apprehended. They don't include individuals who have made their way into the country illegally without—without—being caught. Since the beginning of the Biden administration, there have been at least 1.5 million known "got-aways," individuals the Border Patrol detected but was unable to apprehend.

The Biden administration's so-called border plan is clearly not working, and State and local governments are stretched thin. And I am not just talking about border towns and border States; I am talking about places like New York City, Chicago, Massachusetts. As migrants flood into these locations, blue States and blue cities are learning what border States have been experiencing for years, and they are struggling with the costs this crisis is imposing.

Denver, CO, has spent almost \$25 million sheltering migrants.

Chicago is projected to spend more than \$250 million this year on migrant care.

New York City could spend \$12 billion—billion with a "b"—by 2025 on the migrant crisis, possibly precipitating cuts to city services. Just to give you one example of the current crisis, the city has begun housing 3,000 illegal immigrants at a makeshift shelter on local soccer fields, eliminating a popular source of activity and recreation for local children.

Here is what New York City Mayor Eric Adams had to say about this crisis the other day, and I quote:

Let me tell you something, New Yorkers, never in my life have I had a problem that I did not see an ending to—I don't see an ending to this. This issue will destroy New York City.

That from the mayor of New York.

The border crisis we are experiencing is a predictable outcome of the decisions made early in the Biden administration. The President's team was warned of the possibility of a migrant surge. Yet the moment the President took office, he set about dismantling the immigration policies of his predecessor and weakening our Nation's border security. And it wasn't long before the border was overwhelmed.

And while after 2 years the Biden administration finally started to, at least halfheartedly, acknowledge the border crisis, what few proactive measures the

administration has taken have been ineffective, to say the least. As one columnist put it recently in the Washington Post:

The Biden administration's various efforts have amounted to Band-Aids on a massive, open wound.

I am also deeply concerned about some of the new policies the administration seems to be considering. The Department of Homeland Security is reported to be considering requiring some illegal migrants to remain in Texas or, perhaps, other border States while they await asylum screening. Now, I am not sure if this an attempt to spare blue States from having to deal with the border crisis or a recognition that releasing tens of thousands of illegal immigrants into the interior of the country isn't a good idea; but, regardless, forcing border communities to shoulder even more of the border crisis is a terrible and profoundly unjust idea.

How about actually turning illegal immigrants back at the borders of this country instead of keeping them within the borders and border States?

And then there is the supplemental funding request the White House sent to Congress. As our colleague Senator HAGERTY has pointed out, the request includes a provision that would allow Immigration and Customs Enforcement funding to be used for shelters and migrant services. In the words of the Senator from Tennessee, this could:

[E]ffectively convert ICE from a law enforcement agency into a U.S. travel agency for illegal aliens and into a grant-making bureaucracy for sanctuary cities.

I am pleased that the administration and Mexico have reached an agreement in which Mexico will attempt to reduce pressure on its border cities by sending migrants back to their home countries, among other reforms. But after letting this crisis deepen for 2½ years, the administration has a lot more work to do.

Currently, immigration is high on Americans' list of concerns, and it is no wonder. Americans can tell that our borders are open and that things are not getting better. They know that our current situation is not sustainable. It would be nice if the President could figure that out as well.

Ultimately, it is really quite simple. President Biden created this crisis—no ifs, ands, or buts about it—and he has the power to end it. He just needs to decide he is going to enforce the law. Pure and simple.

Unfortunately, until he does so, I am afraid that it will continue to be no end in sight at our southern border.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant 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 (Mr. HICKENLOOPER). Without objection, it is so ordered.

Mr. CORNYN. Mr. President, more than 4½ months ago, title 42 expired. That was on May 11 of this year. Title 42, just to refresh everybody's memory, was a public health order that was designed to prevent the spread of COVID-19, particularly from people entering the country from other countries around the world.

In the lead-up to title 42's expiration, the Biden administration rolled out its plan to address the expected surge in migration. This plan was called the Circumvention of Lawful Pathways rule, and it was sold as a way to discourage illegal immigration and restore some sense of order along the border.

As I and countless others have pointed out, this wasn't a real solution. This was a shell game. It was an attempt to conceal the scope and scale of the border crisis and to process migrants into the United States at an unprecedented rate. Let me just paraphrase that. This was not designed to deter people from illegally immigrating to the United States. It was a way to greet them and welcome them and then invite them to enter into the United States without following the legal rules and laws that Congress had passed.

Well, despite the people who pointed out that this was really a ruse—a Trojan horse, if you will—the administration moved forward with the plan. Just days before title 42 was lifted, Homeland Security Secretary Alejandro Mayorkas tried to assure the American people that the Biden administration was in control.

He said:

The border is not open; it has not been open; and it will not be open subsequent to May 11.

Well, at the time, it was clear that at least two parts of his statement were false. The border was open. That is why more than 10,000 migrants a day were crossing the southern border in the final week of title 42. How do you say the border is not open when 10,000 people are traversing the border each day without going through our legal immigration system? And the border had been open, and that is why the United States broke nearly every record in the book for border crossings on President Biden's watch. So it was open, and it had been open, and it is clear today that the border is still open even with the administration's new plan in place.

Despite the initial drop in border crossings after title 42 was lifted, illegal border crossings have surged once again. In August, Customs and Border Protection apprehended just under 233,000 migrants, setting the record for the busiest month this calendar year. As you might have predicted, the cartels simply sat back to assess the lay of the land and this new state of affairs and adapted their operations to exploit the rule's numerous loopholes.

Unfortunately, the challenges at the border have only grown since August. Over the last few weeks, areas along the entire U.S.-Mexico border have ex-

perienced a new surge in immigration. One area that is under tremendous strain is the west Texas town of El Paso. Last week, more than 8,000 migrants crossed into Eagle Pass. Excuse me—Eagle Pass. This isn't a major city. In fact, I mentioned El Paso by mistake. Eagle Pass is actually a much smaller town. This isn't a major city with extensive resources. Eagle Pass is a small border town with a population of roughly 28,000. It doesn't have the resources to house, feed, or transport thousands of migrants each week. Eagle Pass is bearing the brunt of this surge, but it is not alone. El Paso, that I mentioned earlier, is also experiencing a massive influx.

Several weeks ago, El Paso, in far west Texas, was seeing roughly 350 to 400 border crossings per day. In recent days, that number has skyrocketed to more than 2,000 a day.

Customs and Border Protection is releasing more than a thousand migrants a day into the community. And these aren't people, necessarily, who are claiming asylum. They are simply just trying to keep the line from stacking up and overloading the processing facilities of Customs and Border Protection.

So what are they doing? They are simply releasing them into the community, and they are on their own but for the help of some of the nongovernmental organizations that are trying to provide humanitarian assistance.

The city of El Paso has limited resources to care for migrants, and those resources are quickly being depleted. Over the weekend, El Paso Mayor Oscar Leeser said the city had reached a "breaking point" due to the growing number of migrants. That may sound familiar. That sounds like another mayor, Mayor Eric Adams of New York City, who said the influx of migrants into New York City is creating extreme danger and reaching the breaking point.

I am, generally speaking, a pretty optimistic person. But I don't see any indication that anything is going to change in the Biden administration's abdication of its responsibility to secure the border and have orderly, safe, and legal immigration.

People around the world see that America's southern border is wide open, and they are making their way to the United States.

I have mentioned this story before, but when four of our colleagues on the Democratic side of the aisle and four on the Republican side went to Yuma, AZ, with Senator SINEMA and Senator KELLY, who represent that State, we found a sleepy little agricultural community where the chief of the Border Patrol sector there welcomed us saying: Last year we encountered people from 174 different countries speaking more than 200 languages. Senator KELLY, one of the Arizona Senators, pointed out that there was an airport in a northern Mexican city called Mexicali and that, evidently, people

were just flying into that city and then literally Ubering over to the Yuma sector and claiming asylum.

The New York Times reports that in August, nearly 82,000 migrants have passed through what is known as the Darien Gap, which is the sole land route to the United States from South America, describing it as “by far the largest single-month total on record.”

The border crisis has had—and continues to have—a major impact on border communities in my State, but the scale of the Biden border crisis means the burden is now being shared more broadly with communities across the country.

Liberal enclaves, self-styled sanctuary cities like New York and Chicago have been longtime supporters of open-border policies, I suspect, primarily because it hasn't affected them in a negative way like it has always done in my State and my communities.

These cities proudly identify themselves as sanctuary cities and have even criticized commonsense measures to enforce our immigration laws. But as more and more migrants have poured into these liberal cities, the narrative has changed, as I pointed out a moment ago.

Mayor Adams of New York City, for example, issued a stark warning, saying it will “destroy New York City.”

The Democratic Governor of New Jersey, who once vowed to turn New Jersey into a sanctuary State, now says the State is at capacity. We have seen the same story play out in Boston, Chicago, and even right here in Washington, DC.

Even major sanctuary cities that are more than a thousand miles from the southern border can't keep up with the volume of migrants from the Biden border crisis. As our colleagues know, this is more than a humanitarian crisis. This is a public safety crisis as well.

When border agents are pulled off the frontlines to process, transport, and care for migrants, it creates a vulnerability for cartels and criminal organizations to then move illicit drugs across the border. They are given a clear pathway—literally, a multilane highway—to smuggle fentanyl, heroin, and other dangerous drugs across the border and into cities and communities all across this country.

This isn't news to the cartel. This is their business model: Flood the zone with people, divert law enforcement, and then move the drugs into the United States. Last year alone, 108,000 Americans died as a result of those drugs.

The cartels know that this game that they are playing—or this business model—inures to their benefit. We saw this 2 years ago, when 15,000 migrants crossed into Del Rio in a matter of days. Del Rio is this little city of 35,000 people. They had an influx of 15,000 migrants—mostly Haitians—in just a matter of days.

It looks like we are seeing this history repeat itself. Border Patrol Chief

Jason Owens said he believes the surge last week was by design. As I said, cartels and these criminal organizations know they can flood the zone with migrants and distract law enforcement. It creates open corridors for drug traffickers, human smugglers, maybe even terrorists, and criminals of all stripes to sneak across the border.

When talking about the threats posed by fentanyl and criminal organizations, Chief Owens said:

It's about as bad as I've ever seen it.

This is somebody who has given his professional lifetime to serving the country as a member of the Border Patrol.

Communities across our country are being ravaged by the overdose epidemic, which is killing more than 110,000 Americans a year, and President Biden seems content to let the carnage continue. He has shown no interest in securing the border and cutting off the cartels' illicit trade corridors.

I can't reach any other conclusion but to think that President Biden doesn't care. If he did care, he would do something about it. But he, obviously, hasn't done anything about it, and the only obvious conclusion is that he doesn't care.

We are seeing clear and convincing evidence, both at the southern border and major cities, that President Biden's border plan—if you could call it that—isn't working. Apprehensions are on the rise, detention facilities are over capacity, and cities and nonprofit organizations are stretched beyond their limits to deal with the migrants with weak or nonexistent claims for asylum who never should have been released in the first place. The so-called Circumvention of Lawful Pathways rule has made the border crisis worse, not better.

In many ways, that seems to be the theme repeated over and over again: taking a bad situation and making it worse. And nowhere is that more evident than at the border.

What we have seen is the Biden administration is using this rule to funnel migrants into unlawful parole programs, essentially creating another class of immigrants with flimsy immigration status.

Rather than deliver consequences for illegal immigration, the administration is simply creating a new set of magic words migrants have to say in order to avoid immediate removal.

This rule is riddled with loopholes. And when too many migrants claim to fit within these loopholes, they will once again overwhelm DHS capacity. It is not fair to the migrants who have been led to believe that they can depend on these parole programs long term, and it is not fair to those with legitimate claims for asylum—which are maybe 10 to 15 percent of the people claiming asylum—to have to wait in line for years upon years with people who have no legitimate claim to asylum. And the reason they have to do that is because of the backlog in the immigration courts.

As we have seen with DACA, which is Deferred Action on Childhood Arrivals—these are the Dreamers, people who came as children with their parents into the country and for whom I have complete sympathy. We don't hold children responsible for what their parents do. Yet these migrants will face years of uncertainty and heartache as a result of the procedures employed by President Obama at the time, which have now been litigated in court for 10 years. Right now, the current status is the courts have said that what President Obama tried to do was illegal. He didn't have that authority.

It is time for Congress to intervene. We, obviously, can't depend on leadership—or even participation at this point—from the Biden administration.

This summer, I introduced a Congressional Review Act resolution that puts an end to President Biden's shell game. We know from the press that immigration groups, both on the right and the left, oppose the Circumvention of Lawful Pathways rule. Earlier this year, some of our Democratic colleagues said that they were deeply disappointed with the administration's decision to move forward with the rule.

I hope my colleagues on both sides of the aisle who have raised concerns over this policy will support the effort to overturn it.

Our colleagues know the impact of the border crisis, and they know that it is being felt far beyond the U.S.-Mexico border. Cities across the country, from El Paso to New York City, are overwhelmed by the burden of caring for these migrants who have no plausible claim to be in the country legally. Yet by sheer volume, they have overwhelmed the system.

Mayors and Governors are sounding the alarm over the unbearable weight of this crisis. They can't look for help at the White House; so they ought to be looking to us to do our job and provide that help.

At the same time, communities across the country are being terrified by the destruction and the death caused by the fentanyl crisis. On Monday, I sat down with parents, students, and first responders in Dallas, TX, who really drove home this point.

Each of our colleagues should have a vested interest in ending policies that are fueling the humanitarian and public safety crisis that begins at the border and yet reaches into every community across America. I didn't think it was possible for the Biden border crisis to get worse, but it clearly has.

Congress needs to act before the situation gets even more dangerous and worse and to force the Biden administration to put forth a serious plan that actually discourages illegal immigration and doesn't just invite migrants without any plausible or legitimate claims to being in the country and in the great American heartland.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

## INFLATION

Mr. KENNEDY. Mr. President, I grew up in a wonderful small town in Louisiana called Zachary.

Now, today, Zachary is a city. It is five times larger than in the days I spent there growing up because Zachary, a number of years ago, got very serious about improving elementary and secondary education. The Presiding Officer knows something about that. So Zachary is much larger today, and if anyone ever doubts that growth and economic development is centered around quality public education, all you have to do is look at Zachary.

But when I grew up in Zachary, it was very small—one stoplight. We were so small, we didn't have a town drunk; several people had to take turns. But I loved it. I loved Zachary High School. You know, some people did not like high school. I am not one of them. I cared about two things: basketball and cheerleaders. And I wasn't very good at either one, but I had fun trying.

I also loved baseball, in part because my dad, my late father, was a baseball fan. And I was an OK fielder in baseball, but I had to quit the sport because I couldn't hit a curve. I was OK with the fastball, but I couldn't hit a curve. And I remember my coach telling me: KENNEDY, keep your eye on the ball, OK? Keep your eye on the ball.

And I tried, but I just couldn't do it.

My purpose in rising today is to suggest that we should keep our eye on the ball. We are faced with many difficult issues in the Senate today. We always are, but I think that is especially true today. My colleague Senator CORNYN just talked about one: immigration. Of course, the war in Ukraine is on everyone's mind. And I could go on and on and on.

But I don't want my colleagues to forget about one of the most important issues of all facing the American people today, and that is the cost of living in our extraordinary country—inflation. In my State, the median household income for a family of four is about \$55,000. That means half of our families make more and half of our families make less. But the mean is \$55,000 for a family of four.

As a result of President Biden's inflation—and, as an aside, I would note, I say this with no joy whatsoever—inflation in America today is manmade, and that man's name is President Joe Biden. In my State, where the mean household income is \$55,000, the average American family is paying \$800 a month more—a month; not a year, a month more—to live in this wonderful country as a result of Bidenomics. That is \$9,600 a year that a family of four making \$55,000 a year has to find.

And my people, they have maxed out their credit cards, and they have spent their savings. And they borrowed money, and they have had to take money out of their children's 529 college savings program. It is strangling my people. It is not any better in other States.

I looked at the numbers this morning. What we call overall inflation right now is about 3.7 percent. Core inflation, if you take out food and energy prices, as many of the economists like to do, is 4.3 percent. So 3.7 percent overall, 4.3 percent if you take out food and energy. Now, we are doing better. A year ago, those numbers were double. And I am so pleased that inflation has fallen just a bit, but I want you to understand what that means.

Falling inflation just means that prices—they are still rising, but they are not rising as fast as they were. Let me say that again. Falling inflation just means prices are still going up every month, every day, but they are not going up as fast as they were. We call that disinflation. Falling inflation also means that prices overall are not going down. That is deflation. My point is, even though inflation is falling—and I am so glad it is—all that means is that prices are not going up as fast as they were.

And we are going to be stuck with these high prices. They are going to be permanent, even if inflation goes to zero. What does that mean? Well, let's look at basic goods. Even if inflation goes to zero tomorrow, since February of 2021, electricity is up 24 percent. We are stuck with that. When inflation falls, electricity is not going to go back down to where it was. We are going to continue to pay 24 percent more. And gas—in Louisiana, gas is up 71 percent. We are stuck with that, even if inflation falls to zero. Eggs are up 28 percent; potato chips are up 28 percent; bread, 28 percent—permanent—coffee, 30 percent; rice, 28 percent; flour, 29 percent; milk, 17 percent; ice cream, 20 percent; chicken, per pound, 24 percent. And that is why the American people, in large part, are struggling so economically.

You should not have to sell blood plasma in America, the wealthiest country in all of human history, in order to go to the grocery store. It is not any worse, our inflation—which I am afraid these high prices, as I said, are going to be permanent. It is not any better if you look at necessities by category. All goods—as a result of President Biden's inflation, starting in February of 2021 and running through today, all goods are up an average of 17 percent.

How many American families have seen their income go up 17 percent? Not many. Food—all food, average—an average—is 19 percent. Housing is up 16 percent. Clothing is up 10 percent. Used cars and trucks are up 32 percent. And even if we can get inflation down to zero, we are going to be stuck with those prices. New cars are up 20 percent. Mortgage rates are up 161 percent.

Let me end as I began. We have a lot of issues that we are struggling with right now, but among the five things that moms and dads in America worry about when they lie down to sleep at night and can't is the cost of living in our wonderful country.

And these are the people who made this extraordinary country. America is not great because of the Federal Government. America is great because of ordinary people doing extraordinary things—people who just get up every day, go to work, obey the law, pay their taxes, and try to do the right thing by their kids.

President Biden's inflation is strangling a free people. The American people deserve better. And I don't want us to lose sight of that fact as we grapple with other important issues.

I yield the floor.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. ROSEN).

## SECURING GROWTH AND ROBUST LEADERSHIP IN AMERICAN AVIATION ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Rhode Island.

## CONTINUING RESOLUTION

Mr. REED. Madam President, many of us in this Chamber, on both sides of the aisle, work hard to govern responsibly, and we are deeply frustrated by those who are deliberately attempting to shut down the Federal Government.

A fringe element of extremist House Republicans has pushed Congress to the brink of another costly, wasteful shutdown. A government shutdown of any duration would harm hard-working Americans and our economy. Shutdowns cost taxpayers billions of dollars per week. They cost businesses money. They could even cause a downgrade to the Nation's credit rating, and they force an unnecessary disruption of many vital services.

Federal workers in all 50 States who perform essential work, like food inspectors, TSA agents, or park rangers, would stop getting paychecks. A Federal shutdown can halt projects and cause Federal lending to cease. Clinical trials and research at the NIH could be forced to stop. Effective programs like the Women, Infants, and Children Nutrition Program would be left in a vulnerable state.

As for national defense, a government shutdown would be extremely damaging; and in the midst of the blockade of key military promotions, it would be another Republican-inflicted wound.

A shutdown could halt our munitions production lines as it did in the 2013 shutdown. This would be very shortsighted—very shortsighted—at a time when we are focused on ramping up munitions production for Ukraine and with an eye on future needs in the Indo-Pacific.

There are several other areas where a shutdown would be harmful.

I urge my colleagues to consider the impacts of a shutdown on our military men and women, their families, and our defense civilians. Hundreds of thousands of troops could see delays in their paychecks, and many civilians could lose their contracts. If the shutdown extends, the Defense Department will have to reduce its recruiting, training, and family movement activities.

A shutdown would also include delay-needed investments in military infrastructure, including barracks and childcare centers. Dozens of new projects would not go forward.

This would prevent the Defense Department from effectively modernizing and investing in new programs. There could be no new starts in acquisition programs or military construction projects. Hundreds of new start efforts in procurement and R&D would be prohibited during a government shutdown. As such, the Department could be forced into funding legacy systems that are outdated and inefficient. That is simply congressionally mandated waste.

As Gen. C.Q. Brown, the incoming Chairman of the Joint Chiefs of Staff, has said about a shutdown, "All the money in the world cannot buy more time; time is irrecoverable, and when you are working to keep pace against well-resourced and focused competitors, time matters." We could easily avoid this outcome by passing a short-term patch while we continue working toward a broader funding agreement.

I commend the leaders of the Senate Appropriations Committee—Senator MURRAY and Senator COLLINS—who hammered out the bipartisan continuing resolution before us, and also the leadership on both sides of the aisle. They have successfully reported out all 12 funding bills—Senator COLLINS and Senator MURRAY—by wide bipartisan votes so that our appropriations process is working on a bipartisan basis and working on a reasonable and responsible basis. In fact, seven of these appropriations bills were voted out unanimously. They are well-crafted and free from policy poison pills.

They fit within the bipartisan agreement among the chair, the vice chair, and the leaders on overall funding levels. More importantly, those bills meet the funding level that Speaker MCCARTHY demanded as the price of preventing the default of the U.S. Government just this summer.

We should pass these bills, and we could pass them but for the objections of some Republican Senators who are working in concert with the House to obstruct the appropriations process from moving forward on a bipartisan basis. Their wanton nihilism is damaging our country.

But we have before us a continuing resolution, or a CR, which, barring any dilatory tactics, should clear the Sen-

ate by a wide margin. I want to emphasize that this CR is nothing more than a patch. For a few more weeks, it keeps the government open; it keeps the aviation system operational and funded; it keeps the Flood Insurance Program authorized; it ensures that we will continue to take care of disaster victims throughout the country; and it will ensure that the Ukrainian people have the resources they need to win their fight for freedom.

This is not extravagance; it is the bare minimum. The question is, What will House Republicans do?

After creating a default crisis that brought the entire economy to the brink of disaster in June, they have accomplished virtually nothing. For months, House Republicans have only been able to pass a single funding bill. The rest of their highly partisan bills have been bottled up in committee or blocked from passing on the floor by Republicans themselves.

In the midst of their palace intrigue, House conservatives seem to be trying to one-up each other with one drastic, unpopular, and irresponsible cut after the other. It seems to be a competition over whose unworkable proposal can inflict more pain. Perhaps they mistakenly believe that their extreme ideas are popular or that they will somehow hurt the President.

But who suffers if title I education funding for low-income schools is cut by 80 percent? Who is harmed when 1.3 million low-income individuals are kicked out of the SNAP program and when food assistance for seniors and kids is cut by 14 percent? How do we address the lack of affordable housing when the HOME Investment Partnership is slashed by \$1 billion? How does Ukraine win when Congress withholds critical funding?

And let me pause here to underscore the significance of funding for Ukraine.

The assistance package the President is seeking for Ukraine will provide much needed military assistance as well as aid to displaced Ukrainians whose cities and towns continue to face indiscriminate bombardment by Putin's forces.

We know, if Putin is successful in seizing Ukraine, he will not stop there. Unless the United States and the international community continue to stand with Ukraine, Putin will continue to look for opportunities to inflict violence and violate the sovereignty and security of our allies and partners around the world. And if Putin succeeds because we have failed to help, our other adversaries and competitors will be emboldened too. Indeed, if Putin succeeds, he will not stop with Ukraine. He will threaten NATO countries.

The bottom line, frankly, is the probability that American military personnel will be engaged in combat goes up. Frankly, one of our major missions should be to ensure, through our efforts, that that probability constantly goes down. We do not want to sacrifice

American military personnel needlessly. Congress should send a strong message to Putin that we stand with the Ukrainians as they bravely fight for their homeland.

This is the second manufactured crisis that House Republicans have created this year. First, they threatened to default on our Nation's debt. So President Biden sat down with the Speaker and negotiated an agreement that set spending levels for this year. Now House Republicans are walking away from that agreement and threatening to shut down the government. It won't work. The American people can see this charade, and if there is a shutdown, they will know who is responsible.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

PREVENT GOVERNMENT SHUTDOWNS ACT OF 2023

Mr. LANKFORD. Madam President, I have come to this floor several times over the past many years and several times even recently to talk about a bill that Senator HASSAN and I have together that we have worked on very hard to end government shutdown threats forever.

This whole conversation that is happening right now in Washington, DC, about a government shutdown is not something that has always happened in our Republic. This conversation of a government shutdown has only really been since the mid-1980s to the present. Before that, there were no government shutdowns. Even when appropriations lapsed—and we had multiple times when appropriations lapsed in the past—we didn't have government shutdowns at that time. It wasn't until there was actually an executive opinion back in the seventies that there was created this moment to say, no, we are going to end up having a government shutdown if appropriations lapse.

We are in this moment again. This is a distinctly modern issue in American history that we need to bring to a close, this chapter. There is a way to do it.

In conversations that we have had for years of how do we actually stop government shutdowns, there have been very partisan bills on both sides, and Senator HASSAN and I sat down 5 years ago and said: Let's just have a dialogue. How can we stop government shutdowns without having a partisan bill at the end of it? It would be a way to be able to fix this that both sides of the aisle can say: That is a good way to be able to end it.

We have a very simple goal: End government shutdowns. Do appropriations bills.

That shouldn't be a radical concept. That should be a head nod from everybody, quite frankly, in this room to



say: Sure, we can agree to end government shutdowns and to do appropriations bills on time.

Our simple idea was this: If you don't finish your work during class, you have to stay after class to finish your work. It is just not that hard. It is something all of us experienced growing up in school.

If I can make it even simpler, when my older brother and I would get into an argument, my mom would put the two of us in a room and would say: You two guys have got to go in this room. Once you solve everything, then you can come out.

That is the genesis of this simple bill. It says: If we don't have our appropriations work done and we are still arguing about appropriations, the government continues to function as it has in the past year—exact same budget line. Everything continues as normal. The American people are held harmless. Federal workers, Federal contractors—all of them—still continue as they have.

But we experience the shutdown here in Washington, DC, not the rest of the country. We would be in session 7 days a week. We could not move the bills other than the appropriations bills. So we are locked in a box to say: If you haven't finished your appropriations bills, you have to stay overtime to finish those appropriations bills, and you can't move to something different than appropriations bills. You have got to be able to do those.

But, again, the American people wouldn't feel it. The Federal workers wouldn't feel it. The Federal contractors wouldn't feel it. We would.

If we didn't get our work done, why are the Border Patrol agents along the border—why are they being punished for us not getting our work done, because the Border Patrol agents, if we don't get this done, next week, they don't get a paycheck, when they have been working overtime hours managing 11,000 people a day coming across the border in chaos that is currently on our border. Those folks have been working as hard as they can, but because we haven't gotten our work done on the budgeting, now they don't get paid. Oh, but we are still asking them to go on the line and to risk their life for their country anyway. That doesn't make sense to me.

So our simple bill is: If the problem is up here, then the problem should remain up here, and we should get this resolved but not actually put the consequences on those folks who are serving us all around the Nation.

As I came through TSA, flying back to DC, as probably most of my colleagues did coming back this week, TSA agents whom I pass by every week—and we have great conversation as I pass by them in the airport every week. As my bag is being checked and as I am going through the scanner, like everyone else, the TSA agents were smiling at me saying: Am I going to get a paycheck next week?

It is not an unreasonable question from them. All they want to know is: I am here defending the Nation. Am I still going to get paid?

Listen, right now on the border—right now—they are being absolutely overrun with people coming across the border in big numbers—huge, overwhelming numbers. It used to be a thousand people a day. That was an overwhelming number. Yesterday, there were 11,000 people who crossed our southern border. They were literally just checked in, as much as could be done to be able to manage them and to be able to put them through.

If we have a shutdown, they are going to lose some of their support help, and we are going to have even more people come just across the border.

Here is what is happening. Anytime that the Border Patrol actually comes in and checks in, they are trying to manage the number of people coming between the borders. With the numbers that are coming across right now, those Border Patrol agents who should be in the field—who should actually be monitoring what is happening with the movement of illegal drugs across our border, illegal weapons across our border, and all the dynamics that are there from criminal elements moving across our border between ports of entry—they are not getting the opportunity to be able to chase those down because they are processing individuals.

The vast majority of our Border Patrol agents, by the end of their time each day, are in the station, not on the line. That only gets worse when we have a shutdown, and they lose part of their help.

By the way, during a shutdown, “nonessential” is also declared for the recruiting folks, which means we are not out there actually recruiting more agents to be able to join them to be able to get more help. There are more and more administrative duties being done by Border Patrol that we desperately need on the line. And we are grateful for them on the line.

Last week, I got a notification that rail traffic had stopped in Eagle Pass, TX. Most folks don't even know about the truck and train traffic that happens around the country. They just know they go to the grocery store, and they buy groceries. They go to the store and buy clothes and furniture. They just know it is there. But that is being moved by a truckdriver. That is being moved by rail very often.

Last week, in Eagle Pass, TX, DHS shut down all rail traffic there because a thousand migrants were riding the Mexican rail coming up through Mexico. They had climbed on the freight trains, and they were riding it all the way to the north—a thousand. But the response from DHS was just to shut the station down entirely. Then they took the CBP folks who are at that station and normally handle legal traffic coming north and south in and out of Mex-

ico into the United States and out of the United States to Mexico. They took those CBP agents, and they moved them over to driving migrants to different stations for their processing.

So it started out that there were a lot of folks riding the rails to be able to come to the United States, and it ended up being that we have so many people here that they literally shut it down.

What was the effect of that? We had American train traffic going south into Mexico that was backed up from Eagle Pass all the way to Nebraska, before it was said and done.

I was on the phone with Secretary Mayorkas saying: We have to get that station back open again. Do we have people illegally crossing the border riding the rails?

And his answer was: No. But those agents were needed to be able to move migrants who were illegally crossing in other areas.

The migration that is happening right now is not only affecting our national security because of the 11,000 people a day who are crossing our border. Those individuals, by and large, are not being checked. They are not being vetted. We are checking to see if they are on the terror watch list. For many of them, we don't have a name or an ID or a reliable country of origin other than the one they just tell us is their name or tell us is their country of origin. We have no idea.

They are being quickly paroled into the country, awaiting a hearing that is often 8 to 10 years in the future—8 to 10 years before they even get the hearing to determine if they are even eligible to be able to ask for asylum. This is insanity.

But it doesn't get better if Border Patrol loses all of its help during the government shutdown. It gets worse.

So we have got to be able to do a couple of things at once. We have to deal with the real fiscal problems that we have. We have over \$2 trillion in overspending this year. That is a real issue we should have grownup conversations about on this floor.

We have to deal with the immigration crisis and call it what it is. When 11,000 people a day illegally enter your country and Members of this body just look the other way, that is a problem. And when there is a national security crisis based on it, and we have Governors and mayors across the Nation crying out to this body and saying, “Make it stop”—they are not Republican and Democrat Governors and mayors; they are just Governors and mayors who are trying to manage their towns and their States. They are saying: Why isn't the Federal Government doing its job? The Federal Government has a responsibility for managing the border. Do it.

We have got to deal with the issue of government shutdowns. They hurt us more than help us. It spends more money than it saves, and it dramatically affects a lot of Federal workers

around the country who just want to be able to serve their neighbors or to be able to do law enforcement and actually get paid for it.

And I hear some of my colleagues and others say: They will eventually get paid.

Do you know what? That might be simple for some Members in this body, that they are not worried about living paycheck to paycheck. But there are an awful lot of folks who live paycheck to paycheck, that just missing a couple of paychecks is a really big deal. And all of those Federal contractors, they don't get backpay. They just don't get paid at all.

So we can't just say: They will all get paid later. They won't. Federal workers will eventually get backpay, but Federal contractors never do, and it really hurts for them. This shutdown is not their fault; it is ours.

So MAGGIE HASSAN and I just have a simple idea: Let's keep working on the problems, but let's not have a shutdown at the same time. Let's actually work out our problems in here and not hurt people all over the country who have no way of affecting what our debate is here. They are just trying to serve their neighbors. That is what I am looking for.

With that, I yield the floor.

The PRESIDING OFFICER (Ms. BALDWIN). The junior Senator from Nevada.

ANNIVERSARY OF ROUTE 91 HARVEST FESTIVAL SHOOTING

Ms. ROSEN. Madam President, it has been nearly 6 years since my hometown of Las Vegas experienced an unimaginable tragedy—an attack that ripped families apart, destroyed lives, and left its mark on our State forever.

During any given weekend, our city is just buzzing with tourists and visitors from all across the country and all around the world.

And on the night of October 1, 2017, tens of thousands of people came to attend a music festival. But that night—that night—would be different—a night that would forever change our city, because that night a gunman opened fire on a crowd of concertgoers. In just 10 minutes—10 minutes—58 innocent people were struck down, hundreds of others were injured by gunfire, and hundreds more were hurt in the chaos that followed.

In the years since, we lost more individuals as a result of this tragedy, the deadliest mass shooting in American history.

Just think about what that means. It means families will forever have an empty chair at their kitchen table—families who will relive this horrific night each and every year, families who didn't get to celebrate birthdays, anniversaries, holidays, and families who never got to say good-bye to their loved ones.

That night also changed the lives of everyone here. People who were attending or working at the festival and first responders—well, they ran towards the

danger. The full extent of the damage caused by this brutal attack can never truly be measured.

But in this dark moment, we saw our community go above and beyond to help others. Las Vegas—actually our entire State—we rallied together not just in the immediate aftermath but in the days, weeks, months, and even years after.

In the chaos and confusion of that night, our heroic first responders—police officers, firefighters, paramedics—ran into the scene to help. And their efforts that night saved lives.

And on the following day, we saw lines of people—lines of people—around entire blocks willing to donate blood.

And one story really sticks out to me. I remember speaking to a woman waiting to give blood in line. And when I went up to talk to her, she lifted up her arms like this to me, and she had tears in her eyes, and she said: I don't have much, but I have my blood to give. This is what I can give.

I remember her face to this day. It stays with me. And this kind of selflessness, this really embodies the incredible spirit of our community. And that woman's donation and the stories that she will tell and me meeting her has left an indelible imprint on me.

We come together to mourn those we lost and to support those who survived. This horrible moment showed the country why we are Vegas Strong. And I am here today to honor the memories of those who were impacted by that terrible night.

So as we remember and reflect on this event, we must also commit ourselves to action. And in the years since, we have made some progress. After decades of inaction, Democrats and Republicans in Congress came together to pass the most significant gun safety legislation in almost 30 years.

This bipartisan law is making a difference, but we can—and we must—do more to stop mass shootings. No community—no community—should ever have to experience the same pain and suffering that we went through in Las Vegas. So we can take commonsense bipartisan steps like permanently banning bump stocks and high-capacity magazines. These things allowed the shooter to fire so many rounds and cause so much carnage. And doing nothing is not an option.

We owe it to those who have experienced the pain of gun violence to do more. And we owe it to future generations to do more.

And at the end of the day, what this really is about is about keeping people and communities safe. It is about people and communities—keeping them safe and keeping us safe. And we must keep working to prevent these tragedies.

And as we approach the 6-year mark since this horrific shooting, I ask all of my colleagues in this Chamber to remember and honor the victims of October 1, their lives, their legacy, and their families.

The PRESIDING OFFICER. The junior Senator from California.

EL MONTE THAI GARMENT WORKERS

Mr. PADILLA. Madam President, there are moments in history that shock our national conscience, news so heartbreaking that we will always remember exactly where we were when we heard the news. One of those moments is the day the El Monte Thai garment workers were found enslaved in California.

As recently as August 2, 1995, there was 72 Thai women and men who were discovered held against their will in the city of El Monte, CA, just outside the city of Los Angeles. There, in a series of apartments-turned-sweatshops, packed in between sewing machines, forced to work 16 hours a day, 7 days a week, and hidden behind barbed wire fences and armed guards, some of them believed help would never come.

They were lured by recruiters with the promise of their own American dream. Seventy-two Thai women and men arrived into the United States only to find a nightmare.

When they were liberated by Federal agents on that day, that nightmare wasn't over. Instead, they were placed into holding cells, where they feared they would actually be deported after the horrific experience. It wasn't until a 26-year-old staff attorney for the Asian Pacific American Legal Center by the name of Julie Su, among others, took on their case for backpay and for dignity in this country that they had once only dreamt about.

When the 72 Thai nationals were finally, truly freed, they actually owed nothing to this country. Yet they stood up and they fought to protect others from going through the hell they had endured. Their advocacy led to meaningful protections in America, including the landmark Federal Victims of Trafficking and Violence Prevention Act, which created a new class of visas for victims of crimes like forced labor and trafficking and strengthened the penalties for trafficking crimes.

Just last week, now-Acting Labor Secretary Julie Su—yes, the same Julie Su—had the opportunity to induct the El Monte Thai garment workers into the Department of Labor's Hall of Honor, honoring the courage they have shown and the progress they have made to protect other workers.

I also had the privilege of getting to meet them in Washington last week, and I was proud to join Senators Duckworth and Feinstein in introducing a resolution to honor them by the U.S. Senate.

But, as each and every one of them has shown us, the best way to respond to the atrocities they went through, the best way to honor them is through our action—by keeping up the fight to end human trafficking, by working to end wage theft that exploits far too many workers in the garment industry and passing the FABRIC Act, and by, in my opinion, finally confirming a champion for workers and worker

rights like Julie Su to be Secretary of Labor.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

CONSTITUTING THE MAJORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED EIGHTEENTH CONGRESS

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 370, submitted earlier today.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 370) to constitute the majority party's membership on certain committees for the One Hundred Eighteenth Congress, or until their successors are chosen.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 370) was agreed to.

(The resolution is printed in today's RECORD (Legislative day of September 22, 2023) under "Submitted Resolutions.")

Mr. SCHUMER. I yield the floor.

SECURING GROWTH AND ROBUST LEADERSHIP IN AMERICAN AVIATION ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The junior Senator from California.

CONFIRMATION OF RITA F. LIN

Mr. PADILLA. Madam President, I also rise today just a week after the Senate confirmed Judge Rita Lin to serve on the U.S. District Court for the Northern District of California.

Today, I would like to take a moment to celebrate her confirmation and share with the people of California a bit more about the outstanding public servant and jurist they have gained on the Federal bench.

Now Judge Lin earned her undergraduate degree from Harvard College and her law degree from Harvard Law School. After clerking on the First Circuit Court of Appeals for Judge Sandra Lynch, she started out her legal career as an associate and later became partner at the firm of Morrison Foerster in San Francisco.

But in 2014, she left private practice to pursue a career in public service, joining the U.S. Attorney's Office for the Northern District of California.

Four years later, Governor Brown appointed Judge Lin to the San Francisco

County Superior Court, where she presided over both felony and misdemeanor trials.

At every step, Judge Lin's career has been guided by her dedication to public service, whether by maintaining an extensive pro bono practice in the early years of her career or by leaving behind the promise of a very lucrative career in private practice to serve in the Northern District U.S. Attorney's Office. Judge Lin has proven she has the heart and mind worthy of a Federal district judge.

And as someone who has lived her entire life with a hearing disability, she also brings a unique perspective from a community not often represented in our Nation's Federal judiciary.

The State of California is now lucky to have a Federal district court judge not only with the judicial qualifications of Judge Lin but with the voice, the personal experience, and the passion for public service she brings each and every day.

So I want to thank my colleagues for confirming her nomination, and I want to congratulate Judge Lin once again on her confirmation.

UNANIMOUS CONSENT REQUESTS—EXECUTIVE CALENDAR

Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 266, Tara K. McGrath, to be the U.S. Attorney for the Southern District of California; that the Senate vote on the nomination without intervening action or debate, that if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Is there objection?

The junior Senator from Ohio.

Mr. VANCE. Madam President, reserving the right to object. I will continue my hold on unanimous consent for Department of Justice nominations so long as I feel like the Department of Justice is being used for politics instead of justice.

My arguments on this point have already been made, but I will repeat them for the benefit of anybody who hasn't heard me before. From a Catholic pro-life father of seven who was arrested in front of his children like a common criminal for exercising his First Amendment rights to parents who were investigated by the FBI for exercising their First Amendment right to protest at a school board meeting to the leader of the opposition and the likely challenger to President Joe Biden, former President Trump, we have a Department of Justice that has run amok with a focus on politics instead of on justice.

Now, my colleagues make some good points. I agree with my colleagues that U.S. attorneys play an important role. I agree with my colleagues that we need a Department of Justice that is

fully staffed to do its job. But I don't think the solution to the politicization of the Department of Justice is to let these guys through on a glide path. I think it is to provide proper consent, proper advisement, and proper scrutiny of each one of these nominees which we can't let them do if we allow them to sail through unanimous consent.

I will continue this hold, but let me just make one final point before I allow my colleague to respond.

I am the new guy, and I recognize that I am a little naive when it comes to matters of the procedures of the U.S. Senate. But I have had a lot of jobs in my life; and yesterday we passed one vote and today we have passed zero votes. The time that we have spent debating whether we should have unanimous consent over these nominations, we could actually use to vote on these nominations and end this charade and call it out for what it is. If we believe that these nominees must go forward, let's just have a vote on it. Allow me to scrutinize them. Allow my colleagues to vote them up or down. That is a totally reasonable thing to ask of this Chamber and to ask of this leadership; and because of that, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. PADILLA. Madam President, it has been 2 months since I first came to the floor to call for the confirmation of Tara McGrath, President Biden's nominee to serve as U.S. Attorney for the Southern District of California.

On that day in July, my Republican colleague from Ohio chose, as he does today, to put political gamesmanship over the safety of the American people and to hold her nomination hostage to leverage completely unrelated issues.

Two months later, clearly, nothing has changed. And as a result, since early August, the Southern District of California has gone without a confirmed U.S. attorney. That is despite the fact that a highly qualified candidate was approved by the Senate Judiciary Committee after a confirmation hearing, after the proper vetting and review, and is awaiting a full vote on the Senate floor.

Yet, because my Republican colleague has chosen to politicize our Justice Department and the confirmation process and hinder the work of multiple law enforcement offices as they await confirmation of their leadership, law enforcement is now forced to work harder than necessary to keep our communities safe. That includes the Senator's own home State of Ohio where the Northern District is currently without a Senate-confirmed U.S. attorney for the longest stretch in that office's history.

Now, in my own State, the Southern District of California has become tangled in this political mess.

Make no mistake, these delays damage the effectiveness of U.S. Attorney Offices across the country. Like the

confirmation of hundreds of our military leaders, these crucial law enforcement nominations are being treated like pawns in their political game.

If we truly care about public safety in our communities, if we truly care about enforcing the law, and if we truly care about cracking down on fentanyl and saving American lives—a claim I hear constantly from my colleagues—then confirm Tara McGrath in the Southern District and allow for the swift confirmation of a host of U.S. attorneys that are still being held up. The people of California and the people of the United States deserve better than this.

So I call on my colleague to stop weaponizing the Senate's procedures, to confirm Ms. McGrath and all the qualified nominees before us, and take seriously the job that Americans have sent us here to do.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. DURBIN. Madam President, I rise today to speak about the critical role that U.S. attorneys play in keeping America safe from the scourge of drugs—like opioids, fentanyl—gun violence and violent crime.

Why are we on the floor? We are on the floor because one Senator has decided to stop the appointment of U.S. attorneys for the Department of Justice across the United States. He has picked four States—one is a pretty red State, Mississippi; California; Ohio, his own home State; and my State of Illinois—to stop the U.S. attorneys from being approved by the U.S. Senate.

This is a pattern.

The Senator from Alabama, Senator TUBERVILLE, has stopped 300 military officers—career officers—from getting a promotion for more than 6 months. Many of these career officers, women and men, have fought in combat and risked their lives for America. We salute them every Memorial Day. We say that we love our veterans, and I certainly do. I'm sure the Senator from Ohio does too. And yet they are being treated so shabbily here in the U.S. Senate that the leading veterans organization in the United States of America is protesting what this Alabama Republican Senator is doing. He is stopping 300 of the best, highest ranked individuals who will lead our military in the world from being approved in the U.S. Senate for 6 months—more than 6 months.

Does he have a specific complaint about any one of them? No. Just, categorically, this is his political approach: Let's stop all the military from a promotion.

Is that fair to them and their families? I don't think so.

Now let's take a look at this situation. The Senator from Ohio has decided he is upset with the Department of Justice. How upset is he? Here is what he said:

I will hold all [Department of Justice] nominations . . . We will grind [the Justice Department] to a halt.

Grind the Justice Department to a halt, he says.

Well, let's see. Do the people at the Department of Justice, the U.S. attorneys, do they do anything important? Do we really need them?

Well, how about starting with the issue of narcotics: 180,000 Americans died from narcotics last year—180,000. You might know some from your community, your church, your business. And 70,000 died from fentanyl.

Let's talk about fentanyl for a minute. What is this narcotic? Well, it is the new and deadliest narcotic on the streets. Let me tell you a story that breaks my heart, because I know this couple. They had a daughter who graduated from college. She went to a party in Chicago. Marijuana is legal in Illinois. She decides to smoke a joint at a party. It has been laced with fentanyl, and she drops dead on the spot—22 years of age.

Fentanyl is a deadly narcotic. Where does it come from? It comes from Mexico—mainly from Mexico. Two drug cartels are sweeping the United States and into Europe with the sale of fentanyl that is killing people right and left—last year, 70,000 Americans.

Who is trying to fight the scourge of fentanyl? The Department of Justice—the same Agency that this Senator wants to grind to a halt.

Are we going to declare a timeout and call Mexican cartels and say: Don't be selling your fentanyl for a while because we are going to make sure you don't have leadership that you need in your department. How can we do something that irresponsible?

Don't stand up and say you are for law and order, you are for law enforcement, and then turn around and stop the appointment of U.S. attorneys who prosecute the criminals who are responsible for the narcotics sales.

I came to the floor last week and asked unanimous consent for the Senate to take up and confirm these nominations. They are nominations of Todd Gee, U.S. Attorney for the Southern District of Mississippi.

If you think this is partisan, let me tell you the whole story. Todd Gee is from Mississippi with two Republican Senators. Both Republican Senators approved his appointment as U.S. attorney.

Is this political? Both Republican Senators are supporting the nominee that is being held by another Republican Senator. It doesn't make sense.

Tara McGrath—the request was made by the Senator from California just a few moments ago. She wants to be the U.S. Attorney for the Southern District of California, eminently qualified, no controversy with her nomination.

Rebecca Lutzko—now this is interesting—to be U.S. Attorney for the Northern District of Ohio, the same State as the Senator who is now objecting to it.

He approved her. She went through the committee. She came out and was reported to the floor, and now she is being held up.

Well, let's take a look here. Does Ohio have a narcotics problem?

Let me make sure we get this right. Oh, my. In the last year, Ohio had 5,155 drug overdose deaths, the fourth highest overdose deaths in America. And the U.S. attorney who would be fighting these narcotics with the appropriate task force of the law enforcement is being held up by which Senator? The same State. The Senator from Ohio is holding up his own U.S. attorney to prosecute narcotics criminals.

And it is not just drugs. In Cleveland, the largest city in the Northern District of Ohio, the number of homicides is up 30 percent compared to last year. Nearly 90 percent of all overall homicides in Cleveland this year has involved a firearm. The city has seen a 99 percent increase in vehicle grand theft, a Federal crime, so far in 2023.

So to deal with the crime in the streets, to deal with the homicides, the firearm violations and the increase in vehicle grand theft, you count on one major prosecutor. Who is it? The U.S. attorney. So you have a vacancy in the U.S. Attorney's Office. The Senator from Ohio approves the person to fill the vacancy and then stops her nomination on the floor of the U.S. Senate.

I can't follow his logic, unless you are determined to grind the Department of Justice to a halt, even at the expense of the people you represent, the people you were sent here to protect. Don't tell me you are for law and order in your own neighborhood when you stop the nomination of the U.S. attorney for no controversy. It makes no sense.

U.S. attorneys are an integral part of our justice system in overseeing important operations that help protect our communities. They are empowered to prosecute all Federal criminal offenses. They play a critical role in enforcing the law.

In the Northern District of Ohio, for example, the U.S. Attorney's Office led the response to a surge in fatal doses from fentanyl. It brought together doctors, State and local law enforcement, addiction specialists, and other stakeholders and created the U.S. attorney's Heroin and Opioid Task Force. This is in the Northern District of Ohio.

This U.S. attorney is to fill the spot to lead that, but she is being held up on the calendar—by whom? The Senator from Ohio.

The U.S. Attorney's Office for the Northern District of Ohio also recently secured the conviction of a drug trafficker who attempted to traffic 1 kilogram of fentanyl pills, which were made to look like oxycodone, into the State. In addition, the office coordinated with ATF on a 3-month violent-crime-reduction initiative in Cleveland that resulted in the arrest of 59 individuals who have been charged with firearms trafficking, narcotics, conspiracy, and other firearms offenses.

Are these important? They would be important in Chicago. They would be

important in Los Angeles. They are important, I am sure, in Cleveland and in other cities as well. These convictions are trying to keep people safe in their homes and communities and to reduce violent crime.

The lead prosecutor—the lead Federal prosecutor—is a U.S. attorney. It is a vacant position we are trying to fill with a person with demonstrated competence to take it over—and who is holding it up but the Senator from Ohio. I don't understand it.

When he ran for office, Senator VANCE argued that he would “fight the criminals and not the cops.” Well, take a look at what is happening here. In this situation, the people we need to fight these criminals—the prosecutors—are being held up by the Senator before they can be voted on on the floor.

He has pledged to be “tough on crime” and to support our brave law enforcement officers. In fact, just this May, he introduced a resolution in the Senate, saying he has “support for the law enforcement officers of the United States.”

His resolution says:

[T]he Senate . . . highly respects and values the law enforcement officers of the United States and greatly appreciates all that [they] do to protect and serve.

The Senator's resolution then calls on “all levels of government to ensure that law enforcement officers receive the support and resources needed to keep all communities . . . safe.”

Support and resources are great, but give them the job. The job is still vacant because the Senator is withholding his approval for them to move forward.

I say to my colleagues: Reread the resolution he introduced last May, and take your own advice. Give these U.S. Attorneys' Offices the leadership they need to keep their communities safe.

Now I would like to engage the Senator, if he doesn't mind, in a question.

I listened carefully to what you said earlier in objecting to the U.S. attorney for the Southern District of California. What is your position, if you wouldn't mind saying it, in terms of the vote on that nomination?

Mr. VANCE. My position is that we should have a full Senate vote on each one of these judicial nominations, of these Justice Department nominations. My position is that we shouldn't let them sail through with unanimous consent.

Mr. DURBIN. So you want a record vote for each U.S. attorney?

Mr. VANCE. I would like a record vote for all Justice Department nominations in moving forward, yes.

Mr. DURBIN. Do you understand, before President Biden was elected, that that was common practice—that a unanimous consent request was all that was necessary to approve a U.S. attorney?

Mr. VANCE. I don't know that, but I believe my colleague from Illinois in that that is how it worked. What is dif-

ferent now, compared to then, is that we have a Department of Justice that has been weaponized against its political opponents.

I understand much of what you said, Senator DURBIN, and I appreciate your passion for this issue. My heart goes out to your friends who lost somebody to fentanyl. I, too, know a lot of people who have lost a loved one or a child to a fentanyl overdose.

But what will facilitate the effective administration of justice in this country is for the American people to see the Department of Justice as being focused on justice instead of politics. That is what this is fundamentally about. Do we have a Department of Justice that has the trust of the American people?

Senator DURBIN, I don't think that any of my Democratic colleagues could look at public polling and not admit that the Department of Justice has lost a substantial amount of public confidence just in the last year.

How can we have an effective administration of justice if we fill the Department of Justice with people who are perceived, rightfully or not, as political actors by the people who receive that justice?

Mr. DURBIN. Is the Senator aware—I am not going to ask this question. I know you know the answer as well as I do.

I will just state, generally, that the people who were involved in the prosecution of former President Trump were attorneys appointed to that position by President Trump.

Mr. VANCE. OK.

Mr. DURBIN. And a special counsel, separate and apart from the Department of Justice, was independently making those decisions.

Your decision to stop U.S. attorneys from taking these jobs means that they will not be in a position to be able to prosecute individuals of either political party who are guilty of criminal wrongdoing. Do you understand that?

Mr. VANCE. I have two responses to that, Senator.

First of all, you appreciate as well as I do that we have had zero votes today. I don't control how many people we vote on. In fact, I believe you do under the Senate procedures and the Senate rules. If it is so important to confirm these folks, bring them up to the floor for a vote.

Mr. DURBIN. So I am going to make a unanimous consent request consistent with the statement that you just made. I have listened to it carefully. I don't know if you have been given a copy, but I want to make sure you understand.

Mr. VANCE. Yes. As the Senator from Illinois, I assume, knows well, I am not the only person who is holding some of these nominations. I am happy to grant consent to vote on the ones where I am the only hold, but where I have other colleagues, I can't release the holds for other colleagues.

Mr. DURBIN. No, and you are not expected to.

But if individual Senators have an objection to moving forward on a nomination and they know a unanimous consent request is going to be made on the floor, it is their responsibility to be present physically. You can't mail it in.

Mr. VANCE. Senator, I am here representing my colleagues. They object. I am not going to release their holds on their behalf.

Mr. DURBIN. So even if you got your way, even if you got a rollcall vote, which you have asked for twice now, you are still not going to allow us to move to fill these vacancies for U.S. attorneys, even in Ohio?

Mr. VANCE. Senator DURBIN, you know the Senate procedures better than I do, and you could certainly bring these folks up for a vote later today, and all of us would have to vote for them.

Why won't you do that?

Mr. DURBIN. That is what I am going to request right now, so you can decide whether you are going to go along with it or object.

Madam President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate proceed to executive session to consider the following nominations: Calendar Nos. 129, 314, 315, and 266; that there be 2 minutes for debate, equally divided in the usual form, on each nomination; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on the nominations in the order listed; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

The PRESIDING OFFICER. The junior Senator from Ohio.

Mr. VANCE. Madam President, as the Senator knows well, my colleagues have been given no notice, and they have no sense that this is being done. I am not going to release their objections on their behalf as the Senator from Illinois knows well. I am happy to release my own objection, but I am not going to release theirs.

Therefore, I object on their behalf.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Madam President, there again, I just gave him what he asked for, and he said it wasn't enough. He has to have every other Senator come to the floor and agree to this.

Let me say that this is a unanimous consent request for four U.S. attorneys who have gone through the Senate Judiciary Committee, which Senator PADILLA and I serve on. They went through that bipartisan committee, and they have been reported to the floor. This is customary, ordinary. There is nothing controversial about these individuals, but still and all not

good enough. He has objected to even having a vote later in the day on the very nominations that he asked for earlier.

You can't have it both ways. If you are going to vote no against these nominees under any condition, make it clear. To say you want to clear it with every other Senator, they have been given notice of this unanimous consent request. They could be here on the floor if they wanted to object personally. To my knowledge, this junior Senator from Ohio is the only one objecting, and it is a shame he is because these U.S. attorneys are needed desperately in California, Mississippi, Ohio, and my home State of Illinois.

And to think that what we are going through is to the point at which a Congressman who is the chairman of the House Judiciary Committee came to Chicago to hold a hearing this week to outline how much trouble we have with violent crime. We do have problems with violent crime. We certainly need a U.S. attorney, who is one of the persons up for this nomination, to do her best to make sure that we have a safer community in Chicago.

How can she do it if she can't clear the Senate floor?

I hope the Senator will get it straight as to what exactly he is trying to achieve here. If he wanted a rollcall vote, I just offered to it him, and it wasn't good enough. I am going to be returning regularly to the floor to make this unanimous consent request.

Sadly, during the period of time that we debate this, crime will continue to be committed in Ohio, in Illinois, in Mississippi, and in California that, in many instances, could have been avoided if the Senate, on a regular dispatch approach, decided to move these nominations forward as they have been traditionally.

To say that you want the Department of Justice to grind to a halt in the United States of America, come on. That is the kind of statement you make in a speech, come back later, and say: Well, I didn't mean that exactly. Certainly, no one means that exactly.

We don't want the Department of Justice to stop its fight against narcotics and fentanyl in the United States that are claiming thousands of lives, and slowing down that process here on the Senate floor is just unacceptable.

I yield the floor.

The PRESIDING OFFICER. The junior Senator from California.

Mr. PADILLA. Madam President, I recognize that my colleague from Ohio cannot or will not speak on behalf of other Republican Members, but I would respectfully ask if he would lift his hold on the nomination of Tara McGrath to be U.S. attorney for the Southern District of California.

I yield to the Senator from Ohio to respond to my question.

Mr. VANCE. My apologies.

Will the Senator repeat that.

Mr. PADILLA. I respectfully ask if my colleague from Ohio will lift his

hold on the nomination of Tara McGrath to be U.S. attorney for the Southern District of California; yes or no?

The PRESIDING OFFICER. The junior Senator from Ohio.

Mr. VANCE. Senator PADILLA, I would be happy to do that as I am the only person holding 266. As I have said repeatedly, I want these nominations to have a vote so as to be scrutinized by the full Senate, and I am the only Senator holding 266, Ms. McGrath. I am happy to release the hold there and have the—excuse me—not release the holds on the unanimous consent request but certainly to bring this before the full Senate for a vote.

The PRESIDING OFFICER (Mr. MURPHY). The Senator from Illinois.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent that, notwithstanding rule XXII, at a time to be determined by the majority leader in consultation with the Republican leader, the Senate proceed to executive session to consider the following nominations: Calendar Nos. 129 and 266; that there be 2 minutes for debate, equally divided in the usual form, for each nomination; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on the nominations in the order listed; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; and that the President be immediately notified of the Senate's actions and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DURBIN. Mr. President, for those who are following this debate, we had four nominations that were being held. Two were just approved. We will keep working to make sure all four are approved. The two remaining are in the States of Illinois and Ohio. We feel just as intensely about those vacancies as all the others, but we are seizing the moment to order a rollcall vote on the two that have been approved by both sides.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

UNANIMOUS CONSENT REQUEST—S. 2835

Mr. SULLIVAN. Mr. President, I am going to speak about a really important bill that I am hoping we are going to pass right here on the Senate floor. It was passed, by the way, previously. It is called the Pay Our Military Act.

It is pretty simple. In the event of a shutdown—and right now, we are all working hard to make sure we avoid it—we need to make sure that the men and women who protect us get paid. That is it, simple—really, really simple.

I know back home in the great State of Alaska, there is a lot of frustration

with our government. It seems like every day the Biden administration has another order to shut down Alaska, lock up our lands, put people out of work. There are skyrocketing prices on everything from gas to food. Interest rates are at 40-year highs. Illegal immigration, which is just flooding across the southern border, is a literal invasion happening right now. A lot of people are frustrated with what is happening. The potential of a government shutdown is not going to help any of that, in my view.

But this is something that every Member of the Senate should agree on. If there is a shutdown—a lot of us are working hard to avoid that—we need an insurance policy for our military personnel. The brave men and women who are serving on the frontlines right now, at home and abroad—dangerous work to keep us safe—they need nothing less than the unwavering support of the U.S. Senate. For the men and women who protect us, often at great personal sacrifice, the least we can do as their representatives is to ensure that they receive their hard-earned pay, regardless of the political circumstances that may unfold.

My Pay Our Military Act is not about partisan politics. It is not about ideological differences. It is about fulfilling the solemn obligation to our troops and their families, and it is about providing them the stability and peace of mind that they need to do their jobs.

Regardless of what happens here, they will continue to serve, to deploy, to train. We have seen, in the last couple of weeks, that training can also be very dangerous. We had some marines recently killed down in Australia in an Osprey accident. The last thing these men and women need to worry about is whether or not they are going to get a paycheck next week, whether or not they are going to be able to support their families next week in the event there is a government shutdown.

I want to emphasize again that I hope this bill is unnecessary, but the fact remains that this certainly could happen, a government shutdown, and, if it does, we need to pay our military right now.

There is precedent—very strong precedent—on this very bill, this commonsense bill that has historically received the strong support from both sides of the aisle and in both Houses.

Let me be specific. Facing an imminent government shutdown in 2013, which ended up lasting 16 days, this bill, the Pay Our Military Act, was passed unanimously by the U.S. Senate and unanimously by the U.S. House and signed by the President. Congress recognized then the importance of uninterrupted military pay for our military members and their families.

The political makeup, actually, was the same. You had a Democrat in the White House. You had a Democrat-controlled Senate, and a Republican-controlled House. So it is simple.

While I urge my colleagues to put aside their differences and come together in a spirit of unity to support this bill, I am a little concerned. My colleague and friend Senator CRUZ and I came down to the floor last week to pass another related bill. This would have guaranteed Coast Guard members got paid in a government shutdown. We did that because, in 2019, the only branch of the military services that didn't get paid when there was a government shutdown was the Coast Guard. Everybody else got paid. The Coast Guard didn't. Senator CRUZ and I came down here last week and said: Hey, in the event of a shutdown, we have to make sure the Coast Guard gets paid.

Well, it was blocked. It was blocked. I still don't know what my colleague from Washington State was talking about when she blocked it—something about, well, the authority of the Appropriations Committee. What? Nobody cares about that. Do you support our troops or not?

This bill is even more simple. Our bill, the Pay Our Military Act, covers all branches, including the Coast Guard and civilians that the Department of Defense and the Secretary of Homeland Security believe are necessary also to pay. Again, I hope that, like in 2013, this is going to pass unanimously.

As I mentioned, last week, my colleague from Washington State objected to the Pay Our Coast Guard bill. It was confounding, particularly because she was a cosponsor of the exact same bill in 2019. As a matter of fact, here is what she wrote in 2019, when there was a government shutdown and we were trying to pay the Coast Guard:

It's absolutely unacceptable—

This is the Senator from Washington State—

that our Coast Guard families went without their paychecks during the shutdown. We need to make sure President Trump doesn't put them through this again.

Whoa. That was the Senator from Washington State during the last shutdown. I wish she would have said that last week.

So I am very hopeful that what happened in 2013—the Senate and the House unanimously came together when there was an imminent shutdown and said: Hey, we might not be able to figure out how to keep the government open, but here is one darn thing we are going to do; we are going to pay our military. I sure hope that we can do that again, and I sure hope people who want to try to use the military as political pawns leading up to a shutdown are not going to be tempted to object to this bipartisan, much needed bill that 10 years ago had the support of everyone.

I yield to my colleague from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Mr. President, I rise today in support of my friend from Alaska in a plea to sanity and common sense in this body.

We are 3 days away from an impending government shutdown. I believe a shutdown is likely because I believe President Biden and Senator SCHUMER want a shutdown. I think they believe it benefits them politically to force a shutdown. Whether I am right or wrong on that, everyone acknowledges there is a very significant risk of a shutdown 72 hours from now.

As it stands right now, if we have that government shutdown 72 hours from now, our service men and women will still go to work. Our military will still show up. Even with a shutdown, the military has to do its job and keep this Nation safe. But what will happen is their paychecks will go away.

Last week, Senator SULLIVAN and I both came to the Senate floor seeking to pass my legislation, the Pay Our Coast Guard Act. That legislation is bipartisan. I am the ranking member on the Senate Commerce Committee. It was authored by me and cosponsored by MARIA CANTWELL, the chairman of the Senate Commerce Committee. It was also cosponsored by Senator SULLIVAN and Senator TAMMY BALDWIN, the chairman and ranking member of the Coast Guard Subcommittee.

The reason my legislation, last week, was introduced is the last time we had a shutdown in 2019—the Schumer shutdown—the government was shut down for 34 days, and soldiers and sailors and airmen and marines were paid because the Department of Defense appropriations had been passed. But coastguardsmen were not because they are not under DOD; they are under the Department of Homeland Security.

So for 34 days, heroic coastguardsmen guarded our coasts, saved people off the coast of Texas, were there when people needed them in times of disaster, and yet they didn't get a paycheck. That was wrong.

In 2019, Senator SULLIVAN and I came to the Senate floor then and tried to pass a bill to pay our coastguardsmen in the middle of the Schumer shutdown, and the Democrats objected. Democrat leadership said: No, we will not pay our coastguardsmen.

Well, last week, I tried to say: We have bipartisan legislation. Let's do it right. Let's not hurt brave young men and women who are protecting this country.

Unfortunately, Democrat leadership stood up and uttered two words: I object. In fact, the Senator from Washington had an argument that I found thoroughly curious. She said: Well, this bill that CRUZ and SULLIVAN are trying to pass—it wouldn't technically mandate that coastguardsmen be paid because what the bill provided is they should be paid if soldiers, sailors, airmen, and marines are paid. So it argued we should treat the military evenly and fairly and not discriminate against the Coast Guard. She said: That is the reason I am objecting—because it doesn't mandate that it happen.

Well, you know what, what the Senator from Washington asked for is

what we are right here now doing. This bill does what she said last week was the reason she was objecting. That is what this bill does.

Ten years ago, this bill passed the Senate 100 to 0. The Presiding Officer and I were both in the Senate. That means the Presiding Officer voted for it, and I voted for it. That means the Senator from Washington voted for it. It means the House passed it unanimously. But in the decade that has passed, I guess common sense has gone out the window.

So I want to say something right now to every soldier, every sailor, every airman, every marine, every coastguardsman, every member of the Space Force. If you are a 19-year-old private or corporal stationed at Fort Bliss right now, next week, there is a very good chance your paycheck is going away. We are going to find out in just a few moments whether or not your paycheck is going away.

And just listen very carefully for two words. If we hear two words from the Senator from Washington, the words "I object," those two words uttered on behalf of Democrat leadership will kill this bill.

When your paycheck goes away next week, understand you would have been paid except for the fact that Democrat leadership decided it is in their political interest to hold that 19-year-old hostage. Never mind that you can't pay for groceries for your wife and kid that week. Never mind that you can't pay your rent, you can't pay your bills. Never mind—a marine who is stationed in harm's way—that your paycheck is going to go away. Why? Because partisanship is so rife in this town that the Democrat leadership believes they can hold these young fighting men and women hostage and pay no political price.

I hope the Senator from Washington listens to what I have said and what the Senator from Alaska has said and decides, you know, it is not right to hold these brave men and women hostage, and we are not going to do it. I hope Democrat leadership puts principle above partisan politics, but we are about to find out.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of S. 2835 and the Senate proceed to its immediate consideration. 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 Washington.

Mrs. MURRAY. Mr. President, reserving the right to object, I share my colleague's concern about making sure our servicemembers don't miss a paycheck because of a potential government shutdown. In fact, I don't want

any of our Federal workers to miss a paycheck or any of the programs families rely on to be undermined by a completely unnecessary shutdown, which is why I am working around the clock to make sure we pass the bipartisan CR package, which we released yesterday, because that is the only serious issue and solution here. That is the only way we make sure that everyone is able to keep doing the work the American people count on and get the paycheck they deserve.

Let's be real. There are a lot of programs I care about, a lot of programs we all care about, that would be hurt by a shutdown. So we are not going to solve this problem one by one, bit by bit, carve-out by carve-out. You do not stop a flood one drop at a time; you build a dam.

We do have a straightforward, bipartisan CR package to avoid a shutdown and keep our military paid. We should do our jobs, get that done, and get it passed. That is principle, Mr. President, not politics. Do our jobs and pass this bill so we don't have a shutdown.

I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Alaska.

Mr. SULLIVAN. Mr. President, as my colleague Senator CRUZ just mentioned, every member of the military just heard "I object," and the Senator from Washington State just said, "Let's be real." "Let's be real." There is nothing more real than putting your life on the line for the country you love and nothing more important than defending those who defend us. Let's be real. I am having a hard time with "Let's be real."

What she just mentioned had nothing to do with the bill. Again, 10 years ago, when there was an imminent shutdown just like there is today, which I certainly don't want, the Senate and House and White House came together and said: All right. We know there is a risk, but there are some special people who serve in our government—and, mind you, very special people—who deserve to be taken care of; that is, the men and women and their families who are serving right now overseas, all over the country, protecting Americans.

It is an outrage. It is an outrage to utter those two words: "I object." It is an outrage. And if it happens next week, as Senator CRUZ mentioned that there are young men and women around the world protecting us without getting paid and having to worry where they are going to buy or how they are going to buy groceries, I hope they remember the Senator from Washington State's two words: "I object." That was good, old-fashioned hostage-taking, making a marine lance corporal all of a sudden subject to the political whims of my colleagues on the other side of the aisle. It didn't happen in 2013.

I have no idea, truthfully—no idea—why my colleagues on the other side of the aisle would not support this Pay Our Military bill.

I am going to keep coming down here all week to get this passed, and hopefully they will have a change of heart.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Mr. President, I am very frequently in complete agreement with my friend and colleague from Alaska. I do disagree with two words he just said. He said this was good, old-fashioned hostage-taking. There is nothing old-fashioned about this. This is brand new. Even the Democrats, as partisan as they have been, they haven't done this before. Ten years ago, every Democrat—even the most leftwing Democrat—agreed we should pay our service men and women. This hostage-taking is brand new. You want to see the face of vicious partisanship in Washington? You just did.

Now, I will point out also two things that are blazingly obvious. No. 1, last week, when the Senator from Washington objected to my legislation to pay our Coast Guard, to treat our coastguardsmen the same as other Active-Duty military, she stood up and gave a speech in which she said she supported that goal but the bill I introduced didn't mandate that it happen; it only said they had to be treated with parity, and that is why she objected. So Senator SULLIVAN and I came and introduced the bill she asked for that mandated that all of the military be paid.

She didn't explain her change of position, but what she did implicitly is say that every word she said last week was not true, that the reason she gave for objecting to my bill apparently was not the reason she was objecting to the bill because she just objected right here.

I have to say—listen—every Member of this body, every Democrat, when you go home to your State, when you meet with Active-Duty military, when you meet with the veterans, I guarantee you every Member of this body said: I support the troops.

Well, as long as Democrat leadership keeps doing what they just did, it ain't true that you support the troops.

I want to point out right now, there are some Democrats who might try to hide behind the skirts of their leadership and say: We didn't object.

There are no Democrats on this floor. Nobody is here with us. The Senator from Washington didn't even bother to stay and participate in the debate. That is how little she is interested in the merits of this issue. What she said—and I want you to hear the argument she gave. She said, now, the new reason she is objecting is she says she wants everyone to be paid, and if everyone can't be paid, then nobody will be paid.

Understand, she is telling the young marine stationed just a mile from North Korea, facing machine guns, that it is the position of Senate Democrats that they care more about paying IRS agents and EPA regulators and bureaucrats than they do about that

young marine. Right now, there is a sailor in a nuclear submarine a mile underwater who may not even know it, but her paycheck is likely to disappear in 3 days. And Senate Democrats have said there is no difference.

You know what, the military is often referred to as the 1 percent. There is a difference—the men and women who put on the uniform and take the oath and defend this Nation. And my hope is that somewhere in the Democratic Party, saner voices will prevail.

I get there is an attraction to "We have a partisan fight." I get that Democrats want to try to stick it to Republicans. But don't scapegoat the military in the process.

I want to speak for the moment to the press. Part of the reason the Democrats are objecting is they are confident CNN will not report on this. They are confident MSNBC will not say a word about this. They are confident, if you turn on the nightly news, NBC, ABC, CBS will not say a word. And they believe that come Monday, when that young soldier, sailor, airman, marine—his or her paycheck disappears, they believe that they will never know it was the Democrats who blocked their paycheck, who objected to it. Well, it is up to the media to decide are they actually journalists, are they going to report on what happened.

If we end up having a shutdown, I can promise you, Senator SULLIVAN and I will be back. We will be on this floor, and we will see just how many times the Democrats want to object to paying our Active-Duty military.

Mind you, they have to work. They will show up at work regardless. But maybe it is the position of today's Democratic Party that you can show up and work and defend this Nation and keep us safe but Democrats aren't going to pay you. That is really sad. It is unfortunate.

I see my friend the Senator from Virginia has come in on another matter. I hope voices like his will say to his leadership: This is dumb. Don't hold our soldiers and sailors and airmen and marines and coastguardsmen hostage over a political fight in Washington. If politicians can't get their act together by September 30, don't punish the Active-Duty military.

I know the Senator from Virginia cares about those Active-Duty military. It is, right now, his party that is blocking their paychecks.

So my hope is that saner voices prevail in the Democratic Party. I hope we can come back here and do this exact same thing with one minor alteration—that next time we eliminate those two words: "I object."

And once the Democrats decide no longer to say the words "I object," this bill will pass, the House will pass it, and our fighting men and women will get the paychecks they have earned—they have earned—with courage and blood. We owe it to them. This body needs to do the right thing.

I yield the floor.



The PRESIDING OFFICER. The Senator from Virginia.

GOVERNMENT FUNDING

Mr. KAINÉ. Mr. President, I appear in a very timely way to make clear that our military will be paid if the House Republicans do not shut our government down. But in the off chance that they do, because of Democrats, in the last shutdown we had, we got a bill passed that guaranteed that all of them will at least receive backpay. In earlier shutdowns, that was never a guarantee. So people were forced to come to work not knowing whether they would be paid.

But during the last shutdown, in early 2019, I forwarded a bill to the floor. I used a procedural objection to recess at the end of a week. And using that objection, we were able to get a guarantee in place that all Federal employees, including members of the military, will not be punished when ne'er-do-wells and malefactors in the GOP decide to shut the government down.

Why do I make it so partisan? It is because only the GOP ever threatens to shut government down. In 2013, 2018, 2019, right now—only the GOP threatens to default on the national debt. We in the Senate, with a little cooperation from our Republican colleagues, will pass an overwhelmingly bipartisan continuing resolution within the next couple of days. And if the House will only do their job and agree to be as bipartisan as the Senate is, nobody needs to worry about losing a paycheck. But at least we have put a guarantee in place that nobody serving our Nation, whether in uniform or otherwise, will be at risk of losing pay because of an unnecessary shutdown.

Just a few months ago, the Speaker and the President negotiated a deal to avoid a default, and they set the stage to fund government spending bills. Since then, bipartisan colleagues in the Senate Appropriations Committee have worked in an impressive way.

The Presiding Officer is part of that team, working impressively and in a bipartisan manner to pass 12 appropriations bills out of committee.

But now, Members of the House are backtracking on the agreement that we just made 4 months ago. We made an agreement on spending limits, and the Senate Appropriations Committee has written their bills to those numbers. And yet the House is using Federal shutdown as a bargaining chip to undo the deal they just voted for and to try to get more draconian cuts and unnecessary policies in this year-end deal.

I am a Senator from Virginia. Some of the hardest effects of shutdown will be seen in my State, and they are already starting. Even before we get to midnight on Saturday, September 30, my office has been flooded with more than 600 constituent comments expressing their concerns about government shutdown. And what I would like to do is just share some of the stories that I am hearing from Virginians.

April, from Orange County, writes:

My husband is a member of the Army Reserves and [he] is preparing for a deployment to Africa next year. His training has been delayed due to funding with the close of the fiscal year, and a shutdown will certainly delay [the] training [even further].

So what does that mean? Do you deploy without adequate training or does the deployment date change? Families have planned around this. Employers have planned around this. A government shutdown affects April and her family.

Jennifer from Norfolk writes:

My husband is a USMC veteran who utilizes [the] VA. . . . A government shutdown places an undue financial and emotional burden on [my] family.

Kelsey from Harrisonburg wrote:

My parents, along with two friends, are on a 7-week post-retirement [celebration] camping trip to visit National Parks. [The park] closure would significantly . . . [affect] this trip.

Katie from Fredericksburg, whose husband is a civilian DoD employee wrote:

I work directly with families through the Head Start program in Stafford County. A shutdown to include so many important social services will be devastating to so many families I see and serve every day.

It is interesting that Katie, whose own husband is a Federal employee, does not write about her own family but writes about other families relying on Head Start services.

Mary, who lives in Virginia, but whose husband is overseas in Foreign Service, writes:

It's a huge problem for my family to go without pay for an unknown period of time. I have a son with a chronic illness whose medications are very expensive. This could impact our ability to purchase his . . . medications. As a foreign service family, we spend every day representing our nation and making sacrifices on behalf of our nation. We hope that Congress will do the same and work hard to resolve the issue before the deadline later this week.

Lauren from Glen Allen, near where I live in Richmond, wrote and shared that government shutdowns are a reason she has lost faith in the system. In a letter to my office, she wrote:

My family and I purchased plane tickets to visit Utah about 6 months ago. Our entire itinerary is to visit National Parks . . . and it is heartbreaking to realize now that on the cusp of our trip—

They are supposed to leave on September 30—

we may not get to visit the locations and hike the trails that we have been looking forward to for [many] months now. It may seem like a trivial matter to you, but we saved money for over a year and [we] managed our own household budget in order to afford this trip. Now Congress is on the verge of ruining it.

Amber from Williamsburg wrote:

We recently PCSd—

That is the military phrase for moving to a new duty station—

and a shutdown could not only cost us my husband's paycheck, but it would also delay the reimbursement from our personally procured move. We could face missing payments

on the [credit] card we used to pay for our move and my husband's student loan, taken out so he can pursue a degree he needed for [a] promotion. Not to mention that he will continue to work, doing the job of many more that will be furloughed until a resolution is agreed upon. We are a family that has served this country for generations, and we are still serving, but I am hesitant to encourage my son that dreams of enlisting to pursue a career for a country that is so quick to ignore the needs of its military families.

Cheryl from Centreville writes:

My husband's business will be affected, as he has several government contracts. He will be required by law to pay his employees, whether he receives government funding or not. I also have several friends who will be required to keep working without pay, just as they did last time—and the time before that. They have families to feed.

Tracy from Virginia Beach, who recently relocated to Virginia from California, is worried about how a shutdown will impact relocation and the ability to pay bills. She wrote:

My family . . . has experienced government shutdowns previously. My husband has been a federal employee since 2005. It always creates stress and worry and having to figure out how to pay basic expenses while he has to work without pay.

Lori from Falls Church writes:

As an active duty military family whose income depends on a government job, a shutdown will have a real and lasting impact on our family. The government shutdown affects our ability to pay our mortgage, to pay for groceries, medical expenses . . . the struggle is [very] real. . . . We have had some extra medical expenses from an illness my son has that Tricare won't cover. . . . This is just too much pressure on active duty families.

Yesterday, I met with the director of the Shenandoah National Park. He told me that there are many couples who have weddings planned for this weekend and the following weeks, during the most beautiful month of the year in the Shenandoah National Park. And they are ringing the phone off the hook at the Shenandoah National Park office. They asked what will happen if that park closes and their weddings can't go forward as planned.

This might seem like a minor one compared to people who have medical bills or in whose businesses they have to keep paying their employees when they are not getting paid. This is supposed to be the happiest day of your life. It is supposed to be the happiest day of your life. And because the House wants to backtrack on a spending deal they just reached a few months ago and they are unwilling to act in the same bipartisan manner that the Senate is acting in, these couples, who are going to pledge themselves to each other for the rest of their life, now, don't know whether their weddings will go forward.

Some politicians out there are saying shutdowns aren't that bad. I can assure you these 600 people—and they are writing in, more every day, and it will only get more intense—what they are saying tells you: Don't believe those who say a shutdown isn't a problem.

More than 100,000 Virginians would either be furloughed or forced to work

without pay. And while I am proud of the fact that we worked together to get this backpay guarantee, in an extended shutdown, a backpay doesn't pay the grocery bills, doesn't pay the medical bills, doesn't pay the rent bills. You might be able to take the guarantee to a landlord or to a school that needs a tuition payment and get them to cut you a break. But in an extended shutdown, a backpay guarantee, though OK, is not the same as getting your paycheck.

A shutdown affects us in so many ways. The SBA has to stop approving or modifying small business loans. The FDA delays food inspections. That is not a good thing. Air traffic controllers and TSA agents are working without pay, which in the past has contributed to significant flight delays all across the country. Nutrition benefits are potentially at risk in an extended shutdown, programs that help food insecure Virginian kids put food on the table.

I mentioned my Shenandoah National Park example. October is the busiest month of the year for Virginia communities that surround our National Parks, especially the Shenandoah National Park and the Chincoteague National Seashore and National Wildlife Refuge. These small communities that surround these two beautiful natural assets have reoriented their economies around tourism, and October is the peak season, especially in Shenandoah. This is not just the park itself and weddings that would take place in the park. This is the outdoor outfitters and the hotels and the B&Bs and the restaurants and diners that are in these small communities that surround these National Parks. This is their busy season. They count on this month of October as being the way they will have a successful year or an unsuccessful year. And if you shut down—because we saw this in October 2013—we have seen this before. If you shut down right at this time of year, they lose business that they will never get back, because the people who want to go in the peak of leaf season to have a vacation with their family, when the park reopens, maybe in a couple of weeks or a month, they are not going to say: OK, the leaves are all brown in November, but let's go. No, they are not going to do it. And so these small businesses don't recoup the revenue they lost during their busiest time of the year.

So whether it is closed parks or people who can't have a wedding or whether it is military members or Foreign Service overseas or people stressing about medical bills, this affects every ZIP Code, every last crossroads in this country, and it affects hundreds of thousands of Americans who are living abroad, serving this Nation in other countries, whether they be serving in the military or in a civilian capacity.

And, most of all, it is completely unnecessary. The President and the Speaker came to a bipartisan, bicameral agreement. It was voted posi-

tively in the House. It was voted positively here.

The only reason we are here is that a small but loud minority of House GOP Members who didn't like the deal that we reached, who voted against it, are now trying to use the leverage of shutting down the government of the greatest Nation on Earth to try to get their way.

I don't know if you noticed one thing they did earlier today. The Members who were loudly in the House, fighting in many instances for shutdown, cast a vote to reduce the salary of the Secretary of Defense, Lloyd Austin, to \$1. This is the complete lack of seriousness with which these Members are taking this issue. The head of the American military? I am on the Armed Services Committee. One of my kids is a marine reservist. Somebody overseeing the military of the most important nation on Earth, a nation that has, through leadership, inspired the democracies of the world to link arms and stand up against an illegal invasion of Ukraine by Russia—the United States has forged a global coalition, and on the verge of a shutdown that would hurt our military members, what is the House doing? Are they even sending us legislation? They can't get their act together to do that. But in a voice vote earlier today, they could get their act together, in the middle of the biggest land war in Europe since World War II, to suggest that the salary of the Secretary of Defense should be reduced to \$1 a year.

The biggest threats we face as a nation are not external to this Nation's borders. They are exemplified by the dysfunction that we are seeing with the House majority that refuses to abide by a deal they just voted on, who would put our military and all others—all other citizens—at risk.

With that, I yield the floor.

The PRESIDING OFFICER (Ms. CORTEZ MASTO). The Senator from Connecticut.

#### CONTINUING RESOLUTION

Mr. MURPHY. Madam President, right now we are working through a bipartisan proposal to keep the government open and operating, at least for the next several months. But those who study the Constitution might ask: Why is the Senate beginning debate on a continuing resolution? Isn't it the responsibility, constitutionally, of the House to begin debates on spending measures?

That is true. But the reason the Senate is using certain procedural maneuvers to begin the debate on the continuing resolution is because the House refuses to do its job. The House of Representatives is currently pretending like the government isn't shutting down in 3 days.

Instead of doing their job, House Republicans are spending the week impeaching Joe Biden, even though they admit they have no grounds to do it. They are setting this country on a course toward ruin. Shutdowns cost the

economy billions of dollars. Starting on Saturday night, our military won't get paid; Head Start teachers won't get paid; our wildfire firefighters won't get paid; Federal prison guards won't get paid; NIH and CDC scientists won't get paid; border agents won't get paid. And yet the House is pretending that this isn't happening.

So we are attempting—the Senate—to come together, Republicans and Democrats, to solve this problem. But it is absolutely extraordinary—extraordinary—that the House is refusing to do their job. And the reason for that is that there is this cabal of Republicans in the House who want the government to shut down, who hate the government so much that they want to burn it to the ground. And they are willing to compromise the safety of this country. They are willing to put hard-working Federal employees out of work. They are willing to force our military and our Border Patrol to forgo their paychecks. They are willing to lose \$10 billion in revenue to the economy.

So this is a pretty sad moment. The Senate is going to try to come together, Republicans and Democrats, to do our job; but House Republicans are causing this shutdown. They admit it. They go on TV every day—House Republicans go on TV every day and admit that it is their caucus that is causing this shutdown. And, hopefully, sometime between now and this weekend, those arsonists in the House of Representatives will come to their senses and put this country above their politics, above their hatred of government, above their hatred of Joe Biden. The consequences are pretty enormous otherwise.

#### GUN CONTROL

Mr. MURPHY. Madam President, this past February, a woman by the name of Maria Zapata Escamilla was startled out of her sleep in her home in a relatively small city in Mexico. She was startled out of her sleep because a band of men armed with powerful weapons and wearing military fatigues broke into her family's home. They looked like soldiers, but they weren't soldiers. They were, in fact, drug cartel members. That night they dragged her husband away, and they dragged her 14-year-old son, still in his pajamas, out of the house.

Two weeks later, 10 bodies were found in this town, all dead at the hands of the cartel. One of them was Maria's husband. She still, to this day, has no idea where her 14-year-old son is, but she presumes that he is dead. Maria's story is the norm in this city, Fresnillo, which, for much of this year, has been a war zone between Mexico's two biggest cartels as they battle for space to make and transport drugs to the United States.

Maria says:

Every day there are kidnappings, every day there are shootouts, every day there are deaths. It's terror.

These cartels act with impunity in Mexico because they buy off local officials and police because of endemic

corruption inside Mexico but, also, because these cartels are very often more heavily armed than the police. And this ability of the cartels to control so much space inside of Mexico because of corruption but also because they are often carrying more firepower than law enforcement, this is not just a nightmare for Mexico; this is a nightmare for the United States of America. There is a straight through line between the power of the cartels and the fentanyl trade that is killing American citizens.

Fentanyl is a plague in my community in Connecticut, in my colleagues' communities. And it is not enough for us just to tell Mexico to do better. No doubt, Mexico does not have clean hands. Mexico needs to get in the game to take on these cartels.

But on this question of heavily armed cartels, Mexico has actually acted. It surprises many people to know that there is one single gun store in all of Mexico. Mexico has essentially eliminated the commercial trade of firearms. You can't buy a firearm in the commercial market, for all intents and purposes, in Mexico today.

So why on Earth is Mexico flooded with weapons? Why on Earth do the cartels trade weapons like water? It is because somewhere between 70 to 90 percent of the guns that are found in crime scenes—mostly crime scenes connected to the cartel business—in Mexico can be traced back to the United States.

This is absolutely stunning. It is U.S. guns bought here in the United States, transited to Mexico that is fueling the violence that ends up in fentanyl being made, produced, and transported freely into the United States.

So it is time for the United States to recognize that if we want to do something about fentanyl coming into the United States, if we want to save our citizens from ruin, then we have to do something about the guns that move from the United States into Mexico.

Now why is this happening? Why have the cartels been able to get their hands on these weapons?

Well, there is a handful of reasons. First, without a universal background check law in the United States, these cartel members, most of whom have criminal records, can easily buy guns at gun shows and online, even though they are criminals, because in those settings there are not background checks applied in many of our States. So the cartel members go into these gun shows in places like Texas; they buy the guns; and they bring them to Mexico.

Second, there is no comprehensive effort to stop the trafficking. It is largely Americans that are doing the trafficking—dual citizens, often. We do lots of checks of cars and trucks going from Mexico to the United States, but we don't do significant serious checks on vehicles going from the United States to Mexico. And so the guns, along with the cash, move freely north to south.

And so as long as this gun trade continues, the Mexican authorities, even if they clean up their act, have very little chance to stop these cartels. And what is so maddening is that this is just a choice. We know what to do to stop these guns from being trafficked to the cartels in Mexico, but we choose not to do it.

So for those of us that have relationships with leaders in the Mexican government, we have very few good answers when the Mexican government looks us in the eye and says: Do your part. Stop these guns from moving into Mexico.

The things we can do are all politically popular. Universal background checks are supported by 95 percent of Americans, first and foremost because it will cut down on crime in the United States. But 41 percent of the guns that go into Mexico come from Texas; 15 percent come from Arizona; the lion's share of these weapons comes from States that don't have universal background check laws on the books and so they have all of these loopholes and these ways for criminals to buy guns and transfer them to Mexico.

Second, we can fund DHS to actually do the checks on the cars and the vehicles that are moving into Mexico. Last year, for the first time, because of an initiative that I pushed, we funded 200 more CBP officers to do these outbound inspections. Yet we are still only doing the inspections at a handful of ports of entry, and we should be doing them all across the border. That is something that Republicans and Democrats can come together on.

Last year, we did make progress. With the help of Senator CORNYN and others, we made gun trafficking a crime in this country. It is amazing that it wasn't. We made straw purchasing a crime, which makes it a little bit harder for the traffickers to move weapons from north to south, but it is just a start.

It is really important for us to own the mistakes we have made that have allowed for these cartels to get so big and so powerful. There is no doubt that the lion's share of work lands squarely with the Mexican Government. The corruption there that is endemic is the biggest gift to the cartels.

Second the corruption is the flow of weapons that the United States has permitted and, at times, facilitated. We need a massive, laser-focused effort to stop the flow of fentanyl into the United States. It is killing thousands of Americans. In my State, there have been 10,000 overdose deaths just in the last 10 years.

We can't just lecture the Mexican Government to do better; we need to do our part. So I am here on the floor today to ask my colleagues to join me in taking some big, bold steps to stop the flow of these weapons from the United States to the Mexican drug cartels.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

## PROTECTING HUNTING HERITAGE AND EDUCATION ACT

Mr. TESTER. Madam President, I rise today in support of my bipartisan legislation to protect funding for hunter safety programs.

Senator CORNYN is going to make a UC here in a bit. I just want to thank him and Senator MURKOWSKI for the work that they have done on this bill. It has been incredible.

You know, in Montana and across rural America, our schools have long offered hunter safety classes and taught our kids gun safety and personal responsibility, but recently the Biden administration and the bureaucrats here in this city who really don't understand rural America very well decided to block funding for these important education programs.

I want to be clear. That was a poor decision that will hurt thousands of students who benefit from these resources and these programs every year. That is why I am pushing for this bipartisan fix that would require the Department of Education to restore a school district's ability to use Federal dollars for school archery or gun safety or hunter education programs.

Look, folks, when Republicans and Democrats came together to pass the Bipartisan Safer Communities Act, we did so to ensure that our kids are safe when they go to school. This commonsense bill will make sure that we stay true to that intent by educating future generations on the importance of responsible gun ownership and hunting, which will only make our students and our communities safer. It will protect Montana's longstanding and proud tradition of hunting and shooting sports, which are essential to Montana's way of life.

I would urge my colleagues in this room today to support this bipartisan solution.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, following the devastating shooting in Uvalde just a little over a year ago, Congress passed the Bipartisan Safer Communities Act. As we know, this legislation invested in mental health, school safety, and commonsense measures to prevent dangerous individuals—namely, those with mental health problems or with criminal records—from carrying out acts of violence.

Importantly, it did all of this without impacting the Second Amendment rights of law-abiding citizens. That was a red line. Unfortunately, the Biden administration has misinterpreted a section of this law and is using it as a pretext to defund hunter education and archery programs, which is ironic because one of the things that many people have advocated is, let's teach people how to safely use firearms for recreational or hunting purposes. Yet they want to somehow stop those very programs?

Well, these programs are offered in school districts across Texas and equip

students with invaluable skills, including, as I suggested, firearms safety and wildlife management. They are teaching students to be responsible gun owners and good stewards of the environment, something I would think we would all want.

These programs have overwhelming bipartisan support, and Congress had no intention of impacting them or curbing their availability in any way. Members of Congress worked together in good faith to pass this legislation that will build stronger, safer communities. But the fact that the administration is stretching the law—the words of the law—beyond any meaning that we intended is unjustifiable. When this happens, it undermines the good will between Congress and the White House. It makes it difficult, if not impossible, to legislate on important and contentious issues like this.

The Biden administration is attempting to take creative license with the law, and Congress needs to step in and correct the situation immediately. That is what we are doing today. Senator SINEMA, Senator TILLIS, and Senator MURPHY were my partners in negotiating this Bipartisan Safer Communities Act. We came together with Senator CAPITO and immediately started working on a new bill to clarify congressional intent on this legislation given the overreach by the administration. We worked with our colleagues on the House side to craft a bill that could pass both Chambers of Congress.

The Protecting Hunting Heritage and Education Act clarifies that Federal funds can be used to support archery, hunting, and other valuable enrichment programs in schools.

This legislation passed the House yesterday evening by a vote of 424 to 1, an overwhelming show of bipartisan support. I hope the Senate will follow suit today and send this legislation to the President's desk to clarify, once and for all, that the Biden administration cannot ignore the express will of Congress.

This is the Biden administration, not the Biden kingdom. The wishes and whims of the President and his staff do not outweigh Congress's intent. I am eager for President Biden to sign this legislation and acknowledge that this interpretation of the clear words of the legislation that we passed on a bipartisan basis were totally in conflict.

Once again, Congress has reclaimed its right as a separate, coequal branch of government in a bipartisan way to pass legislation that expresses not the will of the staff at the White House or some administrative Agency but the will of the Members of Congress. I am glad the House acted quickly to correct this shameful behavior, and I hope now the Senate will follow suit.

Madam President, I see the Senator from Arizona here on the floor, and I yield to her.

The PRESIDING OFFICER. The Senator from Arizona.

Ms. SINEMA. Madam President, I join the senior Senator from Texas in

support of our commonsense bill today that ensures the administration follows the Bipartisan Safer Communities Act as we wrote it.

When we wrote this law last year, this was historic legislation to reduce community violence, improve mental health services, and save lives. When we wrote this bill, we were clear in our intent. We wanted to make our schools safer places to learn, our communities safer places to live, and our mental and behavioral healthcare system among the strongest in the world, and we did that with broad bipartisan support.

Our law prohibits the use of new Federal funding for weapons for school staff, but our law very specifically does not prohibit the use of funds for archery classes, hunting safety classes, or any other extracurricular activities of the sort.

What is at issue here is a misinterpretation of this section of our law by the White House, and it is a symptom of a larger issue: the alarming tendency of this administration to ignore the will and intent of Congress when carrying out the very laws that we pass.

Time after time, Congress has come together to pass historic legislation with bipartisan support just to see the current White House interpret provisions—repeated provisions of repeated pieces of legislation—not in line with congressional intent. We pass the laws; that is our job. The administration is supposed to follow and implement those laws; that is their job. But this administration routinely fails to do its job correctly. This creates distrust; it delays meaningful solutions for our constituents; and it wastes taxpayer money.

Enough is enough. We shouldn't have to be here today. We shouldn't have to pass a bill today telling the administration to do its job and follow the law, but here we are.

So, once again, Congress will come together in a bipartisan, bicameral way to pass a bill. We will hold the administration accountable, ensure the accurate interpretation and implementation of our Bipartisan Safer Communities law, and we will allow students in Arizona and all across the country to continue enjoying school-based hunting and archery programs, just as our law intended.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. TILLIS. Madam President, I want to thank my colleagues from Arizona and Texas for, really, the first historic activity.

It was a historic month last year. In the wake of the Uvalde shootings, we came together in one meeting—and this is a very diverse group of people, Senator MURPHY from Connecticut being one of them. We came together in one meeting, and we developed enough trust to say that we thought we could do something that hadn't been done in a generation: trying to come up with a

bipartisan bill that addresses what we considered to be some of the root causes of community safety. We did it in 30 days with bipartisan support, and we sent it to the President's desk.

I am sure Senator CORNYN and Senator SINEMA are doing the same thing, but I watch it virtually every day. I watch what is happening on the ground. I look at funding for school safety, funding for school hardening, funding for veterans courts, funding for VA courts, funding for family courts, more funding to make sure that background checks are done quickly, and identifying young people who, yes, a couple of hundred should not have a gun out of about 150,000 who have actually tried to purchase a gun over the last year. The short story is it was a very successful bill.

I have been involved, in the last Congress, in every bipartisan bill that went to the floor. I took the heat back home, and Senator CORNYN took the heat back home, but we worked on it, and we had trusted partners who understood the intent. It goes to the President's desk, and what does somebody in his administration do? Get in our heads. All they needed to do was call us. They knew this wasn't our intent. Hunter safety? Archery training? Teaching a young person how to respect and handle a gun safely? They really thought that we did not want to train them on that; that we didn't want to train them about conservation and wildlife stewardship? That is what you also learn when you go to hunter safety.

As a matter of fact, even if you never want to own a gun, I encourage you to go to a hunter safety course. You are going to learn a lot of stuff. You are going to learn a lot of stuff about conservation, wildlife stewardship, and also the safe handling of a gun. It is the same thing for archery.

So I can only assume that the reason we are here today and the reason the House had to cast a vote is that somebody in the administration wanted to play politics—"gotcha."

Well, let me tell you why that is dangerous. It is because it makes people like me question whether or not I should trust the administration to implement a bill in the manner that we intended to implement it. If I am going to get a "gotcha" at the end for something like this, what encourages me to do it again?

So, today, I think we are going to right this wrong, but I really hope the administration recognizes that some of us are sick of the polarizing environment in Washington. Some of us are willing to work on a bipartisan basis to make things different, but we have to have a willing and trusted partner down the street. This rights a wrong now, but I hope the administration recognizes, in the future, if you want to see more people like me stick our necks out for things that need to be done, you had better behave differently.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Madam President, I am really very pleased to be on the floor with colleagues on both sides of the aisle to talk about this.

As my colleague from North Carolina has pointed out, it was pretty clear—it was more than pretty clear; it was crystal clear—what the intent of this provision was. The intent was really designed to prevent gun violence. What this administration is doing with this interpretation is so far afield of where we were with the Bipartisan Safer Communities Act that it is almost breathtaking.

I had an opportunity less than a week ago to be back home in Fairbanks, and I went to the Tanana Valley shooting range. I was greeted by about probably 25, maybe even 30 high school students from Hutchison, from West Valley, and from Lathrop who were all part of the rifle team. They were there, pretty proud of what they were doing and how they were doing it; but they wanted to know, they wanted to understand how we could possibly—we here in Washington, DC, we in the Congress could possibly be doing something that was going to be limiting or restricting opportunities to understand more about firearms and firearm safety and hunting safety.

This is hunting season in Alaska. It is moose season. It is duck season. We all have our firearms out as we are providing for our families. In my family, one of the first things that you learn in a household that has firearms is about gun safety, firearm safety. Those schools that have those programs that provide for hunters' safety, those are the ones we all want our kids to be part of. It is not just the hunters' safety, it is the archery programs.

Again, when you are thinking about programs that help build young people in strong ways—in leadership skills, in safety, in discipline—that is what these kids from the Fairbanks area schools were telling me.

I said: What else do you learn other than, really, being a sharpshooter?

They said: A sense of discipline—discipline and respect. They said: Every single one of us—there is not one of us in this room here who has been subject to any kind of discipline from within the school. We kind of look out for one another. There is a respect that comes when you are operating around a rifle.

The other issue that they raised was, they said: We understand that the way the Department of Education is interpreting this is not only hunters' safety programs would be at risk, not only archery programs would be at risk, but culinary programs where you have to use a knife with a blade that is in excess of 2½ inches, I believe it is.

So how do you work with a student when you are trying to chop celery in a classroom if you can't use a chopping knife? What do you do in a rural school where all aspects, practically, of your curriculum surround those matters

that are relevant to you, subsistence? So as part of your science class, you are cleaning or preparing a skin from a seal or a walrus, and you are using an ulu. Believe it or not, the Department of Education would say that that ulu that, basically, is preparing your food for your family, would be a dangerous instrument and you can't teach that in the classroom.

Trying to explain what the Department of Education has interpreted this to mean as separate from what we, as the lawmakers who help put this into law—trying to explain to them made no sense.

Do you know what their message was? Can you just fix it? That is what we are here on the floor to do today.

It has not only been the work that Senator TESTER has done with his bill, the work that Senator CORNYN has done with his bill, the work that Senator BARRASSO has done with his bill, the letters that have gone out—we have given the Department the ample opportunity to fix it on their own. But if they don't, we have got to do the legislative fix, and I am standing with my colleagues to do just that.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5110, the Protecting Hunting Heritage and Education Act, which was received from the House.

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

The legislative clerk read as follows:

A bill (H.R. 5110) to amend the Elementary and Secondary Education Act of 1965 to clarify that the prohibition on the use of Federal education funds for certain weapons does not apply to the use of such weapons for training in archery, hunting, or other shooting sports.

There being no objection, the Senate proceeded to consider the bill.

Mr. CORNYN. I further ask that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, so ordered.

The bill (H.R. 5110) was ordered to a third reading, was read the third time, and passed.

#### SECURING GROWTH AND ROBUST LEADERSHIP IN AMERICAN AVIATION ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Delaware.

NOMINATIONS OF ROBERT G. TAUB AND THOMAS G. DAY

Mr. CARPER. Good afternoon, Madam President. I am here today to urge my Senate colleagues to join me in considering the confirmation of two excellent people to serve on the Postal Regulatory Commission, which is the governing body for the U.S. Postal

Service: Robert Taub, who is currently a commissioner and we are seeking to reconfirm him; and also Thomas Day, who has come through our Homeland Security and Governmental Affairs Committee and, I think, unanimously recommended for a position on the Postal Regulatory Commission.

Both of these public servants have spent literally decades bettering our country.

Mr. Taub has served on the Commission since 2011, and he actually served as its chairman for, I think, more than 6 years.

Mr. Day has spent—listen to this—over 35 years at the Postal Service—35 years at the Postal Service—and another service, as I recall, in uniform for our country.

I would like to add that we have unanimously confirmed Mr. Taub not once but twice previously, and there is no doubt that he has served our country well.

I want to share three stories with you, if I could: a little bit about the history and the importance of the Postal Service; another about Mr. Taub's role in making the Agency what it is today; and a third about Mr. Day's influence on the function of our postal system across this country.

In 1787, the Founding Fathers of our country gathered in Philadelphia literally to draft a constitution to be able to outline how a new country might be formed and actually operate and work for the betterment of people who lived here then and in the future. They drafted the Constitution, and they sent that Constitution out across the 13 colonies and asked the colonies to look at it, kick the tires, find out what they liked and what they thought ought to be changed.

The first State to actually take it up and affirm—ratify, if you will—that Constitution was the colony that is now Delaware, the State of Delaware.

On December 7, 1787, after a week or so of debate at the Golden Fleece Tavern, the Founding Fathers of Delaware said: We like this Constitution. They maybe tweaked it a little bit and sent it on down to the other colonies, who followed suit. Delaware was, for one whole week, the entire United States of America. Then we opened it up. We let in Pennsylvania and Maryland. And the rest, I think, has turned out pretty well, for the most part, until now. Hopefully, we will continue to exist for many, many years, decades, centuries into the future.

One key element of the Constitution was the creation of the Postal Service. Our first Postmaster General was actually, believe it or not, Ben Franklin. Ben Franklin.

The establishment of the Postal Service represented an important early effort to bind us together as a nation—to bind us together as a nation—to unite us in communication with one another. That work continues today as postal workers cover all 50 States. They did it today; they will do it at

least 6 days this week—and to also make sure that we have the ability to provide the Postal Service to the folks who live in the U.S. territories, deliver the mail that helps unite our families and helps to grow our businesses and helps, really, to enable our democracy to function and thrive.

More than two centuries later, we continue to live up to that promise. In 2006, one of our colleagues, Senator SUSAN COLLINS and I led the passage of the Postal Accountability and Enhancement Act literally on this floor where we are gathered today. That legislation modernized the Postal Service for the first time, I think, since 1970.

Just last year, we went on to pass, on top of that, the Postal Service Reform Act to shore up the Agency's financial foundation, including a requirement for all Postal Service retirees to enroll in Medicare when they became eligible for those benefits.

Over the past couple of years, I have had the opportunity to work with Postmaster General Louis DeJoy and the Postal Commission to make the Agency even more energy efficient.

Together, we successfully secured billions of dollars to expand the number of electrical vehicles in the Postal Service's delivery fleet. The Postal Service has one of the biggest delivery fleets in the country. They also have one of the oldest and one of the most polluted. What we have done is worked with the leadership of the Postal Service to make sure that those old vehicles time out. They really, for the most part, have timed out. They need to be replaced. They are going to be replaced with vehicles that will not only help us deliver the mail—and do an even better job of that—but to make sure the delivery vehicles that are out there aren't making worse the climate crisis that we are going through as a nation, as a planet.

I want to tell you a little bit more about Mr. Taub, if I could, and how he has been integral to the changes that we have seen in the Postal Service, especially as it has become more modern and more efficient.

After spending years as a staff member to Members of Congress and Ambassadors and working for the Government Accountability Office, Mr. Taub, native New Yorker, became chief of staff to then Congressman John McHugh—an old friend and a very good Member of the House; a Republican, as I recall.

Under Representative McHugh's leadership, Mr. Taub helped to craft the Postal Accountability and Enhancement Act in the House of Representatives. That is the same legislation that I mentioned earlier that I worked on with Senator COLLINS. Together with Representative McHugh and his team, we ushered the bill to the President's desk, where it was signed into law, again, in 2006.

This transformation of the Postal Service was just the beginning of Mr. Taub's involvement with the Postal

Service. After establishing his expertise in the public sector, he continued on beyond this work when Representative McHugh was appointed Secretary of the Army.

As Secretary McHugh's principal civilian advisor, Mr. Taub helped lead a workforce of more than—get this—1.2 million people and managed an annual budget exceeding \$200 billion—no small feat. For his exemplary work, Mr. Taub was awarded the Army's Decoration for Distinguished Civilian Service.

All this led to Mr. Taub serving on the Postal Regulatory Commission on not one, not two, but three Presidents, including both Democrats and Republicans.

He was first nominated to the Commission in 2011, and his strong leadership led to his appointment as chairman of the Commission in 2014.

As I like to say: In adversity lies opportunity.

And despite the troubles left over from a previous chairman, Mr. Taub took adversity in stride. He embraced the role of chairman with diligence and grace. He led a massive undertaking to study and to revise a postal rate system. As a result was the Postal Accountability Enhancement Act he helped to pass.

In 2016, his work paid off when he was once again confirmed to be chairman to the Commission and continued to serve as chairman.

Mr. Day has had an incredible record with the Postal Service as well. Let me just take a minute to talk about him.

In his 35 years at the Agency, he has held almost every role imaginable, including that of vice president of the engineering department and the government affairs department, as well as the chief sustainability officer.

In his role on the sustainability team, Mr. Day helped lead the Postal Service into the environmentally conscious practices of the 21st century.

As chairman of the Environment and Public Works Committee, I know the importance—that is my role—but I know the importance of our Agencies carrying out practices that protect our planet. Mr. Day shares this belief and understands it firsthand.

For example, he has been working to reduce the fuel emissions of the aging postal fleet I talked about and has done that over the past decade.

Let me be clear, if I could. The kind of institutional knowledge and expertise that Mr. Day holds is unique, and it would make him an extremely valuable asset on the Commission.

Mr. Day also has experience working with the exchange of mail on an international scale, serving in senior positions at the Universal Postal Union, the United Nations agency, and at the International Post Corporation.

On top of that, he is a graduate of the U.S. Military Academy at West Point and has bravely served in the U.S. Army. Besides being a captain and a Vietnam veteran serving in the U.S. Senate, when I learned about his serv-

ice in the Army—I am a Navy guy—I said: Different uniforms, same team, and thanked him for all of his service in uniform as well.

There is no doubt that someone with his commitment to our Nation would make a terrific addition to the Postal Regulatory Commission.

Together, Mr. Taub and Mr. Day will continue revising the postal rate system and modernizing the Agency for the betterment of our country. For this reason, among many others, we think it is imperative that we confirm both of them—not one of them but both of them—and make sure the Commission is fully, fully staffed.

Congressional and Postal Service customers rely on the Commission to hold the Agency accountable for its service performance and to ensure its prices follow the law and its practices follow the law, and it is our duty to make sure the Agency can perform at the highest level, including for the good of our planet.

I like to say service to others is the rent we pay for the space we take up on this Earth. I think Mr. Taub and Mr. Day's decades of service to this country is more rent than most of us will ever be asked to pay.

I urge our colleagues to confirm both Mr. Taub and Mr. Day to ensure that the Postal Regulatory Commission can continue to do its important work on behalf of all of us, who are the fortunate beneficiaries of the Constitution that was written all those years ago and the promise it provided for our country.

With that, Madam President, I would note the absence of a quorum, and I thank the Presiding Officer and I thank my colleagues and ask for their support of the nomination of these two excellent, excellent candidates.

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. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

TRIBUTE TO TERRY "TITO" FRANCONA

Mr. BROWN. Madam President, sometimes we come to the floor in maybe a less serious vein. We are all incredulous that while we do our work here and keep the government open, the people down the hall there are playing political games and threatening a shutdown. And when 55,000 people in my State and probably 10,000 people in the Presiding Officer's State will lose their jobs temporarily, will be furloughed, will be laid off, all because they are trying to play political games, we talk about that a lot. We need to fix that.

But, today, I want to rise for a moment on something more lighthearted than that, and that is to honor the retiring manager of the Cleveland Guardians, Terry Francona, called in Cleveland—referred to as "Tito" Francona.

Cleveland will play their last home game with Tito as their manager starting in maybe 20 minutes from now, something like that. Tito has been a part of the team since 2013.

I call him by his first name. I don't know the Cleveland manager. I have never met the Cleveland manager. But I have watched him. I watch a lot of games on television. But we all refer to him by his first name, "Tito."

I was at a game earlier this summer, and we were pulling out in a traffic jam, and Tito does what I have read in the Plain Dealer that he does. All of a sudden, he passed us. The game was about an hour over, and he rode by on his little scooter to his little Cleveland condominium downtown, just the manager by himself.

(Mr. OSSOFF assumed the Chair.)

He didn't have airs about him. He is a normal guy, and we will really, really miss him.

In his baseball career, he left Cleveland. He was the manager in the 2016 World Series, where my daughters and my wife and I—they broke our hearts in game 7 to a team like the Chicago Cubs. And it was really amazing that there was a rain delay in the ninth inning, and then they came back and Cleveland lost in extra innings.

A week later, Donald Trump was elected. So I don't think it was a good week for the country. But that is just my biased opinion, perhaps.

But in Ohio, in Cleveland, if you are a Cleveland Guardians fan, you know about perseverance. His baseball career extends back to when he joined Major League Baseball as a player. Spending 9 years in the field, he played a year for Cleveland, but he is a baseball lifer. But his life is very inextricably linked to Cleveland, as a baseball player and manager.

I am not sure he was born in Cleveland. He lived in Cleveland when his dad played for the Cleveland Indians in the old Municipal Stadium. Notably, his dad twice was traded for Larry Doby, the first African-American player in the American League and one of the Hall of Fame members because of his baseball play, his courage, his guts, and his note of being so important to history and breaking the color line.

I grew up watching his father play. I saw his father, once in a double-header, get seven hits. And the eighth time he came to the plate, Brooks Robinson—the third base player from the Orioles who just passed away—Brooks Robinson threw him out. He would have been 8 for 8 in a double-header.

As I said, his dad was traded twice for Larry Doby. His dad, one year, should have led the league at hitting, at .363 but was disqualified because he had one too few plate appearances. He batted 399 times instead of 400, even though he walked a number of times—too much inside baseball, maybe, for the Senate floor and for my colleagues to care about.

But his dad played for years and was an All-Star in 1961. He hit .363 in 1959 and was a fan favorite.

So the Francona family was formed in Cleveland and grew up in Cleveland in that sense. It reminds me of how baseball is a game that spans generations and brings people together.

I grew up 2 hours south of Cleveland. My dad used to take us to Major League Baseball games, to five or six games a year—five or six times a year, often double-headers. And my dad hated the New York Yankees so much that he would never take us to a Yankees game because he didn't want Mickey Mantle, the star of the Yankees, to get 10 cents of his ticket. So I never saw the Yankees play until I could drive myself to New York.

When Tito Francona joined the Montreal Expos in 1981, he succeeded his father as a baseball player. He played in Cleveland for a year. In 1990, he retired from the game and not a particularly stellar baseball career, not as good as his father's.

But then he became a manager. He managed the Phillies. He managed the Red Sox in two world championships. He then came home to us in Cleveland in 2013. In 2016, Cleveland won the American League Championship with the Indians—now, of course, the Guardians. He led the team to the World Series.

As I said, game 7 was quite an experience that I could take my daughters to, then in their thirties. And we had gone to baseball games. And my dad took me for years, and we got to see this team we loved and this team we followed so closely go to the World Series—a team that wasn't considered at the beginning of the season World Series caliber. And it was quite a season.

And the next year, Cleveland came back. They, at one point, won 22 games in a row. Only once in Major League Baseball did a team win more than that, when the Giants, in 1926, won 26 in a row. So it was an incredible streak.

But more important, his players reached a level of excellence that was beyond what most people think was their skill level. Cleveland, to owners that have never spent the money—owners in the Presiding Officer's home State, in Atlanta, they try to buy pennants like the Yankees do and the Mets do and the Dodgers do and the Red Sox do. They spend so much money to try to buy the best players. Cleveland has never had owners that were either that rich or that generous. So Tito had to figure out how to win without that kind of money.

But what he has done, which I so much like, is he gets out of his players a skill and a drive that most managers are not able to achieve. You can tell he loves America's game. I mean, he shared that with all of us.

He loves the city where his team plays and where he manages. He has been there for 10 years, in Cleveland. I guess 11 years.

His players could have gone somewhere else and made more money. The star player for Cleveland, a young man

named Jose Ramirez, signed a long-term contract, made a whole lot of money, but everybody said he could have made so much more money if he had gone to New York or Atlanta or L.A. or Boston and signed huge contracts with really rich, generous owners. I think his players want to play for him, and he helped put our team on the map again.

I just wanted to say to Tito Francona, thank you for everything you have done for Cleveland. Thank you for the memories and the joy you have brought so many of us as fans.

We celebrate his contributions to baseball, his commitment to Cleveland, and his extraordinary career.

REMEMBERING TOM CONWAY

Mr. President, on a much more serious note, I want to honor a friend of mine who passed away this week, a national leader of stature who made such a difference in working people's lives.

I come to this floor to talk about the dignity of work, to talk about people who put their lives on the line and put their careers front and center about workers. Tom Conway did that.

Tom Conway passed away in the last few days, the president of the United Steelworkers. He joined the labor movement in 1978. He worked as a millwright. "Millwright" means those workers who essentially fix and make equipment work inside plants. He worked at the Burns Harbor Works of Bethlehem Steel in northwest Indiana.

Forty years ago, 45 years ago, he joined Local 6787. He dedicated his life to expanding opportunity and economic security for workers. Whether on a picket line or sitting across from the steel executives, his values were on his sleeve. His commitment to workers never wavered.

On trade issues and worker safety, always one of the first calls I made was to talk to Tom Conway, to get wisdom from Tom Conway, to get perspective from Tom Conway, because I knew always he was looking out for the workers whom he represented.

Steelworkers in Ohio knew what those bad trade deals—from NAFTA to PNTR with China, to TPP, to CAFTA—all the issues that, frankly, are a big part of the reasons my State has struggled with so many lost jobs.

Given this devastation, Tom saw across the industry. You might understand if he became a pessimist, threw up his hands, and gave up. He was never that—far from that. He drew his energy from the resilience of American steelworkers and steel communities across the Midwest.

He knew what we know in Ohio, that American workers can compete with anyone. They just need a level playing field. He never stopped fighting for that level playing field, for fair trade, for real investment in American industry, for strong enforcement of our trade laws.

Because of his advocacy and the advocacy of so many Ohio steelworkers, we made real progress. We passed the

original Level the Playing Field Act, the landmark overall of our trade remedy laws, to allow steelworkers to fight back against cheating by China, against dumping steel from China, against other unfair foreign competition. We passed the strongest ever “Buy America” rules to ensure that American tax dollars support American workers.

He never gave up on American steel. He never gave up on American workers. He saw the potential in this union to grow. He knew that, if more people carried a union card, their lives would be better. It would mean higher wages and better benefits. It would mean a more secure retirement. It would mean a safer workplace. It would mean more control over your schedule. That is what carrying a union card means.

My wife will say that her dad’s union card saved her life. She grew up and at 16 had an asthma attack. She lived almost 2 hours from Cleveland Clinic. She got an ambulance to take her to the clinic. She was there for a week. It saved her life. Her dad could afford that care, that ambulance, that time in Cleveland Clinic because he carried a union card, and they negotiated for healthcare benefits. That is what Tom Conway did his whole life.

I wear on my lapel a pin depicting a canary in a birdcage. The mineworkers used to take the canary down in the mines a hundred years ago. If the canary died, the mineworker was on his own. He knew that he didn’t have a union strong enough or a government that cared enough to protect him. That is why he carried the canary down into the mines.

This was given to me by a steelworker some 20 years ago in Lorain, OH. I have worn it on my lapel ever since. And that is what Tom Conway is about.

John Shinn, the secretary-treasurer of USW said: Solidarity wasn’t just a word to Tom. It was a way of life. He understood that, by working together, we balance the scales against greedy corporations.

We see it now. Chrysler, now called Stellantis, has made \$12 billion just in calendar year 2023. Stellantis’ CEO makes 800 times what the entry-level worker at Stellantis makes.

Tom Conway understood that we fight against that kind of worker greed, and we help lift up workers so they can share in the wealth created by their work. Balancing those scales is what unions are all about. It is why autoworkers are in that picket line. That is what they are doing. It is what Tom Conway led the steelworkers to do.

We honor his memory, his legacy best by carrying on his life’s work. His successor at USW is Dave McCall, fellow Ohioan. Dave McCall worked with and has known Tom Conway for over 40 years. He will serve out the remainder of his term. I can’t think of anyone better to carry on Tom’s legacy than Dave McCall.

Dave and I have been in the trenches together for the better part of our entire careers, walking picket lines, talking to Ohio workers at union halls and fighting against bad trade policy that this body far too often falls for because corporate lobbyists swarm this place and push these bad trade agreements, always, always, always at the expense of workers.

Dave McCall understands the dignity of work, as Tom did. He spent his whole life fighting for it. He would have made Tom Conway proud.

I ask my colleagues to join me in honoring Tom Conway today. Our thoughts are with his family, his long-time partner Carol, his three sons and six grandchildren, and with steelworker sisters and brothers in Ohio and around the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

U.S. SUPREME COURT

Mr. WHITEHOUSE. Mr. President, last week, I spoke about the scheme of corruption by rightwing billionaires out to capture the Supreme Court. I mentioned their lawyers’ blockade of our investigation into this corruption and described how little sense their lawyers’ arguments made.

That brings us to this speech today. The connection is that those, in my view, nonsense lawyers’ arguments badly needed propping up. And who should come to the rescue but U.S. Supreme Court Justice Sam Alito. Alito’s actions propping up that argument caused me to write this ethics complaint against him.

I ask unanimous consent to have printed in the RECORD my full letter to Chief Justice Roberts and a portion of the letter from Mr. Rivkin at the end of my remarks.

Mr. President, this complaint highlights some of the Supreme Court’s current legitimacy problems, which are legion. One is that the Court has no procedure for an ethics complaint. I had to write to Chief Justice Roberts, both in his capacity as Chief Justice and in his capacity as Chair of the Judicial Conference, because, unlike in every other Federal court, there is no clarity about process.

The Supreme Court has no formal process for receiving or investigating such complaints, so they go there to die. Complaints about Supreme Court Justices have sometimes been referred to the Judicial Conference, and there, they have mostly disappeared. So it is a mess.

The Supreme Court—the body with the highest responsibility to police proper procedure and fair factfinding throughout the rest of government—has no clear and proper procedure for itself. That is weird, and that is wrong.

Nothing prohibits the Court or the Judicial Conference from adopting procedures to address complaints of misconduct by the Justices. They just haven’t bothered to. The most basic modicum of any due process is fair

factfinding, but they have no process at all to find out even what the facts are. That is simply not defensible. That has to change, and my complaint presents the Court and the conference that opportunity.

Now let’s move from procedure to the substance of my complaint about Justice Alito. At one level, it is an obvious slam-dunk ethics violation. At another, it will take a lot more digging. Let me explain.

My complaint relates to a so-called “interview” published on the Wall Street Journal’s editorial page July 28 of this year. How it is both an interview and on the Wall Street Journal’s editorial page, I am not going to explore.

Justice Alito was the person “interviewed.” His “interviewers” were David Rivkin and James Taranto. In this interview, Justice Alito offered his legal opinion that “[n]o provision in the Constitution gives [Congress] the authority to regulate the Supreme Court—period.” That is the end of his quote.

That comment wasn’t just floating in the ether; it was related to my Supreme Court ethics bill, the Supreme Court Ethics, Recusal, and Transparency Act, which the Senate Judiciary Committee had advanced just 1 week before, and it also related to an array of congressional oversight information requests from the Senate Judiciary Committee and from the Senate Finance Committee.

More on that later. Back to the slam-dunk part. I sit on the Senate Judiciary Committee, where we hear in every Supreme Court confirmation hearing that it would be improper, that it would be wrong even in a confirmation hearing to express opinions on matters that might come before the Court. Well, obviously, Alito’s interview comments—his Wall Street Journal editorial page “opining”—touched on a matter that might come before the Court. That is the slam dunk.

Look at what other Justices have testified about this opining problem, but let’s start with Alito himself, who testified in his confirmation hearing that it would be “improper” and a “disservice to the judicial process” for a Supreme Court nominee to comment on issues that might come before the Court. His words.

Consider also Justice Thomas, who testified that such opining would “leave the impression that I prejudged this issue,” which would be, he said, “inappropriate for any judge who is worth his or her salt.”

Justice Kagan told the committee it would be “inappropriate” for her to “give any indication of how she would rule in a case” even “in a somewhat veiled manner.”

Justice Kavanaugh testified that nominees “cannot discuss cases or issues that might come before them.” He went on that prejudging an issue in this manner is “inconsistent with judicial independence, rooted in Article



III.” He continued that “litigants who come before [the Court] have to know we have an open mind, that we do not have a closed mind.” He quoted Justice Ginsburg: “No hints, no forecasts, no previews.”

Justice Gorsuch went one better in his confirmation hearing. He actually testified that this “no opining” rule applies to discussions about Supreme Court ethics—the exact topic of Justice Alito’s Wall Street Journal opining.

Senator BLUMENTHAL on the committee had asked Judge Gorsuch about proposed ethics rules for the Supreme Court and whether they would violate separation of powers. Gorsuch answered:

Senator, I am afraid I just have to respectfully decline to comment on that because I am afraid that could be a case or controversy, and you can see how it might be. I can understand Congress’ concern and interest in this area. I understand that. But I think the proper way to test that question is the prescribed process of legislation and litigation.

In sum, the Court itself is plainly on record that this sort of opining is wrong. So that is broken rule one, just offering the opinion, but it gets worse. This was not just general opining out into the general ether. Alito’s comments referred to a specific, ongoing legal dispute. Let me explain.

There are ongoing Senate investigations into the scandal of secret billionaire gifts to certain Justices. The Senate Judiciary Committee is investigating reports that Supreme Court Justices accepted and improperly failed to disclose, in violation of Congress’s disclosure laws, lavish gifts from billionaire benefactors seeking to influence the Court. The Senate Finance Committee is investigating Federal tax compliance regarding those undisclosed gifts. Were tax laws broken? Were proper declarations made?

In those congressional investigations, requests for information have been sent out. In response to those requests, objections have been raised. Here is where Alito comes in. The objections by the billionaires’ lawyers assert that Congress has no constitutional authority to legislate in this area—hence, no authority to investigate. They assert—in my view, plainly wrongly—that our constitutional separation of powers blocks any congressional action in this area, which in turn, they assert—also plainly wrongly, in my view—blocks any congressional investigation.

Set aside the demerits of that argument—for which I refer you to the lawyers’ letters I added to the record in my previous speech and my own take-down of that argument—sound or unsound, the point is, it is their argument in that ongoing dispute.

In that ongoing dispute, Justice Alito’s Wall Street Journal comments prop up that argument. The language is nearly identical. You can compare it for yourself. In fact, lawyers for some of the billionaires to whom we have sent information requests have actu-

ally quoted Justice Alito’s comment in declining to respond.

So this is not just some improper general opining; it is a Supreme Court Justice leaning in to one side of a specific ongoing dispute and being used and quoted by one side of a specific ongoing dispute. That is pretty bad. It gets worse.

One of the interviewers in that Wall Street Journal interview, Attorney David Rivkin, wasn’t just some interviewer; he is the attorney for a party in that specific ongoing dispute. Rivkin is the attorney making the precise legal argument that Alito echoed, and he is making it in that ongoing dispute. None of this, of course, was disclosed in the so-called “interview.”

A logical mind would rightfully ask whether Justice Alito opined on this matter at the behest of his interviewer, Attorney Rivkin. A suspicious mind would even wonder whether Attorney Rivkin prepped his witness, as lawyers are wont to do. With no means of fact-finding, all this remains unknown.

Bad enough to opine on some general matter that may come before the Court; worse when the opining brings a Supreme Court Justice’s influence to bear in a specific ongoing legal dispute; and worse yet when the influence of the Justice might have been summoned by counsel to a party in that dispute.

The timeline is suspicious. Mr. Rivkin’s interview with Justice Alito was reportedly conducted in early July 2023. Well, on July 11, Chairman DURBIN and I had sent a letter to Rivkin’s client in that dispute inquiring about undisclosed gifts and travel provided to Justices. On July 20, the Senate Judiciary Committee voted to advance my judicial ethics bill.

By the way, the Rivkin-Alito Congress-has-no-authority argument fared very poorly that day in the committee.

On July 25, Mr. Rivkin, by letter, refused to answer our information requests on the purported ground that “any attempt by Congress to enact ethics standards for the Supreme Court would falter on constitutional objections.” Three days later, on July 28, comes the supportive opining from Justice Alito about those constitutional objections.

There are a lot of questions that need answering under oath about how this mess played out.

But wait, there is more. Attorney Rivkin’s client in that dispute has a relationship with Justice Alito. He is a friend and ally of Justice Alito’s. Rivkin’s client is Leonard Leo. Leo is not just a friend and ally of Alito’s. Our oversight questions that Attorney Rivkin is blocking relate to Mr. Leo’s actions to facilitate gifts for Supreme Court Justices from rightwing billionaires of free and undisclosed transportation and lodging. Mr. Leo didn’t just facilitate; he was Justice Alito’s companion on the luxurious Alaskan fishing trip in 2008 that rightwing billionaires funded.

The relationship goes back. Leo’s political organization “had run an adver-

tising campaign supporting Alito in his confirmation fight, and Leo was reportedly part of the team that prepared Alito for his Senate hearings.”

So it appears that Justice Alito, A, improperly opined in the Wall Street Journal, B, to influence a specific ongoing dispute, C, possibly at the behest of counsel in that dispute, and D, to the benefit of a personal friend and ally.

None of that was disclosed in the interview either, and it brings us to the last and most damning point.

Justice Alito’s opining, potentially at the behest of his friend and ally’s lawyer, props up an argument being used to block inquiry into undisclosed gifts and travel received by Justice Alito himself. Justice Alito himself is the ultimate beneficiary of his own improper opining. It comes full circle.

In the worst-case scenario, Justice Alito broke the rules against opining in order to facilitate an organized campaign to obstruct congressional investigation into tens of thousands of dollars in gifts he, Alito, personally received and doesn’t want investigated.

Whether Justice Alito was unwittingly used to provide fodder for such interference or intentionally participated in that interference plan and whether he did it to protect the rightwing billionaires or himself or both, those are questions whose answers require additional facts.

The heart of any due process is a fair determination of the facts. Uniquely in the whole of government, the Supreme Court has insulated its Justices from any semblance of fair factfinding. The obstruction of our inquiries by Mr. Rivkin and Mr. Leo, fueled by Justice Alito’s opining, prevents Congress from gathering those facts, and the Supreme Court won’t even look. That can’t be—not in a nation of laws. That is flagrantly, obviously wrong.

So I have asked the Chief Justice or the Judicial Conference to take whatever steps are necessary to develop a process to investigate this affair and provide the public with the prompt and trustworthy answers it deserves. The Supreme Court’s legitimacy cannot stand on an edifice of obstruction, secrecy, and lies.

To be continued, Mr. President.

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

WASHINGTON, DC,

September 4, 2023.

DEAR CHIEF JUSTICE/CHAIRMAN ROBERTS: I write to lodge an ethics complaint regarding recent public comments by Supreme Court Justice Samuel Alito, which appear to violate several canons of judicial ethics, including standards the Supreme Court has long applied to itself.

I write to you in your capacity both as Chief Justice and as Chair of the Judicial Conference because, unlike every other federal court, the Supreme Court has no formal process for receiving or investigating such complaints, and asserted violations by justices of relevant requirements have sometimes been referred to the Judicial Conference and its committees. I include all justices in carbon copy because I am urging the

Supreme Court to adopt a uniform process to address this complaint and others that may arise against any justice in the future.

The recent actions by Justice Alito present an opportunity to determine a mechanism for applying the Judicial Conduct and Disability Act to justices of the Supreme Court. Nothing prohibits the Court or the Judicial Conference from adopting procedures to address complaints of misconduct. The most basic modicum of any due process is fair fact-finding; second to that is independent decision-making.

#### BACKGROUND

Some of the background facts here were related by members of the Senate Judiciary Committee who signed a letter to you dated August 3, 2023. As that letter explains, the *Wall Street Journal* on July 28, 2023, published an interview with Justice Alito conducted by David Rivkin and James Taranto. Justice Alito's comments during that interview give rise to this complaint. The interview had the effect, and seemed intended, to bear both on legislation I authored and on investigations in which I participate.

During the interview, Justice Alito stated that “[n]o provision in the Constitution gives [Congress] the authority to regulate the Supreme Court—period.” Justice Alito's comments appeared in connection to my Supreme Court Ethics, Recusal, and Transparency Act, which the Senate Judiciary Committee had advanced just one week before the publication of this interview. That bill would update judicial ethics laws to ensure the Supreme Court complies with ethical standards at least as demanding as in other branches of government.

Justice Alito's comments echoed legal arguments made to block information requests from the Senate Judiciary Committee and the Senate Finance Committee, on both of which I serve. Those arguments assert (in my view wrongly) that our constitutional separation of powers blocks any congressional action in this area, which in turn is asserted (also wrongly, in my view) to block any congressional investigation. Sound or unsound, it is their argument against our investigations, as reflected in the letter appended hereto. The subjects of these committee investigations are matters relating to dozens of unreported gifts donated to justices of the Supreme Court.

As the author of the bill at issue, and as the only Senator serving in the majority on both investigating committees, I bring this complaint.

#### IMPROPER OPINING ON A LEGAL ISSUE THAT MAY COME BEFORE THE COURT

On the Senate Judiciary Committee, we have heard in every recent confirmation hearing that it would be improper to express opinions on matters that might come before the Court. In this instance, Justice Alito expressed an opinion on a matter that could well come before the Court.

That conduct seems indisputably to violate the Code of Conduct for United States Judges. Canon 1 emphasizes a judge's obligation to “uphold the integrity and independence of the judiciary”; Canon 2(A) instructs judges to “act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary”; and Canon 3(A)(6) provides that judges “should not make public comment on the merits of a matter pending or impending in any court.” These canons help ensure “the integrity and independence of the judiciary” by requiring judges' conduct to be at all times consistent with the preservation of judicial impartiality and the appearance thereof.

The Court's *Statement of Ethics Principles and Practices*, “to which all of the current members of the Supreme Court subscribe,”

concur. That document makes clear that, before speaking to the public, “a Justice should consider whether doing so would create an appearance of impropriety in the minds of reasonable members of the public. There is an appearance of impropriety when an unbiased and reasonable person who is aware of all relevant facts would doubt that the Justice could fairly discharge his or her duties.” These same precepts are also enforced through the federal recusal statute, which requires all federal justices and judges to recuse themselves from any matter in which their impartiality could reasonably be questioned.

Making public comments assessing the merits of a legal issue that could come before the Court undoubtedly creates the very appearance of impropriety these rules are meant to protect against. As Justice Kavanaugh pointed out, prejudging an issue in this manner is “inconsistent with judicial independence, rooted in Article III,” because “litigants who come before [the Court] have to know we have an open mind, that we do not have a closed mind.”

Justice Alito and every other sitting member of the Supreme Court told the Senate Judiciary Committee during their confirmation hearings that it would be (in the words of Justice Alito) “improper” and a “disservice to the judicial process” for a Supreme Court nominee to comment on issues that might come before the Court. Justice Thomas said that such comments would at minimum “leave the impression that I prejudged this issue,” which would be “inappropriate for any judge who is worth his or her salt.” Justice Kagan echoed those comments, telling the Committee it would be “inappropriate” for her to “give any indication of how she would rule in a case”—even “in a somewhat veiled manner.” And Justice Kavanaugh explained that nominees “cannot discuss cases or issues that might come before them.” He continued: “As Justice Ginsburg said, no hints, no forecasts, no previews.”

Justice Gorsuch made clear during his confirmation hearing that this rule applies to the precise topic on which Justice Alito opined to the *Wall Street Journal*:

Senator Blumenthal. Thank you. I also want to raise a question, talking about court procedure, relating to conflicts of interest and ethics. I think you were asked yesterday about the proposed ethics rules that have been applied to your court—

Judge Gorsuch. Yes.

Senator Blumenthal: [continuing]. To the appellate court, to the District Court, but not to the Supreme Court. Would you view such legislation as a violation of the separation of powers?

Judge Gorsuch. Senator, I am afraid I just have to respectfully decline to comment on that because I am afraid that could be a case or controversy, and you can see how it might be. I can understand Congress' concern and interest in this area. I understand that. But I think the proper way to test that question is the prescribed process of legislation and litigation.

You, Justice Sotomayor, and Justice Barrett each expressly cited the canons of judicial ethics as the source of a nominee's obligation to refuse to comment on such matters. There seems to be no question that Justice Alito is bound by, and that his opining violated, these principles.

#### IMPROPER INTRUSION INTO A SPECIFIC MATTER

These principles apply broadly to any opining, on any issue that might perhaps come before the Court. But here it was worse; it was not just general opining, it was opining in relation to a specific ongoing dispute. The quote at issue in the article—“No provision in the Constitution gives [Congress] the au-

thority to regulate the Supreme Court”—directly follows a mention of my judicial ethics bill. Justice Alito's decision to opine publicly on the constitutionality of that bill may well embolden legal challenges to the bill should it become law. Indeed, his comments encourage challenges to all manner of judicial ethics laws already on the books.

Justice Alito's opining will also fuel obstruction of our Senate investigations into these matters. To inform its work on my bill and other judicial ethics legislation, and oversee the performance of the statutory Judicial Conference in this arena, the Senate Judiciary Committee is investigating multiple reports that Supreme Court justices have accepted and failed to disclose lavish gifts from billionaire benefactors. Separately, the Senate Finance Committee is investigating the federal tax considerations surrounding the billionaires' undisclosed gifts to Supreme Court justices. Both committees' inquiries have been stymied by individuals asserting that Congress has no constitutional authority to legislate in this area, hence no authority to investigate. Justice Alito's public comments prop up these theories.

As the author of the bill in question and as a participant in the related investigations, I feel acutely the targeting of this work by Justice Alito, and consider it more than just misguided or accidental general opining. It is directed to my work.

#### IMPROPER INTRUSION INTO A SPECIFIC MATTER AT THE BEHEST OF COUNSEL IN THAT MATTER

Compounding the issues above, Attorney David Rivkin was one of the interviewers in the *Wall Street Journal* piece, and also a lawyer in the above dispute. This dual role suggests that Justice Alito may have opined on this matter at the behest of Mr. Rivkin himself. Bad enough that a justice opines on some general matter that may come before the Court; worse when the opining brings his influence to bear in a specific ongoing legal dispute; worse still when the influence of a justice appears to have been summoned by counsel to a party in that dispute.

The timeline of the *Wall Street Journal* interview suggests that its release was coordinated with Mr. Rivkin's efforts to block our inquiry. Mr. Rivkin's interview with Justice Alito was reportedly conducted in “early July” 2023. On July 11, Senate Judiciary Committee Chair Durbin and I sent a letter to Mr. Rivkin's client inquiring about undisclosed gifts and travel provided to justices. On July 20, the Senate Judiciary Committee voted to advance my judicial ethics bill mentioned above. (Notably, the Rivkin/Alito Congress-has-no-authority argument fared poorly in the committee that day, with no Republican rising to rebut the arguments against it.) On July 25, Mr. Rivkin by letter refused to provide the requested information on the purported ground that “any attempt by Congress to enact ethics standards for the Supreme Court would falter on constitutional objections.” That response, appended hereto, was instantly published in *Fox News* Three days later, on July 28, the *Wall Street Journal* editorial page published the supportive opining from Justice Alito.

#### IMPROPER INTRUSION INTO A SPECIFIC MATTER INVOLVING AN UNDISCLOSED PERSONAL RELATIONSHIP

On top of all this, the dispute upon which Justice Alito opined involves an individual with whom Justice Alito has a longstanding personal and political relationship. As my colleagues and I pointed out in our August 3 letter, “Mr. Rivkin is counsel for Leonard Leo with regard to [the Judiciary] Committee's investigation into Mr. Leo's actions to facilitate gifts of free transportation and lodging that Justice Alito accepted from

Paul Singer and Robin Arkley II in 2008.” Mr. Leo was Justice Alito’s companion on the luxurious Alaskan fishing trip in 2008 and facilitated the gifts to the justice of free transportation and lodging. Two years earlier, Mr. Leo’s political organization “had run an advertising campaign supporting Alito in his confirmation fight, and Leo was reportedly part of the team that prepared Alito for his Senate hearings.

The timing of Justice Alito’s opining suggests that he intervened to give his friend and political ally support in his effort to block congressional inquiries. It appears that Justice Alito (a) opined (b) on a specific ongoing dispute (c) at the behest of counsel in that dispute (d) to the benefit of a personal friend and ally. Each is objectionable, and appears to violate, *inter alia*, Canon 2(B) of the Code of Conduct for United States Judges, which provides, “A judge should neither lend the prestige of the judicial office to advance the private interests of the judge or others nor convey or permit others to convey the impression that they are in a special position to influence the judge.”

#### IMPROPER USE OF JUDICIAL OFFICE FOR PERSONAL BENEFIT

The final unpleasant fact in this affair is that Justice Alito’s opining, apparently at the behest of his friend and ally’s lawyer, props up an argument being used to block inquiry into undisclosed gifts and travel received by Justice Alito. At the end, Justice Alito is the beneficiary of his own improper opining. This implicates Canon 2(B) strictures against improperly using one’s office to further a personal interest: a justice obstructing a congressional investigation that implicates his own conduct.

The Senate Judiciary Committee’s investigation encompasses reports that Justice Alito accepted but did not disclose gifts of travel and lodging valued in the tens of thousands of dollars. Further investigation may reveal additional information that Justice Alito would prefer not come to light. The facts as already reported suggest that Justice Alito likely violated the financial disclosure requirements of the Ethics in Government Act. Perhaps Justice Alito should also have recused himself as required by the recusal statute in a 2014 case involving a company owned by Paul Singer, one of the billionaires who attended and paid for his Alaskan fishing vacation. Justice Alito’s public suggestion that these laws are unconstitutional as applied to the Supreme Court, and that Congress lacks authority to amend them or investigate their implementation or enforcement, appears designed to impede Senate efforts to investigate these and other potential abuses.

#### CONCLUSION

In the worst case facts may reveal, Justice Alito was involved in an organized campaign to block congressional action with regard to a matter in which he has a personal stake. Whether Justice Alito was unwittingly used to provide fodder for such interference, or intentionally participated, is a question whose answer requires additional facts. The heart of any due process is a fair determination of the facts. Uniquely in the whole of government, the Supreme Court has insulated its justices from any semblance of fair fact-finding. The obstructive campaign run by Mr. Rivkin and Mr. Leo, fueled by Justice Alito’s opining, appears intended to prevent Congress from gathering precisely those facts.

As you have repeatedly emphasized, the Supreme Court should not be helpless when it comes to policing its own members’ ethical obligations. But it is necessarily helpless if there is no process of fair fact-finding, nor independent decision-making. I request that you as Chief Justice, or through the Ju-

dicial Conference, take whatever steps are necessary to investigate this affair and provide the public with prompt and trustworthy answers.

Sincerely,

SHELDON WHITEHOUSE,  
Chairman, Senate Judiciary Subcommittee on Federal Courts, Oversight, Agency Action, and Federal Rights.

BAKER HOSTETTLER,

July 25, 2023.

Re Response to July 11, 2023 Letter to Leonard Leo.

DEAR CHAIRMAN DURBIN AND SENATOR WHITEHOUSE: We write on behalf of Leonard Leo in response to your letter of July 11, 2023, which requested information concerning Mr. Leo’s interactions with Supreme Court Justices. We understand this inquiry is part of an investigation certain members of the Senate Judiciary Committee have undertaken regarding ethics standards and the Supreme Court. While we respect the Committee’s oversight role, after reviewing your July 11 Letter, the nature of this investigation, and the circumstances surrounding your interest in Mr. Leo, we believe that your inquiry exceeds the limits placed by the Constitution on the Committee’s investigatory authority.

Your investigation of Mr. Leo infringes two provisions of the Bill of Rights. By selectively targeting Mr. Leo for investigation on a politically charged basis, while ignoring other potential sources of information on the asserted topic of interest who are similarly situated to Mr. Leo but have different political views that are more consistent with those of the Committee majority, your inquiry appears to be political retaliation against a private citizen in violation of the First Amendment. For similar reasons, your inquiry cannot be reconciled with the Equal Protection component of the Due Process Clause of the Fifth Amendment. And regardless of its other constitutional infirmities, it appears that your investigation lacks a valid legislative purpose, because the legislation the Committee is considering would be unconstitutional if enacted.

#### THE COMMITTEE’S INQUIRY RAISES SERIOUS FIRST AMENDMENT CONCERNS

Bedrock constitutional principles dictate that “no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion.” *W. Virginia State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943). In the guise of conducting an investigation concerning Supreme Court ethics, the Committee appears to be targeting Mr. Leo because of disagreement with his political activities and viewpoints on issues pertaining to our federal judiciary. An investigation so squarely at odds with the First Amendment cannot be maintained.

Mr. Leo is entitled by the First Amendment to engage in public advocacy, associate with others who share his views, and express opinions on important matters of public concern. “[T]he freedom to think and speak is among our inalienable human rights.” *303 Creative LLC v. Elenis*, 143 S. Ct. 2298, 2311 (2023). Indeed, expressive activity of this kind is afforded the greatest protection possible. *See Connick v. Myers*, 461 U.S. 138, 145 (1983) (“[S]peech on public issues occupies the ‘highest rung of the hierarchy [sic] of First Amendment values,’ and is entitled to special protection.” (quoting *NAACP v. Claiborne Hardware Co.*, 458 U.S. 886, 913 (1982))). Yet Mr. Leo has, for years, been the subject of vicious attacks by members of Congress,

specifically including members of the Committee majority, because of how he chooses to exercise his rights. In reference to Mr. Leo’s public advocacy work, for example, Senator Whitehouse has called Mr. Leo the “little spider that you find at the center of the dark money web.” Senator Sheldon Whitehouse, Remarks on the Floor of the United States Senate (Sept. 13, 2022). Similar remarks from Senator Whitehouse and others are too numerous to recount.

This campaign of innuendo and character assassination has now moved beyond angry speeches and disparaging soundbites. In the July 11 Letter, Committee Democrats have now wielded the investigative powers of Congress to harass Mr. Leo for exercising his First Amendment rights. That transforms what has to this point been a nuisance occasioned by intemperate rhetoric into a constitutional transgression.

“[T]he First Amendment prohibits government officials from subjecting an individual to retaliatory actions for engaging in protected speech.” *Nieves v. Bartlett*, 139 S. Ct. 1715, 1722 (2019) (quotation omitted). Thus, an official is prohibited from “tak[ing] adverse action against someone based on” that person’s expressive activity. *Id.* This bar against retaliatory action applies to Congress as much when it acts in its investigative capacity as when it legislates. *See Barenblatt v. United States*, 360 U.S. 109, 126 (1959) (“[T]he provisions of the First Amendment . . . of course reach and limit congressional investigations.”).

The Committee’s investigation into Mr. Leo’s relationship with Justice Alito quite clearly constitutes an adverse action for purposes of the First Amendment. The burden created by a congressional inquiry is significant. *See Watkins v. U.S.*, 354 U.S. 178, 197 (1957) (“The mere summoning of a witness and compelling him to testify, against his will, about his beliefs, expressions or associations is a measure of governmental interference.”). It can chill expressive activity and infringe on First Amendment rights. *See, e.g., Smith v. Plati*, 258 F.3d 1167, 1176 (10th Cir. 2001) (“Any form of official retaliation for exercising one’s freedom of speech, including prosecution, threatened prosecution, bad faith investigation, and legal harassment, constitutes an infringement of that freedom.”); *see also United States v. Hansen*, 143 S. Ct. 1932, 1963 (2023) (Jackson, J., dissenting) (noting that an investigative letter sent by members of Congress “can plainly chill speech, even though it is not a prosecution (and, for that matter, even if a formal investigation never materializes).”).

It seems clear that this targeted inquiry is motivated primarily, if not entirely, by a dislike for Mr. Leo’s expressive activities. Retaliatory motive can be shown in at least two ways: (1) where the “evidence of the motive and the [adverse action] [are] sufficient for a circumstantial demonstration that the one caused the other,” *Hartman v. Moore*, 547 U.S. 250, 260 (2006); or (2) where “otherwise similarly situated individuals not engaged in the same sort of protected speech” were not subjected to the same adverse action, *Nieves*, 139 S. Ct. at 1727. Both circumstances are present here.

As noted, Mr. Leo and the groups with which he is affiliated have been subjected to a barrage of disparaging remarks because of their views on judicial nominations and other judicial matters. Sen. Whitehouse has attacked “creepy right-wing billionaires who stay out of the limelight and let others, namely Leonard Leo and his crew, operate their” supposed “far-right scheme to capture and control our Supreme Court.” Senator Sheldon Whitehouse, Remarks on the Floor of the United States Senate (July 12, 2023). Senator Durbin has similarly decried “Leonard Leo and the Federalist Society” for their

“joint effort [with] very conservative groups, special interest, dark money groups, and the Republican party” to shape “what will be the future of the court.” Senator RICHARD DURBIN, interview with the Washington Post (July 13, 2023). And perhaps most tellingly, the present investigation was announced with a statement titled “Whitehouse, Durbin Ask Leonard Leo and Right-Wing Billionaires for Full Accounting of Gifts to Supreme Court Justices.” Sens. Richard Durbin and Sheldon Whitehouse, Press Statement (July 12, 2023).

These explicitly political attacks, and others like them, made over the course of many years and reaching a crescendo in the days immediately following the transmission of the letter to Mr. Leo, provide an ample basis for concluding that the July 11 Letter is animated by animus toward “conservative” “Right-Wing” views and organizations, rather than a purely genuine concern about Supreme Court ethics. See *Lyberger v. Snider*, 42 F.4th 807, 813 (7th Cir. 2022) (explaining that statements from officials who took adverse action can demonstrate retaliatory motive). The circumstances of the Committee’s investigation show that “retaliatory animus actually caused” the adverse action taken against Mr. Leo. *Nieves*, 139 S. Ct. at 1723.

This conclusion is confirmed by the targeted and one-sided nature of the investigation. Despite professing interest in potential ethics violations and influence-peddling at the Supreme Court, the Committee has focused its inquiries on individuals who have relationships with Justices appointed by Republican Presidents. Reported instances of Democrat-appointed Justices accepting personal hospitality or other items of value from private individuals have been ignored. Here are some examples:

In 2019, Justice Ruth Bader Ginsburg was given a \$1 million award by the Berggruen Institute, an organization founded by billionaire investor Nicolas Berggruen. See Andrew Kerr, *Ruth Bader Ginsburg’s Mysterious \$1 Million Prize*, Washington Free Beacon (July 19, 2023). Justice Ginsburg used the money to make donations to various charitable causes of her choosing, most of which remain unknown. See *id.*

Between 2004 and 2016, Justice Stephen Breyer took at least 225 trips that were paid for by private individuals, including a 2013 trip to a private compound in Nantucket with billionaire David Rubenstein, who has a history of donating to liberal causes. See Marty Schladen, *U.S. Supreme Court justices take lavish gifts—then raise the bar for bribery prosecutions*, Ohio Capital Journal (April 26, 2023).

On September 30, 2022, the Library of Congress hosted an expensive investiture celebration for Justice Ketanji Brown Jackson that was funded by undisclosed donors. See Houston Keene, *Library of Congress explains why it hosted Jackson investiture but not for Gorsuch, Kavanaugh, Barrett*, Fox News (Sept. 30, 2022).

On two occasions, Justice Sonia Sotomayor failed to recuse herself from cases involving her publisher, Penguin Random House, which had paid her \$3.6 million for the right to publish her books. See Victor Nava, *Justice Sonia Sotomayor didn’t recuse her self from cases involving publisher that paid her \$3M*, report, N.Y. Post (May 4, 2023).

Justice Sonia Sotomayor used taxpayer-funded Supreme Court personnel to promote sales of her books, from which she earned millions of dollars, including at least \$400,000 in royalties. See Brian Slodysko & Eric Tucker, *Supreme Court Justice Sotomayor’s I staff prodded colleges and libraries to buy her books*, Associated Press (July 11, 2023).

Throughout her tenure on the Supreme Court, Justice Ruth Bader Ginsburg main-

tained a close relationship with the pro-abortion group National Organization for Women (“NOW”), which frequently had business before the Court. See Richard A. Serrano & David G. Savage, *Ginsburg Has Ties to Activist Group*, Los Angeles Times (Mar. 11, 2004). Among other things, Justice Ginsburg helped the organization fundraise by donating an autographed copy of one of her decisions, and contributed to its lecture series, even as she participated in cases in which NOW filed amicus briefs. See *id.*; Katelynn Richardson, *Here Are the Times Liberal Justices had Political Engagements that Were Largely Ignored by Democrats*, Daily Caller (May 5, 2023).

Mr. WHITEHOUSE. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### SENATE DRESS CODE RESOLUTION

Mr. SCHUMER. Mr. President, in a moment, my friend from West Virginia will submit a resolution regarding the Senate dress code. Although we have never had an official dress code, the events over the past week have made us all feel as though formalizing one is the right path forward.

I deeply appreciate Senator FETTERMAN’s working with me to come to an agreement that we all find acceptable, and, of course, I appreciate Senator MANCHIN’s and Senator ROMNEY’s leadership on this issue.

I will move for the Senate to adopt this resolution in a few minutes.

I now yield to my colleague from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, let me thank Senator SCHUMER for working with us to come to this conclusion and bring all of us together. I appreciate it very much. I appreciate Senator MCCONNELL for being a part of this and joining this bipartisan effort and, of course, my dear friend Senator MITT ROMNEY, who has been a part of all of these efforts that we have worked on together and in putting together this small token of our appreciation for what we have been able to do. I want to thank Senator FETTERMAN also. Senator FETTERMAN and I have had many conversations, and he has worked with me to find a solution. I appreciate that very much. It has truly been a team effort.

You know, for 234 years, every Senator who has had the honor of serving in this distinguished body has assumed that there were some basic written rules of decorum and conduct and civility, one of which was a dress code. The presumed dress code was pretty simple. The male Senators were required to wear a coat, tie, and slacks or other long pants while on the floor of the Senate to show the respect that we had for our constituents back home.

Just after a week ago, we learned that there were not, in fact, any written rules about the Senators as to what they could and could not wear on the floor. So Senator ROMNEY and I got together, and we thought maybe it is time that we finally codified something that has been precedent, a rule, for 234 years. We drafted this simple, two-page resolution that will put all of that to bed once and for all by just codifying a longstanding practice into a Senate rule which makes it very clear for the Sergeant at Arms to be able to enforce.

I want to thank Senator ROMNEY for working, as always, in a bipartisan way on so many endeavors. This is just as important, maybe, as any of them we have ever done.

With that, I turn it over and yield to my good friend Senator ROMNEY.

The PRESIDING OFFICER. The Senator from Utah.

Mr. ROMNEY. Mr. President, I thank Senator MANCHIN. We have collaborated on quite a number of things together. It has been a great experience and a joy for me. I thank Leader SCHUMER for beginning this process and making sure that we reach a favorable and bipartisan conclusion.

This is not the biggest thing going on in Washington today. It is not even one of the biggest things going on in Washington today. Nonetheless, it is a good thing. It is another example of Republicans and Democrats being able to work together and solve, in this case, what may not be a really big problem but what is an important thing that makes a difference to a lot of people.

I have been thinking about the extraordinary Founders of our country and the leaders in the early days who decided to build this building. I mean, George Washington approved this building. In the years that followed, huge sacrifices were made. They could have built a building that looked like a Walmart, with La-Z-Boy chairs. Instead, they built this extraordinary edifice with columns and marble. Why did they do that? Why make that huge investment? For one, I think it was to show the respect and admiration that we have for the institution of the Government of the United States of America. This was at a time when we were an agricultural society. Yet they made this enormous sacrifice and built this amazing edifice.

I think it is in keeping with that spirit that we say we want those who serve inside this room, in this Hall, to show a level of dignity and respect which is consistent with the sacrifice they made and with the beauty of the surroundings.

So I appreciate the effort that Senator MANCHIN has led and that Senator SCHUMER has put on the floor this evening such that we might be able to proceed and codify what has been a longstanding practice of showing our admiration and respect for the institution in which we serve, the very building in which we are able to serve it,

and our respect for the people whom we represent.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Mr. President, as I mentioned a minute ago, although we have never had an official dress code, the events over the past week have made us all feel that formalizing it is the right way forward.

I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 376, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 376) clarifying the dress code for the floor of the Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. I ask unanimous consent the resolution be agreed to and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 376) was agreed to.

(The resolution is printed in today's RECORD under "Submitted Resolutions.")

The PRESIDING OFFICER. The majority leader.

#### RESOLUTIONS SUBMITTED TODAY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following Senate resolutions: S. Res. 373, S. Res. 374, S. Res. 375, and S. Res. 377.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. SCHUMER. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and that the motions to reconsider be considered made and laid upon the table, all en bloc.

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

The resolutions (S. Res. 373, S. Res. 374, S. Res. 375, and S. Res. 377) were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under "Submitted Resolutions.")

#### MORNING BUSINESS

#### ADDITIONAL STATEMENTS

#### 75TH ANNIVERSARY OF SHRM

• Mr. KAINE. Mr. President, I rise today to salute the Society for Human Resource Management, known today simply by its initials SHRM.

For 75 years, SHRM has contributed to opportunity in our Nation's work-

force. The human resource profession emerged in the early 20th century and was known as "Personnel Administration," as personnel departments over time began developing hiring procedures and employee handbooks to manage personnel according to fair, consistent policies. In 1948, the American Society for Personnel Administration—ASPAs—was born. By 1950, ASPA had 130 members and launched Personnel News, which eventually became HR Magazine and remains one of the Nation's longest running association publications. In 1954, the term "human resources" emerged, reinforcing the value of the profession. In 1964, ASPA launched a nationwide student chapter program, which today hosts chapters at more than 200 colleges and universities. This period also saw the creation of SHRM's research arm to advance higher standards of performance in personnel administration. SHRM Research is now a leader in studies focused on the intersection of people and work.

In 1966, the association created the ASPA Foundation to mobilize members for positive change. Today, the SHRM Foundation supports initiatives on topics like mental health and wellness, inclusive workplaces, and military veterans. In 1968, as ASPA turned 20, its leaders made a commitment to articulate a defined body of HR knowledge. The ASPA Accreditation Institute was born; in 1976, the first HR certification exam was given to 80 test takers, and today, more than 120,000 people are SHRM-certified.

In 1973, ASPA opened its first DC office, and that same year and for the first time, ASPA provided testimony in a congressional hearing on pending legislation, the Employee Retirement Income Security Act.

In 1984, with national legislation becoming a growing focus for ASPA the association moved its national headquarters to Alexandria, VA. Today, SHRM has approximately 275 Alexandria-based employees located on its multibuilding campus, with another 75 employees across the United States. SHRM has 18 chapters throughout Virginia and approximately 11,148 Virginia human resource professionals and business executives who play an active role in this vibrant trade association. SHRM Government Affairs has since become the go-to source for workplace legislative and legal issues. Today, the SHRM Advocacy Team includes more than 17,000 HR professionals in all 435 congressional districts who inform public officials on how legislation will impact employers and employees. Today, SHRM has offices in eight locations worldwide servicing members in 165 countries.

Finally, in 2020, the HR profession faced its biggest challenge ever—and rose to the moment. The COVID-19 pandemic gave HR professionals the opportunity to lead their organizations through every phase of the public health crisis and helped inform busi-

nesses and policymakers on the changing landscape of work and offer thoughtful advice on the evolving human resources issues brought on by the pandemic.

Over the past 75 years, SHRM has become the voice of all things work. Their long history of advocacy before State and local government and 50 years of advocacy of workforce policy before the Congress, Federal Agencies, and the executive branch in the United States. Today, I salute the association and its 325,000 members for their positive impact on our Nation.●

#### REMEMBERING CARIDAD ROQUE PEREZ

• Mr. RUBIO. Mr. President, I pay tribute to a remarkable Cuban-American patriot whose life embodied the American Dream. Caridad Roque Perez, who went to eternal glory at the age of 82, was a beloved journalist and an iconic former political prisoner who unjustly endured more than 15 years of imprisonment under the criminal Castro regime. Cary's tireless pursuit of freedom and justice made a lasting impact not just in South Florida but also within the Cuban-American exile community across our nation. While our community mourns the loss of one of its most resilient and courageous voices, it is our moral duty to honor and remember her legacy as well as to carry on her relentless advocacy for a democratic Cuba, free from tyranny.

Jeanette and I unite in prayer alongside the Cuban exile community for the repose of the soul of this brave anti-Castro dissident who dedicated her life to service and advocacy.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Stringer, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 12:24 p.m., a message from the House of Representatives, delivered by Mrs. Alli, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2795. An act to amend title 38, United States Code, to extend and modify certain authorities and requirements relating to the Department of Veterans Affairs, and for other purposes.

The message also announced that the House has passed the following bill, in

which it requests the concurrence of the Senate:

H.R. 5110. An act to amend the Elementary and Secondary Education Act of 1965 to clarify that the prohibition on the use of Federal education funds for certain weapons does not apply to the use of such weapons for training in archery, hunting, or other shooting sports.

#### PRIVILEGED NOMINATION REFERRED TO COMMITTEE

On request by Senator RAND PAUL, under the authority of S. Res. 116, 112th Congress, the following nomination was referred to the Committee on Homeland Security and Governmental Affairs: Jeff Rezmovic, of Maryland, to be Chief Financial Officer, Department of Homeland Security.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CARPER, from the Committee on Environment and Public Works, without amendment:

S. 654. A bill to amend the Water Infrastructure Improvements for the Nation Act to reauthorize Delaware River Basin conservation programs, and for other purposes.

S. 2958. An original bill to amend the Coastal Barrier Resources Act to make improvements to that Act, and for other purposes.

S. 2959. An original bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to reauthorize brownfields revitalization funding, and for other purposes.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. REED for the Committee on Armed Services.

Army nomination of Brig. Gen. Laura L. Clellan, to be Major General.

Army nomination of Col. John B. Hinson, to be Brigadier General.

Navy nomination of Capt. Michael T. Spencer, to be Rear Admiral (lower half).

\*Space Force nomination of Lt. Gen. Stephen N. Whiting, to be General.

\*Air Force nomination of Gen. David W. Allvin, to be General.

Army nomination of Brig. Gen. Lisa J. Hou, to be Major General.

Army nominations beginning with Brig. Gen. Jackie A. Huber and ending with Brig. Gen. Warner A. Ross II, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2023.

Army nominations beginning with Col. Paul W. Dahlen and ending with Col. Geoffrey G. Vallee, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2023. (minus 1 nominee: Col. Paul T. Sellars)

\*Marine Corps nomination of Lt. Gen. Christopher J. Mahoney, to be General.

\*Navy nomination of Adm. Lisa M. Franchetti, to be Admiral.

\*Navy nomination of Vice Adm. James W. Kilby, to be Admiral.

Air Force nominations beginning with Col. Matthew S. Allen and ending with Col. Lawrence T. Sullivan, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2023.

Air Force nomination of Col. Trent C. Davis, to be Brigadier General.

\*Air Force nomination of Lt. Gen. James C. Slife, to be General.

\*Air Force nomination of Maj. Gen. Sean M. Farrell, to be Lieutenant General.

\*Air Force nomination of Maj. Gen. Adrian L. Spain, to be Lieutenant General.

\*Army nomination of Maj. Gen. Michele H. Bredenkamp, to be Lieutenant General.

\*Army nomination of Brig. Gen. Mary V. Krueger, to be Lieutenant General.

\*Army nomination of Maj. Gen. Stephen G. Smith, to be Lieutenant General.

Army nomination of Col. Renea V. Dorvall, to be Brigadier General.

Army nomination of Col. Robert S. Crockem, Jr., to be Brigadier General.

Army nomination of Col. Clifford R. Gunst, to be Brigadier General.

Navy nomination of Rear Adm. (lh) Heidi K. Berg, to be Rear Admiral.

\*Navy nomination of Rear Adm. Jeffrey T. Jablon, to be Vice Admiral.

\*Navy nomination of Rear Adm. Blake L. Converse, to be Vice Admiral.

Navy nomination of Rear Adm. (lh) Michael A. Brookes, to be Rear Admiral.

\*Space Force nomination of Maj. Gen. David N. Miller, Jr., to be Lieutenant General.

Mr. REED. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nomination of David M.P. Spitler, to be Colonel.

Air Force nominations beginning with Heather A. Bodwell and ending with Christian L. Williams, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2023.

Air Force nominations beginning with Eglon Aubyn Angel and ending with Thomas H. West, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2023.

Air Force nomination of Martin J. Slovinsky, to be Colonel.

Air Force nomination of Jason E. Little, to be Colonel.

Air Force nomination of Joanne M. Whitlock, to be Major.

Air Force nomination of Freddy R. Orellana, to be Major.

Air Force nomination of Melissa L. Hull, to be Colonel.

Air Force nomination of Alicia C. Pallett, to be Lieutenant Colonel.

Air Force nomination of Joshua N. Young, to be Major.

Army nomination of Robert M. McTighe, to be Colonel.

Army nomination of Edward B. Sauter, to be Colonel.

Army nomination of Joan E. Sommers, to be Colonel.

Army nomination of Abraham N. Osborn, to be Colonel.

Army nomination of Amanda E. Harrington, to be Colonel.

Army nomination of Lee W. Doggett, to be Colonel.

Army nominations beginning with Eli S. Adams and ending with D012613, which nominations were received by the Senate and appeared in the Congressional Record on April 17, 2023.

Army nominations beginning with Drew Q. Abell and ending with G010339, which nominations were received by the Senate and appeared in the Congressional Record on April 17, 2023.

Army nominations beginning with Romaine M. Aguon and ending with D017105, which nominations were received by the Senate and appeared in the Congressional Record on April 17, 2023.

Army nominations beginning with Michael L. Arner and ending with Mark M. Yearly, which nominations were received by the Senate and appeared in the Congressional Record on April 17, 2023.

Army nomination of Robert K. Furtick, to be Colonel.

Army nomination of Joseph A. McCarthy, to be Colonel.

Army nomination of Vegas V. Coleman, to be Major.

Army nominations beginning with Matthew C. Allstock and ending with 0002350680, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2023.

Army nomination of Russell W. Forkin, to be Colonel.

Army nomination of Jessica L. Godsey, to be Major.

Army nomination of Matthew F. Dabkowski, to be Colonel.

Army nomination of Archie L. Bates III, to be Colonel.

Army nomination of Jason S. Hawksworth, to be Colonel.

Army nominations beginning with Paul A. Barnett, Jr. and ending with Robert P. Mason, which nominations were received by the Senate and appeared in the Congressional Record on July 27, 2023.

Army nominations beginning with Larry K. Creel and ending with Audley S. Salmon, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2023.

Army nominations beginning with Alfred L. Booker, Jr. and ending with Melissa L. Wardlaw, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2023.

Army nominations beginning with Christopher J. Hankey and ending with Jennifer M. Jaegers, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2023.

Army nomination of Chris R. Larsen, to be Colonel.

Army nominations beginning with Christopher J. Calvano and ending with Alfredo E. Urdaneta, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2023.

Army nominations beginning with Ryan S. Casper and ending with Benjamin J. Weitzel, Jr., which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2023.

Army nomination of Eugene S. Johnson, to be Colonel.

Army nominations beginning with Brian V. Crupi and ending with Nathan C. Parrish, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2023.

Army nominations beginning with Daniel J. McIntyre and ending with Kelley A. Peterson, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2023.

Army nominations beginning with Angela M. Allmer and ending with Barbara J. Webster, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2023.

Army nominations beginning with Charles S. Benner and ending with Larry T. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2023.

Army nominations beginning with Apolla A. Benito and ending with Seo Y. Yang, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2023.

Army nominations beginning with Marvin W. Ashford, Jr. and ending with Matthew B. Woods IV, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2023.

Army nominations beginning with Christine C. Ancajas and ending with Kirk A. Yeagerlehner, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2023.

Army nominations beginning with Jessica M. Alarcon and ending with 0002901370, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2023.

Army nominations beginning with Olumuyiwa G. Adesoye and ending with Zheng W. Zou, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2023.

Army nominations beginning with Richard T. Ahlstrom and ending with 0002535729, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2023.

Army nominations beginning with Taylor A. Alton and ending with Sarah M. Waibelwarner, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2023.

Army nomination of Matthew W. P. Burgoon, to be Lieutenant Colonel.

Army nomination of Tyler J. Bradley, to be Lieutenant Colonel.

Army nominations beginning with Amanda R. Campeau and ending with Charles V. Slider, which nominations were received by the Senate and appeared in the Congressional Record on September 19, 2023.

Army nominations beginning with Brian J. Allen and ending with David A. Worthy, which nominations were received by the Senate and appeared in the Congressional Record on September 19, 2023.

Army nominations beginning with Krista L. Bartolomucci and ending with Brendan J. Mayer, which nominations were received by the Senate and appeared in the Congressional Record on September 19, 2023.

Army nomination of David A. Boudreaux, Jr., to be Major.

Army nomination of Arthur A. Blain IV, to be Colonel.

Army nomination of James A. Favuzzi, to be Colonel.

Army nomination of Bryan A. Shipman, to be Colonel.

Army nomination of Peter D. Helzer, to be Colonel.

Army nominations beginning with Stephen L. Bossier and ending with Stephen M. Warren, which nominations were received by the Senate and appeared in the Congressional Record on September 19, 2023.

Marine Corps nomination of Michael S. McLeod, to be Major.

Marine Corps nomination of Bradley C. Fromm, to be Lieutenant Colonel.

Marine Corps nomination of Ryan J. Nowlin, to be Lieutenant Colonel.

Marine Corps nomination of Cale D. Mag-nuson, to be Major.

Navy nomination of Douglas E. Cole, to be Captain.

Navy nomination of Schadaq Torres, to be Commander.

Navy nomination of Augustine R. Wilson, to be Lieutenant Commander.

Navy nomination of Haney D. Hong, to be Captain.

Navy nomination of Dylan S. Maya, to be Lieutenant Commander.

Navy nominations beginning with David J. Brown and ending with Reno R. Perryman,

which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2023.

Navy nominations beginning with Jonathan W. Alexander and ending with Leotra L. West, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2023.

Navy nominations beginning with Vincenzo G. Alberico and ending with Cori R. Wallace, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2023.

Navy nominations beginning with Rachel S. Abraham and ending with Alton J. Zurlohavey, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2023.

Navy nominations beginning with Charles D. Ball III and ending with Colin N. Zook, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2023.

Navy nominations beginning with Christopher B. Abel and ending with Justin B. Woods, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2023.

Navy nominations beginning with Mark Adjei and ending with Ashly L. Wisniewski, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2023.

Navy nomination of Kevin L. Jackson, to be Captain.

Navy nominations beginning with Jason R. Arant and ending with Stephen E. Velthuis, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2023.

Navy nominations beginning with Michael A. Berl and ending with Christopher M. Willich, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2023.

Navy nominations beginning with Adrian Aceveshurtado and ending with Michael T. Wyngarden, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2023.

Navy nominations beginning with Jennifer T. Adcock and ending with Daniel S. Zimmer, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2023.

Navy nominations beginning with Matthew C. Anderson and ending with Ili Yuan, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2023.

Navy nomination of Albetro Alshabazz, to be Commander.

Navy nominations beginning with Kees A. Anderson and ending with Toby G. Via, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2023.

Navy nominations beginning with Asia M. Allison and ending with Heather L. Willis, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2023.

Navy nominations beginning with Skyler S. Barger and ending with Michael P. Watrol, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2023.

Navy nominations beginning with Jeremy T. Aaron and ending with Jonathan E. Zurita, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2023.

Navy nominations beginning with Crystal R. Aandahl and ending with Jaime M. York, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2023.

Navy nominations beginning with Sarah A. Agüero and ending with Alexandra M.

Stormer, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2023.

Navy nominations beginning with Temitope O. Ayeni and ending with Gregory A. Wolfley, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2023.

Navy nominations beginning with Brooke T. Ahlstrom and ending with Michael K. Yang, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2023.

Navy nominations beginning with Miguel M. Alampay and ending with Ashley L. Zander, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2023.

Navy nominations beginning with Derrick Abson and ending with Roderick A. Yard, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2023.

Navy nominations beginning with Gerardo A. Arbulubarandiaran and ending with Marianogerard Y. Zamora, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2023.

Navy nominations beginning with Bradley A. Albers and ending with Sean E. Zetoonney, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2023.

Navy nominations beginning with Joshua J. Austring and ending with Chris L. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2023.

Navy nominations beginning with Kristoffer M. S. Abonal and ending with Matthew B. Zinger, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2023.

Navy nominations beginning with Stefani Ahsanov and ending with Gertian Khafa, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2023.

Navy nominations beginning with Mohammad K. Bahadar and ending with Brandon T. Vitton, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2023.

Navy nominations beginning with Luke R. Baden and ending with Gregory I. Basior, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2023.

Navy nominations beginning with Sarah E. Beemiller and ending with Colleen M. Wilmington, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2023.

Navy nominations beginning with Charles A. Allen and ending with Martin A. Zuber, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2023.

Navy nominations beginning with Erin M. Bacon and ending with Caroline A. Weachter, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2023.

Navy nominations beginning with Davis J. Anderson and ending with Adagray A. Willis, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2023.

Navy nomination of Megan E. Jamison, to be Lieutenant Commander.

Navy nominations beginning with Nathaniel B. Alexander and ending with Bansari Sarkar, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2023.

Navy nomination of Von H. Fernandes, to be Captain.

By Mr. PETERS for the Committee on Homeland Security and Governmental Affairs.

\*Katherine E. Oler, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

\*Judith E. Pipe, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

\*Charles J. Willoughby, Jr., of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years, William M. Jackson, retired.

\*Thomas G. Day, of Virginia, to be a Commissioner of the Postal Regulatory Commission for a term expiring October 14, 2028.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. RISCH (for himself and Mr. RUBIO):

S. 2935. A bill to prohibit any official action to recognize or normalize relations with any Government of Syria that is led by Bashar al-Assad; to the Committee on Foreign Relations.

By Ms. BALDWIN (for herself, Mr. KING, Mrs. GILLIBRAND, and Mr. WELCH):

S. 2936. A bill to establish as a permanent program the organic market development grant program of the Department of Agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BROWN (for himself and Mr. TUBERVILLE):

S. 2937. A bill to increase the rate of duty applicable to certain ferrosilicon produced in the Russian Federation or the Republic of Belarus and to require a domestic production assessment before increasing rates of duty applicable to products of the Russian Federation and the Republic of Belarus under the Suspending Normal Trade Relations with Russia and Belarus Act, and for other purposes; to the Committee on Finance.

By Mrs. GILLIBRAND (for herself, Ms. COLLINS, Mr. LUJÁN, Mr. KELLY, Mr. VAN HOLLEN, Ms. KLOBUCHAR, Mr. WHITEHOUSE, Mr. PADILLA, and Mrs. SHAHEEN):

S. 2938. A bill to amend the Higher Education Act of 1965 to include child development and early learning as community services under the Federal work-study program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BLACKBURN (for herself and Ms. HASSAN):

S. 2939. A bill to amend title XVIII of the Social Security Act to require reporting on enforcement and oversight of pharmacy access requirements under Medicare part D; to the Committee on Finance.

By Mr. LEE (for himself, Mr. BRAUN, Mr. VANCE, and Mr. MARSHALL):

S. 2940. A bill to require a comprehensive report that contains a strategy for United

States involvement in Ukraine; to the Committee on Foreign Relations.

By Mr. KING (for himself and Mr. CASEY):

S. 2941. A bill to amend title XVIII of the Social Security Act to provide coverage of preventative home visits under Medicare, and for other purposes; to the Committee on Finance.

By Mr. KING:

S. 2942. A bill to amend title XVIII of the Social Security Act to improve the annual wellness visit under the Medicare program; to the Committee on Finance.

By Mr. FETTERMAN (for himself, Mr. KENNEDY, Mr. BOOKER, and Mr. WICKER):

S. 2943. A bill to amend the Richard B. Russell National School Lunch Act to require schools to provide fluid milk substitutes upon request of a student or the parent or guardian of such student, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WICKER:

S. 2944. A bill to enable the people of the Commonwealth of Puerto Rico to determine the political status of the Commonwealth of Puerto Rico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MARKEY (for himself, Mrs. CAPITO, Ms. WARREN, and Mr. BRAUN):

S. 2945. A bill to promote and ensure delivery of high-quality special education and related services to children and youth who are blind or visually impaired, deaf, hard of hearing, deafblind, or deafblind through instructional methodologies meeting their unique language and learning needs, to enhance accountability for the provision of such services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MERKLEY (for himself and Mr. SCOTT of Florida):

S. 2946. A bill to amend the Public Health Service Act to provide funding for trained school personnel to administer drugs and devices for emergency treatment of known or suspected opioid overdose, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. RUBIO (for himself and Mr. WARNOCK):

S. 2947. A bill to expand the transactions for which declarations may be required by the Committee on Foreign Investment in the United States to include investments in United States businesses that maintain or collect sensitive personal data; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MERKLEY:

S. 2948. A bill to require the Secretary of Labor to issue guidance and regulations regarding opioid overdose reversal medication and employee training; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CORTEZ MASTO (for herself and Mr. MORAN):

S. 2949. A bill to require the Secretary of Defense to complete a data matching agreement with the Secretary of Education in order to ensure individuals who are current or former active-duty military service members or civilian employees and are otherwise eligible for assistance under the public service loan forgiveness program have their periods of employment automatically certified and counted towards the public service loan forgiveness program; to the Committee on Armed Services.

By Mr. KAINE:

S. 2950. A bill to align the fiscal year with the calendar year; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MORAN (for himself and Mr. BENNETT):

S. 2951. A bill to require the Secretary of Agriculture to establish a program to provide loans and loan guarantees to assist new and expanded meat processors and renderers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KENNEDY:

S. 2952. A bill to extend the African Growth and Opportunity Act; to the Committee on Finance.

By Mr. SCOTT of Florida (for himself, Mr. COTTON, Mr. TILLIS, Mr. RISCH, Mr. CRAPO, Mr. JOHNSON, Mr. HAWLEY, Mr. CRUZ, and Mr. SCHMITT):

S. 2953. A bill to consolidate or repeal unnecessary agency major rules, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BARRASSO (for himself, Mrs. BLACKBURN, Ms. LUMMIS, Mr. BRAUN, Mr. WICKER, Mr. SCOTT of Florida, Mr. RICKETTS, and Mr. LANKFORD):

S. 2954. A bill to apply the Medicaid asset verification program to all applicants for, and recipients of, medical assistance in all States and territories, and for other purposes; to the Committee on Finance.

By Mrs. SHAHEEN:

S. 2955. A bill to designate July 11 as National Day of Remembrance for the Victims of the Srebrenica Genocide; to the Committee on the Judiciary.

By Mr. OSSOFF (for himself, Mr. YOUNG, Mr. LANKFORD, and Mr. BOOKER):

S. 2956. A bill to support the work of the United States Security Coordinator to Israel and the Palestinian Authority in furthering coordination between Israelis and Palestinians, and for other purposes; to the Committee on Foreign Relations.

By Mr. BLUMENTHAL (for himself, Ms. HIRONO, and Mr. MARKEY):

S. 2957. A bill to protect consumers from unfair and deceptive acts and practices in connection with primary and secondary ticket sales, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CARPER:

S. 2958. An original bill to amend the Coastal Barrier Resources Act to make improvements to that Act, and for other purposes; from the Committee on Environment and Public Works; placed on the calendar.

By Mr. CARPER:

S. 2959. An original bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to reauthorize brownfields revitalization funding, and for other purposes; from the Committee on Environment and Public Works; placed on the calendar.

By Ms. KLOBUCHAR (for herself, Ms. SMITH, Mr. LUJÁN, Mr. WYDEN, Mr. PADILLA, Mr. MERKLEY, Mr. MARKEY, Mr. BOOKER, Mr. SANDERS, Ms. BALDWIN, Mrs. GILLIBRAND, Ms. WARREN, Mr. BLUMENTHAL, and Mrs. FEINSTEIN):

S. 2960. A bill to modify certain notice requirements, to study certain election requirements, to clarify certain election requirements, and for other purposes; to the Committee on Rules and Administration.

By Ms. WARREN (for herself, Mr. BOOKER, Ms. DUCKWORTH, and Mr. MARKEY):

S. 2961. A bill to ensure greater equity in Federal disaster assistance policies and programs by authorizing an equity steering group and equity advisor within the Federal Emergency Management Agency, improving data collection to measure disparate outcomes and participation barriers, and requiring equity criteria to be applied to policies



and programs, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER:

S. Res. 370. A resolution to constitute the majority party's membership on certain committees for the One Hundred Eighteenth Congress, or until their successors are chosen; considered and agreed to.

By Mr. MURPHY (for himself, Mr. CARDIN, Mr. BOOKER, Mrs. FEINSTEIN, Mr. BLUMENTHAL, and Ms. HASSAN):

S. Res. 371. A resolution supporting the designation of the week of September 18 through September 22, 2023, as "Malnutrition Awareness Week"; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCHATZ (for himself, Mr. REED, Mrs. FEINSTEIN, Ms. HIRONO, Mr. WYDEN, Mr. MURPHY, Mr. MERKLEY, Mr. WHITEHOUSE, Mr. BOOKER, Mr. CARDIN, Mr. SANDERS, Mr. DURBIN, Mr. PADILLA, Mr. MARKEY, and Mr. BLUMENTHAL):

S. Res. 372. A resolution expressing concern about the spreading problem of book banning and the proliferation of threats to freedom of expression in the United States; to the Committee on the Judiciary.

By Mr. BROWN (for himself, Mrs. CAPITO, Mr. VAN HOLLEN, and Mr. DURBIN):

S. Res. 373. A resolution designating the week of September 17 through September 23, 2023, as "Community School Coordinators Appreciation Week"; considered and agreed to.

By Mr. MORAN (for himself and Mr. CARPER):

S. Res. 374. A resolution designating September 2023 as "National Student Parent Month"; considered and agreed to.

By Mr. BOOZMAN (for himself, Ms. STABENOW, Mr. BARRASSO, Mr. BRAUN, Mr. BROWN, Mr. CRAMER, Mr. DAINES, Ms. ERNST, Mr. FETTERMAN, Mrs. FISCHER, Mr. GRASSLEY, Mr. HAGERTY, Mr. HEINRICH, Mr. HOEVEN, Mrs. HYDE-SMITH, Mr. KAINE, Mr. KENNEDY, Mr. KING, Mr. LANKFORD, Mr. LUJÁN, Ms. LUMMIS, Mr. MORAN, Mr. RISCH, Mrs. SHAHEEN, Ms. SMITH, Mr. TILLIS, Mr. WARNOCK, Mr. WELCH, Mr. WICKER, Mr. ROUNDS, Mr. RICKETTS, and Mrs. BLACKBURN):

S. Res. 375. A resolution supporting the designation of September 21, 2023, as "National Teach Ag Day" and celebrating 75 years of the National Association of Agricultural Educators; considered and agreed to.

By Mr. MANCHIN (for himself, Mr. ROMNEY, Mr. KELLY, Mr. KING, Ms. COLLINS, Mr. BARRASSO, Mrs. CAPITO, Mr. CRAPO, Mr. GRAHAM, Mr. HAGERTY, Mr. KENNEDY, Mr. LANKFORD, Mr. MCCONNELL, Mr. MORAN, Mr. ROUNDS, Mr. SCOTT of Florida, Mr. THUNE, Mr. TILLIS, Mrs. FISCHER, Mr. BOOZMAN, Ms. ERNST, Mr. CRAMER, Mrs. BLACKBURN, Mr. RICKETTS, Mr. MARSHALL, Ms. LUMMIS, Mr. DAINES, Mr. RISCH, Mr. CORNYN, Mr. RUBIO, Mrs. HYDE-SMITH, Mr. SCOTT of South Carolina, Mr. GRASSLEY, and Mr. JOHNSON):

S. Res. 376. A resolution clarifying the dress code for the floor of the Senate; considered and agreed to.

By Mr. BENNET (for himself, Mr. CORNYN, Ms. CORTEZ MASTO, Mr. DURBIN,

Mr. HICKENLOOPER, Mr. WHITEHOUSE, Mr. KELLY, Mr. MENENDEZ, Ms. SINEMA, Ms. ROSEN, Mr. LUJÁN, and Mr. CRUZ):

S. Res. 377. A resolution recognizing Hispanic Restaurant Week and the contributions of Hispanic restaurant owners and employees to the restaurant industry; considered and agreed to.

### ADDITIONAL COSPONSORS

S. 26

At the request of Mr. HAGERTY, the name of the Senator from Alabama (Mrs. BRITT) was added as a cosponsor of S. 26, a bill to amend the Internal Revenue Code of 1986 to repeal the amendments made to reporting of third party network transactions by the American Rescue Plan Act of 2021.

S. 113

At the request of Mr. GRASSLEY, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of S. 113, a bill to require the Federal Trade Commission to study the role of intermediaries in the pharmaceutical supply chain and provide Congress with appropriate policy recommendations, and for other purposes.

S. 133

At the request of Ms. COLLINS, the name of the Senator from Ohio (Mr. VANCE) was added as a cosponsor of S. 133, a bill to extend the National Alzheimer's Project.

S. 134

At the request of Ms. COLLINS, the name of the Senator from Ohio (Mr. VANCE) was added as a cosponsor of S. 134, a bill to require an annual budget estimate for the initiatives of the National Institutes of Health pursuant to reports and recommendations made under the National Alzheimer's Project Act.

S. 566

At the request of Mr. LANKFORD, the name of the Senator from Nebraska (Mr. RICKETTS) was added as a cosponsor of S. 566, a bill to amend the Internal Revenue Code of 1986 to modify and extend the deduction for charitable contributions for individuals not itemizing deductions.

S. 597

At the request of Mr. BROWN, the name of the Senator from Ohio (Mr. VANCE) was added as a cosponsor of S. 597, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 613

At the request of Mr. TUBERVILLE, the names of the Senator from Missouri (Mr. SCHMITT) and the Senator from Alaska (Mr. SULLIVAN) were added as cosponsors of S. 613, a bill to provide that for purposes of determining compliance with title IX of the Education Amendments of 1972 in athletics, sex shall be recognized based solely on a person's reproductive biology and genetics at birth.

S. 626

At the request of Ms. STABENOW, the name of the Senator from Ohio (Mr.

VANCE) was added as a cosponsor of S. 626, a bill to recommend that the Center for Medicare and Medicaid Innovation test the effect of a dementia care management model, and for other purposes.

S. 656

At the request of Mrs. FISCHER, the name of the Senator from Alabama (Mrs. BRITT) was added as a cosponsor of S. 656, a bill to amend title 38, United States Code, to revise the rules for approval by the Secretary of Veterans Affairs of commercial driver education programs for purposes of veterans education assistance, and for other purposes.

S. 740

At the request of Mr. BOOZMAN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Michigan (Mr. PETERS) were added as cosponsors of S. 740, a bill to amend title 38, United States Code, to reinstate criminal penalties for persons charging veterans unauthorized fees relating to claims for benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 843

At the request of Mr. RISCH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 843, a bill to amend the Infrastructure Investment and Jobs Act to authorize the use of funds for certain additional Carey Act projects, and for other purposes.

S. 866

At the request of Ms. HASSAN, the names of the Senator from Ohio (Mr. VANCE) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 866, a bill to amend the Internal Revenue Code of 1986 to enhance tax benefits for research activities.

S. 913

At the request of Mr. RISCH, the name of the Senator from Tennessee (Mr. HAGERTY) was added as a cosponsor of S. 913, a bill to make Ecuador eligible for designation as a beneficiary country under the Caribbean Basin Economic Recovery Act.

S. 1034

At the request of Ms. LUMMIS, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Illinois (Ms. DUCKWORTH) were added as cosponsors of S. 1034, a bill to amend title 23, United States Code, to establish a competitive grant program for projects for commercial motor vehicle parking, and for other purposes.

S. 1253

At the request of Mr. PETERS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1253, a bill to increase the number of U.S. Customs and Border Protection Customs and Border Protection officers and support staff and to require reports that identify staffing, infrastructure, and equipment needed to enhance security at ports of entry.

S. 1266

At the request of Mr. MORAN, the names of the Senator from Kansas (Mr. MARSHALL) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 1266, a bill to amend titles 10 and 38, United States Code, to improve benefits and services for surviving spouses, and for other purposes.

S. 1409

At the request of Mr. BLUMENTHAL, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from Missouri (Mr. HAWLEY) were added as cosponsors of S. 1409, a bill to protect the safety of children on the internet.

S. 1478

At the request of Mr. WYDEN, the name of the Senator from Nebraska (Mr. RICKETTS) was added as a cosponsor of S. 1478, a bill to designate United States Route 20 in the States of Oregon, Idaho, Montana, Wyoming, Nebraska, Iowa, Illinois, Indiana, Ohio, Pennsylvania, New York, and Massachusetts as the "National Medal of Honor Highway", and for other purposes.

S. 1514

At the request of Mr. RUBIO, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1514, a bill to amend the National Housing Act to establish a mortgage insurance program for first responders, and for other purposes.

S. 1581

At the request of Mr. BOOKER, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 1581, a bill to remove college cost as a barrier to every student having access to a well-prepared and diverse educator workforce, and for other purposes.

S. 1585

At the request of Mr. CORNYN, the name of the Senator from Indiana (Mr. BRAUN) was added as a cosponsor of S. 1585, a bill to allow Federal law enforcement officers to purchase retired service weapons, and for other purposes.

S. 1705

At the request of Ms. COLLINS, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 1705, a bill to amend the Student Support and Academic Enrichment Grant program to promote career awareness in accounting as part of a well-rounded STEM educational experience.

S. 1793

At the request of Mr. HEINRICH, the name of the Senator from California (Mr. PADILLA) was added as a cosponsor of S. 1793, a bill to amend the Internal Revenue Code of 1986 to establish a tax credit for installation of regionally significant electric power transmission lines.

S. 1851

At the request of Mr. LUJÁN, the name of the Senator from Arizona (Ms.

SINEMA) was added as a cosponsor of S. 1851, a bill to address maternity care shortages and promote optimal maternity outcomes by expanding educational opportunities for midwives, and for other purposes.

S. 2003

At the request of Mr. RISCH, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Arizona (Mr. KELLY) were added as cosponsors of S. 2003, a bill to authorize the Secretary of State to provide additional assistance to Ukraine using assets confiscated from the Central Bank of the Russian Federation and other sovereign assets of the Russian Federation, and for other purposes.

S. 2090

At the request of Mr. MULLIN, the name of the Senator from Alabama (Mrs. BRITT) was added as a cosponsor of S. 2090, a bill to amend the Clean Air Act to prevent the elimination of the sale of motor vehicles with internal combustion engines.

S. 2444

At the request of Mrs. FISCHER, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 2444, a bill to establish an interactive online dashboard to improve public access to information about grant funding related to mental health and substance use disorder programs.

S. 2496

At the request of Mr. CARDIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2496, a bill to amend the National Housing Act to include information regarding VA home loans in the Informed Consumer Choice Disclosure required to be provided to prospective FHA borrowers.

S. 2514

At the request of Mr. BENNET, the name of the Senator from Arizona (Mr. KELLY) was added as a cosponsor of S. 2514, a bill to amend the Colorado River Basin Salinity Control Act to modify certain requirements applicable to salinity control units, and for other purposes.

S. 2589

At the request of Ms. HIRONO, the name of the Senator from California (Mr. PADILLA) was added as a cosponsor of S. 2589, a bill to amend the Research Facilities Act and the Agricultural Research, Extension, and Education Reform Act of 1998 to address deferred maintenance at agricultural research facilities, and for other purposes.

S. 2599

At the request of Mr. WHITEHOUSE, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 2599, a bill to impose surcharges on private jet travel and certain first class and business tickets, and for other purposes.

S. 2627

At the request of Ms. BALDWIN, the name of the Senator from Rhode Island

(Mr. WHITEHOUSE) was added as a cosponsor of S. 2627, a bill to amend the Employee Retirement Income Security Act of 1974 to provide for greater spousal protection under defined contribution plans, and for other purposes.

S. 2647

At the request of Mr. BOOKER, the names of the Senator from West Virginia (Mrs. CAPITO), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2647, a bill to improve research and data collection on stillbirths, and for other purposes.

S. 2669

At the request of Ms. WARREN, the name of the Senator from New Mexico (Mr. LUJÁN) was added as a cosponsor of S. 2669, a bill to require the Financial Crimes Enforcement Network to issue guidance on digital assets, and for other purposes.

S. 2733

At the request of Mr. KAINE, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from North Carolina (Mr. TILLIS) were added as cosponsors of S. 2733, a bill to address the behavioral health workforce shortages through support for peer support specialists, and for other purposes.

S. 2735

At the request of Mr. TESTER, the names of the Senator from Arkansas (Mr. BOOZMAN), the Senator from Connecticut (Mr. MURPHY), the Senator from West Virginia (Mr. MANCHIN), the Senator from Ohio (Mr. BROWN), the Senator from Wisconsin (Ms. BALDWIN), the Senator from New Mexico (Mr. HEINRICH), the Senator from Maine (Mr. KING), the Senator from New Mexico (Mr. LUJÁN), the Senator from Kansas (Mr. MARSHALL) and the Senator from Pennsylvania (Mr. FETTERMAN) were added as cosponsors of S. 2735, a bill to clarify that section 8526(7) of the Elementary and Secondary Education Act of 1965 does not apply with respect to the use of funds for activities carried out under programs authorized by the Elementary and Secondary Education Act of 1965 that are otherwise permissible under such programs and that provide students with educational enrichment activities and instruction, such as archery, hunter safety education, or culinary arts.

S. 2768

At the request of Mr. MANCHIN, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 2768, a bill to protect hospital personnel from violence, and for other purposes.

S. 2822

At the request of Mr. BOOKER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2822, a bill to strengthen and expand the Green Ribbon Schools Program at the Department of Education by boosting the capacity of participating States to expand the number

of schools, applicants, and nominees engaged around environmental, environmental literacy, and environmental health goals, and for other purposes.

S. 2825

At the request of Mr. CORNYN, the name of the Senator from Mississippi (Mrs. HYDE-SMITH) was added as a cosponsor of S. 2825, a bill to award a Congressional Gold Medal to the United States Army Dustoff crews of the Vietnam War, collectively, in recognition of their extraordinary heroism and life-saving actions in Vietnam.

S. 2828

At the request of Mr. CORNYN, the names of the Senator from New Mexico (Mr. HEINRICH) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 2828, a bill to amend the Elementary and Secondary Education Act of 1965 to clarify that the prohibition on the use of Federal education funds for certain weapons does not apply to the use of such weapons in certain programs for activities such as archery, hunting, other shooting sports, or culinary arts.

S. 2835

At the request of Mr. SULLIVAN, the name of the Senator from Nebraska (Mr. RICKETTS) was added as a cosponsor of S. 2835, a bill making continuing appropriations for military pay in the event of a Government shutdown.

S. 2839

At the request of Mr. BRAUN, the name of the Senator from North Carolina (Mr. BUDD) was added as a cosponsor of S. 2839, a bill to clarify the maximum hiring target for new air traffic controllers, and for other purposes.

S. 2851

At the request of Ms. WARREN, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 2851, a bill to permit employees to request changes to their work schedules without fear of retaliation and to ensure that employers consider these requests, and to require employers to provide more predictable and stable schedules for employees in certain occupations with evidence of unpredictable and unstable scheduling practices that negatively affect employees, and for other purposes.

S. 2895

At the request of Mr. CASEY, the name of the Senator from Tennessee (Mrs. BLACKBURN) was added as a cosponsor of S. 2895, a bill to amend the Internal Revenue Code of 1986 to provide for a refundable adoption tax credit.

S. 2905

At the request of Mr. RUBIO, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. 2905, a bill to deny asylum to members of a Communist or other totalitarian party, and for other purposes.

S. 2911

At the request of Mr. BRAUN, the name of the Senator from Nebraska

(Mr. RICKETTS) was added as a cosponsor of S. 2911, a bill to prohibit the President and the Secretary of Health and Human Services from declaring certain emergencies or disasters for the purpose of imposing gun control.

S. 2921

At the request of Mr. MARSHALL, the names of the Senator from North Carolina (Mr. BUDD), the Senator from Indiana (Mr. BRAUN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2921, a bill to amend the Internal Revenue Code of 1986 to permit 529 plans to be used for certain non-degree technical training certificate programs, apprenticeship programs, and other training programs.

S. 2932

At the request of Mr. MARKEY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2932, a bill to direct the Secretary of Health and Human Services to provide guidance to State Medicaid agencies, public housing agencies, Continuums of Care, and housing finance agencies on connecting Medicaid beneficiaries with housing-related services and supports under Medicaid and other housing resources, and for other purposes.

S.J. RES. 42

At the request of Mr. MARSHALL, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S.J. Res. 42, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Food and Nutrition Service relating to "Application of Bostock v. Clayton County to Program Discrimination Complaint Processing-Policy Update".

S.J. RES. 44

At the request of Mr. PAUL, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S.J. Res. 44, a joint resolution directing the removal of United States Armed Forces from hostilities in the Republic of Niger that have not been authorized by Congress.

S. RES. 286

At the request of Mr. BOOKER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 286, a resolution recognizing the contributions of African Americans to the musical heritage of the United States and the need for greater access to music education for African-American students and designating June 2023 as African-American Music Appreciation Month.

S. RES. 360

At the request of Ms. KLOBUCHAR, the names of the Senator from New Jersey (Mr. BOOKER), the Senator from Ohio (Mr. BROWN), the Senator from Pennsylvania (Mr. CASEY), the Senator from Delaware (Mr. COONS), the Senator from California (Mrs. FEINSTEIN), the Senator from Maine (Mr. KING), the Senator from Georgia (Mr. OSSOFF) and the Senator from North Carolina (Mr. TILLIS) were added as cosponsors of S.

Res. 360, a resolution designating the week of September 25 through September 29, 2023, as "National Hazing Awareness Week".

AMENDMENT NO. 1250

At the request of Mr. MORAN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of amendment No. 1250 intended to be proposed to H.R. 4366, a bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes.

AMENDMENT NO. 1284

At the request of Mr. FETTERMAN, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of amendment No. 1284 intended to be proposed to H.R. 4366, a bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KAINE:

S. 2950. A bill to align the fiscal year with the calendar year; to the Committee on Homeland Security and Governmental Affairs.

Mr. KAINE. Madam President, today I want to discuss legislation I am introducing, the Modernizing the Federal Calendar Act.

This bill would shift the start of each fiscal year from October 1 to January 1 and, in doing so, align the deadline for appropriations with the deadline that Congress typically sees as the real target. This bill would eliminate the risk of government shutdowns in October, reduce the time spent on CRs, and lead to a higher probability of completing government funding work on time.

Congress's recurring reliance on continuing resolutions, CRs, to temporarily fund the government from the start of the fiscal year until the winter holidays poses significant challenges for Federal Agencies due to delays to contracts, grants, and hiring while operating under CRs. Even if Congress misses the December 31 deadline, changing the fiscal calendar will still yield benefits, as it will give Federal Agencies more time to enact the appropriations bills once passed and eliminate the annual uncertainty around a short-term CR in September among Agencies, government employees, and industries that rely on government operations.

In addition, Americans are forced to worry about a potential government shutdown if Congress can't reach an agreement on a year-long government funding bill or CR, creating unnecessary stress and uncertainty for the millions of Americans who work for or with the Federal Government, as well as the countless people and small businesses that rely on full-scale government operations and services. Starting

the fiscal year on January 1 will not end the possibility of shutdowns, but it will eliminate need to pass a CR by October 1 to fund the government and help ensure that Congress passes government funding bills without a shutdown.

Today, as the Federal Government rapidly approaches the end of the fiscal year, I am reminded that Congress has never passed all 12 appropriations bills by the October 1 deadline during my entire time in the Senate. Since the Budget and Impoundment Control Act of 1974 updated the start of the fiscal year from July 1 to October 1, there have only been 4 years where Congress has passed yearlong government funding bills by October 1. The last time Congress did so was for fiscal year 1997. This trend makes clear that Congress already sees the December holidays as the real deadline and that the time to improve the certainty and reliability of the appropriations process is now.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 370—TO CONSTITUTE THE MAJORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED EIGHTEENTH CONGRESS, OR UNTIL THEIR SUCCESSORS ARE CHOSEN

Mr. SCHUMER submitted the following resolution; which was considered and agreed to:

S. RES. 370

*Resolved*, the following shall constitute the majority party's membership on the following committees for the One Hundred Eighteenth Congress, or until their successors are chosen:

COMMITTEE ON FOREIGN RELATIONS: Mr. Cardin (Chair), Mr. Menendez, Mrs. Shaheen, Mr. Coons, Mr. Murphy, Mr. Kaine, Mr. Merkley, Mr. Booker, Mr. Schatz, Mr. Van Hollen, Ms. Duckworth.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Mrs. Shaheen (Chair), Ms. Cantwell, Mr. Cardin, Mr. Markey, Mr. Booker, Mr. Coons, Ms. Hirono, Ms. Duckworth, Ms. Rosen, Mr. Hickenlooper.

#### SENATE RESOLUTION 371—SUPPORTING THE DESIGNATION OF THE WEEK OF SEPTEMBER 18 THROUGH SEPTEMBER 22, 2023, AS "MALNUTRITION AWARENESS WEEK"

Mr. MURPHY (for himself, Mr. CARDIN, Mr. BOOKER, Mrs. FEINSTEIN, Mr. BLUMENTHAL, and Ms. HASSAN) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 371

Whereas malnutrition is the condition that occurs when an individual does not get enough protein, calories, or nutrients;

Whereas malnutrition is a significant problem in the United States and around the world, crossing all age, racial, class, gender, and geographic lines;

Whereas malnutrition can be driven by social determinants of health, including pov-

erty or economic instability, access to affordable healthcare, and low health literacy;

Whereas there are inextricable and cyclical links between poverty and malnutrition;

Whereas the Department of Agriculture defines food insecurity as when an individual or household does not have regular, reliable access to the foods needed for good health;

Whereas communities of color, across all age groups, are disproportionately likely to experience both food insecurity and malnutrition;

Whereas Black children are almost 3 times more likely to live in a food-insecure household than White children;

Whereas infants, older adults, individuals with chronic diseases, and other vulnerable populations are particularly at risk for malnutrition;

Whereas the American Academy of Pediatrics has found that failure to provide key nutrients during early childhood may result in lifelong deficits in brain function;

Whereas disease-associated malnutrition affects between 30 and 50 percent of patients admitted to hospitals, and the medical costs of hospitalized patients with malnutrition can be 300 percent more than the medical costs of properly nourished patients;

Whereas, according to the report entitled "National Blueprint: Achieving Quality Malnutrition Care for Older Adults, 2020 Update" of the Malnutrition Quality Collaborative, as many as 1/2 of older adults living in the United States are malnourished or at risk for malnutrition;

Whereas, according to recent surveys conducted by the Aging Network—

(1) 76 percent of older adults receiving meals at senior centers and other congregate facilities report improved health outcomes; and

(2) 84 percent of older adults receiving home-delivered meals indicate improved health outcomes;

Whereas disease-associated malnutrition in older adults alone costs the United States more than \$51,300,000,000 each year; and

Whereas the American Society for Parenteral and Enteral Nutrition established "Malnutrition Awareness Week" to raise awareness about, and promote the prevention of, malnutrition throughout the lifespan: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the designation of "Malnutrition Awareness Week";

(2) recognizes registered dietitian nutritionists and other nutrition professionals, health care providers, school food service workers, social workers, advocates, caregivers, and other professionals and agencies for their efforts to advance awareness about, treatment for, and prevention of malnutrition;

(3) recognizes the importance of Federal nutrition programs, including the nutrition programs under title III of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.) and Federal child nutrition programs, for their role in combating malnutrition;

(4) supports increased funding for the critical programs described in paragraph (3);

(5) recognizes—

(A) the importance of medical nutrition therapy under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); and

(B) the need for vulnerable populations to have access to nutrition counseling;

(6) recognizes the importance of the innovative research conducted by the National Institutes of Health relating to—

(A) nutrition, dietary patterns, and the human gastrointestinal microbiome; and

(B) how the factors described in subparagraph (A) influence the prevention or devel-

opment of chronic disease throughout the lifespan;

(7) supports access to malnutrition screening and assessment for all patients;

(8) encourages the Centers for Medicare & Medicaid Services to evaluate the implementation of newly-approved malnutrition electronic clinical quality measures; and

(9) acknowledges the importance of access to healthy food for children, especially in childcare settings and schools, and the benefits of evidence-based nutrition standards.

#### SENATE RESOLUTION 372—EX-PRESSING CONCERN ABOUT THE SPREADING PROBLEM OF BOOK BANNING AND THE PROLIFERATION OF THREATS TO FREEDOM OF EXPRESSION IN THE UNITED STATES

Mr. SCHATZ (for himself, Mr. REED, Mrs. FEINSTEIN, Ms. HIRONO, Mr. WYDEN, Mr. MURPHY, Mr. MERKLEY, Mr. WHITEHOUSE, Mr. BOOKER, Mr. CARDIN, Mr. SANDERS, Mr. DURBIN, Mr. PADILLA, Mr. MARKEY, and Mr. BLUMENTHAL) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 372

Whereas the overwhelming majority of voters in the United States oppose book bans;

Whereas an overwhelming majority of voters in the United States support educators teaching about the civil rights movement, the history and experiences of Native Americans, enslaved Africans, immigrants facing discrimination, and the ongoing effects of racism;

Whereas, in 1969, the Supreme Court of the United States held in *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969), that students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate";

Whereas, in 1982, a plurality of the Supreme Court of the United States wrote in *Board of Education, Island Trees Union Free School District No. 26 v. Pico*, 457 U.S. 853 (1982), that schools may not remove library books based on "narrowly partisan or political grounds", as this kind of censorship will result in "official suppression of ideas";

Whereas the First Amendment to the Constitution of the United States protects freedom of speech and the freedom to read and write;

Whereas article 19 of the Universal Declaration of Human Rights states that "everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers";

Whereas PEN America has identified nearly 3,400 instances of individual books banned, affecting 1,557 unique titles from July 2022 through June 2023 alone, representing a 33-percent increase in bans compared to the prior year of July 2021 through June 2022;

Whereas of the 2,532 bans in the 2021-2022 school year, 96 percent of them were enacted without following the best practice guidelines for book challenges outlined by the American Library Association, the National Coalition Against Censorship, and the National Council of Teachers of English;

Whereas the unimpeded sharing of ideas and the freedom to read are essential to a strong democracy;

Whereas books do not require readers to agree with topics, themes, or viewpoints but instead allow readers to explore and engage with differing perspectives to form and inform their own views;

Whereas suppressing the freedom to read and denying access to literature, history, and knowledge are repressive and antidemocratic tactics used by authoritarian regimes against their people;

Whereas book bans violate the rights of students, families, residents, and citizens based on the political, ideological, and cultural preferences of the specific individuals imposing the bans;

Whereas book bans have multifaceted, harmful consequences on—

(1) students, who have a right to access a diverse range of stories and perspectives, especially students from historically marginalized backgrounds whose communities are often targeted by thought control measures;

(2) educators and librarians, who are operating in some States in an increasingly punitive and surveillance-oriented environment and experience a chilling effect in their work;

(3) authors whose works are targeted and suppressed;

(4) parents who want their children to attend public schools that remain open to curiosity, discovery, and the freedom to read; and

(5) community members who want free access to a range of uncensored information and knowledge from their public libraries;

Whereas classic and award-winning literature and books that have been part of school curricula for decades have been challenged, removed from libraries pending review, or outright banned from schools, including—

(1) “Brave New World” by Aldous Huxley;

(2) “The Handmaid’s Tale” by Margaret Atwood;

(3) “Anne Frank’s Diary: The Graphic Adaptation” adapted by Ari Folman;

(4) “Their Eyes Were Watching God” by Zora Neal Hurston; and

(5) “To Kill a Mockingbird” by Harper Lee;

Whereas books, particularly those written by and about outsiders, newcomers, and individuals from marginalized backgrounds, are facing a heightened risk of being banned;

Whereas according to PEN America, 36 percent of instances of books banned or otherwise restricted in the United States from July 2021 to June 2023 have LGBTQ+ characters or themes that recognize the equal humanity and dignity of all individuals despite differences, including—

(1) “And Tango Makes Three” by Justin Richardson and Peter Parnell; and

(2) “This Book Is Gay” by Juno Dawson;

Whereas 37 percent of instances of books, both fiction and nonfiction, that have been banned or otherwise restricted in the United States from July 2021 to June 2023 are books about race, racism, or feature characters of color, including—

(1) “The Story of Ruby Bridges” by Robert Coles and illustrated by George Ford;

(2) “Letter from Birmingham Jail” by Martin Luther King, Jr.;

(3) “Thank You, Jackie Robinson” by Barbara Cohen;

(4) “Malala: A Hero For All” by Shana Corey;

(5) “Fry Bread: A Native American Family Story” by Kevin Noble Maillard;

(6) “Hair Love” by Matthew A. Cherry;

(7) “Good Trouble: Lessons From the Civil Rights Playbook” by Christopher Noxon; and

(8) “We Are All Born Free: The Universal Declaration of Human Rights in Pictures”;

Whereas the Comic Book Legal Defense Fund has reported a dramatic surge in chal-

lenges at libraries and schools to the inclusion of graphic novels that depict the diversity of civic life in the United States and the painful and complex history of the human experience, including—

(1) “New Kid” by Jerry Craft;

(2) “Drama” by Raina Telgemeier;

(3) “American Born Chinese” by Gene Luen Yang; and

(4) “Maus” by Art Spiegelman;

Whereas books addressing death, grief, mental illness, and suicide are targeted alongside nonfiction books that discuss feelings and emotions written for teenage and young adult audiences that frequently confront these topics;

Whereas during congressional hearings on April 7, 2022, May 19, 2022, and September 12, 2023, students, parents, teachers, librarians, and school administrators testified to the chilling and fear-spreading effects that book bans have on education and the school environment; and

Whereas according to PEN America, from July 2022 to June 2023, States across the country limited access to certain books for limited or indefinite periods of time, including—

(1) Florida, where at least 1,406 books in total have been banned or restricted in 33 school districts;

(2) Texas, where at least 625 books in total have been banned or restricted in 12 school districts;

(3) Missouri, where at least 333 books in total have been banned or restricted in 14 school districts;

(4) Utah, where at least 281 books in total have been banned or restricted in 10 school districts;

(5) Pennsylvania, where at least with 186 books in total have been banned or restricted in 7 school districts;

(6) South Carolina, where at least with 127 books in total have been banned or restricted in 6 school districts;

(7) Virginia, where at least 75 books in total have been banned or restricted in 6 school districts;

(8) North Carolina, where at least with 58 books in total have been banned or restricted in 6 school districts;

(9) Wisconsin, where at least with 43 books in total have been banned or restricted in 5 school districts;

(10) Michigan, where at least with 39 books in total have been banned or restricted in 12 school districts;

(11) North Dakota, where at least with 27 books in total have been banned or restricted in 1 school district;

(12) Tennessee, where at least 11 books in total have been banned or restricted in 5 school districts;

(13) New York, where at least 6 books in total have been banned or restricted in 3 school districts; Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses concern about the spreading problem of book banning and the proliferating threats to freedom of expression in the United States;

(2) reaffirms the commitment of the United States to supporting the freedom of expression of writers that is protected under the First Amendment to the Constitution and the freedom of all individuals in the United States to read books without government censorship;

(3) calls on local governments and school districts to follow best practice guidelines when addressing challenges to books; and

(4) calls on local governments and school districts to protect the rights of students to learn and the ability of educators and librarians to teach, including by providing students with the opportunity to read a wide array of books reflecting the full breadth and diversity of viewpoints and perspectives.

SENATE RESOLUTION 373—DESIGNATING THE WEEK OF SEPTEMBER 17 THROUGH SEPTEMBER 23, 2023, AS “COMMUNITY SCHOOL COORDINATORS APPRECIATION WEEK”

Mr. BROWN (for himself, Mrs. CAPITO, Mr. VAN HOLLEN, and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 373

Whereas community schools marshal, align, and unite the assets, resources, and capacity of schools and communities for the success of students, families, and communities;

Whereas community schools are an effective and evidence-based strategy for school improvement included under section 4625 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7275), as added by section 4601 of the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 2029);

Whereas community schools that provide integrated student supports, well-designed and expanded learning opportunities, and active family and community engagement and that use collaborative leadership and practices have positive academic and non-academic outcomes, including—

(1) improvements in—

(A) student attendance;

(B) behavior;

(C) academic achievement;

(D) mental and physical health;

(E) high school graduation rates; and

(F) school climate; and

(2) reduced racial and economic achievement gaps;

Whereas community schools have the potential for helping people of the United States from underserved communities, as indicated in a 2021 report;

Whereas a 2019 report found that mental health care provided through community schools improved access to care, academic performance, and student conduct, including reducing the number of school suspensions and disciplinary referrals;

Whereas a 2020 study found that community schools in New York City had a positive impact on student attendance, on-time grade progression, and credit accumulation for high school students;

Whereas a 2016 report found early indicators that community schools in Baltimore led to improved family-school engagement;

Whereas community schools provide a strong social return on investment, with one study citing a social return of \$3 to \$15 for every dollar invested;

Whereas community school coordinators—

(1) are essential to building successful community schools and creating, strengthening, and maintaining partnerships between community schools and their communities;

(2) facilitate and provide leadership for the collaborative process and development of a system of supports and opportunities for children, families, and others within the community of a school that allow all students to learn and the community to thrive; and

(3) deliver a strong monetary return on investment for community schools and their communities, with one study citing a return of \$7.11 for every dollar invested in the salary of a community school coordinator; and

Whereas Community School Coordinators Appreciation Week, celebrated from September 17 through September 23, 2023, recognizes, raises awareness of, and celebrates the thousands of community school coordinators across the country and the critical role of community school coordinators in the success of students: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of September 17 through September 23, 2023, as “Community School Coordinators Appreciation Week”;

(2) thanks community school coordinators for the work they do to serve students, families, and communities; and

(3) encourages students, parents, school administrators, and public officials to participate in events that celebrate Community School Coordinators Appreciation Week.

**SENATE RESOLUTION 374—DESIGNATING SEPTEMBER 2023 AS “NATIONAL STUDENT PARENT MONTH”**

Mr. MORAN (for himself and Mr. CARPER) submitted the following resolution; which was considered and agreed to:

S. RES. 374

Whereas student parents are individuals who have children and who attend postsecondary educational institutions;

Whereas student parents make up roughly  $\frac{1}{2}$  of the postsecondary student population, totaling nearly 4,000,000 individuals;

Whereas 70 percent of student parents are women, and 62 percent of student mothers are single parents;

Whereas 54 percent of single mothers who are enrolled at an institution of higher education work 20 hours or more per week and 43 percent work 30 hours or more per week, which requires those individuals to balance school, work, and caring for their dependents;

Whereas 51 percent of student parents are students of color, particularly female students of color, with mothers representing—

(1) 40 percent of Black postsecondary students;

(2) 36 percent of American Indian and Alaska Native postsecondary students;

(3) 35 percent of Native Hawaiian and Pacific Islander postsecondary students; and

(4) 26 percent of Hispanic postsecondary students;

Whereas 47 percent of student parents are military-connected students;

Whereas approximately 794 surviving military spouses are using education benefits from the Department of Veterans Affairs for surviving dependents;

Whereas 84 percent of military spouses have some college education or credential and, on average, make 25 percent less than their civilian counterparts;

Whereas 42 percent of student parents attend community colleges and 30 percent attend public or private nonprofit 4-year institutions of higher education;

Whereas the cohort of single mothers currently enrolled in higher education will save approximately \$19,900,000,000 in public assistance spending;

Whereas 53 percent of student parents report food insecurity, and 68 percent report housing insecurity;

Whereas  $\frac{2}{3}$  of student parents live at or near the poverty line and 52 percent of student parents are Federal Pell Grant recipients;

Whereas, on average, student parents have higher grade point averages than their non-parenting peers, but student parents are 10 times less likely to complete a bachelor's degree within 5 years than students without children;

Whereas a low-income student parent who earns a degree or credential boosts the income of that individual and the earning potential of the children of that individual when those children become adults; and

Whereas student parents are uniquely motivated to excel in their courses of study but

often face challenges, including lack of affordable child care and balancing work responsibilities while attending postsecondary educational institutions: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses support for the contributions and achievements of student parents in seeking and completing a postsecondary education; and

(2) designates September 2023 as “National Student Parent Month”.

**SENATE RESOLUTION 375—SUPPORTING THE DESIGNATION OF SEPTEMBER 21, 2023, AS “NATIONAL TEACH AG DAY” AND CELEBRATING 75 YEARS OF THE NATIONAL ASSOCIATION OF AGRICULTURAL EDUCATORS**

Mr. BOOZMAN (for himself, Ms. STABENOW, Mr. BARRASSO, Mr. BRAUN, Mr. BROWN, Mr. CRAMER, Mr. DAINES, Ms. ERNST, Mr. FETTERMAN, Mrs. FISCHER, Mr. GRASSLEY, Mr. HAGERTY, Mr. HEINRICH, Mr. HOEVEN, Mrs. HYDE-SMITH, Mr. KAINE, Mr. KENNEDY, Mr. KING, Mr. LANKFORD, Mr. LUJÁN, Ms. LUMMIS, Mr. MORAN, Mr. RISCH, Mrs. SHAHEEN, Ms. SMITH, Mr. TILLIS, Mr. WARNOCK, Mr. WELCH, Mr. WICKER, Mr. ROUNDS, Mr. RICKETTS, and Mrs. BLACKBURN) submitted the following resolution; which was considered and agreed to:

S. RES. 375

Whereas agricultural education and the National FFA Organization change lives and prepare students for premier leadership, personal growth, and career success;

Whereas, in the United States, more than 11,000 agricultural educators across all 50 States, Puerto Rico, and the United States Virgin Islands teach students about agriculture, food, and natural resources;

Whereas teacher recruitment and retention continues to be a significant challenge, with a significant teacher shortage during the 2022–2023 school year;

Whereas the National Association of Agricultural Educators advances agricultural education and promotes the professional interests and growth of agricultural educators, and recruits and prepares students who have a desire to teach agriculture;

Whereas the National Association of Agricultural Educators was established in 1948; and

Whereas current and future agricultural educators will celebrate “National Teach Ag Day” on September 21, 2023: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the designation of September 21, 2023, as “National Teach Ag Day”;

(2) recognizes the important role of agricultural education and the National FFA Organization in developing the next generation of agricultural leaders who will change the world; and

(3) celebrates the 75th anniversary of the National Association of Agricultural Educators.

**SENATE RESOLUTION 376—CLARIFYING THE DRESS CODE FOR THE FLOOR OF THE SENATE**

Mr. MANCHIN (for himself, Mr. ROMNEY, Mr. KELLY, Mr. KING, Ms. COLLINS, Mr. BARRASSO, Mrs. CAPITO, Mr. CRAPO, Mr. GRAHAM, Mr. HAGERTY, Mr. KENNEDY, Mr. LANKFORD, Mr. MCCONNELL,

Mr. MORAN, Mr. ROUNDS, Mr. SCOTT of Florida, Mr. THUNE, Mr. TILLIS, Mrs. FISCHER, Mr. BOOZMAN, Ms. ERNST, Mr. CRAMER, Mrs. BLACKBURN, Mr. RICKETTS, Mr. MARSHALL, Ms. LUMMIS, Mr. DAINES, Mr. RISCH, Mr. CORNYN, Mr. RUBIO, Mrs. HYDE-SMITH, Mr. SCOTT of South Carolina, Mr. GRASSLEY, and Mr. JOHNSON) submitted the following resolution; which was considered and agreed to:

S. RES. 376

*Resolved*,

**SECTION 1. SHORT TITLE.**

This resolution may be cited as the “Senate Dress Code Resolution”.

**SEC. 2. SENATE FLOOR DRESS CODE.**

(a) DEFINITIONS.—In this section—

(1) the term “Senate floor dress code” means a requirement that business attire be worn on the floor of the Senate, which for men shall include a coat, tie, and slacks or other long pants; and

(2) the term “Sergeant at Arms” means the Sergeant at Arms and Doorkeeper of the Senate.

(b) SENATE FLOOR DRESS CODE REQUIREMENTS.—

(1) IN GENERAL.—An individual on the floor of the Senate shall abide by the Senate floor dress code.

(2) ENFORCEMENT.—The Sergeant at Arms shall enforce the requirement of paragraph (1).

(c) PROCESS TO REVISE THE SENATE FLOOR DRESS CODE.—Any change to the Senate floor dress code, or the enforcement of the Senate floor dress code, that is made on or after the date of adoption of this resolution shall have no force or effect unless such change is made pursuant to a resolution agreed to by not less than two-thirds of the Members of the Senate, duly chosen and sworn.

**SENATE RESOLUTION 377—RECOGNIZING HISPANIC RESTAURANT WEEK AND THE CONTRIBUTIONS OF HISPANIC RESTAURANT OWNERS AND EMPLOYEES TO THE RESTAURANT INDUSTRY**

Mr. BENNET (for himself, Mr. CORNYN, Ms. CORTEZ MASTO, Mr. DURBIN, Mr. HICKENLOOPER, Mr. WHITEHOUSE, Mr. KELLY, Mr. MENENDEZ, Ms. SINEMA, Ms. ROSEN, Mr. LUJÁN, and Mr. CRUZ) submitted the following resolution; which was considered and agreed to:

S. RES. 377

Whereas Hispanic Restaurant Week is celebrated from September 22, 2023, through October 3, 2023, during the national celebration of Hispanic Heritage Month from September 15, 2023, through October 15, 2023;

Whereas, in 2020, the Bureau of the Census estimated that 41,817 owners of accommodation and food service businesses were Hispanic;

Whereas the restaurant industry plays a significant role in the economy of the United States as the second-largest private sector employer in the United States;

Whereas 25.1 percent of workers in the restaurant industry are Hispanic;

Whereas, according to the 2021 State of Latino Entrepreneurship report, published by the Stanford Graduate School of Business, during the last decade, Hispanic entrepreneurs have started small businesses, including restaurants, at a higher rate than any other demographic;

Whereas, of the nearly 5,000,000 Hispanic-owned businesses in the United States, the

restaurant industry has the second highest number of Hispanic owners;

Whereas 8 in 10 restaurant owners started their restaurant industry careers in entry-level positions;

Whereas 63 percent of adults in the United States have worked in the restaurant industry, making it “the Nation’s training ground”; and

Whereas the restaurant industry employs more minority managers than any other industry: Now, therefore, be it

*Resolved*, That the Senate—

(1) celebrates Hispanic Restaurant Week; and

(2) acknowledges—

(A) the contributions of Hispanic owners and staff of the restaurant industry to the United States economy; and

(B) the fact that the restaurant industry provides restaurant owners, chefs, dishwashers, and other staff the opportunity to work hard, persevere, support their families, and live the American Dream.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1289. Mr. VANCE submitted an amendment intended to be proposed by him to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 1289.** Mr. VANCE submitted an amendment intended to be proposed by him to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . PROHIBITION ON USE OF FUNDS FOR ADDITIONAL UNITED STATES PERSONNEL IN UKRAINE.

None of the amounts appropriated or otherwise made available by this Act may be made available for additional United States personnel in Ukraine, including members of the United States Armed Forces, direct hire personnel, or contractors, to support, train, advise, or assist the armed forces of Ukraine unless a declaration of war or a specific statutory authorization for such use of the United States Armed Forces or other personnel or contractors has been enacted.

#### AUTHORITY FOR COMMITTEES TO MEET

Mr. SCHUMER. Madam President, I have nine requests for committees to meet during today’s session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a) of the Standing Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate:

#### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

The Committee on Agriculture, Nutrition, and Forestry is authorized to meet during the session of the Senate on Wednesday, September 27, 2023, at 10 a.m., to conduct a hearing.

#### COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, September 27, 2023, at 10:30 a.m., to conduct a closed briefing.

#### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Wednesday, September 27, 2023, at 9:30 a.m., to conduct a hearing.

#### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, September 27, 2023, at 9:45 a.m., to conduct a business meeting.

#### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, September 27, 2023, at 10 a.m., to conduct a hearing.

#### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, September 27, 2023, at 10:15 a.m., to conduct a business meeting.

#### COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, September 27, 2023, at 2:30 p.m., to conduct a hearing.

#### COMMITTEE ON RULES AND ADMINISTRATION

The Committee on Rules and Administration is authorized to meet during the session of the Senate on Wednesday, September 27, 2023, at 3:30 p.m., to conduct a hearing.

#### SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, September 27, 2023, at 2:30 p.m., to conduct a hearing.

#### ORDERS FOR THURSDAY, SEPTEMBER 28, 2023

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 10 a.m. on Thursday, September 28; that following the prayer and pledge, the time for the two lead-

ers be reserved for their use later in the day and morning business be closed; that upon the conclusion of morning business, the Senate resume consideration of the motion to proceed to H.R. 3935, postcloture, and that all time be considered expired at 11:45 a.m.

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

#### RECESS UNTIL 10 A.M. TOMORROW

Mr. SCHUMER. Mr. President, if there is no further business to come before the Senate, I ask that it stand in recess until the previous order.

There being no objection, the Senate, at 6:54 p.m., recessed until 10 a.m., Thursday, September 28, 2023.

#### NOMINATIONS

Executive nominations received by the Senate:

#### THE JUDICIARY

SHANLYN A.S. PARK, OF HAWAII, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF HAWAII, VICE LESLIE E. KOBAYASHI, RETIRING.

#### IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

#### To be major general

BRIG. GEN. MICHAEL J. REGAN, JR.

#### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be colonel

WILLIAM D. MAGEE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be colonel

MICHAEL P. KUNKLER

#### IN THE MARINE CORPS

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 531:

#### To be major

CHRISTOPHER F. MELLING

#### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be captain

T. M. ALFORD

#### IN THE SPACE FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES SPACE FORCE UNDER TITLE 10, U.S.C., SECTION 624:

#### To be lieutenant colonel

DUSTIN L. WHITE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES SPACE FORCE UNDER TITLE 10, U.S.C., SECTION 624:

#### To be major

JOHN S. DONELSON  
AMBER V. HAGY  
BENJAMIN F. MOE  
RYAN M. WILSON