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## Senate

### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant executive clerk read the nomination of Sean Duffy, of Wisconsin, to be Secretary of Transportation.

The PRESIDING OFFICER. The Senator from Iowa.

#### NOMINATION OF SEAN DUFFY

Mr. GRASSLEY. Mr. President, today, we are confirming former Congressman Sean Duffy as the new Secretary of Transportation.

Our Nation's infrastructure is essential to the economy, trade, and vitality of each of our 50 States. In Iowa, it is fundamental to moving our agriculture products, manufacturing goods, and, of course, our 3.3 million people.

I have long supported sound, sustainable infrastructure policies that provide certainty to businesses, States, and the transportation community. I agree that businesses and State and local governments need long-term visions and plans to ensure our infrastructure networks remain strong and support our Nation's economic growth and competitiveness.

We are soon faced, in this body and in the entire Congress, with reauthorizing our Nation's surface transportation laws. I am glad that Congressman Duffy understands, from representing Northwest Wisconsin, that rural America has many infrastructure needs—as many as urban areas. I supported the bipartisan infrastructure bill to provide needed funding to repair and replace Iowa's aging infrastructure. I look forward to working with him to advance Iowa's priorities and sound policies for the Nation.

Now, in the case of Secretary Duffy, even though I didn't meet with him in

my office, like I do a lot of nominees, I stress today the importance of responding to congressional letters and inquiries. Congress has a constitutional duty to perform oversight over the executive branch for, as we learn in high school civics, what we call checks and balances. Congress not only passes laws and appropriates money, but we have a responsibility to make sure that those laws are faithfully executed by whomever is President of the United States.

Oversight, then, allows us to hold bureaucrats accountable to the rule of law, and it helps to keep faith with taxpayers. Or another way of saying it, if we have transparency in government, which the oversight of Congress ought to implement, we have greater accountability of our work.

Currently, I have been conducting oversight over the FAA and the safety of Boeing aircraft. I fully expect the new Secretary to respond to all congressional inquiries in a timely and responsive manner.

When people come to my office, I remind them of that question they get from every chairman of every committee: Will you answer the letters that we send, or will you appear before Congress, or will you take our telephone calls?

Every one of them says yes, but that is not entirely how it works out. I use an example of the Justice Department the last 4 years—as I showed soon-to-be Attorney General Pam Bondi—that I wrote 158 letters to the Justice Department. And if I got answers, they were partial answers, but most were not responded to. That is not the way that the executive branch of government, either under a Democrat or Republican President, should be handling or, let's say, should be thumbing their nose at the legislative branch of government.

So when people say yes to these questions that they are offered by the chairmen of the committee, I say to them: It would be more honest if you

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

#### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father in Heaven, You have created us for Your glory. Bless our Senators in their work. Lord, unite them in their efforts to find common ground and to work for the good of the Nation. May they seek creative ways of living a life of service that honors You.

Lord, guard them from danger and keep them from transgression. As You work out Your plan for humanity, inspire our lawmakers with a joy that makes all difficulties seem worthwhile. Spare them from desiring success that focuses on things that pass away and ignores the things that last forever.

We pray in Your loving Name. Amen.

#### PLEDGE OF ALLEGIANCE

The President pro tempore 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.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. MULLIN). Under the previous order, the leadership time is reserved.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

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



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would say maybe instead of saying yes. So I hope that Secretary-to-be Duffy will respond to my inquiries about the FAA and Boeing aircraft.

I look forward to working with former Congressman Duffy to support long-term infrastructure policies to keep our manufacturing and our agriculture sectors robust and to support our State and local communities that depend on their jobs.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant executive clerk proceeded to call the roll.

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

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

#### RECOGNITION OF THE MAJORITY LEADER

The majority leader is recognized.

#### INTERNATIONAL CRIMINAL COURT

Mr. THUNE. Mr. President, this past November, in an extraordinary and illegitimate move, the International Criminal Court issued arrest warrants for Israeli Prime Minister Binyamin Netanyahu and former Israeli Defense Minister Yoav Gallant.

The court's decision was troubling on multiple levels. First, the International Criminal Court, or ICC, has no jurisdiction over Israel or its citizens. Neither Israel nor the United States is a party to the treaty establishing the court, and thus the court has zero authority over Israel or its leaders.

Second, the court's clear suggestion of moral equivalence between the Government of Israel and the Hamas terrorists who attacked Israel and oppress their own people is beyond the pale. Israel wages war against terrorists; Hamas wages war against innocents.

The only reason Israel has been waging war against Hamas is because Hamas chose to launch a massive attack on innocent civilians that resulted in 1,200 deaths and the taking of approximately 250 hostages, more than 80 of whom are still in captivity today.

When it emerged last year that the ICC was planning to seek warrants for Israeli officials, a Republican-controlled House of Representatives brought up legislation to sanction those responsible at the ICC. Forty-two Democrats voted for it, but the legislation was dead on arrival in the U.S. Senate, with the Democrat leader refusing to bring it up for a vote.

When the ICC released its warrants last November, I promised that if Democrats would not bring ICC sanctions legislation to the floor for a vote, I would. Today, I am following through on that promise. The bill before us today will sanction foreign individuals who are involved in ICC efforts to investigate, arrest, or prosecute U.S. citizens or citizens of U.S. allies that are not party to the ICC.

The bill passed the House again earlier this month with the support of every Republican, plus more than 40

Democrats, and I hope we will see a strong bipartisan margin in the Senate as well—first, because this illegitimate targeting of a key U.S. ally should concern all of us, and second, because while the ICC is targeting Israeli leaders today, it could easily set its sights on Americans and American soldiers in particular tomorrow. It has happened before, back in 2020.

While the United States will not be turning over any of our military members to the ICC, the issuance of warrants for U.S. soldiers and military leaders could jeopardize American troops' ability to move freely where needed and impede our ability to defend our country and stand with our allies.

I want to thank Senator COTTON for all his work on this bill, as well as Senator RISCH.

I hope—I hope—my Democrat colleagues will join Republicans to swiftly get this legislation over the finish line and to the President's desk.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant executive clerk proceeded to call the roll.

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

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

Mr. BARRASSO. Mr. President, criminals in the world today have an international friend. That friend is called the International Criminal Court. The ICC is headquartered in Europe. It claims unchecked power and power to enforce very loosely defined so-called international law, and they are unaccountable. The ICC is a kangaroo court.

The U.S. has never ratified this treaty, neither has Israel. We are not members with this group. This so-called court seems to me to just do the bidding of the country of Iran. It never issued arrest warrants for leaders of Iran. It never tried to prosecute Assad, the former dictator of Syria.

The ICC embraces a legal fiction and a moral fraud. It is the fraud and the fiction that Israel violates human rights and that sovereignty doesn't matter. They also believe that Israel doesn't have a right to defend themselves.

Last year, we saw the ICC issue an unjust and unlawful arrest warrant for the Israeli Prime Minister Binyamin Netanyahu. Israel's former defense minister was also targeted. The charges that the ICC brought were baseless; they were biased. And, basically, the ICC tends to continue to go after the Jewish State.

Many descriptions of President Netanyahu are absurd; they are inaccurate. Let's get to the facts. The facts are there was a brutal attack on October 7 of 2023 by Hamas. It was the deadliest single day for the Jewish people since the Holocaust. Israel has a funda-

mental right to defend itself, and America stands with the people of Israel. Israel went to extraordinary lengths to limit civilian casualties.

Hamas deliberately hid behind civilians. Hamas uses innocent individuals as human shields. Israel has allowed hundreds of thousands of tons of food and supplies to go in to help the people of Gaza. When the food doesn't meet the actual needs of the civilians there, it is not because they haven't sent enough, it is because Hamas steals it first. Israel isn't a member of the ICC. The court has no jurisdiction over it.

Israel is a democracy. Israel's judiciary is robust, and it is independent. The ICC is deaf to these important facts. It lives in an anti-Israel echo chamber.

Because of this prejudice against Israel, the ICC has also attacked Israel's allies. In 2020, the ICC started to investigate American servicemembers who served in Afghanistan for alleged war crimes. President Trump responded swiftly and strongly. He froze the assets of the ICC officials who were involved in the corrupt investigation. President Trump also imposed visa restrictions on ICC officials and on their families.

So then what happens? Then Joe Biden gets into the White House, and former President Biden—I love saying "former"—former President Biden wrongly and weakly overturned these effective sanctions. President Trump restored the sanctions on his first day back in office last week.

So today the Senate will hold a critical vote on a bipartisan bill to hold the International Criminal Court accountable. Senator JIM RISCH of Idaho and Senator TOM COTTON of Arkansas have been leaders on this issue here in the Senate. Under the bill we are going to be voting on today, any ICC official, employee, or associate who works to investigate, arrest, detain, or prosecute American citizens or our allies will face immediate sanctions.

This bill also blocks U.S. funding from the ICC—every penny. Critically, it ensures American taxpayers are not in any way contributing their hard-earned money to foreign institutions that attack our servicemembers.

Passing this bill sends a strong message—an important message—that we in America will not tolerate the ICC's lawfare against Israel. If the ICC attacks America or its allies, the consequences will be swift, will be serious, and will be severe. This is about much more than Israel.

The ICC also threatens America's safety, our security, and our sovereignty. Like Israel, America is not a member of the ICC. Well, Israel is the target today. The ICC could turn around and target American servicemembers, and even our leaders, in the future. The House of Representatives has passed legislation to sanction the ICC. They have done it several times. Its bipartisan support continues to grow and grows stronger in the most

recent passage. And a majority of Americans support congressional efforts to sanction the ICC. The most recent vote in the House was 243 in favor and only 140 against; 45 House Democrats voted for it.

Well, the Senate could have passed ICC sanctions last Congress, but the Democrat leader chose to drag his feet instead. He blocked it from coming here to the Senate floor. He refused to even allow debate.

This Congress, Senate Republicans have made strengthening our alliance with Israel a top priority. Republicans can't sit back and allow a kangaroo court to wage lawfare against American citizens or our allies. The Senate will not bend to the pro-Hamas crowd. We will stand with Israel in the face of anti-Semitism and in the face of evil, period. Will Senate Democrats join us? We will find out today.

#### NOMINATION OF SEAN DUFFY

Mr. President, on another matter, since January 20, the U.S. Senate has confirmed five of President Trump's well-qualified nominees. Today we will confirm the sixth.

Former Congressman Sean Duffy is the nominee to be the Secretary of Transportation. Congressman Duffy received unanimous support in the Commerce Committee. As Secretary of Transportation, Congressman Duffy will be responsible for ensuring Americans have reliable infrastructure and safe travel. His job is critical to America's economic success. From the Erie Canal to the transcontinental railroad in the 19th century, from the Panama Canal to the Interstate Highway System in the 20th century, infrastructure transformed our commercial Republic into an economic superpower.

Today, our highways, our bridges, our ports, and our airways need improvement as travel and commerce hit record highs. We need to build great things in America again. Families and businesses need confidence that they will get where they need to go.

Sean Duffy is dedicated to moving our Nation forward. As Secretary of Transportation, he will lead the Department with safety and modernization at the forefront. I look forward to confirming Congressman Duffy today and working with him during this next administration.

I yield the floor.

The PRESIDING OFFICER. The Democratic whip is recognized.

#### IMMIGRATION

Mr. DURBIN. Mr. President, we can all agree that the border of the United States should be secure. And, of course, we must deport any dangerous individuals who are here unlawfully.

But the Executive orders that President Trump signed this past week don't target criminals. In fact, President Trump terminated a Biden administration policy that required immigration officials to prioritize for arrest and deportation individuals who threaten public safety or national security. Instead, President Trump has authorized

Immigration and Customs Enforcement officers known as ICE officers, to make arrests in schools, churches, and courthouses across the country. The President has reportedly even directed ICE to set quotas for arrest, ramping up from a few hundred a day to more than 1,500 per day.

These kinds of arbitrary quotas will ensure that essential workers, family members of U.S. citizens, and so many others who are no threat to this country and are not criminals are caught up in these mass deportations.

For example, just this weekend, Trump officials stated that the raids they conducted were targeted toward criminals. Yet in Chicago, a husband and father with no criminal history was reportedly arrested by ICE on his way to work. His family was only made aware that something was wrong when he didn't show up at his shift. In New Jersey, ICE agents detained and questioned a military veteran and U.S. citizens simply because they weren't carrying on their person a passport or a license. These actions, like many of the President's decisions on immigration, have nothing to do with protecting public safety or national security.

President Trump has also suspended the refugee admissions program. Why is that important? Well, because when American soldiers go overseas to represent this country and to risk their lives for the country that they have sworn allegiance to—the United States—many times they rely on local citizens in those countries to help them. That is what happened in Afghanistan. Men and women risked their lives to step forward and to help our troops, many times to risk their own lives in the service of their country and doing it for the United States. They included families of Afghans who are now facing persecution for that political decision to help the United States.

We have offered to them, after going through extensive background checks, an opportunity to come to the United States. The same thing is true with Uighurs fleeing Chinese persecution and the Rohingya fleeing Myanmar's military dictatorship. Many of these refugees literally wait for decades to come to the United States lawfully—lawfully—and all must undergo extreme rigorous vetting before coming.

But the President canceled flights for approximately 10,000 refugees who had been approved to travel to the United States after waiting for long periods of time and going through extensive background checks. This includes nearly 1,600 Afghans who had been cleared for resettlement. Many of them risked their lives for the United States' cause, and we were giving them safety and security. Those flights have been canceled by President Trump. Many of them fought alongside U.S. troops. Others are family members of U.S. servicemembers. Flights were even stopped for Afghan children who were reuniting with their families in the United States.

Stopping these flights makes America less safe. It is needlessly cruel to American families waiting to be reunited with loved ones. It also sends a message to allies supporting our troops around the world that we will not protect them if they face retribution for helping the United States.

Additionally, President Trump is attempting to deny birthright citizenship to children born in the United States if their parents are not citizens or lawful permanent residents. This is a clear violation of the Constitution.

I want to read the first sentence of the 14th Amendment to the Constitution. It is explicit. It reads:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

One sentence is clear as can be.

This order has been blocked. The order by President Trump has been blocked by a judge who was appointed by President Ronald Reagan. Listen to what he said about the lawsuit challenging birthright citizenship and the 14th Amendment's explicit language:

I've been on the bench for over four decades. I can't remember another case where the question presented is as clear as this one. This is a blatantly unconstitutional order.

I was disappointed to see White House border czar Tom Homan come to Chicago recently with ICE agents, arresting immigrants and asking them questions even after they had requested to speak to an attorney. Do you know who accompanied him on this raid? Dr. Phil. Dr. Phil—a TV doctor—is not an M.D., but for some reason, he was invited to go along with this raid.

Now, do you remember the many speeches given by President Trump, during the campaign, about dedicating himself to ferreting out the young people who were murderers and rapists and drug dealers and the mentally ill who were dangerous to the United States? I took him at his word that that is what he set out to do.

Apparently, Dr. Phil is an accomplice in this effort. He, obviously, has been invited to go along for the ride—on a raid involving people who would be dangerous to the United States? If this mass deportation is truly focused on dangerous individuals—murderers, rapists, drug dealers, and the mentally ill—Dr. Phil has as much business being on these raids as he does performing surgery. Why is he there? In fact, he could complicate the situation. We are talking about a legal process and the possibility of criminal prosecutions following. So to have this television character come along for the ride is dangerous and makes no sense.

I am concerned that these sweeping Executive actions will leave those arrested by ICE, including those with lawful status and U.S. citizenship, with little opportunity to even state their cases and show that they belong in this country.

Let's be clear: 90 percent of undocumented immigrants have no criminal

convictions—90 percent. Immigrants make up more than 40 percent of home healthcare aides and children's assistance, daycare. An outsized percentage of them and the agricultural workforce are undocumented. Immigrants are a key part of America's success story.

I do not want a single dangerous person to remain in this country or to be allowed to seek permanent residence here—period—but there are many who have been here for periods of time, who have paid their taxes, who have followed the law, and should be part of America's future.

Our Nation needs immigrants in many important places. Come to my State of Illinois and ask the agricultural organizations. They will tell you flat out that, without the assistance from migrants and immigrants, they just can't do their work. Whether they are running dairy operations, orchards, or regular agricultural pursuits, they need a helping hand, and many times, the only ones who will come to help them are those who come from other countries.

They put food on our tables, they care for our children, and they help care for our parents and grandparents. Many of these people are Dreamers who grew up alongside our kids and have gone on to serve our Nation as members of the armed services, as doctors, and as first responders. They believe in the American dream, and I will continue to fight to protect them for as long as I serve in the U.S. Senate.

There is no room in this country for dangerous people, but there is plenty of room for those who aspire to make this a better nation. We should be fair in making a distinction and in realizing the difference is significant.

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.

#### RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

#### TRUMP ADMINISTRATION

Mr. SCHUMER. Mr. President, last night, incredibly and lawlessly, the Trump administration announced the virtual halt to all forms of Federal financial assistance. In an instant—one instant, one blink of the eye—in the dark of night, Donald Trump has shut off billions—perhaps trillions—of dollars that support small businesses, that support families, that support police officers and firefighters, that support hospitals and rural hospitals in particular, that support our localities, our States and cities, our schools, and so much more.

Why? Why did Donald Trump do this? Simple: to fund tax cuts for the ultrawealthy. This decision is lawless, destructive, cruel. The President must

rescind this order at once, and Congress must act if he refuses.

Make no mistake, this is Project 2025—Project 2025—by another name, and the danger of having someone like Russell Vought, the chief cook and bottle washer of 2025, in charge of OMB is frightening—frightening—to just about every American family in terms of what it could do to them.

When Project 2025 came out, it was so ridiculed that Donald Trump had to say: Oh, I don't know much about it. And now he is putting one of the main authors of Project 2025 in the place where he can implement all of these horrible, discredited, unpopular findings.

That is where they are headed, folk. That is where they are going.

Again, why are they doing it? So they can pay for tax cuts for the ultrarich by making these cuts on average American families.

This morning, I think every Senator's phone has been ringing off the hook—certainly, mine has—with non-stop calls from hospitals and police departments, volunteer firefighters, food pantries, drug treatment centers, on and on and on. If someone is going to say they are getting no calls, then they are just out of touch because it affects almost everything.

People are worried. People are scrambling. People are in panic mode, trying to figure out how this order is going to affect them. Hospitals with people on life support, food pantries that feed the hungry, police departments that patrol our streets—every one of them is worried because so many of them get Federal aid. If Federal funding is shut off, so many groups and institutions will be worried. Can they pay the rent? Can they pay their staffs? Can they keep their operations running?

Virtually, any organization—and there are millions—that depends on Federal grant money to run its day-to-day operations is now in danger. Non-profits that help disabled veterans are now in danger thanks to Donald Trump. Funding that supports our Nation's mass transit, from one end of the country to another, is now in danger thanks to Donald Trump. Hospitals, particularly rural hospitals and community health centers, are now in danger thanks to Donald Trump. Meals on Wheels, in danger thanks to Donald Trump. Even smaller programs—and I am very proud of something I passed called the Nonprofit Security Grant Program, which protects synagogues and religious institutions from anti-Semitic attacks. We just had one in our neighborhood on Sunday. They are now in danger thanks to Donald Trump. Senior centers, law enforcement, firefighters, water districts, food pantries—all in danger because of Donald Trump.

Again, their master plan: to hurt average folks from one end of the country to the another—in red States, in blue States, in suburbs, in cities, in rural

areas. To take money out of their hides—all to pay for tax cuts for the ultrawealthy—is now becoming clear. It is now becoming clear.

The blast radius of this terrible decision is virtually limitless. It is American families who are going to suffer most.

American families should make no mistake: The money being stolen from them will be spent—just not on them. It is going to be spent on tax cuts for the ultrawealthy and the biggest corporations.

President Trump must reverse this course immediately. The Budget Committee should slow down its hearings with Mr. Vought until it fully comes out what they all intend to do.

The funding President Trump is halting is not optional. Congress has approved these funds, and they are law. The President does not, no matter what he thinks, have the authority to ignore the law and ignore Congress.

Let me be clear. This is not an isolated act, unfortunately. It comes a week after Trump pardoned violent criminals who sought to overturn our election and days after Trump fired independent watchdogs across the government in a naked attempt to shroud his actions from the American people.

I can assure every American that Democrats will pursue all available options, legal and otherwise, to halt this assault. I have talked to the attorney general of New York State, Tish James. She and her association—I believe she is the head of the State association, the State attorneys general association—are going to use all of their legal power to stop this illegal act.

I implore my Republican colleagues, who know in their hearts and their minds that this is a reckless and unconstitutional action, to speak up, to join us as Americans in defense of the law, but most of all, to protect our communities and to protect the American people from this awful announcement.

#### DEEPSEEK

Mr. President, on DeepSeek, when the Soviet Union launched Sputnik 1 into orbit in 1957, it ignited a space race between the two world's greatest powers, and America won.

Yesterday, we faced a similar inflection point between China and the United States. This time, the prize is not like Sputnik landing on the Moon; the prize is something so important—artificial intelligence.

The recent news from DeepSeek is being called AI's Sputnik moment for America. DeepSeek unleashed something few could have imagined—an AI chatbot that runs more efficiently and was developed at much lower cost than U.S. AI chatbots. Within hours of DeepSeek's announcement, their AI chatbot was the No. 1 downloaded free app on Apple's app store.

DeepSeek's announcement makes it all but official: China is catching up with the United States on AI. It is a wake-up call that Congress desperately

needs. If America falls behind China on AI, we will fall behind everywhere—economically, militarily, scientifically, educationally, everywhere.

China's innovation with DeepSeek is jarring, but it is nothing compared to what will happen if China beats the United States on the ultimate goal of AGI—artificial general intelligence. We cannot, we must not allow that to happen.

This is precisely why I made AI a top priority in the last Congress, with American innovation as my North Star, and I will continue to do so. What we do now on AI—the actions we take, the ways and amounts we invest, the innovation we spur—will definitely define the next decade of this technology.

I hope our bipartisan efforts on AI, which made some progress last year, will continue in an even more robust way this year. I stand ready to work with Republicans—this should be bipartisan—to pass legislation and make the investments necessary for the United States to win.

#### NOMINATION OF ROBERT F. KENNEDY, JR.

Mr. President, on RFK, Jr., tomorrow, Robert F. Kennedy will testify before the Senate Finance Committee on his nomination to become the next Secretary of Health and Human Services. I cannot recall a nominee more dangerous to the health of Americans than Mr. Kennedy.

HHS is an Agency that depends on science, evidence, and impartiality to ensure the well-being of over 330 million Americans. They ensure we eat safe food, purchase reliable medications, oversee Medicare benefits, and improve the use of lifesaving vaccines.

Mr. Kennedy, however, is unprepared. His positions have shifted from month to month, moment to moment. He is neither a doctor, nor a scientist, nor a public health expert, nor a policy expert of any kind.

When I met with him, he would not answer many questions directly, saying he would defer to the President, who also is hardly a health expert.

In fact, Mr. Kennedy has made a living not by promoting public health but by actively fighting it. He is the face of the modern anti-vaccine movement, responsible for spreading fringe and outright false beliefs about vaccines.

Of course, tomorrow, we will hear a very different Robert F. Kennedy, Jr. He will pretend as if he has now found religion on vaccines or that his words have been twisted unfairly or that he has never intended to say he is anti-vaccine. Nobody should believe this eleventh-hour conversion of Mr. Kennedy on vaccines. Instead, he should be held accountable for the misinformation he has spread for decades.

He must answer not only for spreading wild vaccine conspiracies but also for spreading many other outrageous claims over the years, from saying anti-depressants cause mass shootings to saying AIDS might not be caused by HIV and claiming COVID spared certain ethnic groups.

In fact, Mr. Kennedy should answer for the many conflicts of interest he holds with the anti-vaccine movement. According to his financial disclosures, he has made millions by recommending clients to law firms suing vaccine makers. In fact, this was the primary source of his income this past year.

A quote from the Wall Street editorial board—certainly no friend of Democrats—said it best:

The risk is high that Mr. Kennedy will use his power and pulpit at HHS to enrich his trial-lawyer friends at the expense of public health and medical innovation.

That is not some liberal publication; that is the Wall Street Journal editorial board.

Donald Trump promised to bring a golden age to America on day one, but if Mr. Kennedy is confirmed, it will be a golden age for pseudoscience and possibly even self-dealing in our government.

#### JANUARY 6

Mr. President, finally, on January 6, today, Senate Democrats will go to the Senate floor with a resolution that says something very simple: We condemn pardoning individuals guilty of assaulting Capitol Police. I thank my good friend PATTY MURRAY for leading this important resolution. No Republican should block it. It should be a no-brainer to say people who attack police don't deserve pardons.

By handing out these pardons to convicted criminals, President Trump is effectively saying: You want to attack our brave police officers? That is OK.

How are these pardons supposed to make Americans better off? How does pardoning lawless rioters help people with affording groceries or paying the rent or paying for medications? Pardoning rioters is not what Americans want the President to be prioritizing, even though it was one of his first acts. They want to see answers to the problems that impact them: inflation, good-paying jobs, and a better future.

Our Capitol Police, meanwhile, deserve nothing less than our full and steadfast support for everything they do to keep us safe every single day. The least—the very least—we can do for them as Senators is declare that those convicted of attacking Capitol Police officers do not—do not—deserve a Presidential pardon.

I yield the floor.

The PRESIDING OFFICER (Mr. DAINES). The Senator from Hawaii.

#### NOMINATION OF ROBERT F. KENNEDY, JR.

Mr. SCHATZ. Mr. President, if you heard your doctor say there is no vaccine that is safe or effective or there are much better candidates than HIV for what causes AIDS or school shootings started happening with the introduction of Prozac and other drugs—if your physician said any of those things to you, you would look for a new physician.

Yet, this week, my colleagues on the Senate Finance Committee and Health Committee are going to consider the nomination of someone who has not

only said all of those things and more, but, if confirmed, he would be responsible for the health and well-being of the entire Nation.

The unique threat that Robert F. Kennedy, Jr., poses to our country really cannot be overstated, and now it is up to us, the 100 Members of the U.S. Senate, to deny him the opportunity to use America as one big test lab for bygone diseases.

I want to explain what I mean by that. He thinks that FDA trials are not enough to determine the efficacy of a vaccine, and so he is suggesting that we use placebo in the population. What does that mean? Something might save someone's life, and something might be essentially a sugar pill, but you don't get to know.

There are international conventions against this approach. The Tuskegee experiments conducted by the U.S. Public Health Service were universally rejected, and the Congress banned this approach because you cannot withhold lifesaving care from anyone.

Now, if saying crazy things doesn't seem to be disqualifying for a nominee these days, I understand, but it is not just that he said crazy things or holds deranged views; it is that he has acted on them—it is that he has acted on them.

I want everybody to listen to exactly what happened in Samoa. Not 20 years ago, not 10 years ago, but in 2019, while he was chairman of an anti-vaccine group, he flew to Samoa because he sensed an opportunity to exploit people's hesitation about taking the measles vaccine. People were understandably worried after an accident involving improperly prepared vaccines killed two babies. It was a tragedy, and it was a costly mistake but not a reason to abandon the measles vaccine altogether.

But RFK sought to make people more afraid. He discouraged people from taking the vaccine because he wanted to run a "natural experiment" to see how people fared against the disease without protection. To see how people fared against the disease without protection? This guy is up for HHS, Health and Human Services? This guy just wants to see what would happen if we didn't give people the lifesaving protection that they need? He literally flew to the other side of the planet to turn people's fears into a data-collection opportunity.

For some context here, Samoa is a small country and had a population of around 200,000 people at the time. People knew each other, and word got around fast that Kennedy was in town saying a thing. So it was no small thing that this man from America with the last name "Kennedy," pretending to be a health expert, was there peddling all kinds of lies to prevent people from getting a lifesaving vaccine, and those lies spread fast. Vaccination rates plummeted, and within 5 months, Samoa had a measles outbreak. Some 5,700 people were infected with the

measles. Eighty-three people died; almost all of them were children. That was the conclusion of Mr. Kennedy's natural experiment—children died.

This isn't some ancient history I am digging up here; this was less than 6 years ago. It is alarmingly reminiscent of one of the darkest chapters in our country's history—the Tuskegee experiment.

For 40 years, beginning in 1932, the U.S. Public Health Service ran an experiment with 600 Black men in Alabama. The majority of them had syphilis, and the objective was to "observe the disease process." So even when penicillin became the standard of care in 1947, the men who needed that treatment, who could have been given life-saving care, were denied penicillin. Researchers did nothing as men died and they went blind because they wanted to see how the disease would develop—a natural experiment.

It took a young doctor, not long out of medical school, who read about the study in a medical journal and couldn't believe his eyes. He could not understand how the U.S. Government had come to view these poor sharecroppers as expendable, as subhuman. He thought about the Hippocratic oath that he and every other doctor like him had sworn to. What happened to "First do no harm"?

And so not knowing what else to do but knowing he was risking a whole lot by speaking out, he wrote to the study's authors, and I want to read a bit of what he wrote:

I am utterly astounded by the fact that physicians allow patients with a potentially fatal disease to remain untreated when effective therapy is available. I assume you feel that the information which is extracted from observation of this untreated group is worth their sacrifice. If this is the case, then I suggest the United States Public Health Service and those physicians associated with it in this study need to reevaluate their moral judgments in this regard.

The man who wrote that letter and was the first—and for a long time, the only—person to sound the alarm about the depravity of the Tuskegee experiment was my dad, Dr. Irv Schatz. It is one of the many reasons that he is my hero.

But I never thought—I never thought—that 60 years later, I would be standing in the very body that passed legislation in response to that shameful period arguing against confirming someone who wants to replicate that experiment at scale.

That is what RFK, Jr., wants to do. He wants to use Americans as lab rats in a national experiment, and if it means bringing back the measles or the mumps or rubella or polio, so be it. That is the cost of doing business, as he sees it.

I understand my Republican colleagues are facing a lot of pressure from within. It is a new administration, and you want to give them deference; an Executive, generally speaking, gets to have their team. But this nomination is not actually like the

others. Even if you don't want to take Mr. Kennedy's words so literally—maybe you think he is just wondering aloud—look at his actions. Look at what he has done. Time and time again, he has abandoned every physician's first principle: Do no harm.

I shall do by my patients as I would be done by . . . and shall minimize suffering whenever a cure cannot be obtained.

That is the part of the oath that every medical student takes at graduation before they can practice. Yet the person nominated to lead the country's entire health system has consistently done the exact opposite. He has caused disease. He has caused pain. He has caused death.

And so the vote we are going to be taking on this nominee is much more than your party or mine. It is life or death. And I promise you, if this person is confirmed, it will not age well—not in a Republican primary, not in a Democratic primary, not in your family, not in your community. Nowhere will an RFK "aye" vote age well. This person is going to cause disease across the United States.

I urge a "no" vote.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### BORDER SECURITY

Mr. CORNYN. Mr. President, as the world knows, it goes without saying that one of President Biden's biggest failures was security at our southern border. In fact, the situation is so dire that now Democrats, after the November 5 election, are actually finally seeing the light that they need to do something to recapture the support of the American people, and that was reflected in the first piece of legislation we passed that President Trump will sign into law tomorrow: the Laken Riley Act.

Twelve of our Democratic colleagues in the Senate and 46 in the House supported that bill, which I have to think, before the November 5 election, they would have uniformly voted against. But they realized that they were so out of sync with the American people and our national security interests, I would love to say they got religion or saw the light. Maybe they just counted the votes.

I am heartened, though, that they have seemed to buck the liberal status quo when it comes to the border and actually helped us pass a law that will strengthen our security and make our communities safer. But let's make no mistake about where this crisis came from that took the life of Laken Riley and so many others. This is one that the Biden administration invited and exacerbated from day one after President Biden took office.

On the campaign trail in 2020, President Biden made this pledge. He said:

I would in fact make sure that we immediately surge to the border all those people who are seeking asylum.

Now, that was a big welcome mat or invitation for anybody and everybody across the planet to show up at the border and to claim asylum. And because of the backlog in asylum claims and the fact that they would be released into the interior of the country, basically that was a free ticket into the United States outside of what should be our regular, orderly, lawful immigration system.

But President Biden didn't stop there. When he assumed office, he ended all of the policies of the previous administration—very successful policies like President Trump's "Remain in Mexico" policy. He halted the construction of the border wall and, instead, spent Federal dollars to store unused wall materials. And then, right before the election or right after the election, we found out they were actually selling these border wall materials for essentially salvage or for pennies on the dollar. And knowing that, with President Trump resuming office again, we would have to repurchase those items, it just seemed like a kick in the teeth for the American taxpayer and contemptuous, frankly, of law and order.

So we also know that, sort of to add insult to injury, the Biden administration created the so-called CBP One app. This is an app for your phone. CBP stands for "Customs and Border Protection." So, basically, what happens is people outside of the country who wanted to come here and claim asylum, knowing they would be released into the interior of the country and have to wait for years—maybe as long as a decade—before they would appear before an immigration judge, they could literally make an appointment to show up at a port of entry using the CBP One app.

So here you have the Federal Government, the U.S. Government, facilitating the movement of people into the country that were transported here by criminal organizations that got rich thanks to the Biden administration. And it was not uncommon to see people coming from far-flung parts of the planet.

Now, I live in Texas. We have a 1,200-mile border with Mexico. We are accustomed, over the years, to people from Mexico or Central or even South America coming to the border, but not people from Latvia, from China, from the Middle East. But under the Biden administration, they knew that they were going to be able to come to the United States, and they could actually even schedule an appointment thanks to the misguided policies of the Biden administration.

Even as this crisis continued to grow, President Biden ended the use of the very effective title 42 authority, which was used during COVID to limit the



movement of adult males into the country because of the COVID situation.

While this is a national crisis that President Biden created, it is one that has been felt most acutely by the people of Texas, the 31 million people I represent. In the midst of the Biden administration's abject failure to keep the American people safe and to control the movement of people and drugs, including some of the most dangerous criminals you can imagine, it was up to the State of Texas and our leadership, like Governor Abbott, to step up and defend our people and our borders the best we could.

Now, understand, border security is not normally a State function because this is an international border, which means it is a Federal responsibility. But what are we supposed to do when the President of the United States and the Federal Government fail to do their job? Well, the State stepped up, which means not only our leadership, our National Guard, but also Texas taxpayers. In other words, we had to pay the tab to provide for border security such as we could, instead of the Federal Government picking up the tab, as it should have.

So Governor Abbott initiated Operation Lone Star, which resulted in more than half a million illegal immigrants being apprehended by Texas law enforcement. More than 50,000 criminals were arrested, and more than 240 miles of border barriers were built by the State—not at Federal expense, a Federal responsibility, but at State expense, by State taxpayers.

This law enforcement operation also intercepted a half a billion doses of fentanyl. Fentanyl, as we now know, is spread throughout the United States—is hidden in counterfeit pills that look like an innocuous pharmaceutical, only to find out that it will kill you in small doses. It took roughly 70,000 lives last year alone, and it is a leading cause of death for young people between the age of 18 and 45. That is what comes over the border in addition to the millions of people.

I applaud the efforts of the Governor and our State legislature to step up and to secure the border and to protect my fellow Texans, even when the Federal Government—the President of the United States and Vice President—turned a blind eye.

As a result of Operation Lone Star, Texas was able to reduce illegal immigration into the State by 87 percent. But, as I said, these efforts came at a very real cost. The State of Texas spent nearly \$4.8 billion on walls and barriers, local grants to counties and cities, processing criminal arrests, and moving migrants out of small Texas towns.

Deploying the National Guard for building border barriers, guarding and constructing those barriers, and apprehending migrants who were illegally present in the United States cost another \$3.6 billion. Then Texas had per-

sonnel costs for our State troopers, Department of Public Safety troopers, who were responsible for repelling additional illegal migrants, arresting those who otherwise broke the law, transnational gang members, cartel members, human smugglers, and human traffickers. The Federal Government didn't do it; so Texas did. That came to an additional \$2.25 billion in taxpayer expenditure—money that should have been provided by the Federal Government for a Federal responsibility, borne by the taxpayers of my State.

The Texas Department of Criminal Justice spent an additional \$311.2 million on anti-gang violence. The number of dangerous gangs emanating from Central America or Venezuela are well-known and, indeed, these are some of the most dangerous people that have made their way into the United States as a result of the policies of the Biden administration. So Texas had no choice but to deal with anti-gang violence.

And then there is a cost associated with the prosecution of these border crimes at Operation Lone Star's criminal processing centers.

And then the game wardens—this was an "all hands on deck." Even the game wardens in Texas played a role. They patrolled the Rio Grande River to prevent illegal entries.

Criminal processing centers required health and safety services. And the list goes on and on and on.

This was an all-of-government effort in the State of Texas. Even the Texas Alcoholic Beverage Commission put millions of dollars toward interdicting human trafficking at the border.

All told, as a result of the Biden-Harris administration's abject dereliction of its responsibility at an international border, to enforce the law cost the State of Texas about \$11.1 billion.

Now, Texas, unlike many of the States in the rest of the country, doesn't have an income tax. We fund our government through sales tax and through property tax, and we don't have an income tax. This was a painful expenditure by the Texas legislature and by our leadership. And that figure doesn't even take into account what local counties and cities and other nonprofits were forced to further shoulder when it came to the financial burden.

Before President Biden came to office, Texas spent \$800 million every 2 years on border security, roughly \$400 million a year. That means that taxpayers are on the hook for nearly 14 times what they typically spent on border security due to the failure of the Biden administration.

It wasn't just negligence. It was intentional. It was willful.

Keeping our Nation's border secure is the responsibility of the Federal Government. It is not and it should not be the responsibility of the individual States. That is part of our constitutional framework.

This is a crisis that the Biden administration literally invited by rolling

out the welcome mat and refusing to enforce laws that were on the books.

What is worse? In the midst of this disaster, the Federal Government reimbursed others—nonprofits, nongovernmental associations—to help facilitate illegal immigration, through FEMA's Emergency Food and Shelter Program to the tune of hundreds of millions of dollars.

So Texas has been stuck with the check for the Biden-Harris failed policies, and that is wrong. Governor Abbott has asked Congress to reimburse Texas for its costs that should have been incurred by the Federal Government in the first instance. I support this request. And along with our State delegation, we are going to fight to get Texas taxpayers the money they are rightfully owed.

The Texas congressional delegation is 40 individuals strong—38 in the House and 2 here in the Senate—and we believe it is only right and just for the Federal Government and the Congress to reimburse the State for expenditures it should have never had to make if the Biden-Harris administration had simply done its job, which is to provide for a secure border.

Surely, if the Federal Government can reimburse nongovernmental organizations for rolling out the welcome mat for illegal migrants, it could also cover Texas's expenses for keeping U.S. citizens safe.

And the work that was done along the border did not accrue to the benefit solely of people in Texas. I mentioned the fentanyl crisis. Fentanyl now, unfortunately, has spread to 50 States. But the work that was done at the border, keeping some of the fentanyl out of the country and arresting criminals at the border, that benefited people in all 50 States—again, another reason why this is a Federal responsibility.

It is only a matter of basic fairness that the Federal Government should step up and help address a crisis that was a problem of its own making. Texas taxpayers should not have to foot the bill alone as a result of President Biden's mishandling of border policy.

So I urge all of our colleagues here in the Senate, as well as our colleagues in the House, to work with me and the Texas delegation—all 40 of us—on fulfilling this request by Governor Abbott to reimburse Texas for its expenses that it never should have had to spend and make, if President Biden and the Federal Government had simply done their job.

The Federal Government created this crisis, and it is up to the Federal Government to pay the tab.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## INTERNATIONAL CRIMINAL COURT

Mr. RISCH. Mr. President, I come to the floor today to talk about the ICC bill and the vote we are going to have immediately following the lunch hour.

When the International Criminal Court issued arrest warrants for Israeli Prime Minister Binyamin Netanyahu and his former Defense Minister for defending their country against an unprovoked brutal attack on their homeland, the ICC was exceeding its mandate. There is no question about that in my mind. Further, there is no question in my mind that it is a clear demonstration of the Court's inability to focus on justice and determine what is justice and determine what is right and what is wrong.

The ICC does not have jurisdiction over Israel. This clearly political move erased the last illusions of legitimacy for the organization and is just another example of partisanship and anti-Semitism infecting our international organizations like the United Nations, the ICJ, and, of course, the ICC. This needs to end.

The United States needs to stand in solidarity with our ally Israel, not only by providing them with the assistance they need for their self-defense but by sanctioning the ICC to compel the organization to change its corrupt behavior in countering this blatant anti-Semitism wherever it appears.

I look forward to working with the Trump administration and Secretary of State Rubio, whom I believe will be excellent partners in rooting out the corruption in our international organizations. And I urge my colleagues to vote yes on this bill to support our greatest ally in the Middle East, Israel.

This is a unique opportunity to vote, and a vote on this will very clearly state whether you stand on the side of Israel or you stand on the side of the United States, and that we will not cede jurisdiction over our citizens to such a corrupt and blatantly inequitable institution as the ICC.

I yield the floor.

Mr. RISCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CURTIS). Without objection, it is so ordered.

## VOTE ON DUFFY NOMINATION

The question is, Will the Senate advise and consent to the Duffy nomination?

Mr. LEE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Georgia (Mr. OSSOFF) is necessarily absent.

The result was announced—yeas 77, nays 22, as follows:

[Rollcall Vote No. 21 Ex.]

## YEAS—77

Alsobrooks	Grassley	Padilla
Baldwin	Hagerty	Paul
Banks	Hassan	Peters
Barrasso	Hawley	Ricketts
Bennet	Hickenlooper	Risch
Blackburn	Hoeven	Rosen
Boozman	Husted	Rounds
Britt	Hyde-Smith	Schatz
Budd	Johnson	Schiff
Cantwell	Justice	Schmitt
Capito	Kaine	Schumer
Cassidy	Kelly	Scott (FL)
Collins	Kennedy	Scott (SC)
Cornyn	King	Shaheen
Cotton	Klobuchar	Sheehy
Cramer	Lankford	Sullivan
Crapo	Lee	Thune
Cruz	Lummis	Tillis
Curtis	Marshall	Tuberville
Daines	McConnell	Warner
Ernst	McCormick	Warnock
Fetterman	Moody	Welch
Fischer	Moran	Whitehouse
Gallego	Moreno	Wicker
Gillibrand	Mullin	Young
Graham	Murkowski	

## NAYS—22

Blumenthal	Hirono	Sanders
Blunt	Kim	Slotkin
Booker	Lujan	Smith
Coons	Markey	Van Hollen
Cortez Masto	Merkley	Warren
Duckworth	Murphy	Wyden
Durbin	Murray	
Heinrich	Reed	

## NOT VOTING—1

Ossoff

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

## RECESS

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

Thereupon, the Senate, at 12:42 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Mrs. BRITT).

## EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from New Hampshire.

## ILLEGITIMATE COURT COUNTERACTION ACT

Mrs. SHAHEEN. Madam President, I come to the floor today to oppose H.R. 23. This is a bill that levels unprecedented mandatory sanctions on the International Criminal Court, the ICC.

I understand my colleagues' concerns about whether the court has jurisdiction over Israel, and I share those. I agree the court should not focus its resources investigating U.S. servicemembers. I can't believe anybody in this Chamber wants to see that. But the way this bill is drafted, sanctioning the ICC will not get them to withdraw the

arrest warrants for Israeli officials. It could actually have the opposite effect, hardening the court's position.

These sweeping sanctions we are about to consider are an incredibly powerful tool, and making this an issue that, frankly, goes beyond Israel and the United States and stretching around the world is not going to be helpful to our national security. These sanctions will make it almost impossible for the United States to engage the court on other issues in our national interest, whether that is prosecuting the atrocities in Sudan or human rights abuses by the Taliban or in Venezuela or Russia's war crimes against Ukraine.

This bill would target the civil servants who work at the ICC—and not just them, it would target their families. Lower level workers who provide administrative, paralegal, research, even catering and sanitary services would be affected. It could target their family members just for being related.

The bill could also potentially target subsidiaries of major U.S. companies like Microsoft for providing technical services to the ICC, which they may have been performing for a number of years before this bill was passed, and the way it is worded, it is retroactive. It would affect them.

Not only that, this bill targets some of the United States' most important allies—for example, the host country for the ICC, the Netherlands, as well as the United Kingdom, France, Germany, Italy, and Japan, which are the ICC's biggest donors. It also includes their citizens who work at the ICC and their companies.

These alliances are one of America's greatest assets. They make us stronger and safer, and this bill could do real damage to these relationships. It could undermine vital multilateral organizations and hurt U.S. strategic interests.

So I was hoping we could come to an agreement. We have been negotiating with Senator COTTON, who is the author of this bill. I know we share most of the same concerns that he does in drafting the bill. But I think it is overly broad. It is not drafted in a way that addresses what I think are the unique concerns that we have with respect to the International Criminal Court.

Sadly, since we have not been able to come to an agreement to address those concerns, I intend to vote no on this bill, and I urge my colleagues to do the same on the motion to proceed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. COTTON. Madam President, I ask unanimous consent that the mandatory quorum call with respect to the motion to invoke cloture on the motion to proceed to Calendar No. 3, H.R. 23, be waived.

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

Mr. COTTON. I ask unanimous consent to be able to complete my remarks before the scheduled vote.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

threat in the future to American sovereignty.

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

The PRESIDING OFFICER. The Democratic leader.

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

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

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

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

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

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

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

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

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

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

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

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

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

#### CLOTURE MOTION

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

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

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

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

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 23, a bill to impose sanctions with respect to the International Criminal Court engaged in any effort to investigate, arrest, detain, or prosecute any protected person of the United States and its allies, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant executive clerk called the roll.

Mr. DURBIN. I announce that the Senator from Georgia (Mr. OSSOFF) is necessarily absent.

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

[Rollcall Vote No. 22 Ex.]

#### YEAS—54

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

#### NAYS—45

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

#### NOT VOTING—1

Ossoff

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

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

The motion was rejected.

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

#### WALL ACT

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

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

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

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

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

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

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

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

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

Solving another problem, the WALL Act would impose monetary fines on illegal aliens and immigrants who overstay their visas. We would finish building the wall, and we would save money while we are at it.

The Joint Committee on Taxation estimated in 2018 that enacting the provisions in the WALL Act would save us \$33 billion over 10 years. The bill would save us both dollars and lives. And what could be more important than the task of keeping our country safe and restoring financial responsibility?

Just like the Laken Riley Act, the WALL Act is common sense, and, most importantly, it delivers to the American people what they have demonstrated they want, need, and deserve. It is the first move toward making sure that our immigration enforcement and border security Agencies have the funding they need to carry out the will of the people.

We must fund construction of the border wall, but we can't just stop there. As the chairman of the Homeland Security Appropriations Subcommittee, I am committed to ensuring that the Trump administration has the detention space they need to get criminal illegal aliens off of our streets and providing funding for CBP and ICE enforcement and removal operations so these Agencies have the personnel, resources, and technology necessary to fulfill their missions. And that, Mr. President, is a long time coming too.

As long as civilization has existed, both leaders and citizens have understood that the most important role that the government has is to provide security for the people who live under its jurisdiction. From the White House to both Chambers of Congress, the Republican Party is committed to getting our country back on track, to responding to the demands of the American people that they made to us this last November: securing our border, removing criminal illegal aliens from our streets, and providing a safe, orderly nation for the American people.

There is no greater responsibility we have, no higher calling we can seek than making America safe again. We have heard the American people's voices, and we understand the call. Now, let's heed that call and pass the WALL Act. Let's continue to turn our promises made into promises kept.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

#### TRUMP ADMINISTRATION

Mr. SCHATZ. Mr. President, the government shutdown that Donald Trump just ordered is illegal and unconstitutional. He is not a King, and we do not live in a monarchy.

It is Congress's authority to decide on Federal funding. The power of the purse is the foundational funding of the article I branch. Everybody talks like that. Everybody says those things. But now we are all put to the test—Democrats and Republicans.

Are we going to forfeit all of our power? We are the elected branch. We

make the laws. And the President of the United States just ordered a funding freeze for stuff he doesn't feel like funding. That is literally not how it works.

And, today, the White House Press Secretary was asked about specific popular essential programs. You know what she said? She said: Have those people talk to Russ Vought and make an appeal to him.

Now, there are a couple of problems with that. First of all, Russ Vought doesn't get to decide, in an appropriations law, which parts of the law to follow and which parts not to follow. Second of all—let's be really clear about this—Russ Vought is not a government employee right now. He is a nominee to lead the Office of Management and Budget.

And so we are supposed to have—I don't know—Medicaid recipients, VA home loan recipients, nursing homes, education organizations, healthcare organizations, transportation contractors, like, appeal: Mercy to the King. Will you please release these dollars? That is not how the American system works. This is illegal.

There is real pain starting today because of this funding freeze. Schools, childcare facilities, fire departments, community health centers, domestic violence shelters—all of them will instantly lose their funding at 5 p.m. today because somebody said: We are fiscal conservatives. You want to enact a fiscally conservative appropriations bill, pass a law. Pass a law.

I also would like to select the Federal funding which I agree with and fund that and select the funding that I disagree with and defund that, but I am not a monarch, and neither is Donald Trump.

We are hearing from so many constituents across the country, and I had a bit of a time delay because it is earlier in Hawaii, but all of my colleagues were getting incoming texts and calls and panicked people. This isn't about some arcane government program; this is, like, basic stuff. People are staged to do construction and told not to show up for work. Some of these construction projects are in places where you only have a narrow window during which you can even do construction, so a 90-day freeze means: Wait until next year. I don't care what the law says; wait until next year.

If you are a disaster survivor in North Carolina or Louisiana or California or Texas or Florida or Maui, you don't know what happens next. If you are a low-income family that relies on the Women, Infants, and Children Program to get healthy meals for your kids; if you live in a remote area like Waianae or Lanai in Hawaii and you go to a community health center to fill your prescriptions, to get a checkup, this freeze on funding means you don't get help.

You know how long it takes to get a home loan, a VA home loan or any other kind of home loan. People are

showing up to get their VA home loans and saying: Not today. You might be like 45 days from closing. You are a veteran. You are entitled to this thing under the law. Russ Vought—not a member of the Federal Government yet—has decided you don't get your home loan today.

What an embarrassing abdication of the role of the Congress. All of this high-minded talk from my fellow appropriators about, you know there are really three parties in the Congress—this is the old joke—Democrats, Republicans, and appropriators, right? The idea is that the appropriators are the adults in the room. The appropriators are the adults in the room, and they are not going to let nonsense, unconstitutional, illegal acts happen because we are the ones that control the purse strings.

I want to make one final point. In addition to all the pain that is being caused, my goodness, the door swings both ways in Washington. Imagine a progressive President reaching into the Federal budget after an appropriations bill is passed and saying: You know what, I don't like that thing. I don't like that other thing. I don't like this one. I don't like that one. I am in charge.

What are we even here for?

So this is not going to be business as usual. I will tell you one thing: I have never in my 13 years withheld my unanimous consent. I have used a little leverage. Everybody does. But we better get this straight on a bipartisan basis—not because I want to score partisan points, not because I want to characterize Donald Trump in one way or the other, but because we all worked so hard and made real sacrifices to get to this place so we could have a position of responsibility to uphold the Constitution of the United States.

What is happening today is unconstitutional. It is also against statutory law. But most importantly, it is causing pain across the country.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### IMMIGRATION

Mrs. BLACKBURN. Mr. President, nothing is more important than our national security and this Nation's sovereignty, and that means we must control our borders. That is why, in November, the American people gave President Trump an overwhelming mandate to finally go secure these borders. It was a major issue. They were tired of 4 years of Biden-Harris failures.

Thankfully, in just his first week in office, the President has already taken steps to do just this. On Inauguration

Day, for example, President Trump restored many of the successful policies from his first administration that former President Biden had ended, including the “Remain in Mexico” policy, border wall construction, and enhanced vetting of all aliens trying to come into this country.

At the same time that President Trump did those reinstatements, he terminated Biden’s disastrous open border measures, including ending catch-and-release, thank goodness. That CBP One app, where he was trying to make illegal entry legal, the Trump administration ended that. They ended migrant flights that brought more than 500,000 illegal aliens to cities all across the country—ended those flights. He also took new action to strengthen our border and end illegal immigration, including Executive orders to prohibit birth tourism.

This is a practice where you have companies or cartels and they sell you passage to the United States to come here for the express purpose of having a child on U.S. soil. It is a practice called “birth tourism.” President Trump ended that.

He designated cartels as foreign terrorist organizations, and he chose to send troops to the border. And among these troops are Tennessee soldiers from Fort Campbell’s 101st Airborne Division who are doing incredible work to help make this Nation safe.

Perhaps, most importantly, the President ordered mass deportations, something the American people have demanded after the Biden administration allowed more than 10 million illegal aliens to enter this country. And that does not count the “got-aways”—the “got-aways”—known and unknown “got-aways” that are here—the worst of the worst, most likely, people that were trying to evade detection and people that have seeped into our communities.

To no one’s surprise, these strong Executive actions are already yielding positive results for our Nation, our Nation’s sovereignty and security, and the safety and security of communities all across this country, because on Joe Biden’s watch, what did we see happen? We saw every town become a border town and every State become a border State.

People went to the polls in November and voted saying: Enough is enough. We have to restore law and order.

And in the last week—I want you to think about these numbers. I encourage all of our colleagues: Look at these numbers from the last week.

In this last week, ICE, or Immigration and Customs Enforcement, arrested more than 2,600 illegal aliens. Now, these are criminal illegal aliens. They are including gang members, convicted sex offenders, and murder suspects—2,600 in 1 week. This tells you they knew where these people were. It is just that their hands were tied by the Biden administration. They could not go get these people that were making our communities less safe.

Just on Thursday alone, ICE arrested two people in Nashville, TN. What we found out is they were both members of the gang Tren de Aragua, right in Nashville. Both of these illegal aliens have a criminal history of promoting prostitution and entered the country last year after being processed by the Biden administration.

While migrant encounters at the border have plummeted over the past week, the Trump administration has also conducted deportation flights to send illegal aliens back to their home countries.

Make no mistake, if any country refuses to take in their own citizens, President Trump has made clear that there will be consequences brought to bear. In just the last 24 hours, the Government of Colombia learned that lesson, completely reversing its blockade of deportation flights after the President said he would impose tariffs and sanctions.

For so many in Tennessee and across the country, this is welcome news. This is what they wanted to see. They were tired of talk. They were tired of appeasement. What they wanted was action to get these criminals out of their communities, to get them behind bars.

We can only have national security and know that this country is safe if we have border security. And for too long, Tennesseans and, I think, all Americans have suffered the consequences of this open border—the migrant crime, the fentanyl overdoses, human trafficking, strained public resources, and the list goes on and on.

While President Trump will continue to lead the way in securing our border, Congress should play a crucial role in supporting his efforts and make certain that no President can surrender our national sovereignty ever again. That is why, in the Senate, I have introduced a slate of bills that promote securing our border.

Here is an example, the CONTAINER Act. This is something that I have had for a while. This would empower communities along our border to construct barriers that would prohibit illegal aliens from crossing into their communities and stop the flow of traffickers and drugs and criminals that have been coming through these communities.

When you are on the southern border, you visit ranchers and farmers and communities where they say: If we could just put a barrier up.

The CONTAINER Act would give them that opportunity to put up a barrier and protect their areas.

The CLEAR Act, meanwhile, would reaffirm the authority of State and local governments to enforce Federal immigration laws by apprehending, detaining, and transferring illegal aliens to Federal custody. It also says that the Federal Government has to reimburse that local law enforcement agency for the money that they have spent.

And while President Trump reinstated by Executive order “Remain in Mexico,” which requires asylum seek-

ers to remain in Mexico while awaiting their court date, I also introduced legislation that would make this crucial policy the law of the land, requiring future administrations to support it.

You see, that is the importance of Congress taking action on what the President has done by Executive order. It is putting it in law, putting it in Federal statute so that future administrations have to abide by the law and implement it.

In addition, I have recently introduced the Preventing Violence Against Women by Illegal Aliens Act, which allows the deportation of illegal aliens convicted of sexual offenses or domestic abuse. What we have learned is that under the Biden administration, hundreds of criminal illegal aliens convicted of sexual offenses entered our country. This legislation would ensure that every single one of them can be removed from this country.

To end the surge of human trafficking at the border and bring this modern-day slavery to an end, I also have brought forward a comprehensive package of bills.

The PRINTS Act would give Border Patrol the authority to fingerprint noncitizens under the age of 14 so that we can combat this horrific practice of child recycling. This is something that the cartels do. They take a child, they place them with an adult, they bring them to the border, and then, once they are across, they turn the child loose. Many of these children have a name, address, and phone number written in indelible ink on their backs, on their arms. This needs to stop. So the PRINTS Act would give the Border Patrol the authority to use these fingerprints.

And we have the End Child Trafficking Now Act, which would require a DNA test to determine the relationship between illegal aliens coming across the border with children with them.

Both bills are crucial for ending child trafficking. And we know that between 30 and 40 percent of the children that presented at that border when we were doing DNA testing were found to be children being trafficked. Think about that.

The Biden administration ended the practice of DNA testing. When I inquired as to why they did it, the answer I got was because of the amount of time it took to do the DNA test. Well, it took 45 minutes—45 minutes. But to the Biden administration, pushing people across the border and into the country was more important.

And now we know that HHS has lost track of over 300,000 children. It is imperative that we find these children. It is imperative that we end this cross-border human trafficking of children.

I also have the SAVE Girls Act. It is bipartisan. Senator KLOBUCHAR has joined me on that bill. It would provide States and local governments and nonprofits with the vital resources they need in order to help combat this trafficking of girls and women.

I also have a bipartisan bill, the National Human Trafficking Database Act. It would establish a national human trafficking database at the Department of Justice and incentivize State law enforcement agencies to report crucial data.

You know, as we fight human trafficking, one of the things that we have learned from local and State law enforcement—by the way, this is a job that landed in their lap, to do this because there was not Federal enforcement. What we learned is there was no single repository for information about the traffickers, individuals that were being apprehended. So this would establish that database.

So we have had a busy week. The President has had a busy week, and we are grateful to President Trump and Vice President VANCE for how quickly they have moved on these issues of national security and the response they have given to the American people that, yes, they have been heard, and they are taking action that the American people have wanted to see.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST—S. RES. 42

Mrs. MURRAY. Mr. President, we are a week into the Trump administration, and it can be summed up in one word: lawlessness.

Trump is showing every day, with nearly every action, that he has zero regard for the laws of this country—from pardoning en masse violent insurrectionists to illegally firing government watchdogs charged with holding him accountable, to issuing blatantly unconstitutional Executive orders, to asking OMB to halt funding Congress passed, which is something that is now causing serious chaos and harm to red States and blue States.

We are not going to let his strategy of overwhelming chaos win the day. We are fighting each of the actions, and we will not stop asserting our power as an equal branch of the government. But right now, today, we are going to focus on one issue in particular, one that is not just alarming but actually personal to all of us here in the Senate because it concerns the Capitol Police each of us walked by every single day.

I have made it clear I will not sit back and allow President Trump to rewrite the history of the January 6 insurrection. Already, his Justice Department has taken down the public database that laid out the thousands of investigations. He is literally trying to erase the evidence from public memory. But no President can rewrite history, not unless we stand by and let him, and that is absolutely not going to happen.

We will not forget what really happened here on January 6, 2021. As we all remember, as the American people witnessed in real time, armed insurrectionists, egged on by the sitting President, broke into the U.S. Capitol and violently assaulted Capitol Police officers in their attempt to overturn a free and fair election. You do not have to take my word for it, although, like many of my colleagues, I have a first-person account of that day.

The reality is well documented in videos, in photos, in case documents from thousands of people charged with felonies after that day, including assault. We know as a matter of fact that some insurrectionists brought knives, tasers, axes, hatches, pepper spray, zip ties, and more. We know as a matter of fact that some assaulted officers with flagpoles, stun guns, fire extinguishers, and bear spray. We know as a matter of fact that Capitol Police officers suffered severe injuries as a result, including cracked ribs, smashed spinal discs, brain injuries, and even the loss of an eye.

Officers here sacrificed tremendously to keep Senators safe, Republicans and Democrats alike, and we have the footage, the photos, and the police reports that clearly show the crimes and the violence that were committed.

President Trump's decision to pardon en masse 1,500 people charged in the insurrection is truly an unthinkable attempt to erase the facts of that day and undermine our democracy, but it is especially heinous that he chose to pardon individuals who violently attacked our Capitol Police officers, not to mention commuting the sentences of 14 others, people found guilty of seditious conspiracy, people like Enrique Tarrio, leader of the Proud Boys, and Stewart Rhodes, leader of the Oath Keepers. It is a betrayal of the law enforcement that protected all of us that day and a dangerous endorsement of political violence, telling criminals that you can beat cops within an inch of their lives as long as it is in service to Donald Trump.

Every one of us here owes a tremendous debt of gratitude to our Capitol Police. They protected our lives, and they protected our democracy. That is why we are here today to pass a resolution that makes clear the U.S. Senate stands with our Capitol Police officers by disapproving the pardon of those who violently attacked the officers who keep us safe.

It is a very simple, modest resolution. It reads in its entirety:

Resolved, That the Senate disapproves of any pardons for individuals who were found guilty of assaulting Capitol Police officers.

It is that simple. We aren't relitigating every case; this is only about people guilty of assaulting Capitol Police.

I made sure this was short and clear, something we can pass unanimously because a message like this really should be unanimous. In fact, just to underscore how straightforward this is,

I want to read it in its entirety once again:

Resolved, That the Senate disapproves of any pardons for individuals who were found guilty of assaulting Capitol Police officers.

That is it, the entire thing. I don't think there is anything here for anyone to disagree with.

I yield to the Democratic leader.

Mr. SCHUMER. Let me thank PATTY MURRAY for her leadership on this issue.

It is becoming clear—it has become clear already, but it is even clearer today—a pattern is emerging from Donald Trump's Presidency, a pattern of lawlessness. He has pardoned insurrectionists. He has fired many of the government's independent watchdogs. And today—or last night—he froze billions, perhaps trillions, of Federal grant funding to hospitals and fire fighters and seniors and Head Start. Under Donald Trump, it is already clear: It is a golden age—a golden age for lawlessness.

Today, Democrats will seek passage of a resolution that talks about one aspect of this lawlessness: We simply condemn pardoning rioters who attacked our Capitol Police officers on January 6.

My colleague PATTY MURRAY, who has done such a great job on this, read the whole resolution. How the heck can anyone object to a resolution that says we should condemn pardoning those who assaulted police officers? Where is the law-and-order crowd? Where are the people who talked about defunding the police? How do you think every police officer feels when one of their brethren is assaulted and then they are pardoned, and their own Senators, who represent thousands and thousands of police officers each in their States, won't even stand up for their fellow officer?

I just hope our Republican colleagues don't block this resolution. All of us, every one of us—it doesn't matter if you are Democrat or Republican, liberal or conservative—every one of us should be able to agree that people who attack police officers don't deserve Presidential pardons. If Republicans stand in the way of this resolution, what an awful message it sends to our own Capitol Police whom we see every day, who work so hard to keep us safe.

Let's be clear. The people who invaded the Capitol on January 6, whether engaged in violence or not, committed a very serious crime. I saw them. I was within 20, 30 feet of them. Now, because of fear of President Trump, the party on the other side says: Never mind.

One of the worst days in American history. There is no gray area here, particularly when it comes to people who attack police officers.

By handing out these pardons to convicted criminals, President Trump is effectively saying: You want to attack our brave police officers? That is OK.

Pardoning lawless rioters is not, not, not what Americans want the President to be prioritizing. They want to

see answers to problems that impact them: inflation, good-paying jobs, a better future. They sure as hell don't want to see OMB taking away monies that have been lawfully allocated that they desperately need in so many aspects of their lives.

Our Capitol Police deserve nothing less than our full and steadfast support for everything they do to keep us safe. The very least—the very least—we can do for them as Senators is to come together and declare that those convicted of attacking Capitol Police officers—we say clearly with one voice, let's hope—that these people do not—do not—deserve a pardon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, as if in legislative session, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 42, my resolution condemning the pardons for individuals who were found guilty of assaulting Capitol Police officers, which was submitted earlier today; further, 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. Is there an objection?

The Republican whip.

Mr. BARRASSO. Mr. President, reversing the right to object, I heard the Senator from Washington State say we are now 1 week into the Trump administration. I am very grateful we are now 1 week beyond the Biden administration.

Democrats do not want a serious debate here about the use of Presidential pardon power. If they did want a serious conversation, they would talk about Joe Biden's pardons—over 8,000 of them. The previous President used his final days in office to grant clemency to 37 of 40 of the worst killers on death row.

President Biden said time and time again, oh, he wouldn't pardon his son Hunter—oh no. Not only did he pardon Hunter for the crimes for which he had been convicted, he pardoned him for 10 years of his additional criminal activity, which has not yet been discovered. Then, minutes before leaving office on Inauguration Day, Joe Biden gave preemptive, blanket pardons to five more members of his own family. If they weren't guilty, why would they need or accept pardons?

President Biden commuted the sentences of two men who killed a Sussex County police officer.

President Biden also commuted the sentence of a killer who executed—executed—two FBI agents in cold blood. The FBI Agents Association said Biden's pardon was a "cruel betrayal to the families and colleagues of these fallen agents." They said that the Biden pardon of this coldblooded murderer was "a slap in the face of law enforcement."

President Biden also commuted the sentence of a drug trafficker involved

in the murder of an 8-year-old boy and his mother. The Biden administration actually classified him, believe it or not, as a "non-violent" offender. Even the Democrat Senator from Connecticut said "someone dropped the ball" on granting that clemency.

In all, more than 8,000 criminals were pardoned or had their sentences reduced by Joe Biden. Now, that is more than any other President in history. It isn't even close.

This resolution that the Senate is asked to consider today does not condemn the Biden abuse of the pardon power. It does not condemn the pardons or the commutations of police officer killers, of murderers, of rapists. It ignores the pain and suffering of the victims and their families.

I oppose, as do my colleagues on this side of the aisle, any violence against police officers. I oppose pardons of violent criminals. These officers deserve our thanks and our prayers. They deserve not to be used in political games—games like the ones that the Senate Democrats are playing today on this very floor. Democrats should be ashamed, and Democrats should be embarrassed.

Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I am deeply frustrated that is the response we got today. We cannot agree on something as simple as standing by the officers who keep this building safe, officers every one of us walks by every day? There are officers standing outside the floor right now keeping watch as we are forced to debate whether it was not OK to pardon the people who violently attacked them. I don't know how my colleagues who oppose this simple resolution can look them in the eye.

It is insulting enough that Speaker Johnson—someone who has a dedicated 24/7 detail—has refused to put up the plaque honoring the brave officers who kept us safe 4 years ago, but the fact that we can't pass a resolution as simple as the one I presented today, the fact that we can't all agree that we should side with the people who keep us safe over the people who are attacking us, is disgraceful. It is unworthy of this body and unworthy of the sacrifice our Capitol Police have demonstrated time and again. We owe them better. I will not stop pushing to make sure we show them we understand that.

The President may be able to grant pardons, commute sentences, release criminals, delete databases, but I will tell you here, he can take no action that will erase the past unless we let him. As long as I can stand, as long as I can speak, as long as I am here, I will not let him or anyone rewrite the history of the January 6 insurrection or erase the important lessons that we must learn from it.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in support of the resolution offered by my colleague from the State of Washington, and I thank her for that.

This is personal. For many of us, it is personal. We were here on the Senate floor on January 6, 2021. Vice President Pence was presiding. I was sitting at this very desk. A few minutes after 2 o'clock, the Secret Service came in and literally removed him from his chair.

We knew there were demonstrations outside, but we didn't know how serious or how violent they had become.

A few minutes after that, a Capitol policeman stood in front of this Chamber and said to all of us: Stay in this room. Just take your seats. This is going to be a safe room. There will be many people coming in here, and we will keep them safe.

We didn't know what was happening outside, but we knew something serious was going on.

We waited another 10 minutes, and the same Capitol policeman said: A change of orders—leave immediately and exit through that door.

We all filed out through that door and headed for one of the buildings on Capitol Hill where there was a safe space for Members of the Senate to meet.

I wasn't sure what was going on in the House of Representatives. I still don't know all the details. But the reality was the mob—the insurrectionist mob—was taking over the Capitol. Thousands of people were storming into this building—not for a peaceful demonstration by any means but, sadly, for violence and destruction.

That day was the worst day I can recall in the history of the Senate in terms of our respect for this building that has become a symbol—not only for the United States but for the world—for peace and democracy.

And I thought of those poor Capitol policemen who were asked to defend us with their lives. They were asked to risk their lives for us. And they did. Four or five of them lost their lives as a result of it, and over 140 were seriously injured. Some of the things that were done to them were outrageous. You have seen the videotape. We don't have to speculate on what it was. We saw it, as they tore down building structures, as they beat up on these cops as many of them faced death and knew at the time it was that serious.

The grimmest reality of those riots was the subsequent death of five of these law enforcement officers and the injuries to approximately 140 others, many of whom still pay that price to this day.

Last week, President Trump, who incited the violence, commuted the sentences of 14 individuals and granted full, complete, and unconditional pardons to approximately 1,500 others convicted of offenses related to the January 6 attack. Many of the perpetrators have shown a stunning lack of remorse following their violent assaults on the brave members of the U.S. Capitol Police and DC Metropolitan Police who



protected my life and the lives of so many others that day.

For example, last August, David Dempsey, just a few hours after receiving a 240-month prison sentence for attacking police on January 6 with a flagpole, crutches, pepper spray, and pieces of furniture, called in to a gathering of supporters outside the DC jail. In reference to Trump's opponents, Mr. Dempsey said:

Don't celebrate too hard man, because that sentence is only gonna last like 6 months.

He knew that if President Trump were elected and had the power, he would pardon him, despite what he had done to the Capitol Police.

Devlyn Thompson attempted to throw a speaker at police officers, which ended up hitting and injuring a fellow rioter, and hit a police officer with a metal baton.

Daniel "D.J." Rodriguez, a California man who drove a stun gun into an officer's neck during one of the most violent clashes of the Capitol riot, was sentenced to more than 12 years in prison before President Trump granted him clemency.

Andrew Taake pepper-sprayed police officers and hit one with a metal whip. He was supposed to serve 74 months in a Federal prison in Beaumont, TX, but he was pardoned by President Trump.

These are just a few—a few—of the hundreds of individuals President Trump decided to pardon in his unconscionable Executive order. The list of crimes committed by these thugs goes on for pages and pages and pages of court documents.

Winston Churchill said once:

Those who fail to learn from history are condemned to repeat it.

That is why we must continue sounding the alarm on the violence and chaos of that day to ensure it never happens again. We must be clear that violence for political purposes is never, never acceptable. It has no place in democracy.

The men and women who bravely defended the Members of this body deserve more, and we should honor them for their heroic efforts, not excuse the thugs who attacked this body and the ideals it represents. President Trump was wrong in pardoning these men who attacked the police.

I thank Senator MURRAY for introducing this resolution condemning President Trump's pardons of the January 6 insurrectionists who assaulted our brave law enforcement officers, and I am disgusted—disgusted—that our Republican colleagues won't join us in honoring the men and women who risk their lives every single day for us. They risk their lives for us, and Senator MURRAY has asked us to recognize that fact and say violence against them is never acceptable.

We couldn't even get a bipartisan vote for that. It is a shame it has reached that point, but it has.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KELLY. Mr. President, I stand before you today as the son of two police officers. Growing up in our family, service always came first. My mom was actually the first woman to become a police officer in our hometown of West Orange, NJ. Before that, she was working as a secretary and a waitress, often at the same time. Her becoming a cop meant more money for our family. It literally changed our lives.

One day, my mom was seriously injured in the line of duty. When on patrol, she got a call about a burglary at a department store. She rushed to that store to help. The criminal attacked her—attacked her pretty badly. She was injured, and her injuries forced her to retire. It ended her career.

Now, that was a risk that she took for our community as a police officer. These are the same risks we see officers make every single day across our country—in all 50 States, all the Territories, and here in Washington, DC.

Our New Jersey community and her union, they had her back. The very idea of her attacker being let off the hook would have been outrageous. It would have been shocking. And it is almost impossible to imagine because it simply would have never happened.

Yet that is exactly what did happen when the President, Donald Trump, pardoned hundreds of criminals who violently assaulted Capitol Police officers and DC Police officers on January 6. That was his priority on day one of his Presidency. It wasn't to lower the price of gas or groceries or housing; it was to let violent criminals off the hook for storming this building and attacking the police, leaving many of them bleeding and bruised or worse—in some cases much, much worse.

Now, how does this line up with backing the blue? I don't get it. These pardons are an insult to every man and woman, like my parents, who served and served our country in law enforcement.

President Trump is sending a message that violence against cops is OK when it is done for him. That is a message that all of us must reject unequivocally.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. Kaine. Mr. President, I rise together with my colleagues to speak in opposition to the President's action pardoning those who attacked this Capitol on January 6, 2021.

I was here that day. I shared that day with these colleagues, and we all have memories of it—memories that we never would have imagined and hope never to repeat.

But I am not going to talk about my experiences of the day. I am going to talk about a friend, a Virginian, Howie Liebengood, a Capitol Police officer who spent his career protecting this building and who died as a result of that day.

And the fact that President Trump would pardon the people who attacked

this Capitol, leading to Howie Liebengood's death, is a deep, deep stain on President Trump and, frankly, a stain on this body if we casually tolerate it.

Howie Liebengood is a Virginian who grew up in this building. His father was the Sergeant at Arms of the U.S. Senate and, prior to assuming that role, worked in other roles in the Senate. And Howie and his two siblings grew up coming to the Capitol and treating it like it was sort of their playground and their yard—running through the halls, meeting Senators, hearing their dad tell stories about what it was like to serve this article I branch as a patriotic American public servant.

When Howie came of age, he started a career that he enjoyed and worked together with his father for a number of years as a NASCAR driver, and he worked on the NASCAR circuit, kind of working his way up from minor league races to more significant races. But after a number of years of doing that—look, he was a child of the U.S. Senate. He was a child of this Capitol, and he decided that he would enter the training program to be a Capitol Police officer.

And he told his siblings—by this time, his father had passed. He told his siblings: I think my dad would be very, very proud of me.

Howie went through the academy and became a Capitol Police officer, and I came to know him, as I suspect many of my colleagues did, because he usually was staffing the Delaware door at the corner of Delaware and Constitution right here, the Delaware door into the Russell Building. And this is a door that—I know Senator MURRAY's office is right close to that door. It may be the closest office to that door, and mine is close as well.

We would come in in the morning, and Howie Liebengood would be there to greet us, to ask us a question about the procedural vote from the night before or what was on today. As much as he was a friend of mine, he was even more of a friend of my staff. My staff loved interacting with Howie. And he eventually served as a Capitol Police officer for 15 years.

He was here on January 6 when his beloved Capitol was attacked. And as devastating as that attack was for many of us, for Howie—who had made this place his whole life, who had really been raised in these halls—that attack was very devastating. In the aftermath of the attack, those working on the Capitol Police were put on extended hours, little sleep. Would there be more attacks? Where was this going? What would happen? It was a time of fear and anxiety and confusion.

And a few days later—within 3 days after that attack of January 6—Howie went to his home in Virginia. His wife Serena asked if he was doing OK. She could tell he was under enormous stress. And he said he just needed to sleep.

And Howie went upstairs and, using his own service revolver, ended his life.

Howie Liebengood would be alive today—Howie Liebengood would be alive today if President Trump hadn't urged people to gather to do something wild in Washington, DC, on January 6, 2021, and then urged those gathering to go up and raise hell at the Capitol. My friend would be alive if President Trump had not done what he did.

I have waited in vain, not naively, but with a hope that there might be some—some—sign of remorse over what happened, for the pain suffered by Serena Liebengood and Howie's siblings and family members, for other law enforcement officers, all of whom lived in Virginia, who lost their lives as a result of that day. Dozens of others were injured.

And I have waited for years to see if there might be some semblance of remorse shown by the President who inspired that attack, for the damage and pain and loss of life and injury that he has caused, and I have seen not a shred of it.

But these pardons are the ultimate injustice, are the ultimate injury. The family is still suffering. For them, it is salt in an unhealed wound and an injury that will never heal.

And so I join with my colleagues, in Howie's memory, in support of Serena, in support of Howie's family, to stand on this floor and deplore as strongly as I can—and words aren't sufficient to really explain how I feel about this, but I stand here to deplore as strongly as I can the pardons of these lawbreakers who gathered for a particular time, at a particular moment, in a particular place to conduct violence in the cause of a particular result: the overturning of the peaceful transfer of power.

And as I sit down, Mr. President, I will just say this: I lived in a military dictatorship in 1980 and 1981 in Honduras when the military ran everything. I know what authoritarianism is. I didn't live there for years like my Honduran friends, but I experienced it. I was very naive. I was 22 years old when I lived there, and I saw what it is like to have a society run by somebody who believes they are all-powerful, who can change any rule, who can foment violence, who can make sure that those who commit violence escape with impunity. I know what this is like, and we are in danger of moving into the same kind of authoritarian behavior when we casually pardon and excuse those who perpetrate violence to overturn our democracy. That is a big concept, but it all comes down to the effect that it has on individual people like my friend Howie Liebengood.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, many of us who were here on January 6 have pretty indelible memories. I am looking at Senator MURRAY, who has particularly harrowing memories. One of mine is, I was one of the last people out of the Senate, and by the time we got to the room where we were seques-

tered for our own protection from the mob, colleagues were irate, and they had been frightened.

There is footage of Republican Senators running through the halls to get away from the mob. I remember one of our colleagues shouting out that we should get back over here to vote even if it meant protesters would have to be shot—again, a Republican.

There were 600 of the rioters here who committed violence on police officers, and nearly 200 of them used weapons. They were convicted of this after all proper, fair procedures in an American court of law.

Then the notion of pardons started to come up, and we were basically shushed by our Republican colleagues. Oh, that will never happen.

The Vice President said: If you committed violence on January 6, you shouldn't be pardoned. In fact, he said "obviously"—"obviously you shouldn't be pardoned."

Another colleague in the Judiciary Committee chastised Democrats for asking the Attorney General nominee what she would do with respect to the violent January 6 protesters. Would she recommend that the President pardon them? And we were chastised for the absurdity of that question. That is an "absurd and unfair hypothetical to even ask."

Over in the House, JIM JORDAN said that he didn't think anybody violent was going to be pardoned. "I think," he said, "he is going to focus on . . . all the people who didn't commit any violence."

Another colleague on the Judiciary Committee said he was against any such pardons "for people who assaulted cops, threw stuff at cops, broke down doors, broke windows."

We heard this cascade of denial from the other side about these pardons. It was unfathomable that he would do this. It was wrong that he would do this. It was absurd that he would do this. And then he did it.

And what happened? Well, two things happened: One, over 1,000 people who have demonstrated their willingness to commit acts of political violence at the behest of Donald Trump were set loose on the streets. We haven't heard the last of them. There may be another call to arms.

"Will be wild!"

"Be there."

We haven't heard the last of them.

But just the leading edge, in only the week since we have been there—one has already been arrested for a violent confrontation with police officers, another was killed in a shooting incident when he refused to be arrested and engaged police officers with a weapon, and a third is in Rhode Island in our ACI, our adult correctional institute, for having challenged police officers in an armed standoff. Now, he was in prison when he was pardoned. Nobody in this pardon operation thought to understand that this guy actually was convicted again of violence against po-

lice officers and sentenced to a long term of imprisonment in my State.

So we know that there is going to be more violence from these people. We know that Trump now has an on-call assault team that he can use to launch political violence, just the way he did on January 6, and this is a dangerous situation.

This ought to be the easiest vote in the world. How you can even walk through these halls and look our Capitol Police officers in the eye—the ones who were there, the ones who took their lives in their hands to steer the mob away from vulnerable Senators—how you can look them in the eye if you haven't supported this, I don't know.

There is a word in the English language, "subservience." I think we need a word called "Trump-servience" in which things you know you shouldn't do you do anyway because you are either frightened of Trump or want to suck up to him.

This is not a great moment.

There is an effort, frankly, to erase that incident. For a long time: Oh, just peaceful protesters. This was all just, you know, happy people coming in to visit the Capitol, fun and games.

Yeah, so fun that we had Senators running down the aisles to get away from them; so fun that, to get back into this building, we had armed SWAT officers with automatic weapons lining the entire pathway back from where we were secured into this Chamber.

Just remember what our colleagues were saying in that time period, but the effort to erase this moment goes on. It occurred just recently in the Judiciary Committee when the Attorney General nominee said that there had been a peaceful transfer of power, like January 6 never happened.

I asked a question for the record, asked her to explain that. She said: Well, on Inauguration Day, it was peaceful.

Do you remember why it was peaceful on Inauguration Day? Because we had the Capitol of the United States surrounded by more soldiers, more police officers, more fencing, more snipers, more law enforcement and military safety people than had probably been the case since the Civil War. Yet now everything is peaceful.

We cannot forget what happened here. It is wrong to forget what happened here. It is an insult to this Capitol to forget what happened here. It is an insult to the men and women of the Capitol Police Department and the DC Police Department and the others who came in to fill in when they were overwhelmed by these brutal rioters.

So I am glad that Senator MURRAY did this. I appreciate very much the opportunity to speak on their behalf, both for the sake of those police officers and for the sake of the truth and for the sake of our history here. This deserves to be remembered.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mr. SCHIFF. Mr. President, 8 days ago, democracy and the rule of law were dealt another blow. It wasn't at the hands of a mob this time. No bear spray. No battering rams. No chants of "Hang Mike Pence" or "Where's Nancy?" echoing through these halls. This time when the blow came, it made barely a sound. No screaming rioters in military garb and Viking helmets—only a President in a suit and tie with the demure flourish of a pen.

Eight days ago, President Trump pardoned over 1,500 people who assaulted this Capitol, brutalized police officers, and sought to overthrow a free and fair election. Among them were the ring-leaders of the Proud Boys and the Oath Keepers—violent, unrepentant, White nationalists who orchestrated an insurrection; some who were convicted of seditious conspiracy, others of beating police officers, of dragging them into a mob, of bear-spraying them, of crushing them in a revolving door. Horrifying, sickening stuff.

With the flick of a wrist, their benefactor, their inspiration, Donald Trump, erased their crimes and handed them something unthinkable in a democratic society: absolution in the form of pardons and clemency.

This was not mercy; this was madness—1,550 pardons; 1550 acts of absolution for those who committed violence against our Constitution and against those who swore to defend it; 1,550 "get out of jail free" cards handed to individuals who tried to overturn a free and fair election.

Make no mistake, these pardons were a promise—a promise that if you commit violence in Donald Trump's name, you will be protected and you will be hailed, even glorified, for your violence; a promise that no matter how egregious your actions on behalf of this President may be, accountability will not find you; a promise that America will now have to live with the fear that January 6 may not be the last of the violence in service of this President.

Senator KAINE was saying that we have seen what happens when democracies falter, when leaders resort to violence and when those who were meant to stop them lose their will, when those who defy the rule of law are exalted instead of prosecuted. History is littered with the wreckage of nations whose leaders decided that violence for them was more important than justice, more important than the law, more important than the people.

Sadly, these pardons are not the last action the President will take to bend and subvert the rule of law to his will.

Already, we have seen this President and his Justice Department fire those who led a completely justified investigation into him, which led to indictments and, if allowed to proceed to a jury, would likely have led to his conviction.

We have seen his Justice Department announce an investigation into the investigators and those who prosecuted important cases against January 6 violent criminals.

We have seen this Justice Department, his Justice Department, reassign those who were viewed as not loyal enough.

We will see a lot more before the week, the month, and the year are out—much more. If we are to remain a democracy, we had better see much more done to stop it. In this body, in this vital check on the power of the Executive, we must see more done to stop it. We must draw a line here. We must draw a line now.

The Vice President argued that these pardons are about liberty. They are not. I ask you: What does liberty look like to the police officer who was beaten with a pole that once held the flag he was sworn to defend? What does liberty look like to the congressional staff who barricaded themselves in their offices, listening to the chaos outside? What does liberty look like to the families of those who died as a result of the violence that day?

Liberty and justice don't come from pardoning the perpetrators of violence; it comes from ensuring that violence is not repeated, condoned, absolved.

The question before us is simple, one that our Founders answered correctly and that today we must answer again: Are we a nation of laws or are we a nation of men or more specifically, of one man, above accountability, beyond reproach? Because make no mistake, we cannot be both.

What does it say if the Senate cannot and will not pass such a straightforward recognition of the law enforcement officers who protect us or a condemnation of the rioters who attacked them and tried to stop the peaceful transfer of power? It says that we are willing to see our cherished legacy die with a whimper, one sordid absolution after another. It is really that simple.

I urge my colleagues to join me, to join us, in condemning this most grotesque abuse of power. Condemn these pardons.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

#### TRUMP EXECUTIVE ORDERS

Ms. KLOBUCHAR. Mr. President, I thank the Senator from Washington and Senators SCHUMER and DURBIN for bringing us together to condemn the pardons and what happened, but I also want to first express my dissatisfaction about what is happening with this administration in just the first week.

It was only a week ago that we gathered in the Capitol Rotunda, and, as I said that day, there is a reason we have three branches of government under the Constitution.

The first article is article I, which establishes the Congress and makes very clear our job to have people's backs. And what has happened with an order in the middle of the night—just a letter from a bureaucrat, in which one person can—what?—basically get ahead of the Constitution—I think we have gathered here today saying: No.

This has real consequences for people's lives. I think about the mom who

didn't know this morning if she could send her kid to childcare. I think about the teenager—and I was contacted about this—in a cancer study, hoping that it is going to save his life. I think about the woman in an abusive relationship who has nowhere to go because her local domestic violence shelter couldn't take her in.

Our office heard today from a domestic violence organization in Minnesota that said it could not access critical funding.

We think about the first responders and the firefighters all over our country. We think about what we saw them doing in Los Angeles over the past month. Grants that pay for their equipment, funding that pays for them to allow them to hire firefighters—this is not acceptable.

It is not the executive branch's decision to make. It is Congress's job to direct funding through laws passed by both Chambers. In fact, the laws we are dealing with here clearly had bipartisan support. That is how they got in when we had one House that was Republican and one House that was Democratic. Now that switched, and they are both Republican. But the money and the funding were supported by both parties.

The American people have sent us here to represent our constituents, and that is what we are doing.

This chaos that we have seen today, with multiple groups and people not knowing what was happening, reminds me of the last Trump administration. We saw the same thing.

JANUARY 6

Just a few days ago, the President issued blanket pardons for the insurrectionists who desecrated this very building on January 6, 2021. It is a shocking display of disrespect for the law enforcement heroes who defended our democracy.

I will say, I have been critical of pardons from Presidents of both parties. I think we desperately need pardon reform. While it is the power of the President, when you look at what Governors do across the country, which actually have commissions set up that make recommendations on pardons, you could still have the power to pardon, but you could make recommendations and more thoroughly look at these cases on a case-by-case basis.

So January 6 and the assault on our democracy, many of us were there. I was the one with Senator Blunt, the former Senator of Missouri. We were the leads on the Rules Committee, and we were the ones, at 3:30 in the morning, when everyone had gone home, that made that walk with Vice President Pence. It was just the three of us and three pairs of young women holding the mahogany boxes with the electoral ballots that one of the young pages had the wherewithal, and the Parliamentarian staff, to get out of the Chamber before it was invaded.

In the morning, when we made that walk, it was a celebration—pomp and

circumstance—everyone following behind us. And then that night, at 3:30 in the morning, we had officers with scratches on their faces, over 100 of them injured, and we made that walk over broken glass and by pillars spray-painted with racist vulgarities.

We made that walk, and democracy prevailed. Part of that democracy was to make sure that those who violated the law, those who assaulted the police officers, those who had members of our staff—people always focus on the Members of Congress, but so many members of our staffs were hiding. My staff was hiding in the little kitchen downstairs, with knives in their hands, for 3 hours, behind a door. Two of them were in this little closet off the kitchen. That story was repeated throughout the Capitol.

These were assaults. This was a violent mob that attacked our democracy and attacked brave men and women of the Capitol Police who were defending it.

Over the last 4 years, I have led bipartisan hearings to examine the events and the security failures. I did that with Senator Blunt and Senator Portman and Senator PETERS. We have worked. We have 103 recommendations that came out of the inspector general and dozens out of our committees, and Chief Manger has met the challenge—all 103 recommendations. We have increased morale. We have the fact that we have more police officers. We hired hundreds more.

Then came the gut punch of these pardons—the gut punch to justice, the gut punch to these police officers. They were the heroes that day, not the criminals that stormed the Capitol because they didn't like the election result. To pardon these criminals, many of them convicted of very serious felonies, is to endorse political violence. It is a slap in the face of the men and women of law enforcement who showed true patriotism that day, and it is truly an affront to our democracy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, we have several other colleagues who are going to come later to speak about this as well.

I wanted to thank everyone who is here today. We want to make it very clear that we will not forget what happened on January 6. I don't care what records they raise or what kind of new stories they want to tell. We know what happened. This country cannot forget.

And, today, we are here simply to say that the Senate disapproves of the pardons for individuals who were found guilty of assaulting Capitol police officers. I am disappointed that our Republican colleagues, today, refuse to join us.

I yield the floor.

The PRESIDING OFFICER (Mr. SHEEHY). The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, on January 6, many of us stood right here toward the beginning of the day. In fact, most of us can remember, almost minute by minute, what occurred as we learned that the Capitol was under attack. It was under attack, not just metaphorically. It was actually under physical attack on that day by rioters who bore pipes and baseball bats and, yes, firearms and physically battered this place. And they threatened every one of us who was here.

They did more than threaten the police officers who defended the Capitol on that day. They actually assaulted those police officers. They attacked them brutally—sometimes with their own shields or with arms that they brought with them. They gave lasting, severe injuries to a number of them and, in some instances, contributed to their deaths. The mob violently attacked those police officers—punching them, kicking them, choking them, pepper-spraying them, plunging stun guns into their necks, beating them with all kinds of weapons, including flag poles, hockey sticks, as well as those baseball bats.

Many of us have heard Capitol Police officers recount their feelings on that day—terror, fear, guilt. They thought they would die. They even thought that that would be their last day, and some phoned their families to tell them as much. These brave officers suffer from severe and lasting injuries and trauma. Five died in the aftermath. All experienced some form of very severe pain and trauma.

Nearly 600 rioters were charged with assaulting law enforcement officers, and 170 of them were charged with using a deadly weapon or a dangerous weapon to commit the assault. True, they were not charged with killing anyone, but those charges against them were serious and severe. They were convicted by juries of everyday Americans who were instructed properly as to the law by judges who were simply following those statutes on the books, and they convicted those defendants, insurrectionists, rioters in proceedings that have been reaffirmed on appeal, where there were appeals, or where there were guilty pleas and an acknowledgment of responsibility from some.

Now, with clearly callous regard for the justice system, for those juries, for the prosecutors, for the judges, for the rule of law, the President has gifted them—gifted them—“full, complete, and unconditional” pardons—“full, complete, and unconditional” pardons—even after those proceedings of lawfully convicting them. Shame on him.

These sickening pardons are the ultimate show of disrespect for our police officers and a clear endorsement of political violence. His actions normalize political violence. They condone it—maybe even encourage it—because, from now on, those kinds of rioters who disrupt the lawful and peaceful

transition of power or any other functioning of our government can at least hope for and, under this President, maybe expect that they will never be held accountable.

These pardons are a betrayal not only of these officers—the Capitol Police—on that day, who defended and protected us and who literally were willing to lay down their lives for our democracy, but these abuses of pardons show that it is past time for Congress to enact reform and implement restraints on the pardon power. America elects Presidents, not Kings with unfettered power. The pardon power was lifted—taken from England—by the Founders, who saw the practice in the monarchy at that time. It was one of the only powers—maybe unique among powers—in its being totally unchecked. We need accountability and transparency, starting with this resolution—transparency and accountability, starting here.

But we also need the measure that I propose, the Pardon Transparency and Accountability Act, which will impose some guardrails and safeguards: a statement by the President explaining why he is doing a specific pardon, because it is supposed to be an individualized judgment; then a justice impact statement that gives the victim of that crime or any related offense the opportunity to be heard and state a position; the prosecutors an opportunity to state a view; and a disclosure as to what lobby—maybe even campaign contributions—have been involved.

Ultimately—and I know we are speaking to history here—there needs to be a change in the Constitution, an amendment, that, in effect, shares that pardon power with other branches of government. It may be that pardons are appropriate whether as an exercise of mercy or ultimate justice or a recognition of rehabilitation for whatever reason. Maybe we need the pardon power, but it should not be unchecked and absolute in the President. We are limited as to what we can do in reform because it is in the Constitution. What we can do without a constitutional amendment by statute is simply to require some explanation, a justice impact statement, fuller disclosure, and more transparency and accountability in the limited ways that the Constitution permits, but we need to begin with this resolution today—right away.

I urge my Republican colleagues who were protected on that awesomely terrible day and who now are silent—they are silent in the face of these sickening pardons—to join us. Come with us in condemning the violence that occurred and stand with the officers—the police, the law enforcement. Stand with the blue, and condemn the violence of that day. Stand with the officers who put their lives on the line and who suffered injury, maiming, and some deaths in the aftermath.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Mr. President, the murder rate in the United States today—the global murder rate—is infinitesimal. It is a fraction of what it was 200 years ago, 400 years ago, 600 years ago—a fraction of what it likely was in the Bronze Age or in the days when native Tribes patrolled this land.

What we have seen over the course of global history is that human beings have decided that instead of advancing our social power or our economic power or our political power through violence, we are going to have law and order. We are going to have economies that reward merit. We are going to punish people who disobey those laws to protect the rest of us, and that has served us really, really well. Today, you are fundamentally less likely to be attacked, to be murdered by a neighbor, by somebody you have a contest with than you were centuries ago.

Donald Trump is throwing that out the window. Donald Trump is throwing out the window the idea that we only advance ourselves politically or economically or socially through non-violent means. What happened last week is that Donald Trump said to this country: If you use violence on my behalf, you are off the hook. If you beat the hell out of police officers, if you pound them over the head with metal poles, if you yank them by the neck and drag them into a crowd and hold them down so that people can stomp on them, if you tase police officers to the point that they suffer a heart attack, as long as you are doing that to advance my political power, you are off the hook.

The people who walked out of jail last week were convicted of viciously violent crimes. Yes, there were plenty of people who were convicted who didn't engage in that horrific violence, but I was here in this Chamber that day. I remember all of my Republican colleagues running out the door just like the Democrats did. I don't remember any of my Republican colleagues staying in the Chamber to greet the tourists. Everybody knew that our safety was in jeopardy. Democrats certainly knew our safety was in jeopardy because, as we found out, many of those protesters were looking for Democrats.

One of the most violent protesters who was let out of jail last week—in the middle of his sentence after he had beaten up police officers—went to the gallows, went to the noose that was constructed, and posted on social media: Too bad no Democrats here.

If you beat up a police officer for reasons other than perpetuating Donald Trump's power, you are still in jail. The only people who beat up police officers in the year 2021 who got let out of jail last week—the only ones—were the ones who beat up police officers to help Donald Trump. That sends a clear signal that your violence is excused if it is for Donald Trump's political purposes, and that puts all of our lives in jeopardy. That puts our democracy in

jeopardy when violence is excused. And what we are learning in the days following that unconscionable Executive order of pardoning the rioters—not some of the rioters, everyone—is that it is part of a plan.

Listen, I have done a lot of work across the aisle. I have such respect for my Republican colleagues. I have spent hours, weeks, days sitting in rooms, negotiating immigration bills and voting bills and public safety bills. But, man, you are watching this President trying to seize power right now, trying to make us irrelevant, trying to suppress political dissent. What happened last night is part of a story. A President can't be the only person in charge of who gets money or not in this country. That is corrupt because then the President can dole out money to his political friends or the friends of his billionaire friends. He can dole out money to States with Senators who are loyal to him. He can punish companies that are competitors with his billionaire friends or punish States represented by people who are disloyal to him.

That is not how our democracy works. We are in charge of making sure that taxpayer money is spread out evenly. That has nothing to do with loyalty or disloyalty to the leader.

A couple of days ago, all of the inspectors general just got fired. That is illegal, but they all got fired. Why? Because, if you are going to engage in corruption inside these Agencies, you don't want anybody to be watching.

So you have got to put this next to each other. You have got to understand the story. If you are trying to transition our democracy to a government of which only one person is in charge, you permit people to engage in violence on your behalf so as to intimidate the opposition into being silent. And I am just going to tell you, if you don't believe this, there are a lot of folks who don't support Donald Trump who are not going to show up to rallies, who are not going to participate in politics because they just learned that if they do and somebody hurts them, that person might be let off the hook. You excuse violence. You arrange government so you can operate in darkness, and you rig the rules so that nobody is in charge of dispensing money except for you. Violence is a legitimate tool of politics; one person in charge of doling out money; government decisions made in secret.

That is not a democracy; that is a recipe for corruption—for corruption.

So, yes, I am fuming mad about how my Republican colleagues talk about law and order and then mostly, with a few exceptions, either remain silent when the most violent January 6 protesters get pardoned or celebrate those pardons. But I also want to be clear that it stands in a context of actions taken during this first week that are undermining our democracy to the point of putting it on the brink of possible extinction as a means for funda-

mental corruption to take place inside our government. That should be unacceptable. That is unacceptable.

I am thankful to Senator MURRAY and others for bringing this down to the floor to raise this alarm bell.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Ms. CORTEZ MASTO. Mr. President, I am so appreciative of my colleagues coming down here to talk about not only the January 6 pardons that President Trump has done but to stand with the men and women in law enforcement.

When I am home, quite often I will hear at times: Well, Democrats don't support law enforcement. They don't support the men and women who keep our communities safe.

That is just not true, as you can see today.

But here is what I know, and this is why this is devastating, I think, to so many men and women who not only are Capitol Police officers right here who defended this Capitol on January 6, who stand guard to protect us, but, honestly, for all of the men and women in law enforcement across this country who are paying attention and watching what this President does. Will he have their backs when the time comes? Will he be there to truly support them in their time of need when they are doing their job like he says he will?

We have spent the last decade hearing Donald Trump talk about law and order and cracking down on crime. Last fall, on a national podcast, he called for giving our law enforcement back their dignity. He said we need to give them their "dignity back." Just last week at the White House, at a press conference, he claimed to be a friend of the police.

Well, now, Donald Trump has been in office for just 1 week—although, I will be truthful, it seems like longer, but it has just been 1 week—and already, his actions have made it crystal clear that he does not mean what he says. In fact, from his actions that we have seen so far, he is actively working against the men and women in law enforcement, not only those here who work in this Capitol but across this country.

Let me put this in starker terms that I think my Republican colleagues will understand. Nevada families across my State have been torn apart by dangerous drugs like methamphetamine and opioids. That is true for so many families across the country, including, Mr. President, in your own State. It doesn't matter if they are Democrats or Republicans or libertarians or Independents, illicit drug trafficking is impacting everyone in this country.

But last week—just last week—Donald Trump pardoned the founder of Silk Road. What is Silk Road? It is an underground internet site that oversaw the trafficking of \$200 million in illegal drugs and other illicit trade. The founder of Silk Road was convicted by a jury of his peers and sentenced to life

in prison for participating in a criminal organization and distributing narcotics on the internet. In fact, we know after that trial that some Americans died after purchasing those illicit drugs on that website—a website that was specifically designed to skirt the law and support criminal activity. But now this founder, the founder of that website who was sentenced to life in prison, is walking free because Donald Trump pardoned him.

Donald Trump giving a full, unconditional pardon to this drug dealer and criminal profiteer is a slap in the face to the victims of this crisis and to law enforcement who work to promote our communities and to keep our communities safe.

What Donald Trump has done is not law and order; it is chaos. And it is not just with one pardon. Donald Trump has pardoned more than 130 individuals—130—who were convicted of assaulting police officers and some of them right here at the Capitol.

Like my colleagues you have heard, I was here that day. I will never forget it. I remember, in the Capitol, running into one of those police officers who had been pepper-sprayed by a rioter in Donald Trump's mob. At the same time while he was washing out his eyes, he was reassuring us Senators that, don't worry, I have your back, and I am standing guard. And he ran back out to the front of the Capitol. He was doing his job that day.

But do you know what else happened that day? As we all saw—we saw it on TV, and those of us who were here either saw it personally or later found out—those rioters and those insurrectionists actually came to the Capitol with weapons and zip ties. Now, if nobody knows what is a zip tie is, that is a handcuff. What were these rioters doing with weapons and zip ties coming into our Capitol?

They used WD-40 and bear spray on our officers—a perfect example, the officer I saw that morning—and they assaulted our officers with American flags—American flags. They were beating them with these poles of these American flags.

This is not some political conspiracy that Donald Trump would like to rewrite; these were insurrectionists. We all know. They posted online. You saw those videos. If you didn't watch it real time on TV, you saw those videos. We saw them shoving, punching, and attacking our law enforcement.

Now, instead of serving their time and facing the consequences of the dangerous actions that they committed against our officers, Donald Trump is telling them that not only were they wrongfully punished but, in fact, their behavior on that day is encouraged by him as long as—listen. Think about this. It is encouraged by him as long as they are doing his bidding. As long as they are doing his bidding, he does not have the backs of our law enforcement officers.

Criminals convicted of attacking law enforcement are now giving TV inter-

views. You have heard from some of my colleagues that they are giving interviews saying that President Trump's pardons have vindicated their actions.

This is an endorsement of political violence. These actions—what President Trump has done is an endorsement of political violence. Quite honestly, it is an insult to the men and women who risk their lives every day to keep our families safe.

Why do I know that? You don't have to trust what I am saying. Let me just ask you this: I cannot imagine anyone here in this room—when you have a problem, you have a concern about the safety of your family or friends at home or wherever you are, what is the first call you make? To 911 to get a law enforcement officer to come and stand and protect you.

I happen to know many law enforcement officers personally because I have spent a good part of my career as a prosecutor—not only here in this U.S. Capitol but as the attorney general of the State of Nevada. I have spent most of my life working with some great men and women in law enforcement.

Oh, by the way, I am married to one. My husband worked in Federal law enforcement his entire career. Like the men and women in law enforcement, his priority in doing his job was to keep people safe because that is what our law enforcement does. That is what they are trained to do—to put their lives on the line every single time—every single time—to keep our communities safe.

Let me just say it is not just the law enforcement officers—it is not a slap in the face to just those officers; it is to their families because when you are the spouse or the loved one of an officer who gets that call, sometimes in the middle of the night, and they are going out to address some sort of crime or activity that is happening in their community to keep our communities safe, you don't know if they are coming back.

There are two calls—the worst kinds you can get as a spouse of a law enforcement officer. The first one is from your spouse saying: I am in the hospital, but don't worry; everything is OK. The second one is not from your spouse, but it is from another law enforcement officer telling you that your husband or wife went out on a call and didn't come back. The sacrifices not only of our officers but their loved ones need to be considered.

If we truly believe in law and order and we truly believe that we should support them because they put their lives on the line every single day, then we should stand to have their backs. No matter how difficult it is, no matter your politics, no matter what is happening, we should always be there to support them.

You can imagine from what I am saying and my personal background that I will always stand up for law enforcement. I have passed legislation to support public safety under both adminis-

trations, Democratic and Republican. I will always speak out when our leaders act against law enforcement, whether they are a Democrat or a Republican.

Listen, I have heard some of my colleagues call out President Biden's pardons as an excuse not to call out Donald Trump's pardons, but let me just say I disagreed publicly with President Biden. I disagreed publicly with granting pardons to his family. I disagreed publicly when he gave clemency to Leonard Peltier, who was convicted of murdering two FBI agents. I disagreed with President Biden in commuting the sentence of Adrian Peeler, who was convicted of drug trafficking and murder.

I will tell you what, I also spoke out when President Biden nominated Adeel Mangi to be a Federal judge. I did not support him because of his affiliation with a group that wanted to let cop killers out of prison. Now, that was me standing up for law enforcement.

Believe me when I say this is not partisan. This is about standing up for the men and women who put their lives on the line every day despite the fact that you may be in the same party of the ongoing President. It shouldn't be hard.

Listen, everybody knows. Everyone knows in our communities that if you commit a violent crime in our communities, you should face the consequences.

But you know what, don't take my word for it. There are many police organizations out there—one of which is the largest organization of sworn law enforcement officers in the world, the Fraternal Order of Police—and they have condemned Trump's pardoning of those who assaulted Capitol Police officers on January 6.

But I will tell you what—I will tell you what—there are too many Members of this body who had the benefit of those Capitol Police officers on January 6 protecting their lives, too many who have been oddly silent to what Donald Trump has done in pardoning individuals who committed violent crimes against our police officers.

And you have heard that, earlier today, my Democratic colleagues and I, we cosponsored a resolution to condemn these pardons. You would think that it is very simple. Everybody should get on board. Everybody should have the back of a police officer. Even my Republican colleagues, who claim to be pro-law enforcement, should have signed this resolution and stood with it. But you heard what happened today: It was opposed.

The only thing I can tell you, Mr. President, in this day and age, is that if we truly believe in law and order and we want to work together to keep our communities safe, we have to not only talk about it, but we have to act, because the American people deserve better. The American people deserve a President who isn't going to release violent criminals back into our communities. The American people, they



deserve safety, and our law enforcement, who maintain that safety, they need to know we have their backs.

With that, I yield the floor.

The PRESIDING OFFICER. The majority leader.

## LEGISLATIVE SESSION

### MORNING BUSINESS

Mr. THUNE. Mr. President, I ask unanimous consent that the Senate resume legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

### U.S. SENATE SELECT COMMITTEE ON ETHICS RULES OF PROCEDURE

Mr. LANKFORD. Mr. President, in accordance with rule XXVI, paragraph 2 of the Standing Rules of the Senate, I ask unanimous consent, for myself as chairman of the Select Committee on Ethics and for Senator COONS, vice chairman of the committee, that the rules of procedure of the Select Committee on Ethics, which were adopted February 23, 1978, and revised November 1999, be printed in the CONGRESSIONAL RECORD for the 119th Congress.

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

#### RULES OF THE SELECT COMMITTEE ON ETHICS

##### PART I: ORGANIC AUTHORITY

##### SUBPART A—S. RES. 338 AS AMENDED

S. Res. 338, 88th Cong., 2d Sess. (1964)<sup>1</sup>

Resolved, That (a) there is hereby established a permanent select committee of the Senate to be known as the Select Committee on Ethics (referred to hereinafter as the "Select Committee") consisting of six Members of the Senate, of whom three shall be selected from members of the majority party and three shall be selected from members of the minority party. Members thereof shall be appointed by the Senate in accordance with the provisions of Paragraph 1 of Rule XXIV of the Standing Rules of the Senate at the beginning of each Congress. For purposes of paragraph 4 of Rule XXV of the Standing Rules of the Senate, service of a Senator as a member or chairman of the Select Committee shall not be taken into account.

(b) Vacancies in the membership of the Select Committee shall not affect the authority of the remaining members to execute the functions of the committee, and shall be filled in the same manner as original appointments thereto are made.

(c) (1) A majority of the members of the Select Committee shall constitute a quorum for the transaction of business involving complaints or allegations of, or information about, misconduct, including resulting preliminary inquiries, adjudicatory reviews, recommendations or reports, and matters relating to Senate Resolution 400, agreed to May 19, 1976.<sup>2</sup>

(2) Three members shall constitute a quorum for the transaction of routine business of the Select Committee not covered by the first paragraph of this subparagraph, including requests for opinions and interpretations concerning the Code of Official Con-

duct or any other statute or regulation under the jurisdiction of the Select Committee, if one member of the quorum is a member of the majority Party and one member of the quorum is a member of the minority Party. During the transaction of routine business any member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the members of the Select Committee are present.

(3) The Select Committee may fix a lesser number as a quorum for the purpose of taking sworn testimony.<sup>3</sup>

(d) (1) A member of the Select Committee shall be ineligible to participate in—

(A) any preliminary inquiry or adjudicatory review relating to—

(i) the conduct of—

(I) such member;

(II) any officer or employee the member supervises; or

(III) any employee of any officer the member supervises; or

(ii) any complaint filed by the member; and

(B) the determinations and recommendations of the Select Committee with respect to any preliminary inquiry or adjudicatory review described in subparagraph (A).

For purposes of this paragraph, a member of the Select Committee and an officer of the Senate shall be deemed to supervise any officer or employee consistent with the provision of paragraph 12 of Rule XXXVII of the Standing Rules of the Senate.

(2) A member of the Select Committee may, at the discretion of the member, disqualify himself or herself from participating in any preliminary inquiry or adjudicatory review pending before the Select Committee and the determinations and recommendations of the Select Committee with respect to any such preliminary inquiry or adjudicatory review. Notice of such disqualification shall be given in writing to the President of the Senate.

(3) Whenever any member of the Select Committee is ineligible under paragraph (1) to participate in any preliminary inquiry or adjudicatory review or disqualifies himself or herself under paragraph (2) from participating in any preliminary inquiry or adjudicatory review, another Senator shall, subject to the provisions of subsection (d), be appointed to serve as a member of the Select Committee solely for purposes of such preliminary inquiry or adjudicatory review and the determinations and recommendations of the Select Committee with respect to such preliminary inquiry or adjudicatory review. Any Member of the Senate appointed for such purposes shall be of the same party as the Member who is ineligible or disqualifies himself or herself.<sup>4</sup>

Sec. 2. (a) It shall be the duty of the Select Committee to—

(1) receive complaints and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, violations of the Senate Code of Official Conduct<sup>5</sup> and violations of rules and regulations of the Senate, relating to the conduct of individuals in the performance of their duties as Members of the Senate, or as officers or employees of the Senate, and to make appropriate findings of fact and conclusions with respect thereto;

(2) (A) recommend to the Senate by report or resolution by a majority vote of the full committee disciplinary action to be taken with respect to such violations which the Select Committee shall determine, after according to the individual concerned due notice and opportunity for a hearing, to have occurred;

(B) pursuant to subparagraph (A) recommend discipline, including—

(i) in the case of a Member, a recommendation to the Senate for expulsion, censure, payment of restitution, recommendation to a Member's party conference regarding the Member's seniority or positions of responsibility, or a combination of these; and

(ii) in the case of an officer or employee, dismissal, suspension, payment of restitution, or a combination of these;

(3) subject to the provisions of subsection (e), by a unanimous vote of 6 members, order that a Member, officer, or employee be reprimanded or pay restitution, or both, if the Select Committee determines, after according to the Member, officer, or employee due notice and opportunity for a hearing, that misconduct occurred warranting discipline less serious than discipline by the full Senate;

(4) in the circumstances described in subsection (d)(3), issue a public or private letter of admonition to a Member, officer, or employee, which shall not be subject to appeal to the Senate;

(5) recommend to the Senate, by report or resolution, such additional rules or regulations as the Select Committee shall determine to be necessary or desirable to insure proper standards of conduct by Members of the Senate, and by officers or employees of the Senate, in the performance of their duties and the discharge of their responsibilities;

(6) by a majority vote of the full committee, report violations of any law, including the provision of false information to the Select Committee, to the proper Federal and State authorities; and

(7) develop and implement programs and materials designed to educate Members, officers, and employees about the laws, rules, regulations, and standards of conduct applicable to such individuals in the performance of their duties.

(b) For the purposes of this resolution—

(1) the term "sworn complaint" means a written statement of facts, submitted under penalty of perjury, within the personal knowledge of the complainant alleging a violation of law, the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Members, officers, or employees of the Senate;

(2) the term "preliminary inquiry" means a proceeding undertaken by the Select Committee following the receipt of a complaint or allegation of, or information about, misconduct by a Member, officer, or employee of the Senate to determine whether there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred; and

(3) the term "adjudicatory review" means a proceeding undertaken by the Select Committee after a finding, on the basis of a preliminary inquiry, that there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred.

(c) (1) No—

(A) adjudicatory review of conduct of a Member or officer of the Senate may be conducted;

(B) report, resolution, or recommendation relating to such an adjudicatory review of conduct may be made; and

(C) letter of admonition pursuant to subsection (d)(3) may be issued, unless approved by the affirmative recorded vote of no fewer than 4 members of the Select Committee.

(2) No other resolution, report, recommendation, interpretative ruling, or advisory opinion may be made without an affirmative vote of a majority of the Members of the Select Committee voting.

(d) (1) When the Select Committee receives a sworn complaint or other allegation or information about a Member, officer, or employee of the Senate, it shall promptly conduct a preliminary inquiry into matters raised by that complaint, allegation, or information. The preliminary inquiry shall be of duration and scope necessary to determine whether there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred. The Select Committee may delegate to the chairman and vice chairman the discretion to determine the appropriate duration, scope, and conduct of a preliminary inquiry.

(2) If, as a result of a preliminary inquiry under paragraph (1), the Select Committee determines by a recorded vote that there is not such substantial credible evidence, the Select Committee shall dismiss the matter. The Select Committee may delegate to the chairman and vice chairman the authority, on behalf of the Select Committee, to dismiss any matter that they determine, after a preliminary inquiry, lacks substantial merit. The Select Committee shall inform the individual who provided to the Select Committee the complaint, allegation, or information, and the individual who is the subject of the complaint, allegation, or information, of the dismissal, together with an explanation of the basis for the dismissal.

(3) If, as a result of a preliminary inquiry under paragraph (1), the Select Committee determines that a violation is inadvertent, technical, or otherwise of a *de minimis* nature, the Select Committee may dispose of the matter by issuing a public or private letter of admonition, which shall not be considered discipline. The Select Committee may issue a public letter of admonition upon a similar determination at the conclusion of an adjudicatory review.

(4) If, as a result of a preliminary inquiry under paragraph (1), the Select Committee determines that there is such substantial credible evidence and the matter cannot be appropriately disposed of under paragraph (3), the Select Committee shall promptly initiate an adjudicatory review. Upon the conclusion of such adjudicatory review, the Select Committee shall report to the Senate, as soon as practicable, the results of such adjudicatory review, together with its recommendations (if any) pursuant to subsection (a)(2).

(e) (1) Any individual who is the subject of a reprimand or order of restitution, or both, pursuant to subsection (a)(3) may, within 30 days of the Select Committee's report to the Senate of its action imposing a reprimand or order of restitution, or both, appeal to the Senate by providing written notice of the basis for the appeal to the Select Committee and the presiding officer of the Senate. The presiding officer of the Senate shall cause the notice of the appeal to be printed in the Congressional Record and the Senate Journal.

(2) A motion to proceed to consideration of an appeal pursuant to paragraph (1) shall be highly privileged and not debatable. If the motion to proceed to consideration of the appeal is agreed to, the appeal shall be decided on the basis of the Select Committee's report to the Senate. Debate on the appeal shall be limited to 10 hours, which shall be divided equally between, and controlled by, those favoring and those opposing the appeal.

(f) The Select Committee may, in its discretion, employ hearing examiners to hear testimony and make findings of fact and/or recommendations to the Select Committee concerning the disposition of complaints.

(g) Notwithstanding any other provision of this section, no adjudicatory review shall be

initiated of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code. The Select Committee may initiate an adjudicatory review of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Select Committee.

(h) The Select Committee shall adopt written rules setting forth procedures to be used in conducting preliminary inquiries and adjudicatory reviews.

(i) The Select Committee from time to time shall transmit to the Senate its recommendation as to any legislative measures which it may consider to be necessary for the effective discharge of its duties.<sup>6</sup>

Sec. 3. (a) The Select Committee is authorized to (1) make such expenditures; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; (7) employ and fix the compensation of a staff director, a counsel, an assistant counsel, one or more investigators, one or more hearing examiners,<sup>7</sup> and such technical, clerical, and other assistants and consultants as it deems advisable; and (8) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, by contract as independent contractors or, in the case of individuals, by employment at daily rates of compensation not in excess of the per diem equivalent of the highest rate of compensation which may be paid to a regular employee of the Select Committee.<sup>8</sup>

(b) (1) The Select Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the executive branch of the Government) whenever the Select Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, which, in the determination of the Select Committee is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee.<sup>9</sup>

(2) Any adjudicatory review as defined in section 2(b)(3) shall be conducted by outside counsel as authorized in paragraph (1), unless the Select Committee determines not to use outside counsel.<sup>10</sup>

(c) With the prior consent of the department or agency concerned, the Select Committee may (1) utilize the services, information and facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee thereof, the Select Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the Select Committee determines that such action is necessary and appropriate.<sup>11</sup>

(d) (1) Subpoenas may be authorized by—

(A) the Select Committee; or

(B) the chairman and vice chairman, acting jointly.

(2) Any such subpoena shall be issued and signed by the chairman and the vice chairman and may be served by any person designated by the chairman and vice chairman.

(3) The chairman or any member of the Select Committee may administer oaths to witnesses.<sup>12</sup>

(e) (1) The Select Committee shall prescribe and publish such regulations as it feels are necessary to implement the Senate Code of Official Conduct.

(2) The Select Committee is authorized to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction.

(3) The Select Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(4) The Select Committee may in its discretion render an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(5) Notwithstanding any provision of the Senate Code of Official Conduct or any rule or regulation of the Senate, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of paragraphs (3) and (4) and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

(6) Any advisory opinion rendered by the Select Committee under paragraphs (3) and (4) may be relied upon by (A) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered: Provided, however, that the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and, (B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(7) Any advisory opinion issued in response to a request under paragraph (3) or (4) shall be printed in the Congressional Record with appropriate deletions to assure the privacy of the individual concerned. The Select Committee shall, to the extent practicable, before rendering an advisory opinion, provide any interested party with an opportunity to transmit written comments to the Select Committee with respect to the request for such advisory opinion. The advisory opinions issued by the Select Committee shall be compiled, indexed, reproduced, and made available on a periodic basis.

(8) A brief description of a waiver granted under paragraph 2(c) [NOTE: Now Paragraph 1] of Rule XXXIV or paragraph 1 of Rule XXXV of the Standing Rules of the Senate shall be made available upon request in the Select Committee office with appropriate deletions to assure the privacy of the individual concerned.<sup>13</sup>

Sec. 4. The expenses of the Select Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Select Committee.

Sec. 5. As used in this resolution, the term "officer or employee of the Senate" means—

(1) an elected officer of the Senate who is not a Member of the Senate;

(2) an employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) the Legislative Counsel of the Senate or any employee of his office;

(4) an Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) a Member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) an employee of the Vice President if such employee's compensation is disbursed by the Secretary of the Senate; and

(7) an employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate.

SUBPART B—PUBLIC LAW 93-191—FRANKED MAIL, PROVISIONS RELATING TO THE SELECT COMMITTEE

Sec. 6. (a) The Select Committee on Standards and Conduct of the Senate [NOTE: Now the Select Committee on Ethics] shall provide guidance, assistance, advice and counsel, through advisory opinions or consultations, in connection with the mailing or contemplated mailing of franked mail under section 3210, 3211, 3212, 3218(2) or 3218, and in connection with the operation of section 3215, of title 39, United States Code, upon the request of any Member of the Senate or Member-elect, surviving spouse of any of the foregoing, or other Senate official, entitled to send mail as franked mail under any of those sections. The select committee shall prescribe regulations governing the proper use of the franking privilege under those sections by such persons.

(b) Any complaint filed by any person with the select committee that a violation of any section of title 39, United States Code, referred to in subsection (a) of this section is about to occur or has occurred within the immediately preceding period of 1 year, by any person referred to in such subsection (a), shall contain pertinent factual material and shall conform to regulations prescribed by the select committee. The select committee, if it determines there is reasonable justification for the complaint, shall conduct an investigation of the matter, including an investigation of reports and statements filed by that complainant with respect to the matter which is the subject of the complaint. The committee shall afford to the person who is the subject of the complaint due notice and, if it determines that there is substantial reason to believe that such violation has occurred or is about to occur, opportunity for all parties to participate in a hearing before the select committee. The select committee shall issue a written decision on each complaint under this subsection not later than thirty days after such a complaint has been filed or, if a hearing is held, not later than thirty days after the conclusion of such hearing. Such decision shall be based on written findings of fact in the case by the select committee. If the select committee finds, in its written decision, that a violation has occurred or is about to occur, the committee may take such action and enforcement as it considers appropriate in accordance with applicable rules, precedents, and standing orders of the Senate, and such other standards as may be prescribed by such committee.

(c) Notwithstanding any other provision of law, no court or administrative body in the United States or in any territory thereof shall have jurisdiction to entertain any civil

action of any character concerning or related to a violation of the franking laws or an abuse of the franking privilege by any person listed under subsection (a) of this section as entitled to send mail as franked mail, until a complaint has been filed with the select committee and the committee has rendered a decision under subsection (b) of this section.

(d) The select committee shall prescribe regulations for the holding of investigations and hearings, the conduct of proceedings, and the rendering of decisions under this subsection providing for equitable procedures and the protection of individual, public, and Government interests. The regulations shall, insofar as practicable, contain the substance of the administrative procedure provisions of sections 551-559 and 701-706, of title 5, United States Code. These regulations shall govern matters under this subsection subject to judicial review thereof.

(e) The select committee shall keep a complete record of all its actions, including a record of the votes on any question on which a record vote is demanded. All records, data, and files of the select committee shall be the property of the Senate and shall be kept in the offices of the select committee or such other places as the committee may direct.

SUBPART C—STANDING ORDERS OF THE SENATE REGARDING UNAUTHORIZED DISCLOSURE OF INTELLIGENCE INFORMATION, S. RES. 400, 94TH CONGRESS, PROVISIONS RELATING TO THE SELECT COMMITTEE

SEC. 8. \* \* \*

(c) (1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed, shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which committee or which Members of the Senate received such information. No Member of the Senate who, and no committee which, receives any information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the Select Committee on Standards and Conduct to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Standards and Conduct shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Standards and Conduct determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the

Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

SUBPART D—RELATING TO RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS RECEIVED BY MEMBERS, OFFICERS AND EMPLOYEES OF THE SENATE OR THEIR SPOUSES OR DEPENDENTS, PROVISIONS RELATING TO THE SELECT COMMITTEE ON ETHICS

Section 7342 of title 5, United States Code, states as follows:

Sec. 7342. Receipt and disposition of foreign gifts and decorations.

“(a) For the purpose of this section—

“(1) ‘employee’ means—

“(A) an employee as defined by section 2105 of this title and an officer or employee of the United States Postal Service or of the Postal Rate Commission;

“(B) an expert or consultant who is under contract under section 3109 of this title with the United States or any agency, department, or establishment thereof, including, in the case of an organization performing services under such section, any individual involved in the performance of such services;

“(C) an individual employed by, or occupying an office or position in, the government of a territory or possession of the United States or the government of the District of Columbia;

“(D) a member of a uniformed service;

“(E) the President and the Vice President;

“(F) a Member of Congress as defined by section 2106 of this title (except the Vice President) and any Delegate to the Congress; and

“(G) the spouse of an individual described in subparagraphs (A) through (F) (unless such individual and his or her spouse are separated) or a dependent (within the meaning of section 152 of the Internal Revenue Code of 1986) of such an individual, other than a spouse or dependent who is an employee under subparagraphs (A) through (F);

“(2) ‘foreign government’ means—

“(A) any unit of foreign governmental authority, including any foreign national, State, local, and municipal government;

“(B) any international or multinational organization whose membership is composed of any unit of foreign government described in subparagraph (A); and

“(C) any agent or representative of any such unit or such organization, while acting as such;

“(3) ‘gift’ means a tangible or intangible present (other than a decoration) tendered by, or received from, a foreign government;

“(4) ‘decoration’ means an order, device, medal, badge, insignia, emblem, or award tendered by, or received from, a foreign government;

“(5) ‘minimal value’ means a retail value in the United States at the time of acceptance of \$100 or less, except that—

“(A) on January 1, 1981, and at 3 year intervals thereafter, ‘minimal value’ shall be redefined in regulations prescribed by the Administrator of General Services, in consultation with the Secretary of State, to reflect changes in the consumer price index for the immediately preceding 3-year period; and

“(B) regulations of an employing agency may define ‘minimal value’ for its employees to be less than the value established under this paragraph; and

“(6) ‘employing agency’ means—

“(A) the Committee on Standards of Official Conduct of the House of Representatives, for Members and employees of the House of Representatives, except that those responsibilities specified in subsections (c)(2)(A), (e)(1), and (g)(2)(B) shall be carried out by the Clerk of the House;

“(B) the Select Committee on Ethics of the Senate, for Senators and employees of the

Senate, except that those responsibilities (other than responsibilities involving approval of the employing agency) specified in subsections (c)(2),(d), and (g)(2)(B) shall be carried out by the Secretary of the Senate;

“(C) the Administrative Office of the United States Courts, for judges and judicial branch employees; and

“(D) the department, agency, office, or other entity in which an employee is employed, for other legislative branch employees and for all executive branch employees.

“(b) An employee may not—

“(1) request or otherwise encourage the tender of a gift or decoration; or

“(2) accept a gift or decoration, other than in accordance with, the provisions of subsections (c) and (d).

“(c)(1) The Congress consents to—

“(A) the accepting and retaining by an employee of a gift of minimal value tendered and received as a souvenir or mark of courtesy; and

“(B) the accepting by an employee of a gift of more than minimal value when such gift is in the nature of an educational scholarship or medical treatment or when it appears that to refuse the gift would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States, except that

“(i) a tangible gift of more than minimal value is deemed to have been accepted on behalf of the United States and, upon acceptance, shall become the property of the United States; and

“(ii) an employee may accept gifts of travel or expenses for travel taking place entirely outside the United States (such as transportation, food, and lodging) of more than minimal value if such acceptance is appropriate, consistent with the interests of the United States, and permitted by the employing agency and any regulations which may be prescribed by the employing agency.

“(2) Within 60 days after accepting a tangible gift of more than minimal value (other than a gift described in paragraph (1)(B)(i)), an employee shall—

“(A) deposit the gift for disposal with his or her employing agency; or

“(B) subject to the approval of the employing agency, deposit the gift with that agency for official use. Within 30 days after terminating the official use of a gift under subparagraph (B), the employing agency shall forward the gift to the Administrator of General Services in accordance with subsection (e)(1) or provide for its disposal in accordance with subsection (e)(2).

“(3) When an employee deposits a gift of more than minimal value for disposal or for official use pursuant to paragraph (2), or within 30 days after accepting travel or travel expenses as provided in paragraph (1)(B)(ii) unless such travel or travel expenses are accepted in accordance with specific instructions of his or her employing agency, the employee shall file a statement with his or her employing agency or its delegate containing the information prescribed in subsection (f) for that gift.

“(d) The Congress consents to the accepting, retaining, and wearing by an employee of a decoration tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance, subject to the approval of the employing agency of such employee. Without this approval, the decoration is deemed to have been accepted on behalf of the United States, shall become the property of the United States, and shall be deposited by the employee, within sixty days of acceptance, with the employing agency for official use, for forwarding to the Administrator of General Services for disposal in accordance with subsection (e)(1), or

for disposal in accordance with subsection (e)(2).

“(e) (1) Except as provided in paragraph (2), gifts and decorations that have been deposited with an employing agency for disposal shall be (A) returned to the donor, or (B) forwarded to the Administrator of General Services for transfer, donation, or other disposal in accordance with the provisions of the Federal Property and Administrative Services Act of 1949. However, no gift or decoration that has been deposited for disposal may be sold without the approval of the Secretary of State, upon a determination that the sale will not adversely affect the foreign relations of the United States. Gifts and decorations may be sold by negotiated sale.

“(2) Gifts and decorations received by a Senator or an employee of the Senate that are deposited with the Secretary of the Senate for disposal, or are deposited for an official use which has terminated, shall be disposed of by the Commission on Arts and Antiquities of the United States Senate. Any such gift or decoration may be returned by the Commission to the donor or may be transferred or donated by the Commission, subject to such terms and conditions as it may prescribe, (A) to an agency or instrumentality of (i) the United States, (ii) a State, territory, or possession of the United States, or a political subdivision of the foregoing, or (iii) the District of Columbia, or (B) to an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 which is exempt from taxation under section 501(a) of such Code. Any such gift or decoration not disposed of as provided in the preceding sentence shall be forwarded to the Administrator of General Services for disposal in accordance with paragraph (1). If the Administrator does not dispose of such gift or decoration within one year, he shall, at the request of the Commission, return it to the Commission and the Commission may dispose of such gift or decoration in such manner as it considers proper, except that such gift or decoration may be sold only with the approval of the Secretary of State upon a determination that the sale will not adversely affect the foreign relations of the United States.

“(f)(1) Not later than January 31 of each year, each employing agency or its delegate shall compile a listing of all statements filed during the preceding year by the employees of that agency pursuant to subsection (c)(3) and shall transmit such listing to the Secretary of State who shall publish a comprehensive listing of all such statements in the Federal Register.

“(2) Such listings shall include for each tangible gift reported—

“(A) the name and position of the employee;

“(B) a brief description of the gift and the circumstances justifying acceptance;

“(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift;

“(D) the date of acceptance of the gift;

“(E) the estimated value in the United States of the gift at the time of acceptance; and

“(F) disposition or current location of the gift.

“(3) Such listings shall include for each gift of travel or travel expenses—

“(A) the name and position of the employee;

“(B) a brief description of the gift and the circumstances justifying acceptance; and

“(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift.

“(4) In transmitting such listings for the Central Intelligence Agency, the Director of

Central Intelligence may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the Director certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources.

“(g)(1) Each employing agency shall prescribe such regulations as may be necessary to carry out the purpose of this section. For all employing agencies in the executive branch, such regulations shall be prescribed pursuant to guidance provided by the Secretary of State. These regulations shall be implemented by each employing agency for its employees.

“(2) Each employing agency shall—

“(A) report to the Attorney General cases in which there is reason to believe that an employee has violated this section;

“(B) establish a procedure for obtaining an appraisal, when necessary, of the value of gifts; and

“(C) take any other actions necessary to carry out the purpose of this section.

“(h) The Attorney General may bring a civil action in any district court of the United States against any employee who knowingly solicits or accepts a gift from a foreign government not consented to by this section or who fails to deposit or report such gift as required by this section. The court in which such action is brought may assess a penalty against such employee in any amount not to exceed the retail value of the gift improperly solicited or received plus \$5,000.

“(i) The President shall direct all Chiefs of a United States Diplomatic Mission to inform their host governments that it is a general policy of the United States Government to prohibit United States Government employees from receiving gifts or decorations of more than minimal value.

“(j) Nothing in this section shall be construed to derogate any regulation prescribed by any employing agency which provides for more stringent limitations on the receipt of gifts and decorations by its employees.

“(k) The provisions of this section do not apply to grants and other forms of assistance to which section 108A of the Mutual Educational and Cultural Exchange Act of 1961 applies.”

PART II: SUPPLEMENTARY PROCEDURAL RULES  
145 Cong. Rec. S1832 (daily ed. Feb. 23, 1999)<sup>14</sup>  
*Rule 1: General Procedures*

(a) OFFICERS: In the absence of the Chairman, the duties of the Chair shall be filled by the Vice Chairman or, in the Vice Chairman's absence, a Committee member designated by the Chairman.

(b) PROCEDURAL RULES: The basic procedural rules of the Committee are stated as a part of the Standing Orders of the Senate in Senate Resolution 338, 88th Congress, as amended, as well as other resolutions and laws. Supplementary Procedural Rules are stated herein and are hereinafter referred to as the Rules. The Rules shall be published in the Congressional Record not later than thirty days after adoption, and copies shall be made available by the Committee office upon request.

(c) MEETINGS:

(1) The regular meeting of the Committee shall be the first Thursday of each month while the Congress is in session.

(2) Special meetings may be held at the call of the Chairman or Vice Chairman if at least forty-eight hours notice is furnished to all members. If all members agree, a special meeting may be held on less than forty-eight hours notice.

(3)(A) If any member of the Committee desires that a special meeting of the Committee be called, the member may file in the

office of the Committee a written request to the Chairman or Vice Chairman for that special meeting.

(B) Immediately upon the filing of the request the Clerk of the Committee shall notify the Chairman and Vice Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman or the Vice Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, any three of the members of the Committee may file their written notice in the office of the Committee that a special meeting of the Committee will be held at a specified date and hour; such special meeting may not occur until forty-eight hours after the notice is filed. The Clerk shall immediately notify all members of the Committee of the date and hour of the special meeting. The Committee shall meet at the specified date and hour.

(d) **QUORUM:**

(1) A majority of the members of the Select Committee shall constitute a quorum for the transaction of business involving complaints or allegations of, or information about, misconduct, including resulting preliminary inquiries, adjudicatory reviews, recommendations or reports, and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three members shall constitute a quorum for the transaction of the routine business of the Select Committee not covered by the first subparagraph of this paragraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one member of the quorum is a Member of the Majority Party and one member of the quorum is a Member of the Minority Party. During the transaction of routine business any member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the members of the Select Committee are present.

(3) Except for an adjudicatory hearing under Rule 5 and any deposition taken outside the presence of a Member under Rule 6, one Member shall constitute a quorum for hearing testimony, provided that all Members have been given notice of the hearing and the Chairman has designated a Member of the Majority Party and the Vice Chairman has designated a Member of the Minority Party to be in attendance, either of whom in the absence of the other may constitute the quorum.

(e) **ORDER OF BUSINESS:** Questions as to the order of business and the procedure of the Committee shall in the first instance be decided by the Chairman and Vice Chairman, subject to reversal by a vote by a majority of the Committee.

(f) **HEARINGS ANNOUNCEMENTS:** The Committee shall make public announcement of the date, place and subject matter of any hearing to be conducted by it at least one week before the commencement of that hearing, and shall publish such announcement in the Congressional Record. If the Committee determines that there is good cause to commence a hearing at an earlier date, such notice will be given at the earliest possible time.

(g) **OPEN AND CLOSED COMMITTEE MEETINGS:** Meetings of the Committee shall be open to the public or closed to the public (executive session), as determined under the provisions of paragraphs 5 (b) to (d) of Rule XXVI of the Standing Rules of the Senate. Executive session meetings of the Committee shall be closed except to the members and the staff of the Committee. On

the motion of any member, and with the approval of a majority of the Committee members present, other individuals may be admitted to an executive session meeting for a specific period or purpose.

(h) **RECORD OF TESTIMONY AND COMMITTEE ACTION:** An accurate stenographic or transcribed electronic record shall be kept of all Committee proceedings, whether in executive or public session. Such record shall include Senators' votes on any question on which a recorded vote is held. The record of a witness's testimony, whether in public or executive session, shall be made available for inspection to the witness or his counsel under Committee supervision; a copy of any testimony given by that witness in public session, or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness if he so requests. (See Rule 5 on Procedures for Conducting Hearings.)

(i) **SECRECY OF EXECUTIVE TESTIMONY AND ACTION AND OF COMPLAINT PROCEEDINGS:**

(1) All testimony and action taken in executive session shall be kept secret and shall not be released outside the Committee to any individual or group, whether governmental or private, without the approval of a majority of the Committee.

(2) All testimony and action relating to a complaint or allegation shall be kept secret and shall not be released by the Committee to any individual or group, whether governmental or private, except the respondent, without the approval of a majority of the Committee, until such time as a report to the Senate is required under Senate Resolution 338, 88th Congress, as amended, or unless otherwise permitted under these Rules. (See Rule 8 on Procedures for Handling Committee Sensitive and Classified Materials.)

(j) **RELEASE OF REPORTS TO PUBLIC:** No information pertaining to, or copies of any Committee report, study, or other document which purports to express the view, findings, conclusions or recommendations of the Committee in connection with any of its activities or proceedings may be released to any individual or group whether governmental or private, without the authorization of the Committee. Whenever the Chairman or Vice Chairman is authorized to make any determination, then the determination may be released at his or her discretion. Each member of the Committee shall be given a reasonable opportunity to have separate views included as part of any Committee report. (See Rule 8 on Procedures for Handling Committee Sensitive and Classified Materials.)

(k) **INELIGIBILITY OR DISQUALIFICATION OF MEMBERS AND STAFF:**

(1) A member of the Committee shall be ineligible to participate in any Committee proceeding that relates specifically to any of the following:

(A) a preliminary inquiry or adjudicatory review relating to (i) the conduct of (I) such member; (II) any officer or employee the member supervises; or (ii) any complaint filed by the member; and

(B) the determinations and recommendations of the Committee with respect to any preliminary inquiry or adjudicatory review described in subparagraph (A).

For purposes of this paragraph, a member of the committee and an officer of the Senate shall be deemed to supervise any officer or employee consistent with the provision of paragraph 12 of Rule XXXVII of the Standing Rules of the Senate.

(2) If any Committee proceeding appears to relate to a member of the Committee in a manner described in subparagraph (1) of this paragraph, the staff shall prepare a report to

the Chairman and Vice Chairman. If either the Chairman or the Vice Chairman concludes from the report that it appears that the member may be ineligible, the member shall be notified in writing of the nature of the particular proceeding and the reason that it appears that the member may be ineligible to participate in it. If the member agrees that he or she is ineligible, the member shall so notify the Chairman or Vice Chairman. If the member believes that he or she is not ineligible, he or she may explain the reasons to the Chairman and Vice Chairman, and if they both agree that the member is not ineligible, the member shall continue to serve. But if either the Chairman or Vice Chairman continues to believe that the member is ineligible, while the member believes that he or she is not ineligible, the matter shall be promptly referred to the Committee. The member shall present his or her arguments to the Committee in executive session. Any contested questions concerning a member's eligibility shall be decided by a majority vote of the Committee, meeting in executive session, with the member in question not participating.

(3) A member of the Committee may, at the discretion of the member, disqualify himself or herself from participating in any preliminary inquiry or adjudicatory review pending before the Committee and the determinations and recommendations of the Committee with respect to any such preliminary inquiry or adjudicatory review.

(4) Whenever any member of the Committee is ineligible under paragraph (1) to participate in any preliminary inquiry or adjudicatory review, or disqualifies himself or herself under paragraph (3) from participating in any preliminary inquiry or adjudicatory review, another Senator shall be appointed by the Senate to serve as a member of the Committee solely for purposes of such preliminary inquiry or adjudicatory review and the determinations and recommendations of the Committee with respect to such preliminary inquiry or adjudicatory review. Any member of the Senate appointed for such purposes shall be of the same party as the member who is ineligible or disqualifies himself or herself.

(5) The President of the Senate shall be given written notice of the ineligibility or disqualification of any member from any preliminary inquiry, adjudicatory review, or other proceeding requiring the appointment of another member in accordance with subparagraph (k)(4).

(6) A member of the Committee staff shall be ineligible to participate in any Committee proceeding that the staff director or outside counsel determines relates specifically to any of the following:

(A) the staff member's own conduct;

(B) the conduct of any employee that the staff member supervises;

(C) the conduct of any member, officer or employee for whom the staff member has worked for any substantial period; or

(D) a complaint, sworn or unsworn, that was filed by the staff member. At the direction or with the consent of the staff director or outside counsel, a staff member may also be disqualified from participating in a Committee proceeding in other circumstances not listed above.

(1) **RECORDED VOTES:** Any member may require a recorded vote on any matter.

(m) **PROXIES; RECORDING VOTES OF ABSENT MEMBERS:**

(1) Proxy voting shall not be allowed when the question before the Committee is the initiation or continuation of a preliminary inquiry or an adjudicatory review, or the issuance of a report or recommendation related thereto concerning a Member or officer of the Senate. In any such case an absent

member's vote may be announced solely for the purpose of recording the member's position and such announced votes shall not be counted for or against the motion.

(2) On matters other than matters listed in paragraph (m)(1) above, the Committee may order that the record be held open for the vote of absentees or recorded proxy votes if the absent Committee member has been informed of the matter on which the vote occurs and has affirmatively requested of the Chairman or Vice Chairman in writing that he be so recorded.

(3) All proxies shall be in writing, and shall be delivered to the Chairman or Vice Chairman to be recorded.

(4) Proxies shall not be considered for the purpose of establishing a quorum.

(n) **APPROVAL OF BLIND TRUSTS AND FOREIGN TRAVEL REQUESTS BETWEEN SESSIONS AND DURING EXTENDED RECESSES:** During any period in which the Senate stands in adjournment between sessions of the Congress or stands in a recess scheduled to extend beyond fourteen days, the Chairman and Vice Chairman, or their designees, acting jointly, are authorized to approve or disapprove blind trusts under the provision of Rule XXXIV.

(o) **COMMITTEE USE OF SERVICES OR EMPLOYEES OF OTHER AGENCIES AND DEPARTMENTS:** With the prior consent of the department or agency involved, the Committee may (1) utilize the services, information, or facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee, the Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the Chairman and Vice Chairman of the Committee, acting jointly, determine that such action is necessary and appropriate.

*Rule 2: Procedures for Complaints, Allegations, or Information*

(a) **COMPLAINT, ALLEGATION, OR INFORMATION:** Any member or staff member of the Committee shall report to the Committee, and any other person may report to the Committee, a sworn complaint or other allegation or information, alleging that any Senator, or officer, or employee of the Senate has violated a law, the Senate Code of Official Conduct, or any rule or regulation of the Senate relating to the conduct of any individual in the performance of his or her duty as a Member, officer, or employee of the Senate, or has engaged in improper conduct which may reflect upon the Senate. Such complaints or allegations or information may be reported to the Chairman, the Vice Chairman, a Committee member, or a Committee staff member.

(b) **SOURCE OF COMPLAINT, ALLEGATION, OR INFORMATION:** Complaints, allegations, and information to be reported to the Committee may be obtained from a variety of sources, including but not limited to the following:

(1) sworn complaints, defined as a written statement of facts, submitted under penalty of perjury, within the personal knowledge of the complainant alleging a violation of law, the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as members, officers, or employees of the Senate;

(2) anonymous or informal complaints;

(3) information developed during a study or inquiry by the Committee or other committees or subcommittees of the Senate, including information obtained in connection with legislative or general oversight hearings;

(4) information reported by the news media; or

(5) information obtained from any individual, agency or department of the executive branch of the Federal Government.

(c) **FORM AND CONTENT OF COMPLAINTS:** A complaint need not be sworn nor must it be in any particular form to receive Committee consideration, but the preferred complaint will:

(1) state, whenever possible, the name, address, and telephone number of the party filing the complaint;

(2) provide the name of each member, officer or employee of the Senate who is specifically alleged to have engaged in improper conduct or committed a violation;

(3) state the nature of the alleged improper conduct or violation;

(4) supply all documents in the possession of the party filing the complaint relevant to or in support of his or her allegations as an attachment to the complaint.

*Rule 3: Procedures for Conducting a Preliminary Inquiry*

(a) **DEFINITION OF PRELIMINARY INQUIRY:** A "preliminary inquiry" is a proceeding undertaken by the Committee following the receipt of a complaint or allegation of, or information about, misconduct by a Member, officer, or employee of the Senate to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

(b) **BASIS FOR PRELIMINARY INQUIRY:** The Committee shall promptly commence a preliminary inquiry whenever it has received a sworn complaint, or other allegation of, or information about, alleged misconduct or violations pursuant to Rule 2.

(c) **SCOPE OF PRELIMINARY INQUIRY:**

(1) The preliminary inquiry shall be of such duration and scope as is necessary to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred. The Chairman and Vice Chairman, acting jointly, on behalf of the Committee may supervise and determine the appropriate duration, scope, and conduct of a preliminary inquiry. Whether a preliminary inquiry is conducted jointly by the Chairman and Vice Chairman or by the Committee as a whole, the day to day supervision of a preliminary inquiry rests with the Chairman and Vice Chairman, acting jointly.

(2) A preliminary inquiry may include any inquiries, interviews, sworn statements, depositions, or subpoenas deemed appropriate to obtain information upon which to make any determination provided for by this Rule.

(d) **OPPORTUNITY FOR RESPONSE:** A preliminary inquiry may include an opportunity for any known respondent or his or her designated representative to present either a written or oral statement, or to respond orally to questions from the Committee. Such an oral statement or answers shall be transcribed and signed by the person providing the statement or answers.

(e) **STATUS REPORTS:** The Committee staff or outside counsel shall periodically report to the Committee in the form and according to the schedule prescribed by the Committee. The reports shall be confidential.

(f) **FINAL REPORT:** When the preliminary inquiry is completed, the staff or outside counsel shall make a confidential report, oral or written, to the Committee on findings and recommendations, as appropriate.

(g) **COMMITTEE ACTION:** As soon as practicable following submission of the report on

the preliminary inquiry, the Committee shall determine by a recorded vote whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred. The Committee may make any of the following determinations:

(1) The Committee may determine that there is not such substantial credible evidence and, in such case, the Committee shall dismiss the matter. The Committee, or Chairman and Vice Chairman acting jointly on behalf of the Committee, may dismiss any matter which, after a preliminary inquiry, is determined to lack substantial merit. The Committee shall inform the complainant of the dismissal.

(2) The Committee may determine that there is such substantial credible evidence, but that the alleged violation is inadvertent, technical, or otherwise of a de minimis nature. In such case, the Committee may dispose of the matter by issuing a public or private letter of admonition, which shall not be considered discipline and which shall not be subject to appeal to the Senate. The issuance of a letter of admonition must be approved by the affirmative recorded vote of no fewer than four members of the Committee voting.

(3) The Committee may determine that there is such substantial credible evidence and that the matter cannot be appropriately disposed of under paragraph (2). In such case, the Committee shall promptly initiate an adjudicatory review in accordance with Rule 4. No adjudicatory review of conduct of a Member, officer, or employee of the Senate may be initiated except by the affirmative recorded vote of not less than four members of the Committee.

*Rule 4: Procedures for Conducting an Adjudicatory Review*

(a) **DEFINITION OF ADJUDICATORY REVIEW:** An "adjudicatory review" is a proceeding undertaken by the Committee after a finding, on the basis of a preliminary inquiry, that there is substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

(b) **SCOPE OF ADJUDICATORY REVIEW:** When the Committee decides to conduct an adjudicatory review, it shall be of such duration and scope as is necessary for the Committee to determine whether a violation within its jurisdiction has occurred. An adjudicatory review shall be conducted by outside counsel as authorized by section 3(b)(1) of Senate Resolution 338 unless the Committee determines not to use outside counsel. In the course of the adjudicatory review, designated outside counsel, or if the Committee determines not to use outside counsel, the Committee or its staff, may conduct any inquiries or interviews, take sworn statements, use compulsory process as described in Rule 6, or take any other actions that the Committee deems appropriate to secure the evidence necessary to make a determination.

(c) **NOTICE TO RESPONDENT:** The Committee shall give written notice to any known respondent who is the subject of an adjudicatory review. The notice shall be sent to the respondent no later than five working days after the Committee has voted to conduct an adjudicatory review. The notice shall include a statement of the nature of the possible violation, and description of the evidence indicating that a possible violation occurred. The Committee may offer the respondent an opportunity to present a statement, orally or in writing, or to respond to questions from members of the Committee, the Committee staff, or outside counsel.

(d) **RIGHT TO A HEARING:** The Committee shall accord a respondent an opportunity for a hearing before it recommends



disciplinary action against that respondent to the Senate or before it imposes an order of restitution or reprimand (not requiring discipline by the full Senate).

(e) **PROGRESS REPORTS TO COMMITTEE:** The Committee staff or outside counsel shall periodically report to the Committee concerning the progress of the adjudicatory review. Such reports shall be delivered to the Committee in the form and according to the schedule prescribed by the Committee, and shall be confidential.

(f) **FINAL REPORT OF ADJUDICATORY REVIEW TO COMMITTEE:** Upon completion of an adjudicatory review, including any hearings held pursuant to Rule 5, the outside counsel or the staff shall submit a confidential written report to the Committee, which shall detail the factual findings of the adjudicatory review and which may recommend disciplinary action, if appropriate. Findings of fact of the adjudicatory review shall be detailed in this report whether or not disciplinary action is recommended.

(g) **COMMITTEE ACTION:**

(1) As soon as practicable following submission of the report of the staff or outside counsel on the adjudicatory review, the Committee shall prepare and submit a report to the Senate, including a recommendation or proposed resolution to the Senate concerning disciplinary action, if appropriate. A report shall be issued, stating in detail the Committee's findings of fact, whether or not disciplinary action is recommended. The report shall also explain fully the reasons underlying the Committee's recommendation concerning disciplinary action, if any. No adjudicatory review of conduct of a Member, officer or employee of the Senate may be conducted, or report or resolution or recommendation relating to such an adjudicatory review of conduct may be made, except by the affirmative recorded vote of not less than four members of the Committee.

(2) Pursuant to S. Res. 338, as amended, section 2 (a), subsections (2), (3), and (4), after receipt of the report prescribed by paragraph (f) of this rule, the Committee may make any of the following recommendations for disciplinary action or issue an order for reprimand or restitution, as follows:

(i) In the case of a Member, a recommendation to the Senate for expulsion, censure, payment of restitution, recommendation to a Member's party conference regarding the Member's seniority or positions of responsibility, or a combination of these;

(ii) In the case of an officer or employee, a recommendation to the Senate of dismissal, suspension, payment of restitution, or a combination of these;

(iii) In the case where the Committee determines, after according to the Member, officer, or employee due notice and opportunity for a hearing, that misconduct occurred warranting discipline less serious than discipline by the full Senate, and subject to the provisions of paragraph (h) of this rule relating to appeal, by a unanimous vote of six members order that a Member, officer or employee be reprimanded or pay restitution or both;

(iv) In the case where the Committee determines that misconduct is inadvertent, technical, or otherwise of a de minimis nature, issue a public or private letter of admonition to a Member, officer or employee, which shall not be subject to appeal to the Senate.

(3) In the case where the Committee determines, upon consideration of all the evidence, that the facts do not warrant a finding that there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred, the Committee may dismiss the matter.

(4) Promptly, after the conclusion of the adjudicatory review, the Committee's report and recommendation, if any, shall be forwarded to the Secretary of the Senate, and a copy shall be provided to the complainant and the respondent. The full report and recommendation, if any, shall be printed and made public, unless the Committee determines by the recorded vote of not less than four members of the Committee that it should remain confidential.

(h) **RIGHT OF APPEAL:**

(1) Any individual who is the subject of a reprimand or order of restitution, or both, pursuant to subsection (g)(2)(iii), may, within 30 days of the Committee's report to the Senate of its action imposing a reprimand or order of restitution, or both, appeal to the Senate by providing written notice of the appeal to the Committee and the presiding officer of the Senate. The presiding officer shall cause the notice of the appeal to be printed in the Congressional Record and the Senate Journal.

(2) S. Res. 338 provides that a motion to proceed to consideration of an appeal pursuant to paragraph (1) shall be highly privileged and not debatable. If the motion to proceed to consideration of the appeal is agreed to, the appeal shall be decided on the basis of the Committee's report to the Senate. Debate on the appeal shall be limited to 10 hours, which shall be divided equally between, and controlled by, those favoring and those opposing the appeal.

*Rule 5: Procedures for Hearings*

(a) **RIGHT TO HEARING:** The Committee may hold a public or executive hearing in any preliminary inquiry, adjudicatory review, or other proceeding. The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate or before it imposes an order of restitution or reprimand. (See Rule 4(d).)

(b) **NON-PUBLIC HEARINGS:** The Committee may at any time during a hearing determine in accordance with paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate whether to receive the testimony of specific witnesses in executive session. If a witness desires to express a preference for testifying in public or in executive session, he or she shall so notify the Committee at least five days before he or she is scheduled to testify.

(c) **ADJUDICATORY HEARINGS:** The Committee may, by the recorded vote of not less than four members of the Committee, designate any public or executive hearing as an adjudicatory hearing; and any hearing which is concerned with possible disciplinary action against a respondent or respondents designated by the Committee shall be an adjudicatory hearing. In any adjudicatory hearing, the procedures described in paragraph (j) shall apply.

(d) **SUBPOENA POWER:** The Committee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such correspondence, books, papers, documents or other articles as it deems advisable. (See Rule 6.)

(e) **NOTICE OF HEARINGS:** The Committee shall make public an announcement of the date, place, and subject matter of any hearing to be conducted by it, in accordance with Rule 1(f).

(f) **PRESIDING OFFICER:** The Chairman shall preside over the hearings, or in his absence the Vice Chairman. If the Vice Chairman is also absent, a Committee member designated by the Chairman shall preside. If an oath or affirmation is required, it shall be administered to a witness by the Presiding Officer, or in his absence, by any Committee member.

(g) **WITNESSES:**

(1) A subpoena or other request to testify shall be served on a witness sufficiently in advance of his or her scheduled appearance to allow the witness a reasonable period of time, as determined by the Committee, to prepare for the hearing and to employ counsel if desired.

(2) The Committee may, by recorded vote of not less than four members of the Committee, rule that no member of the Committee or staff or outside counsel shall make public the name of any witness subpoenaed by the Committee before the date of that witness's scheduled appearance, except as specifically authorized by the Chairman and Vice Chairman, acting jointly.

(3) Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the Committee at least two working days in advance of the hearing at which the statement is to be presented. The Chairman and Vice Chairman shall determine whether such statements may be read or placed in the record of the hearing.

(4) Insofar as practicable, each witness shall be permitted to present a brief oral opening statement, if he or she desires to do so.

(h) **RIGHT TO TESTIFY:** Any person whose name is mentioned or who is specifically identified or otherwise referred to in testimony or in statements made by a Committee member, staff member or outside counsel, or any witness, and who reasonably believes that the statement tends to adversely affect his or her reputation may—

(1) Request to appear personally before the Committee to testify in his or her own behalf; or

(2) File a sworn statement of facts relevant to the testimony or other evidence or statement of which he or she complained. Such request and such statement shall be submitted to the Committee for its consideration and action.

(i) **CONDUCT OF WITNESSES AND OTHER ATTENDEES:** The Presiding Officer may punish any breaches of order and decorum by censure and exclusion from the hearings. The Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(j) **ADJUDICATORY HEARING PROCEDURES:**

(1) **NOTICE OF HEARINGS:** A copy of the public announcement of an adjudicatory hearing, required by paragraph (e), shall be furnished together with a copy of these Rules to all witnesses at the time that they are subpoenaed or otherwise summoned to testify.

(2) **PREPARATION FOR ADJUDICATORY HEARINGS:**

(A) At least five working days prior to the commencement of an adjudicatory hearing, the Committee shall provide the following information and documents to the respondent, if any:

(i) a list of proposed witnesses to be called at the hearing;

(ii) copies of all documents expected to be introduced as exhibits at the hearing; and

(iii) a brief statement as to the nature of the testimony expected to be given by each witness to be called at the hearing.

(B) At least two working days prior to the commencement of an adjudicatory hearing, the respondent, if any, shall provide the information and documents described in divisions (i), (ii) and (iii) of subparagraph (A) to the Committee.

(C) At the discretion of the Committee, the information and documents to be exchanged under this paragraph shall be subject to an appropriate agreement limiting access and disclosure.

(D) If a respondent refuses to provide the information and documents to the Committee (see (A) and (B) of this subparagraph), or if a respondent or other individual violates an agreement limiting access and disclosure, the Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(3) **SWEARING OF WITNESSES:** All witnesses who testify at adjudicatory hearings shall be sworn unless the Presiding Officer, for good cause, decides that a witness does not have to be sworn.

(4) **RIGHT TO COUNSEL:** Any witness at an adjudicatory hearing may be accompanied by counsel of his or her own choosing, who shall be permitted to advise the witness of his or her legal rights during the testimony.

(5) **RIGHT TO CROSS-EXAMINE AND CALL WITNESSES:**

(A) In adjudicatory hearings, any respondent and any other person who obtains the permission of the Committee, may personally or through counsel cross-examine witnesses called by the Committee and may call witnesses in his or her own behalf.

(B) A respondent may apply to the Committee for the issuance of subpoenas for the appearance of witnesses or the production of documents on his or her behalf. An application shall be approved upon a concise showing by the respondent that the proposed testimony or evidence is relevant and appropriate, as determined by the Chairman and Vice Chairman.

(C) With respect to witnesses called by a respondent, or other individual given permission by the Committee, each such witness shall first be examined by the party who called the witness or by that party's counsel.

(D) At least one working day before a witness's scheduled appearance, a witness or a witness's counsel may submit to the Committee written questions proposed to be asked of that witness. If the Committee determines that it is necessary, such questions may be asked by any member of the Committee, or by any Committee staff member if directed by a Committee member. The witness or witness's counsel may also submit additional sworn testimony for the record within twenty-four hours after the last day that the witness has testified. The insertion of such testimony in that day's record is subject to the approval of the Chairman and Vice Chairman acting jointly within five days after the testimony is received.

(6) **ADMISSIBILITY OF EVIDENCE:**

(A) The object of the hearing shall be to ascertain the truth. Any evidence that may be relevant and probative shall be admissible unless privileged under the Federal Rules of Evidence. Rules of evidence shall not be applied strictly, but the Presiding Officer shall exclude irrelevant or unduly repetitious testimony. Objections going only to the weight that should be given evidence will not justify its exclusion.

(B) The Presiding Officer shall rule upon any question of the admissibility of testimony or other evidence presented to the Committee. Such rulings shall be final unless reversed or modified by a recorded vote of not less than four members of the Committee before the recess of that day's hearings.

(C) Notwithstanding paragraphs (A) and (B), in any matter before the Committee involving allegations of sexual discrimination, including sexual harassment, or sexual misconduct, by a Member, officer, or employee within the jurisdiction of the Committee, the Committee shall be guided by the standards and procedures of Rule 412 of the Federal Rules of Evidence, except that the Committee may admit evidence subject to the provisions of this paragraph only upon a de-

termination of not less than four members of the full Committee that the interests of justice require that such evidence be admitted.

(7) **SUPPLEMENTARY HEARING PROCEDURES:** The Committee may adopt any additional special hearing procedures that it deems necessary or appropriate to a particular adjudicatory hearing. Copies of such supplementary procedures shall be furnished to witnesses and respondents, and shall be made available upon request to any member of the public.

(k) **TRANSCRIPTS:**

(1) An accurate stenographic or recorded transcript shall be made of all public and executive hearings. Any member of the Committee, Committee staff member, outside counsel retained by the Committee, or witness may examine a copy of the transcript retained by the Committee of his or her own remarks and may suggest to the official reporter any typographical or transcription errors. If the reporter declines to make the requested corrections, the member, staff member, outside counsel or witness may request a ruling by the Chairman and Vice Chairman, acting jointly. Any member or witness shall return the transcript with suggested corrections to the Committee offices within five working days after receipt of the transcript, or as soon thereafter as is practicable. If the testimony was given in executive session, the member or witness may only inspect the transcript at a location determined by the Chairman and Vice Chairman, acting jointly. Any questions arising with respect to the processing and correction of transcripts shall be decided by the Chairman and Vice Chairman, acting jointly.

(2) Except for the record of a hearing which is closed to the public, each transcript shall be printed as soon as is practicable after receipt of the corrected version. The Chairman and Vice Chairman, acting jointly, may order the transcript of a hearing to be printed without the corrections of a member or witness if they determine that such member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

(3) The Committee shall furnish each witness, at no cost, one transcript copy of that witness's testimony given at a public hearing. If the testimony was given in executive session, then a transcript copy shall be provided upon request, subject to appropriate conditions and restrictions prescribed by the Chairman and Vice Chairman. If any individual violates such conditions and restrictions, the Committee may recommend by majority vote that he or she be cited for contempt of Congress.

*Rule 6: Subpoenas and Depositions*

(a) **SUBPOENAS:**

(1) **AUTHORIZATION FOR ISSUANCE:** Subpoenas for the attendance and testimony of witnesses at depositions or hearings, and subpoenas for the production of documents and tangible things at depositions, hearings, or other times and places designated therein, may be authorized for issuance by either (A) a majority vote of the Committee, or (B) the Chairman and Vice Chairman, acting jointly, at any time during a preliminary inquiry, adjudicatory review, or other proceeding.

(2) **SIGNATURE AND SERVICE:** All subpoenas shall be signed by the Chairman or the Vice Chairman and may be served by any person eighteen years of age or older, who is designated by the Chairman or Vice Chairman. Each subpoena shall be served with a copy of the Rules of the Committee and a brief statement of the purpose of the Committee's proceeding.

(3) **WITHDRAWAL OF SUBPOENA:** The Committee, by recorded vote of not less than

four members of the Committee, may withdraw any subpoena authorized for issuance by it or authorized for issuance by the Chairman and Vice Chairman, acting jointly. The Chairman and Vice Chairman, acting jointly, may withdraw any subpoena authorized for issuance by them.

(b) **DEPOSITIONS:**

(1) **PERSONS AUTHORIZED TO TAKE DEPOSITIONS:** Depositions may be taken by any member of the Committee designated by the Chairman and Vice Chairman, acting jointly, or by any other person designated by the Chairman and Vice Chairman, acting jointly, including outside counsel, Committee staff, other employees of the Senate, or government employees detailed to the Committee.

(2) **DEPOSITION NOTICES:** Notices for the taking of depositions shall be authorized by the Committee, or the Chairman and Vice Chairman, acting jointly, and issued by the Chairman, Vice Chairman, or a Committee staff member or outside counsel designated by the Chairman and Vice Chairman, acting jointly. Depositions may be taken at any time during a preliminary inquiry, adjudicatory review or other proceeding. Deposition notices shall specify a time and place for examination. Unless otherwise specified, the deposition shall be in private, and the testimony taken and documents produced shall be deemed for the purpose of these rules to have been received in a closed or executive session of the Committee. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear, or to testify, or to produce documents, unless the deposition notice was accompanied by a subpoena authorized for issuance by the Committee, or the Chairman and Vice Chairman, acting jointly.

(3) **COUNSEL AT DEPOSITIONS:** Witnesses may be accompanied at a deposition by counsel to advise them of their rights.

(4) **DEPOSITION PROCEDURE:** Witnesses at depositions shall be examined upon oath administered by an individual authorized by law to administer oaths, or administered by any member of the Committee if one is present. Questions may be propounded by any person or persons who are authorized to take depositions for the Committee. If a witness objects to a question and refuses to testify, or refuses to produce a document, any member of the Committee who is present may rule on the objection and, if the objection is overruled, direct the witness to answer the question or produce the document. If no member of the Committee is present, the individual who has been designated by the Chairman and Vice Chairman, acting jointly, to take the deposition may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chairman or Vice Chairman of the Committee, who may refer the matter to the Committee or rule on the objection. If the Chairman or Vice Chairman, or the Committee upon referral, overrules the objection, the Chairman, Vice Chairman, or the Committee as the case may be, may direct the witness to answer the question or produce the document. The Committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify or produce documents after having been directed to do so.

(5) **FILING OF DEPOSITIONS:** Deposition testimony shall be transcribed or electronically recorded. If the deposition is transcribed, the individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence and the transcriber shall certify that the transcript is a true record of the testimony.

The transcript with these certifications shall be filed with the chief clerk of the Committee, and the witness shall be furnished with access to a copy at the Committee's offices for review. Upon inspecting the transcript, within a time limit set by the Chairman and Vice Chairman, acting jointly, a witness may request in writing changes in the transcript to correct errors in transcription. The witness may also bring to the attention of the Committee errors of fact in the witness's testimony by submitting a sworn statement about those facts with a request that it be attached to the transcript. The Chairman and Vice Chairman, acting jointly, may rule on the witness's request, and the changes or attachments allowed shall be certified by the Committee's chief clerk. If the witness fails to make any request under this paragraph within the time limit set, this fact shall be noted by the Committee's chief clerk. Any person authorized by the Committee may stipulate with the witness to changes in this procedure.

*Rule 7: Violations of Law; Perjury; Legislative Recommendations; Educational Mandate; and Applicable Rules and Standards of Conduct*

(a) **VIOLATIONS OF LAW:** Whenever the Committee determines by the recorded vote of not less than four members of the full Committee that there is reason to believe that a violation of law, including the provision of false information to the Committee, may have occurred, it shall report such possible violation to the proper Federal and state authorities.

(b) **PERJURY:** Any person who knowingly and willfully swears falsely to a sworn complaint or any other sworn statement to the Committee does so under penalty of perjury. The Committee may refer any such case to the Attorney General for prosecution.

(c) **LEGISLATIVE RECOMMENDATIONS:** The Committee shall recommend to the Senate by report or resolution such additional rules, regulations, or other legislative measures as it determines to be necessary or desirable to ensure proper standards of conduct by Members, officers, or employees of the Senate. The Committee may conduct such inquiries as it deems necessary to prepare such a report or resolution, including the holding of hearings in public or executive session and the use of subpoenas to compel the attendance of witnesses or the production of materials. The Committee may make legislative recommendations as a result of its findings in a preliminary inquiry, adjudicatory review, or other proceeding.

(d) **Educational Mandate:** The Committee shall develop and implement programs and materials designed to educate Members, officers, and employees about the laws, rules, regulations, and standards of conduct applicable to such individuals in the performance of their duties.

(e) **APPLICABLE RULES AND STANDARDS OF CONDUCT:**

(1) Notwithstanding any other provision of this section, no adjudicatory review shall be initiated of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code.

(2) The Committee may initiate an adjudicatory review of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Committee.

*Rule 8: Procedures for Handling Committee Sensitive and Classified Materials*

(a) **PROCEDURES FOR HANDLING COMMITTEE SENSITIVE MATERIALS:**

(1) Committee Sensitive information or material is information or material in the possession of the Select Committee on Ethics which pertains to illegal or improper conduct by a present or former Member, officer, or employee of the Senate; to allegations or accusations of such conduct; to any resulting preliminary inquiry, adjudicatory review or other proceeding by the Select Committee on Ethics into such allegations or conduct; to the investigative techniques and procedures of the Select Committee on Ethics; or to other information or material designated by the staff director, or outside counsel designated by the Chairman and Vice Chairman.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of Committee Sensitive information in the possession of the Committee or its staff. Procedures for protecting Committee Sensitive materials shall be in writing and shall be given to each Committee staff member.

(b) **PROCEDURES FOR HANDLING CLASSIFIED MATERIALS:**

(1) Classified information or material is information or material which is specifically designated as classified under the authority of Executive Order 11652 requiring protection of such information or material from unauthorized disclosure in order to prevent damage to the United States.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of classified information in the possession of the Committee or its staff. Procedures for handling such information shall be in writing and a copy of the procedures shall be given to each staff member cleared for access to classified information.

(3) Each member of the Committee shall have access to classified material in the Committee's possession. Only Committee staff members with appropriate security clearances and a need-to-know, as approved by the Chairman and Vice Chairman, acting jointly, shall have access to classified information in the Committee's possession.

(c) **PROCEDURES FOR HANDLING COMMITTEE SENSITIVE AND CLASSIFIED DOCUMENTS:**

(1) Committee Sensitive documents and materials shall be stored in the Committee's offices, with appropriate safeguards for maintaining the security of such documents or materials. Classified documents and materials shall be further segregated in the Committee's offices in secure filing safes. Removal from the Committee offices of such documents or materials is prohibited except as necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, or as otherwise specifically approved by the staff director or by outside counsel designated by the Chairman and Vice Chairman.

(2) Each member of the Committee shall have access to all materials in the Committee's possession. The staffs of members shall not have access to Committee Sensitive or classified documents and materials without the specific approval in each instance of the Chairman, and Vice Chairman, acting jointly. Members may examine such materials in the Committee's offices. If necessary, requested materials may be hand delivered by a member of the Committee staff to the member of the Committee, or to a staff person(s) specifically designated by the member, for the Member's or designated staffer's

examination. A member of the Committee who has possession of Committee Sensitive documents or materials shall take appropriate safeguards for maintaining the security of such documents or materials in the possession of the Member or his or her designated staffer.

(3) Committee Sensitive documents that are provided to a Member of the Senate in connection with a complaint that has been filed against the Member shall be hand delivered to the Member or to the Member's Chief of Staff or Administrative Assistant. Committee Sensitive documents that are provided to a Member of the Senate who is the subject of a preliminary inquiry, adjudicatory review, or other proceeding, shall be hand delivered to the Member or to his or her specifically designated representative.

(4) Any Member of the Senate who is not a member of the Committee and who seeks access to any Committee Sensitive or classified documents or materials, other than documents or materials which are matters of public record, shall request access in writing. The Committee shall decide by majority vote whether to make documents or materials available. If access is granted, the Member shall not disclose the information except as authorized by the Committee.

(5) Whenever the Committee makes Committee Sensitive or classified documents or materials available to any Member of the Senate who is not a member of the Committee, or to a staff person of a Committee member in response to a specific request to the Chairman and Vice Chairman, a written record shall be made identifying the Member of the Senate requesting such documents or materials and describing what was made available and to whom.

(d) **NON-DISCLOSURE POLICY AND AGREEMENT:**

(1) Except as provided in the last sentence of this paragraph, no member of the Select Committee on Ethics, its staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics shall release, divulge, publish, reveal by writing, word, conduct, or disclose in any way, in whole, or in part, or by way of summary, during tenure with the Select Committee on Ethics or anytime thereafter, any testimony given before the Select Committee on Ethics in executive session (including the name of any witness who appeared or was called to appear in executive session), any classified or Committee Sensitive information, document or material, received or generated by the Select Committee on Ethics or any classified or Committee Sensitive information which may come into the possession of such person during tenure with the Select Committee on Ethics or its staff. Such information, documents, or material may be released to an official of the executive branch properly cleared for access with a need-to-know, for any purpose or in connection with any proceeding, judicial or otherwise, as authorized by the Select Committee on Ethics, or in the event of termination of the Select Committee on Ethics, in such a manner as may be determined by its successor or by the Senate.

(2) No member of the Select Committee on Ethics staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics, shall be granted access to classified or Committee Sensitive information or material in the possession of the Select Committee on Ethics unless and until such person agrees in writing, as a condition of employment, to the non-disclosure policy. The agreement shall become effective when signed by the Chairman and Vice Chairman on behalf of the Committee.

*Rule 9: Broadcasting and News Coverage of Committee Proceedings*

(a) Whenever any hearing or meeting of the Committee is open to the public, the Committee shall permit that hearing or meeting to be covered in whole or in part, by television broadcast, radio broadcast, still photography, or by any other methods of coverage, unless the Committee decides by recorded vote of not less than four members of the Committee that such coverage is not appropriate at a particular hearing or meeting.

(b) Any witness served with a subpoena by the Committee may request not to be photographed at any hearing or to give evidence or testimony while the broadcasting, reproduction, or coverage of that hearing, by radio, television, still photography, or other methods is occurring. At the request of any such witness who does not wish to be subjected to radio, television, still photography, or other methods of coverage, and subject to the approval of the Committee, all lenses shall be covered and all microphones used for coverage turned off.

(c) If coverage is permitted, it shall be in accordance with the following requirements:

(1) Photographers and reporters using mechanical recording, filming, or broadcasting apparatus shall position their equipment so as not to interfere with the seating, vision, and hearing of the Committee members and staff, or with the orderly process of the meeting or hearing.

(2) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, the coverage shall be conducted and presented without commercial sponsorship.

(3) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(4) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery Committee of Press Photographers.

(5) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and the coverage activities in an orderly and unobtrusive manner.

*Rule 10: Procedures for Advisory Opinions***(a) WHEN ADVISORY OPINIONS ARE RENDERED:**

(1) The Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(2) The Committee may issue an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(b) **FORM OF REQUEST:** A request for an advisory opinion shall be directed in writing to the Chairman of the Committee and shall include a complete and accurate statement of the specific factual situation with respect to which the request is made as well as the specific question or questions which the requestor wishes the Committee to address.

**(c) OPPORTUNITY FOR COMMENT:**

(1) The Committee will provide an opportunity for any interested party to comment on a request for an advisory opinion—

(A) which requires an interpretation on a significant question of first impression that will affect more than a few individuals; or

(B) when the Committee determines that comments from interested parties would be of assistance.

(2) Notice of any such request for an advisory opinion shall be published in the Congressional Record, with appropriate deletions to insure confidentiality, and interested parties will be asked to submit their comments in writing to the Committee within ten days.

(3) All relevant comments received on a timely basis will be considered.

**(d) ISSUANCE OF AN ADVISORY OPINION:**

(1) The Committee staff shall prepare a proposed advisory opinion in draft form which will first be reviewed and approved by the Chairman and Vice Chairman, acting jointly, and will be presented to the Committee for final action. If (A) the Chairman and Vice Chairman cannot agree, or (B) either the Chairman or Vice Chairman requests that it be taken directly to the Committee, then the proposed advisory opinion shall be referred to the Committee for its decision.

(2) An advisory opinion shall be issued only by the affirmative recorded vote of a majority of the members voting.

(3) Each advisory opinion issued by the Committee shall be promptly transmitted for publication in the Congressional Record after appropriate deletions are made to insure confidentiality. The Committee may at any time revise, withdraw, or elaborate on any advisory opinion.

(e) **RELIANCE ON ADVISORY OPINIONS:**  
(1) Any advisory opinion issued by the Committee under Senate Resolution 338, 88th Congress, as amended, and the rules may be relied upon by—

(A) Any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered if the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and

(B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(2) Any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of Senate Resolution 338, 88th Congress, as amended, and of the rules, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

*Rule 11: Procedures for Interpretative Rulings*

(a) **BASIS FOR INTERPRETATIVE RULINGS:** Senate Resolution 338, 88th Congress, as amended, authorizes the Committee to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction. The Committee also may issue such rulings clarifying or explaining any rule or regulation of the Select Committee on Ethics.

(b) **REQUEST FOR RULING:** A request for such a ruling must be directed in writing to the Chairman or Vice Chairman of the Committee.

**(c) ADOPTION OF RULING:**

(1) The Chairman and Vice Chairman, acting jointly, shall issue a written interpretative ruling in response to any such request, unless—

(A) they cannot agree,

(B) it requires an interpretation of a significant question of first impression, or

(C) either requests that it be taken to the Committee, in which event the request shall be directed to the Committee for a ruling.

(2) A ruling on any request taken to the Committee under subparagraph (1) shall be adopted by a majority of the members voting and the ruling shall then be issued by the Chairman and Vice Chairman.

(d) **PUBLICATION OF RULINGS:** The Committee will publish in the Congressional Record, after making appropriate deletions to ensure confidentiality, any interpretative rulings issued under this Rule which the Committee determines may be of assistance or guidance to other Members, officers or employees. The Committee may at any time revise, withdraw, or elaborate on interpretative rulings.

(e) **RELIANCE ON RULINGS:** Whenever an individual can demonstrate to the Committee's satisfaction that his or her conduct was in good faith reliance on an interpretative ruling issued in accordance with this Rule, the Committee will not recommend sanctions to the Senate as a result of such conduct.

(f) **RULINGS BY COMMITTEE STAFF:** The Committee staff is not authorized to make rulings or give advice, orally or in writing, which binds the Committee in any way.

*Rule 12: Procedures for Complaints Involving Improper Use of the Mailing Frank*

(a) **AUTHORITY TO RECEIVE COMPLAINTS:** The Committee is directed by section 6(b) of Public Law 93-191 to receive and dispose of complaints that a violation of the use of the mailing frank has occurred or is about to occur by a Member or officer of the Senate or by a surviving spouse of a Member. All such complaints will be processed in accordance with the provisions of these Rules, except as provided in paragraph (b).

**(b) DISPOSITION OF COMPLAINTS:**

(1) The Committee may dispose of any such complaint by requiring restitution of the cost of the mailing, pursuant to the franking statute, if it finds that the franking violation was the result of a mistake.

(2) Any complaint disposed of by restitution that is made after the Committee has formally commenced an adjudicatory review, must be summarized, together with the disposition, in a report to the Senate, as appropriate.

(3) If a complaint is disposed of by restitution, the complainant, if any, shall be notified of the disposition in writing.

(c) **ADVISORY OPINIONS AND INTERPRETATIVE RULINGS:** Requests for advisory opinions or interpretative rulings involving franking questions shall be processed in accordance with Rules 10 and 11.

*Rule 13: Procedures for Waivers*

(a) **AUTHORITY FOR WAIVERS:** The Committee is authorized to grant a waiver under the following provisions of the Standing Rules of the Senate:

(1) Section 101(h) of the Ethics in Government Act of 1978, as amended (Rule XXXIV), relating to the filing of financial disclosure reports by individuals who are expected to perform or who have performed the duties of their offices or positions for less than one hundred and thirty days in a calendar year;

(2) Section 102(a)(2)(D) of the Ethics in Government Act, as amended (Rule XXXIV), relating to the reporting of gifts;

(3) Paragraph 1 of Rule XXXV relating to acceptance of gifts; or

(4) Paragraph 5 of Rule XLI relating to applicability of any of the provisions of the Code of Official Conduct to an employee of the Senate hired on a per diem basis.

(b) **REQUESTS FOR WAIVERS:** A request for a waiver under paragraph (a) must be directed to the Chairman or Vice Chairman in

writing and must specify the nature of the waiver being sought and explain in detail the facts alleged to justify a waiver. In the case of a request submitted by an employee, the views of his or her supervisor (as determined under paragraph 12 of Rule XXXVII of the Standing Rules of the Senate) should be included with the waiver request.

(c) **RULING:** The Committee shall rule on a waiver request by recorded vote with a majority of those voting affirming the decision. With respect to an individual's request for a waiver in connection with the acceptance or reporting the value of gifts on the occasion of the individual's marriage, the Chairman and the Vice Chairman, acting jointly, may rule on the waiver.

(d) **AVAILABILITY OF WAIVER DETERMINATIONS:** A brief description of any waiver granted by the Committee, with appropriate deletions to ensure confidentiality, shall be made available for review upon request in the Committee office. Waivers granted by the Committee pursuant to the Ethics in Government Act of 1978, as amended, may only be granted pursuant to a publicly available request as required by the Act.

*Rule 14: Definition of "Officer or Employee"*

(a) As used in the applicable resolutions and in these rules and procedures, the term "officer or employee of the Senate" means:

(1) An elected officer of the Senate who is not a Member of the Senate;

(2) An employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) The Legislative Counsel of the Senate or any employee of his office;

(4) An Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) A member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) An employee of the Vice President, if such employee's compensation is disbursed by the Secretary of the Senate;

(7) An employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate;

(8) An officer or employee of any department or agency of the Federal Government whose services are being utilized on a full-time and continuing basis by a Member, officer, employee, or committee of the Senate in accordance with Rule XLI(3) of the Standing Rules of the Senate; and

(9) Any other individual whose full-time services are utilized for more than ninety days in a calendar year by a Member, officer, employee, or committee of the Senate in the conduct of official duties in accordance with Rule XLI(4) of the Standing Rules of the Senate.

*Rule 15: Committee Staff*

(a) **COMMITTEE POLICY:**

(1) The staff is to be assembled and retained as a permanent, professional, nonpartisan staff.

(2) Each member of the staff shall be professional and demonstrably qualified for the position for which he or she is hired.

(3) The staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner.

(4) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(5) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the Committee without

specific advance permission from the Chairman and Vice Chairman.

(6) No member of the staff may make public, without Committee approval, any Committee Sensitive or classified information, documents, or other material obtained during the course of his or her employment with the Committee.

(b) **APPOINTMENT OF STAFF:**

(1) The appointment of all staff members shall be approved by the Chairman and Vice Chairman, acting jointly.

(2) The Committee may determine by majority vote that it is necessary to retain staff members, including a staff recommended by a special counsel, for the purpose of a particular preliminary inquiry, adjudicatory review, or other proceeding. Such staff shall be retained only for the duration of that particular undertaking.

(3) The Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the Executive Branch of the Government) whenever the Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, preliminary inquiry, adjudicatory review, or other proceeding, which in the determination of the Committee, is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee. The Committee shall retain and compensate outside counsel to conduct any adjudicatory review undertaken after a preliminary inquiry, unless the Committee determines that the use of outside counsel is not appropriate in the particular case.

(c) **DISMISSAL OF STAFF:** A staff member may not be removed for partisan, political reasons, or merely as a consequence of the rotation of the Committee membership. The Chairman and Vice Chairman, acting jointly, shall approve the dismissal of any staff member.

(d) **STAFF WORKS FOR COMMITTEE AS WHOLE:** All staff employed by the Committee or housed in Committee offices shall work for the Committee as a whole, under the general direction of the Chairman and Vice Chairman, and the immediate direction of the staff director or outside counsel.

(e) **NOTICE OF SUMMONS TO TESTIFY:** Each member of the Committee staff or outside counsel shall immediately notify the Committee in the event that he or she is called upon by a properly constituted authority to testify or provide confidential information obtained as a result of and during his or her employment with the Committee.

*Rule 16: Changes in Supplementary Procedural Rules*

(a) **ADOPTION OF CHANGES IN SUPPLEMENTARY RULES:** The Rules of the Committee, other than rules established by statute, or by the Standing Rules and Standing Orders of the Senate, may be modified, amended, or suspended at any time, pursuant to a recorded vote of not less than four members of the full Committee taken at a meeting called with due notice when prior written notice of the proposed change has been provided each member of the Committee.

(b) **PUBLICATION:** Any amendments adopted to the Rules of this Committee shall be published in the Congressional Record in accordance with Rule XXVI(2) of the Standing Rules of the Senate.

**SELECT COMMITTEE ON ETHICS**

**PART III—SUBJECT MATTER JURISDICTION**

Following are sources of the subject matter jurisdiction of the Select Committee:

(a) The Senate Code of Official Conduct approved by the Senate in Title I of S. Res. 110, 95th Congress, April 1, 1977, as amended, and

stated in Rules 34 through 43 of the Standing Rules of the Senate;

(b) Senate Resolution 338, 88th Congress, as amended, which states, among others, the duties to receive complaints and investigate allegations of improper conduct which may reflect on the Senate, violations of law, violations of the Senate Code of Official Conduct and violations of rules and regulations of the Senate; recommend disciplinary action; and recommend additional Senate Rules or regulations to insure proper standards of conduct;

(c) Residual portions of Standing Rules 41, 42, 43 and 44 of the Senate as they existed on the day prior to the amendments made by Title I of S. Res. 110;

(d) Public Law 93-191 relating to the use of the mail franking privilege by Senators, officers of the Senate; and surviving spouses of Senators;

(e) Senate Resolution 400, 94th Congress, Section 8, relating to unauthorized disclosure of classified intelligence information in the possession of the Select Committee on Intelligence;

(f) Public Law 95-105, Section 515, relating to the receipt and disposition of foreign gifts and decorations received by Senate members, officers and employees and their spouses or dependents;

(g) Preamble to Senate Resolution 266, 90th Congress, 2d Session, March 22, 1968; and

(h) The Code of Ethics for Government Service, H. Con. Res. 175, 85th Congress, 2d Session, July 11, 1958 (72 Stat. B12). Except that S. Res. 338, as amended by Section 202 of S. Res. 110 (April 2, 1977), and as amended by Section 3 of S. Res. 222 (1999), provides:

(g) Notwithstanding any other provision of this section, no adjudicatory review shall be initiated of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code. The Select Committee may initiate an adjudicatory review of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Select Committee.

**APPENDIX A—OPEN AND CLOSED MEETINGS**

Paragraphs 5 (b) to (d) of Rule XXVI of the Standing Rules of the Senate reads as follows:

(b) Each meeting of a standing, select, or special committee of the Senate, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in classes (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

#### APPENDIX B—"SUPERVISORS" DEFINED

Paragraph 12 of Rule XXXVII of the Standing Rules of the Senate reads as follows:

For purposes of this rule—

(a) a Senator or the Vice President is the supervisor of his administrative, clerical, or other assistants;

(b) a Senator who is the chairman of a committee is the supervisor of the professional, clerical, or other assistants to the committee except that minority staff members shall be under the supervision of the ranking minority Senator on the committee;

(c) a Senator who is a chairman of a subcommittee which has its own staff and financial authorization is the supervisor of the professional, clerical, or other assistants to the subcommittee except that minority staff members shall be under the supervision of the ranking minority Senator on the subcommittee;

(d) the President pro tempore is the supervisor of the Secretary of the Senate, Sergeant at Arms and Doorkeeper, the Chaplain, the Legislative Counsel, and the employees of the Office of the Legislative Counsel;

(e) the Secretary of the Senate is the supervisor of the employees of his office;

(f) the Sergeant at Arms and Doorkeeper is the supervisor of the employees of his office;

(g) the Majority and Minority Leaders and the Majority and Minority Whips are the supervisors of the research, clerical, and other assistants assigned to their respective offices;

(h) the Majority Leader is the supervisor of the Secretary for the Majority and the Secretary for the Majority is the supervisor of the employees of his office; and

(i) the Minority Leader is the supervisor of the Secretary for the Minority and the Secretary for the Minority is the supervisor of the employees of his office.

#### REVISIONS

#### RULES OF PROCEDURE—SELECT COMMITTEE ON ETHICS

Date revised	Amendment
December 1989	Allows for a reduced quorum to take testimony except during an adjudicatory hearing.
February 1993	Adopted, under Admissibility of Evidence, paragraph (C), Rule 412 of the Federal Rules of Evidence.
May 1993 .....	Corrected the following grammatical errors in the publication: page 2 section (d)(1) change paragraph 11 to paragraph 12; page 14 section (k)(6) change paragraph 11 to paragraph 12; page 15 section (5) change to "Whenever a member of the Committee is ineligible ....."
April 1997 .....	Amends Rule 9(c) Procedures for Handling Committee Sensitive and Classified Documents: (1) Strike "Committee Sensitive and classified documents and materials shall be segregated in secure filing safes." Insert "Committee Sensitive documents and materials shall be stored in the Committee's offices, with appropriate safeguards for maintaining the security of such documents or materials. Classified documents and materials shall be further segregated in the Committee's offices in secure filing safes." (2) Strike "If necessary, requested materials may be taken by a member of the Committee staff to the office of a member of the Committee for his or her examination, but the Committee staff member shall remain with the Committee Sensitive or classified documents or materials at all times except as specifically authorized by the Chairman or Vice Chairman." Insert "If necessary, requested materials may be hand delivered by a member of the Committee staff to the member of the Committee, or to a staff person(s) specifically designated by the member, for the member's or designated staffer's examination. A member of the Committee who has possession of Committee Sensitive documents or materials shall take appropriate safeguards for maintaining the security of such documents or materials in the possession of the member or his or her designated staffer." (3) Committee Sensitive documents that are provided to a Member of the Senate in connection with a complaint that has been filed against the Member shall be hand delivered to the Member or to the Member's Chief of Staff or Administrative Assistant. Committee Sensitive documents that are provided to a Member of the Senate who is the subject of a preliminary inquiry, an initial review, or an investigation, shall be hand delivered to the Member or to his or her specifically designated representative. (4) [Renumbered] (5) [Renumbered]
November 1999	Amends Committee Rule 14 by adding the following sentence to paragraph (c). "The Committee shall rule on a waiver request by recorded vote, with a majority of those voting affirming the decision. With respect to an individual's request for a waiver in connection with the acceptance or reporting the value of gifts on the occasion of the individual's marriage, the Chairman and the Vice Chairman, acting jointly, may rule on the waiver." Extensively amends the Supplementary Procedural Rules to reflect changes to the Committee charter as agreed to by S. Res. 222 ["Senate Ethics Procedure Reform Resolution of 1999"].

#### ENDNOTES

1. As amended by S. Res. 4, 95th Cong., 1st Sess. (1977), S. Res. 110, 95th Cong., 1st Sess. (1977), S. Res. 204, 95th Cong., 1st Sess. (1977), S. Res. 230, 95th Cong., 1st Sess. (1977), S. Res. 312, 95th Cong., 1st Sess. (1977), S. Res. 271, 96th Cong., 1st Sess. (1979), S. Res. 78, 97th Cong., 1st Sess. (1981). Brackets reflect renumbering of paragraphs in Senate Rule XXXVII effected by S. Res. 236, 101st Cong., 2d Sess. (1990). Amended by S. Res. 222, 106th Cong., 1st Sess. (1999). The amendments made by S. Res. 222, Senate Ethics Procedure Reform Resolution of 1999, shall take effect on November 5, 1999, except that the amendments shall not apply with respect to further proceedings in any preliminary inquiry, initial review, or investigation commenced before November 5, 1999, under Senate Resolution 338, agreed to July 24, 1964.

2. Subsection (c) was amended by S. Res. 222, 106th Cong., 1st Sess. (1999).

3. Subsection 3 was amended by S. Res. 78, 97th Cong., 1st Sess. (1981).

4. Subsection d(1)–(3) was added by S. Res. 110, 95th Cong., 1st Sess. (1977), and amended by S. Res. 222, 106th Cong., 1st Sess. (1999).

5. Reference to Senate Code of Official Conduct was added by S. Res. 110, §201, 95th Cong., 1st Sess. (1977).

6. Subsections (b)–(h) were added by and subsection (i) was amended by S. Res. 110, §202, 95th Cong., 1st Sess. (1977). Subsections (a)–(e) and (g)–(h) were amended by S. Res. 222, 106th Cong., 1st Sess. (1999).

7. Paragraph 7 was amended by S. Res. 110, §204, 95th Cong., 1st Sess. (1977).

8. Paragraph 8 was added by S. Res. 230, 95th Cong., 1st Sess. (1977).

9. Subsection (b)(1) was added by S. Res. 110, §204, 95th Cong., 1st Sess. (1977).

10. Subsection (b)(2) was amended by S. Res. 222, 106th Cong., 1st Sess. (1999).

11. Subsection (c) was added by S. Res. 110, §204, 95th Cong., 1st Sess. (1977).

12. Subsection (d) was added by S. Res. 312, 95th Cong., 1st Sess. (1977) and was amended by S. Res. 222, 106th Cong., 1st Sess. (1999).

13. Subsection was added by S. Res. 110, §206, 95th Cong., 1st Sess. (1977).

14. As amended 145 Cong. Rec. S14203 (daily ed. Nov., 5, 1999).

#### U.S. SENATE SELECT COMMITTEE ON ETHICS ANNUAL REPORT

Mr. LANKFORD. Mr. President, I ask unanimous consent, for myself as chairman of the Select Committee on Ethics and for Senator COONS, vice chairman of the committee, that the annual report of the Select Committee on Ethics for calendar year 2024 be printed in the RECORD.

The committee issued this report on January 31, 2025, as required by the Honest Leadership and Open Government Act of 2007.

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

#### ANNUAL REPORT OF THE SELECT COMMITTEE ON ETHICS

119TH CONGRESS, FIRST SESSION

January 31, 2025

The Honest Leadership and Open Government Act of 2007 (the Act) calls for the Select Committee on Ethics of the United States Senate to issue an annual report no later than January 31st of each year providing information in certain categories describing its activities for the preceding year. Reported below is the information describing the Committee's activities in 2024 in the categories set forth in the Act:

(1) The number of alleged violations of Senate rules received from any source, including the number raised by a Senator or staff of the Committee—158. (In addition, 6 alleged violations from previous years were carried into 2024.)

(2) The number of alleged violations that were dismissed—

(A) For lack of subject matter jurisdiction or in which, even if the allegations in the complaint are true, no violation of Senate rules would exist: 142.

(B) Because they failed to provide sufficient facts as to any material violation of the Senate rules beyond mere allegation or assertion: 7.

(3) The number of alleged violations for which the Committee staff conducted a preliminary inquiry: 15. (This figure includes 6 matters from previous years carried into 2024.)

(4) The number of alleged violations for which the Committee staff conducted a preliminary inquiry that resulted in an adjudicatory review: 1.

(5) The number of alleged violations for which the Committee staff conducted a preliminary inquiry and the Committee dismissed the matter for lack of substantial



merit or because it was inadvertent, technical or otherwise of a *de minimis* nature: 8.

(6) The number of alleged violations for which the Committee staff conducted a preliminary inquiry and the Committee issued private or public letters of admonition: 1.

(7) The number of matters resulting in a disciplinary sanction: 0.

(8) Any other information deemed by the Committee to be appropriate to describe its activities in the previous year:

In 2024, the Committee staff conducted 16 Member and office campaign activity briefings; 19 employee code of conduct training sessions; 5 public financial disclosure clinics, seminars, and webinars; 29 ethics seminars and customized briefings for Member DC offices, state offices, and Senate committees; 2 private sector ethics briefings, and 3 international briefings.

In 2024, the Committee staff handled approximately 11,082 inquiries (via telephone and email) for ethics advice and guidance.

In 2024, the Committee wrote approximately 968 ethics advisory letters and responses including, but not limited to, 776 travel and gifts matters (Senate Rule 35) and 161 conflict of interest matters (Senate Rule 37).

In 2024, the Committee received 4,323 public financial disclosure and periodic disclosure of financial transactions reports.

#### CONFIRMATION OF SEAN DUFFY

Mr. VAN HOLLEN. Mr. President, yesterday afternoon I voted to advance Sean Duffy's nomination to be Secretary of Transportation. I support qualified Cabinet nominees even when I have deep policy and political differences, unless they are so extreme as to pose a threat to the mission of their Agency. I have voted for qualified nominees from both parties for this position, and, while I have deep political and policy difference with Mr. Duffy, I believe that his experience in the House of Representatives has prepared him to do this job and support the overall mission of the Department of Transportation. I also appreciated his commitment in his hearings to funding Federal transportation projects without partisan influence.

However, last night, the administration put out an unprecedented and illegal directive to Agencies to hold vast amounts of Federal funding, including grants and loans to states and organizations working in our communities. My office is hearing from counties and community groups across Maryland who are losing access to funds to support firefighters, prevent homelessness, and keep transportation projects on track. Mr. Duffy, and every nominee, will be responsible for executing this unlawful withholding of funding as passed by Congress. We cannot continue with business as usual when the administration abuses its power and ignores spending laws as passed by Congress, so I voted against Mr. Duffy's nomination today.

#### 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 and three withdrawals 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 10:02 a.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, in which it requests the concurrence of the Senate:

H.R. 471. A bill to expedite under the National Environmental Policy Act of 1969 and improve forest management activities on National Forest System lands, on public lands under the jurisdiction of the Bureau of Land Management, and on Tribal lands to return resilience to overgrown, fire-prone forested lands, and for other purposes.

At 2:20 p.m., a message from the House of Representatives, delivered by Mrs. Alli, one of its reading clerks, announced that pursuant to section 9803(d)(1)(C) and (E) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117-263), and the order of the House of January 3, 2025, the Minority Leader appoints the following Member on the part of the House of Representatives to the Commission on Reform and Modernization of the Department of State: Mr. QUIGLEY of Illinois.

The message further announced that pursuant to 10 U.S.C. 4355(a), and the order of the House of January 3, 2025, the Minority Leader appoints the following Member on the part of the House of Representatives to the Board of Visitors to the United States Military Academy: Mr. RYAN of New York.

The message also announced that pursuant to 10 U.S.C. 8468(a), and the order of the House of January 3, 2025, the Minority Leader appoints the following Member on the part of the House of Representatives to the Board of Visitors to the United States Naval Academy: Ms. ELFRETH of Maryland.

The message further announced that pursuant to 10 U.S.C. 9455(a), and the order of the House of January 3, 2025, the Minority Leader appoints the following Member to the Board of Visitors to the United States Air Force Academy: Mr. DAVIS of North Carolina.

The message also announced that pursuant to section 4 of the United States Semiquincentennial Commission Act of 2016 (Public Law 114-196), and the order of the House of January 3, 2025, the Minority Leader appoints the following Members on the part of the House of Representatives to the United States Semiquincentennial Commission: Mrs. WATSON COLEMAN of New Jersey and Mr. EVANS of Pennsylvania.

The message further announced that pursuant to 22 U.S.C. 6913, and the

order of the House of January 3, 2025, the Speaker appoints the following Member on the part of the House of Representatives to the Congressional Executive Commission on the People's Republic of China: Mr. MCGOVERN of Massachusetts.

The message also announced that pursuant to section 2 of the Migratory Bird Conservation Act (16 U.S.C. 715a), and the order of the House of January 3, 2025, the Speaker appoints the following Member on the part of the House of Representatives to the Migratory Bird Conservation Commission: Mr. THOMPSON of California.

The message further announced that pursuant to 14 U.S.C. 1903(b), and the order of the House of January 3, 2025, the Speaker appoints the following Member on the part of the House of Representatives to the Board of Visitors to the United States Coast Guard Academy: Mr. COURTNEY of Connecticut.

The message also announced that pursuant to 22 U.S.C. 2903, and the order of the House of January 3, 2025, the Speaker appoints the following Member on the part of the House of Representatives to the Japan-United States Friendship Commission: Mr. TAKANO of California.

The message further announced that pursuant to section 4 of the United States Semiquincentennial Commission Act of 2016 (Public Law 114-196), and the order of the House of January 3, 2025, the Speaker appoints the following Members on the part of the House of Representatives to the United States Semiquincentennial Commission: Mr. ADERHOLT of Alabama and Ms. SALAZAR of Florida.

The message also announced that pursuant to 22 U.S.C. 1928a, and the order of the House of January 3, 2025, the Speaker appoints the following Member on the part of the House of Representatives to the United States Group of the NATO Parliamentary Assembly: Mr. BERGMAN of Michigan.

The message further announced that pursuant to 22 U.S.C. 1928a, and the order of the House of January 3, 2025, the Speaker appoints the following Members on the part of the House of Representatives to the United States Group of the NATO Parliamentary Assembly: Mr. TURNER of Ohio, Chair, Mr. DUNN of Florida, Mrs. WAGNER of Missouri, Mr. FITZPATRICK of Pennsylvania, Mr. GUTHRIE of Kentucky, Ms. VAN DUYN of Texas, and Mr. CONNOLLY of Virginia.

The message also announced that pursuant to section 2 of the Migratory Bird Conservation Act (16 U.S.C. 715a), and the order of the House of January 3, 2025, the Speaker appoints the following Member on the part of the House of Representatives to the Migratory Bird Conservation Commission: Mr. WITTMAN of Virginia.

The message further announced that pursuant to section 9803(d)(1)(C) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023

(Public Law 117-263), and the order of the House of January 3, 2025, the Speaker appoints the following Member on the part of the House of Representatives to the Commission on Reform and Modernization of the Department of State: Mr. MILLER of Ohio.

The message also announced that pursuant to 22 U.S.C. 2903, and the order of the House of January 3, 2025, the Speaker appoints the following Member on the part of the House of Representatives to the Japan-United States Friendship Commission: Mr. SMITH of Nebraska.

The message further announced that pursuant to 22 U.S.C. 6913, and the order of the House of January 3, 2025, the Speaker appoints the following Member on the part of the House of Representatives to the Congressional Executive Commission on the People's Republic of China: Mr. SMITH of New Jersey, Co-Chair.

The message also announced that pursuant to 22 U.S.C. 2761, and the order of the House of January 3, 2025, the Speaker appoints the following Member on the part of the House of Representatives to the British-American Interparliamentary Group: Mr. LATTA of Ohio, Chair.

The message further announced that pursuant to 14 U.S.C. 1903(b), and the order of the House of January 3, 2025, the Speaker appoints the following Members on the part of the House of Representatives to the Board of Visitors to the United States Coast Guard Academy: Mrs. McCLAIN of Michigan and Mr. RUTHERFORD of Florida.

The message also announced that pursuant to 46 U.S.C. 51312(b) and the order of the House of January 3, 2025, the Speaker appoints the following Members on the part of the House of Representatives to the Board of Visitors to the United States Merchant Marine Academy: Mr. VALADAO of California and Mr. SUOZZI of New York.

The message further announced that pursuant to 10 U.S.C. 7455(a), and the order of the House of January 3, 2025, the Speaker appoints the following Members on the part of the House of Representatives to the Board of Visitors to the United States Military Academy: Mr. WOMACK of Arkansas and Mrs. BICE of Oklahoma.

The message also announced that pursuant to 10 U.S.C. 8468(a), and the order of the House of January 3, 2025, the Speaker appoints the following Members on the part of the House of Representatives to the Board of Visitors to the United States Naval Academy: Mr. ELLZEY of Texas and Mr. SCOTT FRANKLIN of Florida.

The message further announced that pursuant to section 2(a) of the National Cultural Center Act (20 U.S.C. 76h(a)), amended by Public Law 107-117, and the order of the House of January 3, 2025, the Speaker appoints the following Members on the part of the House of Representatives to the Board of Trustees of the John F. Kennedy Center for the Performing Arts: Mr.

MCCAUL of Texas, Ms. LETLOW of Louisiana, and Mrs. BEATTY of Ohio.

The message also announced that pursuant to sections 5580 and 5581 of the revised statutes (20 U.S.C. 42-43), and the order of the House of January 3, 2025, the Speaker appoints the following Members on the part of the House of Representatives to the Board of Regents of the Smithsonian Institution: Mr. SMITH of Nebraska, Mr. GIMENEZ of Florida, and Ms. MATSUI of California.

The message further announced that pursuant to 10 U.S.C. 9455(a), and the order of the House of January 3, 2025, the Speaker appoints the following Members to the Board of Visitors to the United States Air Force Academy: Mr. PFLUGER of Texas and Mr. CRANK of Colorado.

#### 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. KING (for himself and Mr. CORNYN):

S. 264. A bill to amend title 38, United States Code, to establish the Veterans Experience Office, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RISCH (for himself, Mrs. HYDE-SMITH, Ms. LUMMIS, Mr. DAINES, and Mr. CRAPO):

S. 265. A bill to provide that participation in the American Community Survey is voluntary; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KAINE (for himself, Mr. YOUNG, Mr. REED, Mr. MARSHALL, Mrs. SHAHEEN, Ms. MURKOWSKI, Mr. WARNER, and Mrs. CAPITO):

S. 266. A bill to reauthorize the Dr. Lorna Breen Health Care Provider Protection Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BUDD (for himself and Mr. TILLIS):

S. 267. A bill to make certain repairs, replacements, and restorations of private roads and bridges eligible for reimbursement under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. HYDE-SMITH (for herself and Mr. LEE):

S. 268. A bill to amend the Internal Revenue Code of 1986 to require taxpayers claiming the child and earned income tax credits, and their qualifying children, to have a valid social security number for employment purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself and Mr. PETERS):

S. 269. A bill to improve coordination between Federal and State agencies and the Do Not Pay working system; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LANKFORD:

S. 270. A bill to establish a Commission on Federal Natural Disaster Resilience and Recovery to examine and recommend reforms to improve the efficiency and effectiveness of the Federal Government's approach to natural disaster resilience and recovery, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CRUZ (for himself, Mr. SCOTT of Florida, Mr. GRASSLEY, Mr.

LANKFORD, Mr. BUDD, Mr. JUSTICE, Mr. RICKETTS, and Mr. CORNYN):

S. 271. A bill to amend the Immigration and Nationality Act to increase penalties for individuals who illegally reenter the United States after being removed, and for other purposes; to the Committee on the Judiciary.

By Mr. PETERS (for himself and Mr. HOEVEN):

S. 272. A bill to improve the safety of infant formula through testing of infant formula for microorganisms and toxic elements, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. ROSEN (for herself, Ms. ERNST, Mr. RISCH, and Mr. WARNER):

S. 273. A bill to allow nonprofit child care providers to participate in certain loan programs of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. DAINES (for himself and Mr. KIM):

S. 274. A bill to amend title 38, United States Code, to make certain improvements to laws relating to the payment of certain benefits administered by the Secretary of Veterans Affairs that are affected by death, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MORAN:

S. 275. A bill to improve the provision of care and services under the Veterans Community Care Program of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CRUZ (for himself and Mr. MARSHALL):

S. 276. A bill to amend the Internal Revenue Code of 1986 to expand and improve health savings accounts, and for other purposes; to the Committee on Finance.

By Mrs. BLACKBURN (for herself and Mr. HAGERTY):

S. 277. A bill to release a Federal reversionary interest and convey mineral interests in Chester County, Tennessee, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCHATZ (for himself, Mr. CRUZ, Mr. MURPHY, Mrs. BRITT, Mr. WELCH, Mr. BUDD, Mr. KING, Mr. CURTIS, Mr. WARNER, and Mr. FETTERMAN):

S. 278. A bill to prohibit users who are under age 13 from accessing social media platforms, to prohibit the use of personalized recommendation systems on individuals under age 17, and limit the use of social media in schools; to the Committee on Commerce, Science, and Transportation.

By Mr. BENNET:

S. 279. A bill to reform and enhance the pay and benefits of Federal wildland firefighters, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. SHAHEEN (for herself, Ms. MURKOWSKI, Mr. MERKLEY, Mr. WARNOCK, Mr. DURBIN, Ms. CORTEZ MASTO, Ms. CANTWELL, Mr. WELCH, Mr. MURPHY, Mr. REED, Mr. BLUMENTHAL, Ms. HIRONO, Mr. BENNET, Mr. WHITEHOUSE, Mr. KAINE, Ms. ROSEN, Mr. SCHATZ, Mrs. MURRAY, Mr. HICKENLOOPER, Mr. KING, Mr. PADILLA, Ms. KLOBUCHAR, Mr. BOOKER, Ms. BALDWIN, Mr. COONS, Mr. OSSOFF, Mr. SANDERS, Ms. WARREN, Ms. SLOTKIN, Ms. DUCKWORTH, Mr. WYDEN, Ms. SMITH, Mr. KELLY, Mr. MARKEY, Mr. LUJÁN, Ms. ALSOBROOKS, Mr. WARNER, Ms. HASSAN, Mrs. GILLIBRAND, Mr. VAN HOLLEN, Mr. SCHIFF, Mr. SCHUMER, and Mr. GALLEGOS):

S. 280. A bill to prohibit the application of certain restrictive eligibility requirements

to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961; to the Committee on Foreign Relations.

By Mr. SCHMITT (for himself and Mr. MARKEY):

S. 281. A bill to require sellers of event tickets to disclose comprehensive information to consumers about ticket prices and related fees, to prohibit speculative ticketing, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KING:

S. 282. A bill to provide greater regional access to the Katahdin Woods and Waters National Monument in the State of Maine, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRUZ (for himself, Mr. SCHATZ, Mrs. BRITT, and Mr. TUBERVILLE):

S. 283. A bill to require the Under Secretary of Commerce for Standards and Technology and the Administrator of National Oceanic and Atmospheric Administration to develop a standard methodology for identifying the country of origin of seafood to support enforcement against illegal, unreported, and unregulated fishing, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. LUMMIS:

S. 284. A bill to reauthorize the Congressional Award Act; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LANKFORD (for himself, Mr. CRAPO, and Mr. RISCH):

S. 285. A bill to curtail the use of changes in mandatory programs affecting the Crime Victims Fund to inflate spending; to the Committee on the Budget.

By Mr. SCOTT of Florida (for himself and Mr. JOHNSON):

S. 286. A bill to establish vetting standards for the placement of unaccompanied alien children with sponsors, and for other purposes; to the Committee on the Judiciary.

By Mr. ROUNDS (for himself and Mr. THUNE):

S. 287. A bill to designate the Federal building located at 225 South Pierre Street in Pierre, South Dakota, as the "Marcella LeBeau Federal Building," and for other purposes; to the Committee on Environment and Public Works.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MURRAY (for herself, Mr. MURPHY, Mr. KIM, Ms. ALSOBROOKS, Ms. BALDWIN, Mr. BENNET, Mr. BLUMENTHAL, Ms. BLUNT ROCHESTER, Mr. BOOKER, Ms. CANTWELL, Mr. COONS, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Mr. DURBIN, Mr. FETTERMAN, Mr. GALLEGGO, Mrs. GILLIBRAND, Ms. HASSAN, Mr. HEINRICH, Mr. HICKENLOOPER, Ms. HIRONO, Mr. KAINE, Mr. KELLY, Mr. KING, Ms. KLOBUCHAR, Mr. LUJÁN, Mr. MARKEY, Mr. MERKLEY, Mr. OSSOFF, Mr. PADILLA, Mr. PETERS, Mr. REED, Ms. ROSEN, Mr. SANDERS, Mr. SCHATZ, Mr. SCHIFF, Mr. SCHUMER, Mrs. SHAHEEN, Ms. SLOTKIN, Ms. SMITH, Mr. VAN HOLLEN, Mr. WARNER, Mr. WARNOCK, Ms. WARREN, Mr. WELCH, Mr. WHITEHOUSE, and Mr. WYDEN):

S. Res. 42. A resolution condemning the pardons for individuals who were found guilty of assaulting Capitol Police Officers; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 21

At the request of Ms. ERNST, the name of the Senator from Tennessee (Mrs. BLACKBURN) was added as a cosponsor of S. 21, a bill to require each Executive department to establish policies and collect information regarding teleworking employees of the Executive department, and for other purposes.

S. 84

At the request of Ms. ERNST, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 84, a bill to require U.S. Immigration and Customs Enforcement to take into custody certain aliens who have been charged in the United States with a crime that resulted in the death or serious bodily injury of another person, and for other purposes.

S. 93

At the request of Mr. SULLIVAN, the names of the Senator from Delaware (Mr. COONS), the Senator from California (Mr. PADILLA) and the Senator from Louisiana (Mr. CASSIDY) were added as cosponsors of S. 93, a bill to amend the Harmful Algal Blooms and Hypoxia Research and Control Act of 1998 to address harmful algal blooms, and for other purposes.

S. 107

At the request of Mr. TILLIS, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 107, a bill to amend the Lumbee Act of 1956.

S. 124

At the request of Mr. MORAN, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 124, a bill to amend title 38, United States Code, to provide for disciplinary procedures for supervisors and managers at the Department of Veterans Affairs and to modify the procedures of personnel actions against employees of the Department, and for other purposes.

S. 135

At the request of Mr. PADILLA, the names of the Senator from Wyoming (Ms. LUMMIS), the Senator from Michigan (Mr. PETERS), the Senator from Utah (Mr. CURTIS) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 135, a bill to amend title 5, United States Code, to provide for special base rates of pay for wildland firefighters, and for other purposes.

S. 203

At the request of Mr. PAUL, the names of the Senator from Tennessee (Mrs. BLACKBURN) and the Senator from South Carolina (Mr. SCOTT) were added as cosponsors of S. 203, a bill to prohibit Federal funding of Planned Parenthood Federation of America.

S. 210

At the request of Ms. ERNST, the name of the Senator from Tennessee (Mrs. BLACKBURN) was added as a cosponsor of S. 210, a bill to prohibit

agencies from using Federal funds for publicity or propaganda purposes, and for other purposes.

S. 212

At the request of Mr. BUDD, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 212, a bill to make the assault of a law enforcement officer a deportable offense, and for other purposes.

S. 213

At the request of Mr. DAINES, the names of the Senator from Pennsylvania (Mr. MCCORMICK) and the Senator from Utah (Mr. LEE) were added as cosponsors of S. 213, a bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for qualified business income.

S. 229

At the request of Mr. DURBIN, the name of the Senator from Mississippi (Mrs. HYDE-SMITH) was added as a cosponsor of S. 229, a bill to amend title XI of the Social Security Act to require that direct-to-consumer advertisements for prescription drugs and biological products include an appropriate disclosure of pricing information.

S. 237

At the request of Ms. KLOBUCHAR, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 237, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide public safety officer benefits for exposure-related cancers, and for other purposes.

S. J. RES. 3

At the request of Mr. CRUZ, the names of the Senator from Utah (Mr. CURTIS), the Senator from Arkansas (Mr. COTTON) and the Senator from Utah (Mr. LEE) were added as cosponsors of S. J. Res. 3, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Internal Revenue Service relating to "Gross Proceeds Reporting by Brokers That Regularly Provide Services Effectuating Digital Asset Sales".

S. RES. 37

At the request of Mr. SCHATZ, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. Res. 37, a resolution expressing the sense of the Senate that the people of the United States should have continuous access to timely, up-to-date, and accurate health information.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 42—CONDEMNING THE PARDONS FOR INDIVIDUALS WHO WERE FOUND GUILTY OF ASSAULTING CAPITOL POLICE OFFICERS

Mrs. MURRAY (for herself, Mr. MURPHY, Mr. KIM, Ms. ALSOBROOKS, Ms. BALDWIN, Mr. BENNET, Mr. BLUMENTHAL, Ms. BLUNT ROCHESTER,

Mr. BOOKER, Ms. CANTWELL, Mr. COONS, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Mr. DURBIN, Mr. FETTERMAN, Mr. GALLEG0, Mrs. GILLIBRAND, Ms. HASSAN, Mr. HEINREICH, Mr. HICKENLOOPER, Ms. HIRONO, Mr. KANE, Mr. KELLY, Mr. KING, Ms. KLOBUCHAR, Mr. LUJÁN, Mr. MARKEY, Mr. MERKLEY, Mr. OSSOFF, Mr. PADILLA, Mr. PETERS, Mr. REED, Ms. ROSEN, Mr. SANDERS, Mr. SCHATZ, Mr. SCHIFF, Mr. SCHUMER, Mrs. SHAHEEN, Ms. SLOTKIN, Ms. SMITH, Mr. VAN HOLLEN, Mr. WARNER, Mr. WARNOCK, Ms. WARREN, Mr. WELCH, Mr. WHITEHOUSE, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 42

*Resolved*, That the Senate disapproves of any pardons for individuals who were found guilty of assaulting Capitol Police officers.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 95. Mr. SCOTT of South Carolina submitted an amendment intended to be proposed by him to the bill H.R. 23, to impose sanctions with respect to the International Criminal Court engaged in any effort to investigate, arrest, detain, or prosecute any protected person of the United States and its allies; which was ordered to lie on the table.

SA 96. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 23, supra; which was ordered to lie on the table.

SA 97. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 23, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 95. Mr. SCOTT of South Carolina submitted an amendment intended to be proposed by him to the bill H.R. 23, to impose sanctions with respect to the International Criminal Court engaged in any effort to investigate, arrest, detain, or prosecute any protected person of the United States and its allies; which was ordered to lie on the table; as follows:

After section 4, insert the following:

#### SEC. 5. REPORTS ON FOREIGN BOYCOTTS OF ISRAEL.

(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the head of the Office of Antiboycott Compliance of the Bureau of Industry and Security of the Department of Commerce shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on foreign boycotts described in section 1773(a) of the Anti-Boycott Act of 2018 (50 U.S.C. 4842(a)) targeted at the State of Israel.

(B) ELEMENTS.—The report required by subsection (a) shall include a description of—

(1) the foreign boycotts; and

(2) the steps taken by the Secretary of Commerce to enforce the provisions of the Anti-Boycott Act of 2018 (50 U.S.C. 4841 et seq.) with respect to such boycotts.

(C) TERMINATION.—The requirement to submit reports under subsection (a) shall terminate on the date that is 5 years after the date of the enactment of this Act.

SA 96. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 23, to impose sanctions with respect to the International Criminal Court engaged in

any effort to investigate, arrest, detain, or prosecute any protected person of the United States and its allies; which was ordered to lie on the table; as follows:

Beginning on page 4, strike line 21 and all that follows through page 5, line 5, and insert the following:

(3) the sanctions described in subsection (b)(1) with respect to the International Criminal Court; and

(4) a prohibition on the opening or the maintaining in the United States of a correspondent or payable-through account by any foreign financial institution determined by the President to have knowingly conducted or facilitated a significant transaction or transactions on behalf of the International Criminal Court or any person whose property is blocked under subsection (b)(1).

(B) SANCTIONS DESCRIBED.—The sanctions described in this subsection with respect to a foreign person described in subsection (a) are the following:

(1) PROPERTY BLOCKING.—The President shall exercise all of the powers granted by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of any foreign person described in paragraph (1) or (3) of subsection (a) if such property and interests in

SA 97. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 23, to impose sanctions with respect to the International Criminal Court engaged in any effort to investigate, arrest, detain, or prosecute any protected person of the United States and its allies; which was ordered to lie on the table; as follows:

On page 10, strike lines 9 through 16 and insert the following:

(2) ALLY OF THE UNITED STATES.—

(A) IN GENERAL.—The term “ally of the United States” means—

(i) a government of a member country of the North Atlantic Treaty Organization; or  
(ii) a government of a major non-NATO ally, as that term is defined by section 2013(7) of the American Service-Members' Protection Act (22 U.S.C. 7432(7)).

(B) EXCLUSIONS.—The term “ally of the United States” does not include—

- (i) Bahrain;
- (ii) Qatar;
- (iii) Pakistan;
- (iv) Egypt; or
- (v) Türkiye.

#### AUTHORITY FOR COMMITTEES TO MEET

Mrs. BLACKBURN. Mr. President, I have four 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 ARMED SERVICES

The Committee on Armed Services is authorized to meet in open session during the session of the Senate on Tuesday, January 28, 2025, at 9:30 a.m., to receive testimony.

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Tuesday, January 28, 2025, at 10 a.m., to conduct a hearing.

##### COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the ses-

sion of the Senate on Tuesday, January 28, 2025, at 10:30 a.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 Tuesday, January 28, 2025, at 2:30 p.m., to conduct a closed briefing.

#### ORDERS FOR WEDNESDAY, JANUARY 29, 2025

Mr. THUNE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 12 noon on Wednesday, January 29; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, morning business be closed, and the Senate proceed to executive session and resume Executive Calendar No. 8, LEE ZELDIN; further, that if any nominations are confirmed during Wednesday's session, the motions to reconsider be considered made and laid upon the table, and the President be immediately notified of the Senate's action.

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

#### ORDER FOR ADJOURNMENT

Mr. THUNE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator KENNEDY and my Democratic colleagues.

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

The PRESIDING OFFICER. The Senator from Louisiana.

#### TRUMP EXECUTIVE ORDERS

Mr. KENNEDY. Mr. President, with me this evening is Mr. Nick Ayers, who is one of my colleagues in my office on whose judgment, counsel, and advice I rely regularly.

As you know, on any given day, the halls of the Senate office buildings and the Capitol itself are teaming with people. We have a lot of visitors, which is a great thing. We have a lot of staff members, very able. We, obviously, have a hundred Senators, and we have many, many, many—did I mention many?—members of the press.

And today many of those folks—not the tourists, not the members of the public, our visitors, our people who are visiting us—but some staff members, some Senators, and some members of the media have been catatonic—catatonic. They have been foaming at the mouth, and it all has to do with a simple memorandum issued by the Office of Management and Budget dealing with spending, and I want to talk about that for a few minutes and try to put it in perspective.

I thought about starting my talk today off by saying: If it weren't for double standards around this place, there wouldn't be any standards at all. And, actually, that is true, but that is

too cynical for the point I want to make today.

The point I want to make today is that, in Congress, we are headed for a multiple-vehicle pileup—a multiple-vehicle pileup, which I will describe in a moment. And it is going to be messy, and dealing with it is going to be messy, and we have got to deal with it in accordance with the Constitution and our law, as passed by Congress.

But we are also going to have to try to do some things a different way, and it is not going to be altogether pretty.

Now, we can all debate—I haven't met a dummy yet in the U.S. Senate. Some people would disagree with that, but that has been my experience. Every single Member of this body is very clever, and they can get us bogged down in procedure and debate forever about how many lawyers can dance on the head of a pin. And all of that is important. I have done that myself before. But we are also dealing with reality.

Did I mention we are dealing with a multiple-vehicle pileup?

I remember back when President Obama was President. He repeatedly refused to enforce laws that he didn't like. When certain provisions—I remember it like it was yesterday—when certain provisions of the Affordable Care Act proved to be controversial—it was law, but some of those provisions of law that he passed were controversial. I will give you an example of a mandate that large employers provide insurance to their employees or else pay a big penalty. President Obama just unilaterally delayed implementation; said: I am not going to enforce it.

Nobody went catatonic around here. Nobody started foaming at the mouth. Maybe everybody had taken their meds that day. I don't know. But there was no hue and cry, like we have heard today as a result of that OMB memorandum.

I remember also when Congress took up the issue, at President Obama's suggestion, of Dreamers. Remember the DREAM Act? Congress wouldn't pass it. Dreamers are children brought to the United States of America illegally by their parents who have come here illegally. But the children are children; they don't know better.

President Obama proposed the DREAM Act. Congress didn't pass it. So President Obama just ignored the law. He protected them from deportation through Executive action. It is called the 2012 Deferred Action For Childhood Arrivals Program.

It broke the law. Nobody around here foamed at the mouth. Nobody around here went catatonic, including but not limited to the media.

I remember when President Biden did a very similar thing. He sought to preserve and fortify DACA, as we called it. And he also took a number of steps unilaterally to weaken immigration enforcement.

We know that. That is why the border under President Biden was an open,

bleeding wound. He didn't—he refused to follow the law. Nobody foamed at the mouth around here. Members of the press didn't become catatonic.

I don't remember anyone, Democrat or Republican, calling for President Obama's impeachment after a Federal court criticized his administration for spending money unlawfully. You remember that? President Obama decided to pay subsidies to health insurers in 2014, decided to give them money. There is just one problem: Congress hadn't appropriated the money. The GOP House, the Republican-controlled House, sued him. A Federal judge ruled against President Obama. But the money was spent.

I remember when the GAO concluded that the Obama Health and Human Services Department in 2016 illegally spent money—Congress didn't appropriate it—by paying insurers instead of sending the money to the Department of Treasury.

Nobody around here foamed at the mouth, including members of the press. Nobody around here went catatonic.

Now, I didn't come here today to debate the “take Care” clause of the U.S. Constitution. We are all familiar with it. The President has a constitutional duty to “take Care that the Laws be faithfully executed.” That is the law. It is in our Constitution, bigger than Dallas, right there. And I believe in it. I didn't come here today to debate it.

I didn't come here today to debate the 1974 Impoundment Control Act, which the courts have ruled to be constitutional, which says that Congress gets to appropriate the money and the President has to spend it. I don't want to get into all of that.

But I guess my point, in light of this OMB memorandum—which I will talk about in a moment. My point is that having embraced nonenforcement when they like the results under President Biden and President Obama, my Democratic friends have very little standing—in fact, none, zero, zilch, nada—no standing to complain when President Trump employs the same legal theory for different purposes. I am not saying—I am not suggesting that we ought to follow the rule: Two wrongs don't make it right, but they do make it even.

I am just gently suggesting that maybe I should have started this speech with: If it weren't for double standards around this place, there wouldn't be any standards at all.

Let me say it again. I support the “take Care” clause in the Constitution, and I can read the law. I know a law-book from a J.Crew catalog. I know what the Impoundment Act says, and I can read the court opinions holding that it is constitutional.

Why am I talking about all this stuff? As you know, since he has been President—I don't know, a week, 10 days—President Trump has issued about a squillion Executive orders. I think it is the most Executive orders issued by a President in this short pe-

riod of time, in the history of ever. I am still trying to read them.

And most of his Executive orders—this is a general statement, but I think it is fairly accurate—intend, as is his right, to reverse many of the policies implemented by President Biden.

I think it was yesterday that the Office of Management and Budget, under President Trump—under an Acting Director—issued a memorandum. And the memorandum went out to all Agencies of the Federal Government, and it said: Look, you have seen the President's Executive orders changing Federal policy, which he has the right to issue. So hold up spending any money—OBM said to the various Agencies—that would implement President Biden's policies as have been changed by President Trump.

And OMB was very careful in its initial memorandum and in its explanation later to say: Look, we are not talking about direct payments to people. We are not talking about Medicaid. We are not talking about Medicare. We are not talking about Social Security. We are not talking about SNAP benefits. Very careful.

Well, people around here, today, have been screaming like they are part of a prison riot: Oh, my God, the President is not following the law—like this had not happened before.

Again, I am not saying that two wrongs don't make it right, but they do make it even. I am just trying to give you a little context for this.

My good friend Senator SCHUMER—and he is my good friend. I went on a trip with CHUCK to China. I don't want to personalize this about CHUCK. Let me put it another way. Some of my Democratic friends have and some of my friends in the media have been running around like a 5-year-old in a Batman T-shirt screaming that the world is coming to an end and the Impoundment Act is being violated and the “take Care” clause of the Constitution has been thrown into the garbage bin, as if this sort of hesitation to spend money has never happened before in Washington, DC.

Why is the Trump administration doing this? Look, I don't know. I don't talk to the Trump administration every day. People have a multitude of reasons for doing what they do. But I can see what is going on and what is going to be going on over the next 6 months to a year.

Did I mention we are headed to a multiple-vehicle pileup?

Here is the problem. We have to extend the tax cuts from the Tax Cuts and Jobs Act of 2017. We don't have a choice. Like it or hate it, if we don't extend those tax cuts when they expire shortly, taxes are going to go up \$4.3 trillion on the American people—not \$4.3 million, not \$4.3 billion; \$4.3 trillion. And 60 percent of that tax increase is going to impact middle-class and lower income Americans. And that is just a natural fact. If we don't extend those tax cuts, it is going to drive

our GDP and our economy on a journey to the center of the Earth. Even my Democratic friends know those tax cuts have to be extended.

But we have other things we have to do too. We are deficit spending. We are spending money around here like it was pond water, like it was ditch water.

I don't want to blame it all on President Biden. But if the shoe fits, wear it, Cinderella.

This is what President Biden spent. He didn't spend this from tax revenues; he borrowed it: \$1.9 trillion on the American Rescue Plan; \$1.2 trillion on the Green New Deal, which they called an infrastructure act; \$1 trillion on the Inflation Reduction Act; the Chips Act, where we gave money to some of the biggest companies in America—Big Tech—because they said they needed it. We gave them \$280 billion for semiconductor manufacturing.

It was just announced yesterday: China just kicked our ass on artificial intelligence.

I don't know if I can say "ass" on the Senate floor, but by God, I just did.

They did—I don't know how else to describe it—after we spent \$280 billion? This is just under President Biden—\$4.380 trillion on money we didn't have.

We are deficit spending every nanosecond. I don't know how many millions we have had to borrow since I have been talking. We are taking in about \$4.5 trillion, give or take. We are spending about \$6.5 trillion.

When we deficit spend, that money doesn't fall from Heaven. We thank Heaven for it, but we have to borrow it, and we have to pay it back. And those annual deficits—daily deficits, monthly deficits—roll over into national debt, and we have \$36 trillion worth of national debt. We are going to run out of digits. That is the most debt we have ever had, well over 100 percent of GDP.

So we have to renew the tax cuts, which is going to cause short-term—before it stimulates the economy—short-term loss of revenue. And we have to stop the deficit spending, and we have to reduce our debt.

But there is more. There is more.

We have to increase defense spending because President Xi is working with President Putin, who is working with the Ayatollah in Iran. And their goal is to have Putin dominate Eastern and Central Europe, to have Iran dominate the Middle East, to have China dominate the Indo-Pacific and the South China Sea and be free to roam in Sub-Saharan Africa and Latin America and South America.

I don't want America to be the world's policeman, but I don't want President Xi or President Putin or the Ayatollah in Iran to be the world's policemen either. Weakness invites the wolves, and we have to start spending more money on defense.

You don't have to be Einstein's cousin to figure out that all the things that I just described that we have to do in the next year to 6 months could be

called competing interests—tax cuts, stop deficit spending, reduce the debt, but find more money for defense. Something has to give.

All this is a long-winded way of saying we are going to have to reduce spending. We are going to have to do it. The numbers are the numbers. Since 2019, the American population has grown 2 percent. We are not having babies. Two percent—and that is after all the illegal immigration.

Do you know what has happened to our budget? It has gone up 55 percent.

I know we had a pandemic. We had to save the economy. Two percent growth in population and a 55-percent increase in spending. Yes, we have had inflation. We didn't have 55-percent worth of inflation.

We are going to have to be able to afford tax cuts and more defense spending and to pay down deficits and to pay down debt. We are going to have to reduce spending to prepandemic levels.

And that is what this OBM memorandum today, which temporarily held up the spending of some money, consistent with President Trump's Executive orders, was the first baby step toward. That is what this is all about. That is what it is all about. The world is not going to spin off its axis.

Again, I support the "take Care" clause of the Constitution. I understand what the Impoundment Act says, but this is reality. And this is what we have to solve over the next year. And we are going to have to solve it together because the debt is \$36 trillion. Our population is 355 million people. That is 102 grand per man, woman, and child, and it has increased. And we are about to extend the tax cuts and start spending more on defense.

There is a lot of excitement around here about the reconciliation bill or bills. I am excited about it. You can write this down and take it home to Mama: Those reconciliation bills, which we have to pass to get through this multiple-vehicle pileup that I just described, are going to contain substantial spending cuts. They are. Because you know what? If they don't, that reconciliation bill or bills will never pass the U.S. Senate. And I know it will not pass the U.S. House of Representatives. Then we will have failed to do what we told the American people that we were going to do, which is to get the Federal Government right-sized, to put the high prices behind us by growing out of them, by stimulating the economy and increasing wages, by making energy cheaper, by paying down our debt. And that is what is going on.

I hope all the folks today will go home and take off their Batman T-shirts, wash them. They are probably a little sweaty. I hope everybody will go home—those who drink, have a cocktail, take their meds, and put this all in perspective. That is what that OBM memorandum was all about.

I am going to say this one final time because maybe some members of the

media are listening. I am not advocating to ignore the Constitution. I am not advocating to ignore the impoundment laws of this Congress. What I am saying is: If you don't believe we are going to have to cut spending substantially in order to get out of this mess that has been created, then you shouldn't be driving it.

I yield the floor.

The PRESIDING OFFICER (Mr. CURTIS). The Senator from Hawaii.

#### TRUMP EXECUTIVE ORDERS

Mr. SCHATZ. Mr. President, if it weren't for a judge's temporary administrative stay, we would still be in the middle of Trump's pointless and illegal shutdown right now. Federal funding for a whole host of things would be frozen, meaning people all over the country who count on the Federal Government wouldn't get help.

All of us—all 100 of us—got calls from back home, saying: What the heck is going on?

VA home loans are being shut down. The Medicaid portal is being shut down. The Head Start portal is being shut down. Construction projects are being shut down. All because the Trump administration believes that it doesn't have to follow the appropriations law.

Now, lots of us disagree about the size and the scope of the government. Lots of people vote no on the appropriations law. Fine. But once it is the law, the legislative branch sends it to the President of the United States. The President either signs it or vetoes it. In this case, President Biden signed the appropriations law.

There is no provision in the statute and there is no provision in the Constitution that permits a President to pick and choose the spending that he prefers. That just doesn't exist in the law.

The article I branch has one most foundational power in terms of the three branches of government being separate and coequal. "Coequal" is kind of a funny way of saying it, but it is important to think of these three branches as in constant struggle against each other for power. Our power is the power of the purse. Our power is the power to enact appropriations bills, to determine the level of Federal spending on various programs.

But what the Trump White House did today was announce by fiat: We are not going to fund disaster relief. We are not going to fund public housing. We are not going to fund rural health care or foster care or opioid treatment or highway and rail projects or wildfire containment or cancer research or clean energy initiatives—all of it gone in an instant and, in this case, only for an instant because Donald Trump woke up yesterday and decided he no longer wanted to fund some of the most basic things that the Federal Government supports.

Again, this really isn't about arguing about the merits of each individual



program, although I don't know who is against allowing highway repairs to continue. I don't know who is against allowing Medicaid-funded nursing homes to continue. I don't know who is against allowing someone who has been waiting for their VA home loan to be able to close on that loan. But it is really not about that. It is about a more basic question, which is, Are we a nation of laws? Are we going to allow ourselves to turn into a monarchy?

I want to harken back to something I mentioned earlier today. The White House Press Secretary was asked about a specific program, and she said: Well, they should talk to Russell Vought.

Russell Vought is the nominee to be the OMB Director, the Office of Management and Budget.

There are a couple of things wrong with this. First of all, it is not his call whether or not to spend the money; the Congress already decided that. Second of all, even more creepy than that, this guy has not been confirmed. He is not a government employee. He is not in charge of anything. And we are supposed to, like, petition this person to beg him to follow the law.

This is the beginning of a long battle over a couple of most basic questions. First, are we going to allow this administration to just cause pain all across the country—every State, every county, school lunches, VA loans, construction projects? You name it. Are we going to allow this President to just do this because he feels like it?

The second question is not about the projects themselves or the programs themselves or even the people they help it is about who are we as a Congress.

When we swear an oath to uphold the Constitution and laws of the United States, is that just the thing we do before they give us the pen and the pin that say "United States Senator"? You know, you stand right there, and you swear yourself in. They give you a little pen that says "United States Senator." You look at it, and you go: I am a U.S. Senator. But the important part wasn't when they gave you your election certificate. It wasn't when they handed you your pen. It wasn't when they give you this pin here that says "United States Senate." It is when you swear that oath to uphold the Constitution and laws of the United States of America. And the Constitution and laws of the United States of America make it very, very clear: We are not a constitutional monarchy; we are a democracy.

What the court did today is important because it stopped a lot of pain all the way across the country—personal economic pain, family economic pain, macroeconomic pain from shutting down construction projects and business operations and all the rest of it. But it is more foundational than that.

We have to establish some boundaries here that go beyond our partisan boundaries. We have to establish that enough is enough; that you might have

your view about the size and the scope of the Federal Government and you might have your view about the previous President or the previous election campaign, but the law is the law here, and we are not going to allow any President, any administration, at any time to disobey the law in this flagrant of a fashion.

One final thought. There will be a Democratic President at some point, and if this becomes the precedent, I promise you, if you are a U.S. Senator on the Republican side, you are going to hate this. You are going to hate the idea that a progressive President can reach into the defense budget or the VA budget or the Department of Commerce's budget and just say: You know what, I don't want to fund that. I am going to plus-up this and defund that.

That is not the way the Federal system is supposed to work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

#### TRUMP EXECUTIVE ORDERS

Mr. WHITEHOUSE. Mr. President, I think this is my first time with you presiding, so it is good to see you.

This power grab—this attempted power grab—that took place today in flagrant disregard for our separation of powers has a home not in the Constitution but in Project 2025.

The American people hate Project 2025, so Donald Trump spent his campaign trying to distance himself from Project 2025, but then he put one of the authors of Project 2025 in charge of the Office of Management and Budget, who is, as we saw in the Budget hearing, out of one side of his mouth saying "Oh, President Trump doesn't have anything to do with 2025; he disavowed it" and, as President Trump's appointee to OMB, is merrily implementing Project 2025.

This is exactly aligned with the Project 2025 playbook that Americans rejected so much that Trump had to lie and pretend he rejected it too, in addition to being unconstitutional. That is not just an allegation any longer; a court today here in the District of Columbia found it to be unconstitutional and has ordered a stop to this pause.

That is a relief because for people in my State, today was a scary day.

Medicaid was stopped. The portal to the Medicaid system that the State reaches into was closed. People say: What is Medicaid? Medicaid is how a great many American seniors pay for their nursing homes. If you are shutting down Medicaid for your jollies, what you are doing is threatening the security of elderly folks living in nursing homes for whom Medicaid pays the bill.

We have in Rhode Island and in other States gone through very significant addiction crises. Addiction recovery is very often paid for through Medicaid. So when you shut down Medicaid and close the portal, you are threatening

people who are bravely fighting their way through their addiction, trying to get well and better, and suddenly President Trump is cutting the legs out from under them by closing the Medicaid portal and threatening Medicaid.

Mr. President, 300,000 Rhode Islanders get supported by the Medicaid system, so this sent a lot of fear through a lot of people. I know there are people in the Trump administration who enjoy that. They get their kicks out of creating fear and having people—you know, cruelty is their pastime. But this is getting a little carried away.

Firefighters and police officers—I spoke this morning to the Major County Sheriffs' Association, and they immediately raised the concern: What about my HIDTA grants?

Those of who have been in law enforcement know what a HIDTA grant is. For firefighters, it is the AFG grant—the assistance to firefighters grant—with which they buy safety equipment, breathing apparatus, and new fire engines and vehicles.

So all of that panic because this rash and unconstitutional decision was made.

Kids in school often are supported by Federal programs. Head Start is a particularly good one. We had a very well-loved mayor of our capital city, Providence, RI, who started in Head Start and became the mayor of our capital city. Head Start is a wonderful program. Why would you want to threaten all of those children?

Sojourner House is a domestic violence support entity and shelter in Rhode Island that supports women when they come out of an abusive relationship and need a place to find immediate safety and try to put their lives together. It is supported by Federal grants that President Trump tried to shut down today. It is astonishing.

There is \$33 million in small business loans out in Rhode Island with a big question mark by them because of today's bad behavior.

It is the community health centers. People had doctor's appointments and people were going in for minor procedures and treatments, and suddenly there is a cloud over the ability to fund the community health centers.

This is just wild, extreme, and dangerous stuff.

I will take my lawyer role for a minute. Talk about unconstitutional—the Constitution provides a method for the President to veto legislation he doesn't like. That veto method does not include not—being the President, coming in in a whole new administration, having missed completely the opportunity to do a proper veto or for Congress to override, and doing this unilateral thing, which is not only forbidden by the separation of powers and the veto rule but also by law Congress passed regarding so-called impoundments. So it is flagrantly, flagrantly illegal.

I will close by saying that it is also a threat of corruption. Every time you

look at the Trump administration, you have to lift up the hood and look for where the corruption thread is. We are going to see corruption like you have never seen before out of this administration. And the corruption thread here is that you close all these things down, and then you pick the ones you like for the people who are your big donors, for the companies that gave you big bucks, for the special interests who put you in office, for the political allies who serve you, and you let them have their money freed up while everybody else's is frozen.

Do you think that is imaginary? It is exactly what the Trump administration did with the tariffs in his last term of office. You could go into a secret little line, and if you knew the right people, you could get a waiver.

There is an absolute avenue to corruption in this. Thank God the courts shut it down. This was a bad moment. It is not over. I hope my Republican colleagues will rise to the occasion because this is a basic attack on our Constitution, and it is a basic attack on the legislative branch of government.

With that, I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

#### TRUMP EXECUTIVE ORDERS

Mr. SCHUMER. Mr. President, first, I thank my friend from Rhode Island. He has been laser-like focused on corruption. Whether it is the Supreme Court, the executive branch, or anywhere else in the government, he has done a great job.

Mr. President, I just finished doing a little TV taping to the people of New York to tell them how evil, how horrible this plan that Trump has put into effect will be.

The plan will shut off billions of dollars, maybe trillions of dollars. For what? For things average working families need. They will be less safe because police will be cut and fire will be cut. Their kids will be less educated because schools will be cut. In places where there is a school tax, like Long Island and Westchester, it could make your taxes go up. They will be less safe because food inspectors who keep our food safe could be cut. It will go across the board. Housing will become more expensive. We desperately need housing. Everything. This is going to affect everything. The radius will expand and expand and expand of what Donald Trump can do.

Make no mistake about it, Project 2025 proposed slashing everything—cut, cut, cut—all to give one thing: tax breaks to very wealthy people. This is Project 2025 by another name. It is the same stuff. They couldn't call it Project 2025 because when the public found out about that, they were outraged.

Well, make no mistake about this, President Trump. When the public finds out about this, they will be outraged.

I got on TV tonight and asked my constituents—particularly those in Republican House and Senate districts—to call their Congressmen and Senators and tell President Trump to drop this evil plan, which will hurt them so badly.

The fact that Mr. Vought will be head of OMB, which is the Agency that is in charge of all of this spending, is frightening. It is like putting the fox in the chicken house, and all the chickens, which are the average American taxpayers, are going to be susceptible to the sharp fangs of Mr. Vought.

By the way, speaking of chickens, here is another little reason—there are so many. Right now, the price of eggs is through the roof—\$5, \$6 a dozen. It was \$2 a year ago. It was \$4 in November. Why? Because there is something called bird flu that is killing off millions of chickens. When you have fewer chickens, you have fewer eggs—fewer hens, fewer eggs—and fewer eggs means prices go up.

But there is a program. We actually, when we were still in charge in November, put \$300 million into the budget to help our farmers deal with bird flu, with avian flu. It helps them get the PPE they need. It helps them isolate the diseased chickens because you need to build different types of facilities. It helps them learn what to do. That could be cut. That could be cut, and the price of eggs will go up to \$8 or \$10.

All of these things have an effect in one way or another on average working people.

How about all the hundreds of thousands of workers who have now gotten jobs in clean energy? It is a great thing. For the first time—good-paying jobs with a future for so many people could be gone out the window if this plan goes into effect.

Now, I know that a court has stayed this until Monday. America, don't be fooled.

Trump and his henchman Vought will keep at it and keep at it and keep at it until Project 2025 is implemented, even though they don't call it Project 2025. He will go to a different court, maybe in a very conservative, red district. They will do whatever they can to continue to squeeze the middle class, cut the things that the middle class needs, and then—and then—cut the taxes on the wealthiest people in America.

Any organization—we have heard—I have heard hospitals are worried in not providing the care that they need. Head Start is going to close. What do the parents do? The Agencies that deal with mental illness, they depend on government funding. So much—so much—is at stake.

In my State, we are getting thousands of calls: How is this going to affect us?

And even if the cut hasn't come through yet, people are worried. And they say: We better save money for a rainy day and cut back on this and cut back on that.

It has frightened people. Now, maybe that is what Trump likes doing: frightening average middle-class folks. But it is really a terrible thing to do.

Meals on Wheels—that is a hot meal every day for people who don't have food—in danger. Rural hospitals and community health—in danger. New York subway maintenance and mass transit throughout the country—in danger. Money for housing—in danger. Everything. Everything.

And so, Mr. President, we Senate Democrats are doing all we can to stop this—not just today, not just tomorrow, but in the long-range plan. But we are also urging Americans to call their Senators, call their Congressmen—particularly Republicans—and get them to tell President Trump to stop it—cut this out, cut out these cuts—because you are going to hurt us. The only people who will get hurt by this are average American middle-class families, and that is just about everybody.

I yield the floor, and I thank my colleague from Illinois for taking up the cudgels here.

Mr. DURBIN. Mr. President, I thank my leader from New York and glad he gave us his little seminar on chickens.

The PRESIDING OFFICER. The Democratic whip.

#### TRUMP EXECUTIVE ORDERS

Mr. DURBIN. It was very well done. As a Midwesterner, I know a little bit about that, so I respect his observations.

Who is Mr. Vaeth, V-A-E-T-H? His title is the acting leader of the Office of Management and Budget, and he is the one who sent out a letter—a memo—that, basically, called for a temporary pause in government spending.

By what authority did he do that? I don't know. I have been in Congress for a few years. I have never quite seen anyone with an "acting" before their name have this much authority and power, but he had a lot. He has taken to, himself, the decision making that affects families all over the United States, including in my State of Illinois.

That little memo that he put out last night is particularly troublesome to me because if you read it, what he is saying is we don't want anybody who receives these Federal funds who does not abide by the Executive orders of this new President.

The Executive orders of the new President are 7 or 8 days old—brandnew—and I can't tell you whether or not the recipients of Federal funds all comply with these Executive orders, which have been tumbling out of the White House on such topics as DEI and some of the other favorite political positions of President Trump. But he, basically, paused Federal spending starting last night so that these recipients can answer the basic questions as to whether they are loyal to his point of view.

He referred to those who didn't agree with him as Marxists, as in Karl Marx—Marxists. I am thinking to myself: Who is this guy? How does he have this much authority, and how is he able to say things like that that are so blatantly political?

Well, the money that was turned off today was felt across America. This poorly conceptualized, poorly communicated policy has created mass confusion in my State and across the Nation. And worse yet, it has endangered the health, safety, and welfare of Americans across the country.

The proposed freeze mandates that the government "temporarily pause" the disbursement of key funds. Think about that for a minute when I start reading these programs. We are going to temporarily pause reimbursement to local units of government and charities, for example, while we decide whether they are living up to the standards of Donald Trump in terms of his political values.

Here are some of the programs that were affected today: Head Start. I think everybody knows what Head Start is. If you have ever been there, it is one of the most enjoyable visits a politician can make. They put you in a room with little kids—I mean little kids; 3, 4, 5 years old—and you get to read them books and play with them. I tell you, for a grandfather, it is a joy. It reminds you of how much joy you have with your own kids and grandkids.

But why are they important? For many families, Head Start is daycare, Head Start is pre-K, Head Start is a chance for kids in tough family circumstances to have a fighting chance. And, of course, the Head Start agencies need to get their Federal funds to keep the lights on, to feed the kids, to make sure that they can heat the buildings in the winter.

And today Mr. Vaeth, whoever in the world he is, has decided that we are not going to give them money. Close the portal. Close the opportunity for them to receive Federal funds.

What is he thinking? If these kids can't come to these Head Start facilities, they not only miss the opportunity for education and socialization and a warm place to be, but they are missing an opportunity that makes a difference in their lives.

The other one is Violence Against Women. The groups are calling us in Illinois. They call me because the Senate Judiciary Committee, which I serve on, authored this bill years ago. A Senator from Delaware at the time, Joe Biden, introduced this legislation. And what it boils down to is, if you are a victim of domestic violence, there are grants available to provide safe and secure places for you to stay rather than be put in these horrible, violent situations at home.

So what are we going to do with Mr. Vaeth's idea to put this on temporary pause? Are we going to have a temporary pause on violence in homes? I

wish we could. But to think that he makes that kind of decision is beyond me. Where does he get the authority to do this, and doesn't he have any conscience when it comes to the impact of these decisions?

Natural disaster relief speaks for itself. You think of those poor folks in California, trying to recover from their own wildfires. You think of the flooding and hurricanes and all the other events that take place. There are people who need a helping hand. Mr. Vaeth decides to put that on temporary pause.

Veterans' benefits speaks for itself. Men and women who served our country earned these benefits by risking their lives for America, and to put those benefits on temporary pause is a disgrace.

Loans to small businesses. So many aspects of business rely on just a helping hand to get started. And if you think that loans to businesses are just for little businesses, keep in mind that in 2009, Elon Musk came to the Obama administration and asked for a loan so that his Tesla car company wouldn't go into bankruptcy.

But there are a lot of smaller businesses just as desperate to get a helping hand. In Illinois, the impact of this thoughtless policy is already being felt.

Another area that is near and dear to me is medical research. The National Institutes of Health, with an annual budget of around \$38 billion to \$40 billion, is the premier medical research Agency in the world—in the world. The things that they are working on—new drugs, new surgical techniques, new treatments—will save lives. We know it. It has happened over and over again.

So, today, they get Mr. Vaeth's memo about the temporary pause in funding, and they have got to tell their laboratory researchers, doctors, and specialists to stop what they are doing at 5 today. That was the end of the funding from the Federal Government.

Honest to goodness, Mr. Vaeth, what are you thinking? Stopping medical research? You want that on your head, your conscience? Think about what that means. Federally funded research scientists are going to lose funding for this research, and the people of America will pay the price. Families will pay the price.

The disability community, the same thing—the ability to access critical services for them and their loved ones. Some of these things are very basic: paying a personal attendant who will help a disabled person get dressed in the morning so they can spend a productive day at work. If they are not there, the disabled person doesn't have that opportunity. That is a real-life issue for a lot of families with disabilities.

The Illinois Coalition Against Sexual Assault in Springfield contacted us today and said that because of this announcement from OMB and from the Trump administration, they don't know if they will be able to help survivors without VOCA funding.

These are just a few of the many examples that emerged in the chaos of the past 24 hours.

If your goal is to make America great again, why would you start by cutting these basic services for families and deserving people across this country?

For goodness' sake, we are better than that. I am proud of a nation that cares for people who need a helping hand. I am not ashamed to say that. And some of these people, particularly veterans, earned it—earned it over and over again. These are just a few of the people who contacted us.

Although the Trump administration has claimed that individuals who receive direct assistance from the government will not be affected, Americans across the country have faced severe service disruptions with Medicaid and Head Start amidst the policy changes that Mr. Vaeth, the acting head of the OMB, has imposed.

Even the President's own Press Secretary, just a few minutes ago, was unable to even answer the questions about what was going on with this OMB Director. You know why? Because this move is nothing more than a power grab designed to target the most vulnerable people and disguise it as a way to "analyze government spending." Analyze government spending? Tell that to the family that is waiting desperately for medical research. Tell them that we had to suspend it for a little while so we could do a little analysis.

I want to be clear. The President is blatantly violating the law by holding up these vital funds across America. The Federal funds this administration is refusing to distribute have been collected by taxpayers and appropriated by Congress, and the money belongs to the American people. It is the law.

Thankfully, a Federal judge here in the District of Columbia has decided to temporarily block this freeze, this temporary pause, from going into effect until next Monday, February 3. But this measure only delays the chaos and uncertainty if it is President Trump's determined effort to make sure that this happens.

We will not stand idly by while the President plays fast and loose with our Nation's laws and the American people's lives and livelihoods. We can have fiscal responsibility. We can have a budget we are proud of. But this kind of action, taken by a fellow last night somewhere in the bowels of a building here in Washington, is hurting people all across America.

You can't help American families be great if you don't give them a fighting chance. We have got to stop this and stop it soon.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Connecticut.

#### TRUMP EXECUTIVE ORDERS

Mr. BLUMENTHAL. Mr. President, I am honored to join my colleagues here

on the floor tonight, but we all wish we weren't here. We should not be here. We are here because the Trump administration, last night, swept the country into chaos.

We are here because it is a break-the-glass moment for our democracy. The unconstitutional and unilateral decision to halt congressionally mandated funding is against the law. It is against the Constitution. It is against the Impoundment Control Act. That is the reason why a judge, this afternoon, ordered that it be stopped—but only temporarily, until February 3. And then we are in uncharted waters.

This action is totally unprecedented on this scale and scope. Let's call it what it is. It is theft. President Trump is stealing money from people's pockets and pocketbooks and wallets, threatening their ability to pay rent, heat homes. It is imperiling programs around my State and the country that provide shelter for the homeless, suicide prevention for veterans, healthcare for people who are uninsured. The list is endless. That is not hyperbole.

And just in the last 24 hours since this news broke, Connecticut organizations are already feeling the impact, and they are contacting me, reaching out in fear and worry. I have been fielding concerns from constituents who are already seeing the impact in doctors demoralized and food insecurity workers dispirited.

Some community health centers were unable to access Federal funding this morning, and many of them are weighing furloughs and cuts to essential services. One nonprofit, in Groton, that provides critical mental health services to children doesn't know if they are going to have the Federal funding necessary to pay their staff.

Connecticut Head Start will be operating on a deficit as of February 7 if they can't access Federal funding, putting the entire program at risk.

Amtrak's "state of good repair" backlog for the Northeast corridor is tens of billions of dollars alone, estimated at \$78.7 billion in 2023. This funding is critical for safety concerns, reliability, repairs along the Amtrak rail lines—funding like the Connecticut River Bridge Replacement Project and the Gateway Hudson Tunnel Replacement Project that will ensure passenger rail safety throughout New England.

This freeze on funding threatens all of those projects. It imperils the Federal-State partnership for intercity passenger rail and consolidated rail infrastructure.

I know that this kind of blizzard of terms seems abstract and hypothetical to a lot of people, but it is real to contractors who need to meet their payroll and pay for gas for their machines and trucks.

This kind of draconian dictatorial measure imperils a hundred thousand households in Connecticut that rely on LIHEAP to meet their home energy

needs. Uncertainty about Federal funding leaves these vulnerable families unsure of whether they are going to be able to heat their homes right now in the middle of winter.

It has a trickle-down effect on organizations that don't benefit from Federal dollars. Just one example, a Connecticut program that provides supplemental energy assistance for households that don't qualify for LIHEAP expressed concern that they are going to face an unsustainable deluge of demand if Federal funding is halted.

I was in Connecticut just yesterday—it seems like an age ago—announcing a Reconnecting Communities Pilot Grant Program in New Haven. I joined the mayor of New Haven and Representative ROSA DELAURO to announce that New Haven was awarded \$2 million to reconnect neighborhoods—an exciting and inspiring project to bring communities together, increase housing and social and economic opportunities. Now, residents of New Haven will be kept in waiting.

I was with Connecticut farmers. Just yesterday, we were celebrating millions of dollars in disaster assistance for extreme weather events. Now, they may not see it for months, maybe never. That is disaster resulting from flooding and hail storms. They were counting on this disaster recovery aid. Now, they may be deprived of it.

Connecticut Foodshare, we just talked to them today as well. They are anxiously waiting to learn more about the potential impacts to halting food assistance, maybe through SNAP, the Emergency Food Assistance Program. They are unsure. The President has failed to clarify whether it will apply to SNAP. But, clearly, the effect, psychologically, creating chaos and confusion, is itself a severe deprivation.

Museums, many of which run successful education programs critical to our students' success, they are halting services. Even a temporary pause can have a significant impact on education.

And for all of these organizations and many others, the effect is not only in dollars and cents; it is in demoralizing people who are dedicating their lives to public service. They are working in federally supported community health centers, making less money, working longer hours, doing residencies as young doctors. And what is the expression of appreciation? It is telling them: We are stopping. We are halting. We are ending the funding.

It is profoundly disrespectful to those programs that often operate as a safety net, whether it is for healthcare or hunger or education. It is profoundly destructive to the fabric of our society in the greatest Nation in the history on Earth.

So it is theft. It is not a victimless crime. It is illegal. It won't be punishable in a court, but my hope is the American public will rise up. They need to be the voice of conscience and conviction in this country and say to my Republican colleagues: This isn't a

red or blue issue. This is about people. It is about everyday Americans who will be severely harmed and their children who will bear, perhaps, unfortunately and tragically, lasting scars emotionally and maybe physically from this destructive impact on their lives.

I regret that we are here today. I am proud to be with my colleagues. I wish we were joined on the other side of the aisle, but I believe that they will hear, on the Republican side, despite their silence tonight, voices that are loud and clear to them, from the American people, that this kind of halt—a dictatorial, illegal stop—in Federal funding should violate the conscience of our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

#### TRUMP EXECUTIVE ORDERS

Mr. HEINRICH. Mr. President, our economy, our hospitals, your mother's nursing home, your son's school lunch, your niece's afterschool program, our police, fire departments, our newborns, our elders, our veterans, pretty much everyone in my home State of New Mexico—President Trump threw them all into chaos with an unconstitutional and patently illegal power grab.

In an overnight maneuver that would make a dictator envious, President Trump unlawfully and unilaterally froze all Federal grant funding. He shut down the housing portal that non-profits and Tribes in my home State use to access mortgage financing.

He literally shut down the Medicaid reimbursement portals across the country. Although after a day of raising hell over it, I think that Medicaid—at least the Medicaid portal in my State—may well be up and running again, at least for now.

And for context, almost a quarter of my State's budget actually moves through that portal—about \$8 billion in Medicaid funding every single year in one small State alone.

He threw every town and county, Tribe, nonprofit, healthcare provider, school, and preschool into total disarray. And from our State's Roundhouse to the classroom, to the emergency room, today was chaos. People want answers. My phone has literally been ringing off the hook from people around the State who want answers, who want certainty.

Did Donald Trump just cut off funding for 7 out of 10 nursing home residents, for 55 percent of newborn births and New Mexico's doctors and New Mexico's hospitals? Did Donald Trump just deprive 7 out of 10 New Mexican children their daily lunch? Did Donald Trump just effectively close my child's preschool program?

The reality is that most of President Trump's own staff don't know or won't answer those questions just yet, and my Republican colleagues sure aren't jumping in to figure it out either.

One thing that is clear to me is the law. The President cannot override, delay, rescind Congress's appropriations laws once they are signed into law—full stop. This has been upheld time and again by the Supreme Court, by the Department of Justice, by the Government Accountability Office, and by the law—specifically, the Impoundment Control Act of 1974. Congress had to write and pass this law after President Nixon tried to withhold congressionally appropriated funds, and Nixon was wrong just like President Trump is wrong now.

We should all remember—especially my Republican colleagues who aren't here tonight, but really all of us—that elections swing both ways. We have seen the back and forth for the last few election cycles. Sometimes, your party is in charge of the White House; sometimes, it is not.

But think for a moment about what it would mean if the President—any President—could unilaterally cut off Federal funds that he or she didn't like. Sure, a conservative President could decide to cripple the Head Start programs in blue States, but it is every bit as true that a progressive President could decide to cripple the defense contracts or the military bases in red States.

That is not democracy; that is chaos. And today was just a small taste of that.

As a member of the Senate Appropriations Committee, I know how much work goes into writing and passing our bipartisan funding laws. There have been times when I have been able to work with my Republican colleagues to pass appropriations bills out of committee unanimously, and I am not going to cede that to any administration to be abused.

Here is where I need help from my own constituent, help from New Mexicans. I want to hear from you about Donald Trump's blockade and how it is affecting you and your family. If your town's COPS grants get frozen, I need to know. If your VA mortgage gets held up, I need to know. If you are a nonprofit that is giving services in the area of violence against women, refugees for people who are battered, and your funding gets held up, these are the stories that I think need to be held up to understand just what is happening in our country right now.

And I hope that all of us—not just Democrats, but Republicans as well—who have a vested interest in being able to create certainty in our own States, certainty for the economy, certainty for the small business community, can come together and say that this is not what democracy looks like.

Let's create that certainty. Let's follow the law. Let's make sure that whatever we agree to here in this amazing Capitol, that not only passes both Chambers but gets signed into law by the President of the United States, that we abide by that, because only if we all agree to color inside the lines

and to act like this is a democracy will this remain a democracy.

And I just want to say to my own constituents how sorry I am that they are going through this right now because the amount of anguish and uncertainty—and, you know, I had heard from a Tribal housing program today that said: You know, we won't be able to make payroll in a few days if this is how this is going to be.

And you can tell story after story like that of just huge clouds hanging over people who are just trying to do a good job for their communities and provide services and do their jobs. That is not how you grow the economy.

I want to thank all of my colleagues who have come to the floor to talk about this. We are all getting story after story from our States. We need to lift those up, and we need to say that we need to put this chapter behind us for the benefit of the American people.

The PRESIDING OFFICER. The Senator from Wisconsin.

#### TRUMP EXECUTIVE ORDERS

Ms. BALDWIN. Mr. President, I rise today because the people of my State are in pain. They are confused, and they are scared. This is all because of a blatantly unconstitutional power grab from the President of the United States.

While we have rightly seen this power grab blocked by the courts, it is only temporary, and the larger issue remains.

Our Constitution is extremely clear: Congress—composed of people elected by the citizens of each of our States or districts—it is Congress that makes the law.

In the Senate, those laws are almost always passed on a bipartisan basis, and after we work out our differences and pass a law, the President then implements the law. That is it. The Constitution does not say the President can implement just the laws he likes. The Constitution does not say the President can implement the laws just when he likes. The Constitution is crystal clear on this. But the Trump administration is ignoring the Constitution and refusing to implement the laws that Democrats and Republicans passed together, and it is trying to cut funding for absolutely critical programs.

Every Senator and Member of the House of Representatives should be deeply concerned by that. I doubt my Republican colleagues would want a future Democratic administration to ignore annual appropriation laws.

So a judge's eleventh-hour decision to temporarily block this power grab may have postponed the pain, but that is all it did—by a week. The pain I am worried about will be the impact that people in every part of my State experience.

Will community health centers be able to access funding to continue to provide healthcare for the 30 million

Americans they serve annually? Will title X be available to continue providing cancer screenings, access to contraception, and other preventive care for women and families? Will individuals with opioid abuse disorders be able to access medication-assisted treatment? Will homeless youth be able to access emergency shelter and transitional housing assistance? Will research into lifesaving cures for deadly diseases, including cancer and diabetes and Alzheimer's, be paused? Will patients be able to continue receiving potentially lifesaving treatments as part of critical clinical trials? The programs our veterans rely on could be cut. Programs children and families rely on could be cut. Support for our farmers could be cut. The list goes on and on.

My office saw and heard the people behind this list, like the deputy fire chief who called today wondering if he was going to have to lay off some of his firefighters or the mothers and local school district staff we heard from who called worried that their kids would not be able to get a hot school lunch tomorrow. We heard from a childcare facility in western Wisconsin that would be forced to lay off people by Thursday if these cuts went into effect. My office heard from a mother whose son is disabled, and she didn't know if his Medicaid was going to be cut or not. I heard from a substance use treatment provider and a domestic abuse shelter administrator who didn't know if they could help those fighting addiction or escaping unsafe situations.

These people are real. These are very real consequences if the President gets away with this unconstitutional power grab and cuts programs that Americans rely on.

I am calling on my Democratic and Republican colleagues to speak out against this overreach. Stand up for your constituents, and for that matter, stand up for the Constitution.

The PRESIDING OFFICER. The Senator from Virginia.

#### TRUMP EXECUTIVE ORDERS

Mr. KAINE. Mr. President, I am honored to be with my colleagues on the floor to talk about the actions that have become very manifest in Virginia today because of the President's Executive orders, particularly the recent order pausing Federal funding—grant funding, program funding.

I want to thank my colleagues for being here on the floor to talk about this and share just in the last 24 hours what Virginians are saying and what Virginians are asking and what Virginians are worried about. Then I want to make one point about my Federal workforce and an offer the President made to them at the end of the day and then finally raise a question of what President Trump is afraid of.

President Trump has two Republican Houses. If he wants to do something to shrink the size of government, if he wants to do something to reduce spending here or there, we have a March 14

budget deadline, and he has two Republican Houses, and there is a way to do this—unless you are afraid that your Republican majorities don't want to go as far as you do in cutting Medicaid and cutting Medicare and endangering Social Security and hurting kids and hurting veterans and hurting families.

Let me talk about the orders of the day and then the Federal workforce and finish with this question: What is President Trump afraid of?

I started to hear from Virginians about this Federal funding pause yesterday. I was at an event in Fredericksburg to kick off tax season. The local United Way and chamber of commerce were initiating something they have done for 21 years in a row—volunteer tax assistance for low- and middle-income folks. It is a classic community program. A lot of volunteers help everyday folks figure out how to file their taxes and make sure they can get benefits they are entitled to.

As I was at this kickoff, people came up to me and said: Hey, I am a veteran. I am trying to get an appointment at a VA hospital or clinic, but the VA portal is closed to me. What is going on?

What is going on? This was the leading edge of this chaos.

Someone else came to me at this kind of good-news event about volunteer tax assistance and said: The Federal Government has paid to build a VA clinic in Fredericksburg—state-of-the-art, right on Interstate 95, visible to all, scheduled to open in February. We are still being told that the grand opening is going to happen, but now those working there are saying they are under a hiring freeze. We spent tens of millions of dollars to build this facility that looks great, but we are under a hiring freeze. Can we even hire people to serve the veterans in this region?

This was how it started.

From then to today, let me tell you other calls of anguish we have received in our office. Two childcare centers, one in the Williamsburg area and one in Appalachia, far, far away in southwest Virginia: We think our funding is being cut off. We think we may not have enough to pay staff. We also think parents who are receiving some childcare funding—that may get cut off. So neither they can afford childcare, nor can we afford to maintain the employment of these hard-working childcare workers in childcare centers.

Universities reached out to me today: We are doing cutting-edge medical research. We have contracts that are ongoing right now, and we are about to send a bill to the Federal Government because we do the work and then we submit bills. We are not sure it is going to be paid. What do we do—lay off the researchers and not get the research done? What should we do, Senator?

There is an organization in Virginia called the Virginia Health Care Foundation. What they do is they help low-income people and seniors apply for Medicaid, apply for Affordable Care

Act subsidies. They have a contract with CMS to help them hire eight staffers—they call them navigators—who work around the State helping low-income people access programs to which they are entitled, for which they have paid taxes.

They received a note suggesting that that grant to hire these navigators to help everyday people was going to expire and they couldn't get any Federal funding after 5 today. They heard this late yesterday. So they did what any good organization would do. They reached out this morning to the CMS to say "Please give us the payment right now, before 5 o'clock today," and what they got back from CMS was "Sorry, our website is down. We just decided that today will be the day that we will just spend time repairing our website, and it will be open again soon"—open again soon but after the 5 o'clock deadline.

You don't have to be a genius to figure this out. Hurting people getting health insurance. Hurting people trying to get Medicaid benefits. Hurting childcare centers. Hurting veterans trying to get appointments. Hurting a VA clinic we spent tens of millions of dollars to build by threatening, through a hiring freeze, the ability of this place to open.

That is just a little snapshot. There was an earlier order freezing foreign assistance funding. A whole lot of nonprofits, church-based nonprofits like World Vision and other organizations that do foreign assistance work around the world—humanitarian aid in Ukraine, for example—they were told they don't get funding anymore. The only foreign assistance we will give, according to the Trump Executive order, is military armaments transfers to two countries in world: Egypt and Israel. No humanitarian aid. No transfer of military assistance to other nations.

This is all on the say-so of a President trying to overturn existing appropriations bills that have been passed by a bipartisan Congress.

If I heard these stories in 1 day and my colleagues have heard these stories in 1 day, I know what I am going to hear tomorrow. I know what I am going to hear through the weekend. This is going to build like an avalanche, and it is not just Democratic Senators who are hearing these stories.

We have to respect the law and congressional appropriations.

I ask anyone hearing who is concerned about this: If you are in Virginia, call my office. If you are not in Virginia, call your Congress man or woman, call your Senator and tell them the President is not above the law, the President must follow the law, and it is Congress—Democrats and Republicans—that has to ensure that the President follows the law.

Second, I want to talk about Federal employees. The Federal employees received an interesting email at the end of the day today. I happen to have some fellows assigned to me who are

not Senate employees, but they are executive branch employees, as most of us have, working in my office. They received an email from the administration that said: If you tender your resignation by next Friday, we will guarantee you payment through the end of September whether or not you show up for work.

So tender your resignation and then, boy, it is just going to be a gravy train. You are just going to get paid for 7 months without working.

The President has no authority to make that offer. There is no budget line item to pay people who are not showing up for work. This is a guy who made this promise to contractors again and again and again when he was a private business guy: Oh, come work for me at my casino. Come work for me in a hotel. We are going to do a handshake. We are going to do a contract.

The contractor does the work and then finds out they get stiffed.

So my message to Federal employees who received this is, yeah, the President has tried to terrorize you for about a week and then gives you a little sweetheart offer: If you resign in the next week, we are just going to pay you for doing nothing for the next 7 months.

Don't be fooled. He has tricked hundreds of people with that offer. If you accept that offer and resign, he will stiff you just like he stiffed the contractors. He doesn't have any authority to do this.

Do not be fooled by this guy. You were here before he was here, and you will be here after he was here. Show up for work. Be diligent. Serve Americans every day. Make their lives better. Answer their phone calls. Give them an answer. Track down their constituent's calls. Don't be fooled by a fake offer that, because he has terrorized you in the last week, it would be easy to just resign now and get a check for 7 months because I can tell you, that promise is worth nothing. And you will regret it just like these contractors regretted it who did work for this guy while he was a businessman.

Finally and lastly, I will say this: What is this move by the President to try to shrink the Federal workforce? Because we all know this: If he can persuade a bunch of people to resign, he will stiff them, and then he won't fill the position.

OK. That is one way to shrink the Federal workforce: If I can get away with not distributing money pursuant to a congressional appropriation, OK, that will shrink the Federal budget.

But wait a minute. Wait a minute. The President has two Republican Houses. We are supposed to come up with a budget deal by March 14. What is today? Is it, like, the 25th, 26th, 27th? Is it the 28th? Is today January 28? Do you think I am right? March 14 isn't very far away. We are supposed to come up with a budget deal by March 14, and the President is sitting in the captain's seat. He has got two Republican Houses. So if he wants to slash



Federal spending, if he wants to reduce the Federal workforce, if he wants to gut Medicaid, gut Medicare, gut Social Security, gut the SNAP program, gut low-income heating assistance, gut rental assistance, gut title I funding to our public schools, guess what? He has got two Republican Houses that he can persuade to do his bidding. He has been pretty good so far at persuading these two Houses to do his bidding.

So why didn't he do that? That would be the lawful way to accomplish that. If President Trump could convince the two Houses to slash all of these programs in a budget, that would be lawful and get an appropriations deal that cuts all of these programs the way he and Russell Vought and Project 2025 want to do it.

But that is not what he is doing. He is trying to do it on his own. Why? Why would President Trump, who has a clearly legal path ahead of him that he can exercise over the course of the next 6 weeks—it is not very long—to get a budget deal with two Republican Houses—why would President Trump, with two Republican Houses and 6 weeks to get a budget deal to do everything he wants—why would he not exercise that route but, instead, use an illegal route as an Executive to slash funding contrary to clear statute?

It is because he doesn't think that elected Republican Members of the House of Representatives and the Senate will go along with his radical plans. He doesn't think he can convince my GOP colleagues to take the ax to all of these programs and hurt the American people in the way he wants to.

Let's make President Trump do this the right way, not the wrong way. Let's put it on the shoulders of President Trump and the two Republican majorities. Do you want to slash this stuff? Fine. Have that debate on the floor of the Senate and on the floor of the House when we are doing the budget negotiation between now and March 14. Show the American public your homework. Show them who is going to get hurt. Show them that we are going to hurt everyday people at the expense of the big guys, who are getting a tax cut in the reconciliation bill later. Let's really have that debate right here in the full view of the American public with these spotlights on and the TV broadcasting it.

That is what this President is afraid of, and that is why he is using this illegal strategy to accomplish what he is afraid he can't accomplish in the article I branch.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

#### TRUMP EXECUTIVE ORDERS

Mr. WELCH. Mr. President, I thank my colleagues.

You know, President Trump likes to think that chaos is a useful tool. He can create disarray and disruption, and things will end up all right. There is

another word that more aptly describes what he did: "cruel," deeply cruel.

You know, on Sunday night in Vermont, it is really a special night. You have got the work of the week behind you. The errands of the weekend are done. If you are fortunate and have a family, you have dinner; you are watching the football game; you are gathering yourself for the week ahead.

The week ahead for people is different. It is a mom who has a dentist appointment that she finally got after 8 months on Medicaid. It is a dump truck driver who is looking forward to getting back and seeing his friends at work and getting that construction project in town completed. It is a Medicaid doctor who, as tired as he was from the week before, is excited about the week he faces or she faces. It is the Meals on Wheels recipients—folks who have had a quiet weekend who are lonely and are anticipating the delivery of that meal, not only for physical nourishment but for the emotional comfort that comes with having that contact with the person who is delivering that meal.

These are the everyday things that people do. They are living their lives, where they do work; they make appointments for their kids; they see them to childcare; they help their neighbors. Out of the blue—with no discussion—an announcement goes out. It is illegal. It is sent out by a person who hasn't even been empowered to act.

It says to that mom who is going to the Medicaid appointment: It is off.

It says to that person who was going to get a Meals on Wheels delivery: It is not coming.

It says to that construction worker: That project you are so proud of that you are working on in that you are making a contribution to your community, don't show up for work.

It comes out of nowhere—with no explanation, with no discussion. It is cruel taking away the expectations that people depend on to live the hard lives that a lot of people have.

By the way, I talk about people who have a fair amount of stability in their lives. There are women who are getting beaten, and they have refuge because they can call a hotline, and they can go to a shelter—closed. It is some kids who are homeless and have a shelter that they can go to because of the incredible effort of people in our communities—in your community and in mine—who care about that, when it is invisible to so many others. So the jeopardy of those people—taking away their security in the name of showing how chaos works to accomplish your goals—that is cruel. That is cruel.

You know, it is also cruel because of the folks who volunteer at some of these places. You are depriving them of the opportunity that makes so much of a difference in their lives when they see their lives being fulfilled by being able to help others.

I got a ride from an Uber driver, and I was talking to him. He told me that

he was retired. He is retired like a lot of people where they have a job or two, and his was driving. But the other thing he did was he delivered Meals on Wheels, and he told me about his mother-in-law who, until she was 91, delivered Meals on Wheels, oftentimes to people 30 years younger. The joy he had in doing that is what made life so vivid and worthwhile for him to live. It is the joy of helping your neighbors. The President's order took that away from him—no meals to deliver. That is cruel.

It is also totally illegal and totally unconstitutional, and this is the test that we face. If we are U.S. Senators and we believe that the Constitution is important, not in the abstract but in the role it has played in preserving and protecting the freedom of all Americans, and if we believe that freedom is preserved when there is a check and balance against unbridled power, then we are the ones who have to act in order to protect the well-being of this country against the illegal actions by a President who just doesn't care whether it is legal or it isn't.

He worships power, and he is creating a new culture where, if you worship community service, if you worship generosity, forgiveness, empathy, you are a sucker. That is the emotional message from this President Trump.

Our people in Vermont, our people in Utah—they want and they do better that, when they see injustice, when they see suffering, they respond to it. They don't intensify it.

So we have a decision as U.S. Senators to stand up for what this institution requires, and that is that we are a separate and coequal branch of government, and when the responsibilities are being subverted by an overreach by the Executive, we resist, and we resist because it is absolutely vital to the well-being of this country that our democracy prevail with three branches of government and checks and balances.

But it is really fundamentally important to the well-being of the people we represent—in their opportunity to live with stability, in the ability to help their neighbors, to have confidence that promises made are promises kept, that we defend the good work, the good will, and the integrity of the people of Vermont, of the people of Utah, and of all of our 50 States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

#### TRUMP EXECUTIVE ORDERS

Mr. MERKLEY. Mr. President, as much as President Trump desires it, the President is not a king. We are here tonight because, as much as President Trump desires it, the law is not a suggestion. We are here tonight because President Trump has decided he is a king, that the law is a suggestion, and he has decided to betray American families.

You have heard of the Great Depression, but right now, we are living

through the “Great Betrayal”—the story of a man who ran for the Presidency, saying he was going to be a champion for families. Then, shortly after taking office—just 8 days ago—he proceeds to launch an attack on the very core programs that families, parents, children, and communities depend on.

Wow—have you ever seen anything like it? Have you ever seen anything like it in your life that someone campaigns for families, and just after they are sworn into office, they launch a huge attack on America’s families?

That attack is actually illegal because the law—once programs are funded, it is the Executive’s responsibility to implement those programs, not to say, “Well, I will implement this one but not that one,” or “I will shut down all the funding for all the programs.” No.

In fact, we have had that conversation in the past. Let’s turn the clock back to President Nixon. President Nixon said: You all reached a compromise, and you had some programs some of you liked and some programs others liked, and you agreed to fund those programs. But do you know what? I am only going to fund the ones I like. I am only going to distribute the funds for those programs which fit my agenda.

The courts responded. They said: No, you can’t do that. The power of the purse sits with Congress. It is Congress that decides what is going to be spent on what, and it is the Executive’s—the President’s—responsibility to implement that.

Then Congress said: Do you know what? We will give the President a break. If the President wants to roll back a program that has already been authorized and funded, he can ask Congress to do it. It is in the 1974 Congressional Budget and Impoundment Control Act, and it is called a rescission.

The President sends a message out to us and says: Hey, do you know what? I don’t think we need all the funds for developing that new nuclear warhead because it turns out it won’t fit on a missile. I would like to have those funds rescinded and put back in the Treasury.

And we have 45 days to act. It is a privileged motion.

All right. So along comes the “Great Betrayal” President, President Trump, who campaigned on families and then decided to attack the programs for families just 1 week into office, and he says: I don’t like that rescission structure. I am just going to do what Nixon did. I am going to do what the Court said couldn’t be done because I don’t like what the Supreme Court decided previously. I am just going to break the law.

Now, is this, like, out of character for President Trump? Well, certainly, just hours after being sworn into office and taking the oath to the Constitution of the United States of America, he said: The 14th Amendment—the one

about, you know, birthright citizenship—I am canceling it. Wow. Now, we have two major instances of breaking the Constitution with just 8 days into the office. That is quite the record.

The thing is the real victims across this country. My colleagues have laid it out so well, the fact that that grant to run the women’s shelter is locked up. That program to run the childcare center is canceled. The grant to keep us at the forefront of the semiconductor R&D in Corvallis, OR, is on hold. That medical research is frozen. That contract for vaccination programs so we don’t end up with an epidemic that will hurt children can’t be written. That employment program for veterans returning from a theater of war ain’t happening.

No, that is crazy. And all these things are affecting our families—and not just our families, our infrastructure.

We worked so hard in a bipartisan way to launch the biggest infrastructure program since Eisenhower. We did the massive national interstate highway system. But do you know what? It was a long time ago, so we said: We have to rebuild our bridges; we have to improve our mass transit. And we had a very large expenditure trying to bring these up to speed.

You know, in my State, there is a bridge on the interstate between Oregon and Washington. It is still a drawbridge. It is like the last drawbridge in the United States of America. It has to be replaced, but now it is on hold.

We have another bridge that is under contract or grants to be able to be earthquake-resistant because it will play a critical role when the big one, the one we always talk about—like, California might fall into the sea—when that earthquake that happens roughly every 300 years off the coast of the United States on the West Coast—like, we need to have a bridge that actually holds up to it. Well, who knows if that is going to get built now.

So not only does this attack families, not only does this obstruct and delay infrastructure projects, but it drives up costs.

I seem to have an echo in my ear about the President saying he wants to reduce costs. But, instead, when you slow down projects, the cost of materials goes up. What is that? That is called driving up costs.

So we are here tonight to say this cannot happen. We are here tonight to say to our Republican colleagues: This is not about red and blue or Republican and Democratic States.

I talked to a colleague earlier today who said: I am getting all kinds of calls from my home. I bet that is true for every one of our 100 Senators. I know everybody on this side of the aisle has been hearing from folks back home saying: We are pretty upset. We are pretty worried. What is happening? You know, that portal where we get funding from Medicaid or that portal where we get funding for veterans ben-

efits—or whatever it is—it is all shut down. I am sure all 100 Senators have been getting these calls.

This is an attack by an authoritarian in the executive branch on the constitutional powers of Congress.

You know, when we talk about the branches of government, we talk about article I and article II and article III. Article I of the Constitution is about Congress, because at the heart of democracy are folks who are elected down the hall in the House of Representatives and here in the Senate to wrestle with and shape the law. Article II is the executive, who executes those laws. Article III are the judges who defend the Constitution.

Well, so here we are, article II, the President, with authoritarian impulses, is attacking all of us here, all 100 Senators, all 430 or -5 or so Members of the House of Representatives, and saying: I want to have the power and decide how things get distributed for things that have already been enacted. So that is why we are here.

I must say, it is even worse. It is even worse than simply his attack on families in this violation on the Constitution. It is part of a vast authoritarian power grab.

In just the past few days, the inspectors general for Agency after Agency have been fired. The inspectors general are the ones who make sure the executive branch is behaving according to the law. They do all kinds of reports that hold people accountable. They do things that determine this program is working, that program is not working, this is being done in accordance with the law, this isn’t.

If the inspectors general are not there, there is no one to hold people accountable. That is the point of firing them all. That should put terror in every one about the lawlessness President Trump intends to go forward with.

I know there are all kinds of other things, all kinds of other attacks. For example, all those lawyers in the Department of Justice who are assigned to environmental crimes, like when companies have huge amounts of asbestos and dump it in the wrong place or huge amounts of chemicals that contaminate some groundwater and cause all kinds of citizens to have wells that they can’t use anymore, or so on and so forth—every one of them has been tossed. They got the word. They are not there anymore, just within a few days of the start of this administration.

So I thank my colleagues who came here tonight to talk about this.

The architect of this plan is a man named Russell Vought. Russell Vought did the last budget for Trump the first time he served. And then he started a nonprofit think tank that worked to develop the basic plans for Project 2025. Then he became the architect of Project 2025.

And it has three main parts. The first part: Attack and tear down programs for America’s families, the ones that

help them get on their feet and be able to thrive and move into the middle class. The second part is to borrow \$2 to \$3 trillion from the Federal Treasury. And the third part is to do massive tax giveaways to the richest Americans.

He has laid all three of them out. Check it out in Project 2025. He came and talked to us all about all these programs, these three steps: Savage the programs for families—of course, that wasn't exactly the words he used; he just said massive cuts to things like Medicaid, massive cuts to things like childcare program. Everybody should be on their own, with no foundation to have any assistance getting on their feet and being able to move forward—not on healthcare, not on housing, not on education, not on childcare, not on anything. Well, that is the attack on families. That is the great betrayal.

He is going to be voted on this Thursday in the Budget Committee. The Budget Democrats and our Democratic leader have written and said this vote should be delayed. We are in the middle of a constitutional crisis. The architect of that crisis is the man to be voted on on Thursday. This is wrong. Let's fix this constitutional crisis and then continue with the conversation about con-

firmation of the nominee Russell Vought.

Let's work together, Democrats and Republicans, to defend the institutions of our democracy. Let's say no to this sweeping authoritarian power grab. Let's defend the Constitution.

ADJOURNMENT UNTIL TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 12 noon tomorrow.

Thereupon, the Senate at 7:55 p.m., adjourned until Wednesday, January 29, 2025, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

MICHAEL DUFFEY, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND SUSTAINMENT, VICE WILLIAM A. LAPLANTE, JR., RESIGNED.

SECURITIES AND EXCHANGE COMMISSION

PAUL ATKINS, OF VIRGINIA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2031. (REAPPOINTMENT)

EXECUTIVE OFFICE OF THE PRESIDENT

STEPHEN MIRAN, OF NEW YORK, TO BE CHAIRMAN OF THE COUNCIL OF ECONOMIC ADVISERS, VICE JARED BERNSTEIN, RESIGNED.

SOCIAL SECURITY ADMINISTRATION

FRANK BISIGNANO, OF NEW JERSEY, TO BE COMMISSIONER OF SOCIAL SECURITY ADMINISTRATION FOR THE TERM EXPIRING JANUARY 19, 2031, VICE MARTIN O'MALLEY, RESIGNED.

DEPARTMENT OF STATE

ADAM BOEHLER, OF TENNESSEE, TO BE SPECIAL PRESIDENTIAL ENVOY FOR HOSTAGE AFFAIRS, WITH THE RANK AND STATUS OF AMBASSADOR.

CONFIRMATION

Executive nomination confirmed by the Senate January 28, 2025:

DEPARTMENT OF TRANSPORTATION

SEAN DUFFY, OF WISCONSIN, TO BE SECRETARY OF TRANSPORTATION.

WITHDRAWALS

Executive Message transmitted by the President to the Senate on January 28, 2025 withdrawing from further Senate consideration the following nominations:

FRANK BISIGNANO, OF NEW JERSEY, TO BE COMMISSIONER OF SOCIAL SECURITY, VICE MARTIN O'MALLEY, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 20, 2025.

ADAM BOEHLER, OF TENNESSEE, TO BE SPECIAL PRESIDENTIAL ENVOY FOR HOSTAGE AFFAIRS, WHICH WAS SENT TO THE SENATE ON JANUARY 20, 2025.

MICHAEL DUFFY, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND SUSTAINMENT, VICE WILLIAM A. LAPLANTE, JR., RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 20, 2025.