



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 117<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 167

WASHINGTON, THURSDAY, SEPTEMBER 30, 2021

No. 171

## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable GARY C. PETERS, a Senator from the State of Michigan.

### PRAYER

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

Let us pray.

Eternal God, who directs the movements of the stars, we look to You for help to sustain us during life's challenging season. Lord, we rejoice because repeatedly in our history You have saved us from trouble. You have sent angels to guard and defend us. We continue to remember the many times You have blessed us beyond what we deserve.

Today, guide our lawmakers. Fill them with reverential awe as they remember that those who trust You will lack no good thing. Though they may face many troubles, You will continue to rescue them. Thank You for never forsaking us.

We pray in Your loving Name. Amen.

### PLEDGE OF ALLEGIANCE

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

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 30, 2021.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable GARY C. PETERS, a Senator from the State of Michigan, to perform the duties of the Chair.

PATRICK J. LEAHY,  
President pro tempore.

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

### RESERVATION OF LEADER TIME

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

### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

### LEGISLATIVE SESSION

#### EXTENDING GOVERNMENT FUNDING AND DELIVERING EMERGENCY ASSISTANCE ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 5305, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5305) making continuing appropriations for the fiscal year ending September 30, 2022, and for providing emergency assistance, and for other purposes.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Ms. ROSEN). The Republican leader is recognized.

#### GOVERNMENT FUNDING

Mr. McCONNELL. Madam President, today the Senate will consider and pass a government funding bill and do our part to avoid a shutdown.

The continuing resolution contains a number of key items that Republicans called for. That includes supplemental funds to help resettle vetted Afghan refugees and hurricane recovery aid for Louisiana.

It is seriously disappointing that the Democratic side would not let us include funding for Israel's Iron Dome in the base text. It honestly baffles me that defensive aid to our ally Israel has become a thorny subject for the political left.

But, overall, this is encouraging progress. The Democratic majority has begun to realize that the way forward on basic governing duties matches the roadmap that Republicans have been laying out for months. On government funding, what Republicans laid out all along was a clean continuing resolution without the poison pill of a debt limit increase. That is exactly what we will pass today. Earlier this week, the Democratic leader tried to muscle through something different through a partisan jam, but it failed. Now the government will be funded as we laid out. That is step 1.

Next will come step 2: the debt ceiling. And we have clearly laid out the way forward there as well. As I have explained since last July—last July—Democrats need to begin the fast-track process for handling this issue through reconciliation. Clumsy attempts at partisan jams by the majority will not change that reality. It didn't work on government funding, and it won't work on the debt limit. They will just be wasting valuable time.

I think this reality is hopefully starting to dawn on our colleagues. Multiple leading House Democrats acknowledged just this week that their unified Democratic government is fully capable—fully capable—of fast-tracking a debt limit increase on their own. Non-partisan experts have confirmed that they have plenty of time to get this done before late October.

At the same time that the Senate Democratic leader says, incorrectly, that he doesn't have enough time, he has spent weeks of the Senate's time processing midlevel nominations. Today, the majority is spending multiple hours to confirm a Bureau of

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



Printed on recycled paper.

S6801

Land Management nominee who literally collaborated with ecoterrorists, fiddling away day after day after day while they pretend they lack the time to do their most basic job.

Senate Republicans have been totally transparent. We have given Democrats a step-by-step guide to governing in this environment and months of advance notice to get it done. The conclusion to draw from this week is very clear: Clumsy efforts at partisan jams do not work. What works is when the majority accepts the reality of the situation.

We are able to fund the government today because the majority accepted reality. The same thing will need to happen on the debt limit next week.

#### TRIBUTE TO SUE THARP

Now, Madam President, on an entirely different matter, few public servants know Western Kentucky and its people as well as my good friend Sue Tharp. Sue has served as my team's Paducah-based field assistant since 1985. She is retiring this month after nearly four decades of uninterrupted service to the Commonwealth.

Sue holds the record for being the longest continually serving employee from my entire career in public service. She has been with me since day one of my Senate service.

So, today, I would like to honor this one-of-a-kind Kentuckian whose steady leadership in Western Kentucky has been integral to my office's mission to serve the Bluegrass and the people who call it home.

Now, when you ask Sue's colleagues to describe their coworker, you hear one word again and again and again: dedicated. In 36 years, Sue has scarcely missed a day in the office. She tackles each constituent problem with her quick wit and her smile. Her knowledge of Western Kentucky is encyclopedic. And Sue has played a key part in training almost every other field staffer on our team, sharing hard-won wisdom with the next generation of public servants.

So when I think of Sue's service to Kentucky, two images come to mind. The first is Sue winning over even the most impassioned callers to my office, whether the call started out friendly or not. Sue will listen carefully, record their concerns, and do all she can to help. But then she also invariably will end up discussing other favorite topics, such as quilting. Sue is an avid volunteer at the National Quilt Museum in Paducah. So when the conversation wraps up, Sue will be smiling, and you know the person who just hung up on the other end is smiling too.

The second image comes from an event called Fancy Farm, which is an annual picnic in Graves County. It is the crown jewel of Western Kentucky's heritage. Sue is one of the event's most enthusiastic attendees. She often travels down early to peruse the area's many antique stores. She loves attending the church barbecue, taking in the speeches, and cheering with the crowd.

Any politician who steps up to that podium is guaranteed to notice Sue amidst the throng.

Sue's day job has been public service for more than three decades, but even that hasn't soaked up all of her love and service for her community. She is also an enthusiastic volunteer, a frequent participant in Paducah's ambassador program, and one of the city's all-around biggest boosters.

If you sample a Paducah boat tour or roll into town for a ribbon-cutting, it might well be Sue Tharp welcoming you to town, decked out in the ambassador's characteristic red jacket. Visit the Quilt Museum, and it will be Sue handing you a brochure. Vacation in one of Western Kentucky's beautiful parks, and Sue Tharp will be waving to you from the door of her RV.

Sue's dedication to Western Kentucky and its people is boundless. For all these years, she understood that while my staff report to me, all of us report to the people of Kentucky. In fact, at one point I believe Sue even lived directly across the street from our Paducah office.

So while Sue is departing our team, I am positive she isn't finished serving Kentucky. This is just the next chapter. More time to volunteer, more time to be generous to her friends and her neighbors, and more time with her husband Dan and son Benjamin.

So, Sue, I couldn't be more grateful. Thank you for your decades of hard work and for your lasting impact on the Commonwealth.

#### TRIBUTE TO JANE LEE

Madam President, on one final matter, the pressing matters I discussed at the beginning of my remarks suggest I could not find a more appropriate time to honor the sterling staff expert who has advised me on budget issues and appropriations for over 5 years. But, in another sense, it pains me to say there couldn't be a worse time because the occasion for this tribute is that Jane Lee is soon taking leave of the Senate and taking the next step in her career.

Jane arrived in my office with a big job to do but the perfect skill set to do it. She studied at a couple of schools called Stanford and Columbia. She had worked in the private sector, risen through the ranks at OMB during the Bush 43 administration, worked for a House Budget chairman named Paul Ryan, and held leading rolls with Senate Appropriations and Republican Whip JOHN CORNYN.

Jane's resume was impeccable, her references unimpeachable. She was already a force of nature on Capitol Hill, so my expectations, as you can imagine, were high from the start. But for about 5½ years, day in and day out, through a never-ending catalog of serious challenges, Jane kept raising the bar higher and higher.

Jane's colleagues throughout the Senate admire her determination and her dogged focus. She is methodical and meticulous. She grasps both the big political picture and the finest pol-

icy details much more capably than most people could hope to grasp either.

When you handle budget talks and funding negotiations for a leadership office, you are kind of a hybrid player-coach to offices and committees all across the Senate. Jane is a skilled leader. She can get a diverse team driving toward a goal with warmth and good humor but also tenacity and total professionalism.

For countless major bipartisan and bicameral compromise bills over the past 5 years, Jane has been one of very last staff experts on either side holding the pen. She is a principled fighter, but once negotiations concluded, everyone on both sides trusted Jane to be an honorable and honest broker. That speaks volumes.

Earlier this week, one of Jane's colleagues remarked simply, "I don't think I've ever worked with someone like Jane." This turns out to be the universal consensus of everyone. Her knowledge and her instincts spill outside her portfolio and make everyone look better. The high standards to which she holds herself are infectious.

She marshals the knowledge and the relationships that come with many years of government service but also inexhaustible earnestness, energy, and enthusiasm for the fray.

So Jane is exactly the kind of person you would hope to find in the government, just the kind of worker a Senate office is lucky to find, and just the sort of public servant the country deserves.

I don't think anyone would be terribly surprised if, one day, the Senate finds itself refamiliarizing ourselves with Jane's qualifications in a formal capacity.

I have to note that Jane would hasten to redirect all this praise toward her parents Michael and Jean, as well as her grandmother Hee Soon. She is a proud daughter of first-generation Americans and small business entrepreneurs whose love of country and commitment to hard work have shaped their daughter's life at every step.

At clutch moments, these qualities have benefited not just me, not just our conference, but our entire country. Today, one such time especially stands out in my memory.

It was a year and a half ago when COVID thrust our country into a health crisis and an economic crisis at the very same time. During the bipartisan scramble that built a historic CARES Act, Jane, our Swiss Army knife, wound up as my liaison to the Small Business Committee. She poured herself into helping Senators set up, preserve, and protect the landmark Paycheck Protection Program that saved a huge, huge number of jobs and countless small businesses exactly like the ones she grew up watching her parents manage.

But while Jane's commitment to her work has been peerless, her commitment to her family is greater still. Her beloved husband Tom and her son Mitchell and her parents and grandmother need to see more of her than

her bottomless Senate portfolio has often permitted. So while the whole institution will sorely miss her, we also join her in celebrating the new adventures to come.

To our incredibly competent budget expert, our cherished colleague, and one of the Senate's most talented jazz and rock-and-roll singers, we say not just "farewell" and "good luck" but "bravo" on a simply outstanding performance.

#### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

H.R. 5305

Mr. SCHUMER. Madam President, I begin this morning with some good news: Today, the Senate will pass a continuing resolution that will eliminate the possibility of a government shutdown tonight. The CR we are voting on will keep the government funded until December 3, provide funding to help process and resettle Afghan refugees, and finally deliver on critical disaster aid for Americans battered by the storms and wildfires this summer.

As part of today's agreement, we will hold a vote series starting at 10:30 this morning on three amendments offered by Senators COTTON, MARSHALL, and BRAUN. We will hold a vote on final passage soon thereafter, and I am confident the House will approve this measure later this afternoon and send it to the President's desk before funding runs out.

This is a good outcome, one I am happy we are getting done. With so many things to take care of here in Washington, the last thing the American people need is for the government to grind to a halt. But, of course, we have more work to do. Just as our Republican colleagues realize that a government shutdown would be catastrophic, they should realize that a default on the national debt would be even worse. I will have more to say on this later.

#### NOMINATIONS

Madam President, now on nominations, despite a week marked by Republican obstruction, the Senate is making great progress on our responsibility to confirm President Biden's nominees to his administration.

Last week, a handful of Members made a scene here on the Senate floor in a doomed effort to stymie a number of nominees critical to our national defense. I am glad to say that, over the course of the week, we have successfully confirmed these individuals despite these theatrics from that handful of Republican Senators.

This Chamber will not allow anyone to hijack the confirmation process to score political points and to prevent these nominations from being approved. It will not happen. We will move forward. It will take a little more time, but we will get it done.

Today, the Senate will keep going. After passing the CR, we will turn to the nomination of Rohit Chopra to

serve as the Director of the Consumer Financial Protection Bureau. Mr. Chopra is the right man to lead this Agency tasked with protecting Americans from predatory financial institutions. He is a veteran of the CFPB from the Obama years, where he specialized in protecting students from unscrupulous practices of student loan providers.

Under President Trump, who didn't give a hoot about the average person, the CFPB spent more time protecting the likes of payday lenders and for-profit colleges than American consumers. With Mr. Chopra's confirmation, the CFPB will return to fighting on the side of the American worker instead of big financial institutions. I look forward to his confirmation today.

After that, we will turn to the nomination of Tracy Stone-Manning to lead the Bureau of Land Management. Few Agencies are as important for protecting and promoting America's public lands. In the years to come, the BLM will play an even greater strategic role in our government's effort to fight climate change.

Ms. Stone-Manning is a familiar face here in the Senate. She served as a staffer for Senator TESTER before moving to Montana to work for then-Governor Bullock. As head of Montana's environmental agency, she earned the reputation not only as a skilled policymaker but also as an honest broker, one who commanded the respect of conservationists and ranchers alike.

Of course, you would never guess that by listening to some of the histrionics coming from the other side. Unable to disqualify Ms. Stone-Manning on the merits, which is so obvious to just about anyone who studies it, some of our Republican colleagues have used her nomination to launch cheap, out-of-context attacks. Thankfully, no one is taking these attacks seriously.

Because of her exceptional qualifications, Tracy Stone-Manning has broad support of the Democratic caucus to lead the BLM, and I expect her nomination to be approved later today.

Finally, I am also pleased that today President Biden is announcing the nomination of another outstanding judge from my home State: Dale Ho to serve as district judge for the Southern District of New York.

Like so many of President Biden's judicial nominees, Mr. Ho is a prominent civil rights lawyer and voting rights expert. A graduate of Yale and Princeton, a veteran of the NAACP and the ACLU, Mr. Ho would bring an impressive resume to the judiciary. I am thrilled that President Biden has taken my advice to nominate Mr. Ho, and I look forward to working on his confirmation.

In a more general note on this issue, I am proud that the Senate is not only increasing the demographic diversity on the bench—more women, more people of color, and more individuals from immigrant families—but also its occu-

pational diversity as well—voting rights experts, civil rights lawyers, public defenders, and more. This is how we work to strengthen not only diversity in our judiciary but the trust that it represent all Americans.

#### DEBT LIMIT

Madam President, finally, on the debt limit, just as our Republican colleagues realized a government shutdown would be catastrophic, they should realize that a default on the national debt would be even worse.

Throughout American history, the Federal Government has consistently paid its debt on time. The unbroken promise is what made the United States the leading economy in the world for so long, benefiting countless millions of families. So when we talk about extending the debt limit, that is what is at stake.

All week long, Senate Democrats presented our Republican colleagues with reasonable proposals to prevent a default from happening. We offered to hold a simple majority vote so Democrats could fix the debt ceiling ourselves. They rejected that offer.

We are not even asking Republicans to vote yes, even though we know they should, but, instead, just to get out of the way; just get out of the way, and let us keep the faith and credit in America's finances intact. Unfortunately, Republicans spent the week solidifying themselves as the party of default; the party that says America doesn't pay its bills; the party that would send our economy into unknown and dangerous territory.

On Monday, Republicans unanimously blocked a measure that would have funded the government and raised the debt ceiling.

On Tuesday, the Republican leader blocked the proposal to raise the debt ceiling with only Democratic votes—exactly what Republicans insisted they wanted from the start.

By Wednesday, it was clear that Republicans were committed not only to voting in favor of default but even preventing Democrats from solving this risk crisis on our own.

Every day that Republicans continue their cynical obstruction, they risk causing irreparable harm to the economy. The last time Republicans played games with the full faith and credit of the United States, our sovereign debt was downgraded. This time around, the consequences for American families could be far worse.

Despite Republicans' intransigence, the facts have not changed. We must raise the debt ceiling. We cannot allow America to default.

Yesterday, the House approved legislation providing for a clean debt limit extension until the end of 2022. At the appropriate time, I will move to proceed to its consideration, which could come as early as next week.

By now, we are not asking Republicans to vote with us to solve the debt limit crisis they have created. If they want to oppose this measure and bring

us closer to financial disaster, they can write their names in the history books as the Senators who let the country default for the first time ever. But Republicans need to get out of the way so Senate Democrats can address the issue quickly and without needlessly endangering the stability of our economy.

We cannot afford the risk of a drawn-out, unpredictable process sought by the minority, which could very well actually cause a default, no. The way to resolve this crisis is much more simple. Either Republicans snap out of their insane position and work with Democrats or they get out of the way while we solve the problem ourselves.

#### UNANIMOUS CONSENT AGREEMENT

Madam President, I ask unanimous consent that the previously scheduled votes begin at 11:05 a.m. and that all provisions of the previous order remain in effect.

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

Mr. SCHUMER. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

H.R. 5305

Mr. LEAHY. Madam President, we will have before us a substitute amendment identical to H.R. 5305, which we will be voting on today. H.R. 5305 is the House-passed continuing resolution, except that the provision raising the debt ceiling has been removed because Republicans continue to block raising the debt ceiling.

But the stop-gap measure really keeps the government funded through December 3. It provides \$28 billion to help States that have been ravaged by hurricanes and wildfires. It provides critical assistance to Afghan refugees who fled the Taliban in the wake of the U.S. withdrawal from Afghanistan. Many of those refugees have worked with American forces and helped us. So I urge all members to vote for it.

But I agree with the majority leader that it is shameful we can't reach an agreement today to raise the debt ceiling and protect the full faith and credit of the United States. If Republicans don't want to vote to protect the full faith and credit of the United States, if the Republicans don't want to vote for the money that pays for the programs that they had supported under Donald Trump, well, then, stand out of the way and Democrats can raise the debt ceiling.

Over and over, the last few days, we heard from Members on the other side of the aisle speak about the importance of passing a continuing resolution that contained disaster relief to help hurricane-ravaged States, like Louisiana and Texas. They are pleading for help. Well, we are about to pass a CR that provides that help.

I have always taken the position that if there is a disaster in any State, that we should all come together to provide assistance because we are the United States of America; it is not just one State. Whether it is my State of

Vermont or Texas or any other State, we can provide the assistance.

But they may go home and say: Hey, we voted to get money, disaster relief for our hurricane-ravaged States.

Somebody is going to say: Well, wait a minute, where does the money come from to help recover and build if the U.S. Treasury is literally out of money?

In other words, they have a position where they can vote for something that would be popular back home, and it is kind of like "the check is in the mail." We are not going to give you any money for it, but, boy, we are going to speak about how important it is to help.

Many Senators here today want to provide a billion dollars to fund Israel's so-called Iron Dome, even though Israel has not spent the money we have already given them. Well, we will pass a bill to do just that. But if there is no money in the U.S. Treasury to pay the bills, it is nothing but an empty promise to one of our closest allies. We are voting on a blank check.

According to the Treasury Department, we are going to reach the debt ceiling in 18 days. Now, I say that because we ought to know what we are not voting on. What we are not voting on—as the majority leader pointed out, we are not voting on the debt ceiling.

We could say: Oh, we are helping hurricane-ravaged areas; oh, we are making others happy with things we vote for, but we are not voting for the money.

If we don't raise the debt ceiling, once that happens, we run out of money to pay our men and women in uniform. We all support our men and women in uniform. We are just not going to put in the money to pay them. We can't send out Social Security checks. Find a Senator in this place that would say they are against Social Security. But to put the money in for it, they are not ready to do that. Just saying: Oh, we all support our veterans. Of course, we do. We are just not going to put the money in to support them.

For the first time in history, the U.S. will default on its debt. The economy will take such a hit that it will take years to recover. Millions of people will be out of work. Bills will not be paid. Watch the stock market go down faster than we have ever seen and millions of Americans' lifetime savings will be at risk. Oh, we are for all of those—we just—you are on your own.

Now, the Republican Party is playing political games with U.S. economy and with people's livelihoods, and it is shameful. Senator McCONNELL said he would not provide a single Republican vote to raise the debt ceiling. It is interesting because most of this debt was incurred under a Republican President and a Republican-controlled Senate.

But as irresponsible as it is for the Republican leader to say we won't vote to pay for the debt that we incur, we, on the Democratic side, are prepared to show what leadership looks like and do

it all on our own. We are willing to pass this with Democratic votes.

But the Republicans continue to filibuster. If we don't resolve the debt issue in the coming days, make no mistake where the blame lies: squarely at the feet of the Senate Republicans.

When we go back and say all these wonderful things we have done for you in the continuing resolution, but we are not going to pay for it—we need to pass the CR today, of course, to avert a government shutdown tomorrow. A government shutdown, as we know from those in the last administration, wastes billions, accomplishes nothing. But it is also essential not only to pass the continuing resolution, but to unite and pass the debt limit extension, or there is not going to be money in the Treasury—no money to pay for the funding of this bill for American families, for the elderly, for our troops.

Now, prior to the final passage, we will have a series of three amendment votes. With only 13 hours for the government set to shut down—13 hours and a few minutes—any one of these amendments could peril the continuing resolution. They are controversial. They could complicate House passage. So I would urge a "no" vote on all three amendments and an "aye" vote for final passage.

Any one of those things in those three amendments, bring them up as legislation somewhere else, but don't shut down the government because you didn't get your political amendments.

AMENDMENT NO. 3830

(Purpose: In the nature of a substitute.)

Mr. LEAHY. Madam President, I call up amendment No. 3830.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 3830.

(The amendment is printed in today's RECORD under "Text of Amendments.")

AMENDMENT NOS. 3833, 3831, AND 3832 TO  
AMENDMENT NO. 3830

Mr. LEAHY. Madam President, I ask unanimous consent to call up all remaining amendments, in order, with respect to H.R. 3505 en bloc, and ask that they be reported by number.

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

The clerk will report the amendments by number en bloc.

AMENDMENT NO. 3833 TO AMENDMENT NO. 3830

The senior assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. COTTON and others, proposes an amendment numbered 3833 to amendment No. 3830.

The amendment is as follows:

(Purpose: To modify the immigration benefits for which certain Afghan nationals are eligible)

Beginning on page 80, strike line 6 and all that follows through page 83, line 4, and insert the following:

SEC. 2502. (a) IN GENERAL.—Notwithstanding any other provision of law, a citizen or national of Afghanistan (or a person with no nationality who last habitually resided in Afghanistan) shall be eligible for the benefits described in subsections (b) and (c) if—

(1) such individual completed security and law enforcement background checks to the satisfaction of the Secretary of Homeland Security and was subsequently—

(A) paroled into the United States between July 31, 2021, and September 30, 2022; or

(B) paroled into the United States after September 30, 2022, and—

(i) is the spouse or child (as defined in section 101(b) of the Immigration and Nationality Act (8 U.S.C. 1101(b))) of an individual described in subparagraph (A); or

(ii) is the parent or legal guardian of an individual described in subparagraph (A) who is determined to be an unaccompanied child (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2))); and

(2) such individual's parole has not been terminated by the Secretary of Homeland Security.

(b) BENEFITS.—An individual described in subsection (a) shall be eligible for—

(1) resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) until March 31, 2023; and

(2) services described in section 412(d)(2) of the Immigration and Nationality Act (8 U.S.C. 1522(d)(2)), subject to subparagraph (B) of such section, if such individual is an unaccompanied alien (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2))).

(c) EXPEDITIOUS ADJUDICATION OF ASYLUM APPLICATIONS.—With respect to an application for asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) filed by an individual described in subsection (a)—

(1) the initial interview on the asylum application shall occur not later than 15 days after the date on which such application is filed; and

(2) in the absence of exceptional circumstances, final administrative adjudication of the asylum application, not including administrative appeal, shall be completed not later than 150 days after the date on which such application is filed.

(d) CLARIFICATION.—Notwithstanding any other provision of law, nothing in this Act may be interpreted—

(1) to preclude an individual described in subsection (a) from applying for or receiving any immigration benefit to which such individual is otherwise entitled;

(2) to entitle a person described in subsection (a) to adjustment of status to lawful permanent resident; or

(3) to preclude a person described in subsection (a) from applying for a driver's license or identification card for which such person is eligible under State law.

(e) REPORT.—Not later than 120 days after the date of the enactment of this Act, and every 3 months thereafter, the Secretary of Homeland Security, in consultation with the Secretary of Defense and the Secretary of State, shall submit a report to Congress detailing—

(1) the number of individuals described in subsection (a);

(2) the number of individuals receiving benefits under subsection (b), including those who are eligible for benefits as refugees; and

(3) any other information that the Secretary considers relevant.

(f) EMERGENCY REQUIREMENT.—Each amount provided by this section is des-

ignated by Congress as being for an emergency requirement pursuant to subsections (a)(1) and (b) of section 4001 of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

AMENDMENT NO. 3831 TO AMENDMENT NO. 3830

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. MARSHALL, and others, proposes an amendment numbered 3831 to amendment No. 3830.

The amendment is as follows:

(Purpose: To prohibit the use of Federal funds for implementing or enforcing COVID-19 vaccine mandates)

At the appropriate place in title I of division D, insert the following:

**SEC. —. PROHIBITION ON FUNDING FOR COVID-19 VACCINE MANDATES.**

(a) IN GENERAL.—None of the funds appropriated or otherwise made available under this Act may be obligated or expended to implement or enforce a COVID-19 vaccine mandate, including the promulgation of any rule or regulation with respect to such a mandate or the enforcement of such a rule or regulation.

(b) DEFINITIONS.—In this section:

(1) COVID-19 VACCINE MANDATE.—The term “COVID-19 vaccine mandate” means—

(A) any requirement that a person (other than a Federal employee or an individual performing work on or in connection with a contract with the Federal Government) receive a COVID-19 vaccine, including a requirement that such a person either receive such a vaccine or be subject to COVID-19 testing; or

(B) any requirement that an employer require an employee or independent contractor to receive a COVID-19 vaccine, including by requiring such employee or independent contractor to either receive such vaccine or be subject to COVID-19 testing.

(2) EMPLOYER.—The term “employer” means a person engaged in a business affecting commerce who has employees or independent contractors. Such term includes a State or political subdivision of a State but does not include the United States.

AMENDMENT NO. 3832 TO AMENDMENT NO. 3830

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. BRAUN and others, proposes an amendment numbered 3832 to amendment No. 3830.

The amendment is as follows:

(Purpose: To provide that Members of Congress may not receive pay after October 1 of any fiscal year in which Congress has not approved a concurrent resolution on the budget and passed the regular appropriations bills)

At the end, add the following:

**DIVISION E—NO BUDGET, NO PAY**

**SEC. 4101. SHORT TITLE.**

This division may be cited as the “No Budget, No Pay Act”.

**SEC. 4102. DEFINITION.**

In this division, the term “Member of Congress”—

(1) has the meaning given under section 2106 of title 5, United States Code; and

(2) does not include the Vice President.

**SEC. 4103. TIMELY APPROVAL OF CONCURRENT RESOLUTION ON THE BUDGET AND THE APPROPRIATIONS BILLS.**

If both Houses of Congress have not approved a concurrent resolution on the budget

as described under section 301 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 632) for a fiscal year before October 1 of that fiscal year and have not passed all the regular appropriations bills for the next fiscal year before October 1 of that fiscal year, the pay of each Member of Congress may not be paid for each day following that October 1 until the date on which both Houses of Congress approve a concurrent resolution on the budget for that fiscal year and all the regular appropriations bills.

**SEC. 4104. NO PAY WITHOUT CONCURRENT RESOLUTION ON THE BUDGET AND THE APPROPRIATIONS BILLS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, no funds may be appropriated or otherwise be made available from the United States Treasury for the pay of any Member of Congress during any period determined by the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate or the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives under section 4105.

(b) NO RETROACTIVE PAY.—A Member of Congress may not receive pay for any period determined by the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate or the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives under section 4105, at any time after the end of that period.

**SEC. 4105. DETERMINATIONS.**

(a) SENATE.—

(1) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Secretary of the Senate shall submit a request to the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate for certification of determinations made under subparagraphs (A) and (B) of paragraph (2).

(2) DETERMINATIONS.—The Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate shall—

(A) on October 1 of each year, make a determination of whether Congress is in compliance with section 4103 and whether Senators may not be paid under that section;

(B) determine the period of days following each October 1 that Senators may not be paid under section 4103; and

(C) provide timely certification of the determinations under subparagraphs (A) and (B) upon the request of the Secretary of the Senate.

(b) HOUSE OF REPRESENTATIVES.—

(1) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Chief Administrative Officer of the House of Representatives shall submit a request to the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives for certification of determinations made under subparagraphs (A) and (B) of paragraph (2).

(2) DETERMINATIONS.—The Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives shall—

(A) on October 1 of each year, make a determination of whether Congress is in compliance with section 4103 and whether Members of the House of Representatives may not be paid under that section;

(B) determine the period of days following each October 1 that Members of the House of Representatives may not be paid under section 4103; and

(C) provide timely certification of the determinations under subparagraphs (A) and (B) upon the request of the Chief Administrative Officer of the House of Representatives.

## SEC. 4106. EFFECTIVE DATE.

This division shall take effect on September 29, 2023.

Mr. LEAHY. We obviously have these amendments, so we will have them in order to be voted on. I call them up to have them all before us.

I can assure you that the three amendments that I have referred to, I will strongly oppose them because, were they to pass, we would not be able to get the continuing resolution done, the government will be closed, billions of dollars goes out the window, and we would not have done our job.

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. THUNE. Madam 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. THUNE. Madam President, I came down to the floor to talk about President Biden's mishandling of Afghanistan.

Today, I want to talk about another situation the administration has mishandled and perhaps, more accurately, failed to handle; and that is the crisis at the southern border.

I say "failed to handle" because, by and large, the Biden administration has completely failed to take any meaningful action in response to this crisis. Sure, they occasionally made half-hearted stabs at the problem—usually when the media starts noticing things like thousands of migrants and their children residing in a squalid refugee camp under a bridge in Del Rio, TX. Mostly, they seem content to ignore it.

More than 6 months into this crisis, there are no signs the President plans to travel to the border to get a look at the problem firsthand. In fact, it is not clear whether President Biden has ever visited the border at any point during his political career.

The President seems to have adopted an "if I pretend the problem doesn't exist, it will go away" attitude. It is kind of like earlier this year, when Biden administration officials refused to call the situation a crisis, despite overwhelming evidence border influx has reached crisis proportions. It is like they believed that if they didn't use the word, they could somehow avoid the reality.

Unfortunately for the administration, there is no way to avoid the fact we are facing a border crisis.

Last month, the U.S. Customs and Border Protection encountered 208,887 people attempting to cross our southern border illegally, a 318-percent increase from August of 2020.

Madam President, let me repeat that. In August, Customs and Border Protection encountered 208,887 people attempting to cross our southern border, a 318-percent increase from prior August.

For context, that number is bigger than the population of Sioux Falls, SD, the largest city in my home State—in a single month—in a single month.

At this point, the situation at the border is beyond a crisis. It is completely out of control. The situation will soon deteriorate further with one outlet reporting yesterday that tens of thousands additional Haitian migrants are set to head to our southern border.

Illegal immigration across the southern border tends to slow down during the heat of the summer. Not under the Biden administration. Under the Biden administration, the numbers this summer just got worse. Encounters along the southern border in July were up 420 percent from July of 2020—420 percent.

Of course, these numbers only reflect individuals Customs and Border Protection has been able to apprehend. There are, undoubtedly, individuals who are successfully evading apprehension and illegally taking up residence in our country.

Then there are the individuals being detained and released into the country with orders to appear at an immigration court. This so-called catch-and-release approach is notorious because the individuals released into the country often never show up to immigration courts as directed. In spite of this, the administration is using this strategy and is apparently employing it to deal with the surge of migrants from Haiti. Despite having committed to deporting these individuals, the administration is releasing thousands of Haitian immigrants into the United States.

The situation at the border is a crisis. It is a security crisis, it is a logistics crisis, and it is a humanitarian crisis. Attempting to cross the border illegally is a dangerous enterprise. Migrants face the risk of death, injury, heat exhaustion, and disease, to say nothing of the risk of exploitation from smugglers and traffickers, who are profiting to the tune of hundreds of millions of dollars by conveying people across the border illegally.

By failing to stem the flow of illegal immigration, the President is perpetuating this humanitarian disaster, and Democrats in Congress are helping him. My colleagues across the aisle have been trying to add amnesty for illegal immigrants into the tax-and-spending spree that they are considering. That is a policy that is pretty much guaranteed to further encourage individuals to make the dangerous and illegal journey across our southern border.

Most people are familiar with the expression "fiddling while Rome burns." It is an expression I am forcibly reminded of when I consider the actions of my Democratic colleagues and the Biden administration on the crisis at the border. Our country is, as I have discussed, facing a massive security and humanitarian crisis at our southern border.

On top of that, we just completed a disastrous Afghanistan withdrawal

that has put our country at greater risk from terrorists, damaged our standing among our allies, and condemned the Afghan people to Taliban tyranny.

Meanwhile, on the economic front, we are facing a serious inflation problem, and it doesn't look like it is going to go away anytime soon. Americans are seeing their purchasing power shrink as they face higher prices on everything from groceries to gas. The Democratic response? Essentially sticking their fingers in their ears and humming or checking their watches to see if the unpleasantness is over yet.

If you were just going by the Democrats' legislative priorities, you would be forgiven for thinking that none of these problems I have discussed even exist. Rather than addressing our border crisis or our inflation problem, Democrats are, right now, attempting to tee up a massive—massive—reckless tax-and-spending spree to vastly expand the reach of government into Americans' lives. Our border is in crisis, our country is at risk, American families are struggling with inflation, and the Democrats' top priority is advancing socialism.

Not only does their bill fail to address any of the major challenges I have outlined, it is pretty much guaranteed to make them worse. Dumping trillions of additional government dollars into an economy already struggling with inflation is pretty much guaranteed to send our already high inflation rate even higher.

As I mentioned, the Democrats are frantically working to circumvent Senate rules and insert some type of amnesty into their spending bill, which will only aggravate the crisis at the border. Although, at this point, I am wondering if Democrats will even be able to pass their tax-and-spending spree. The Democratic Party is in disarray, and the story changes so often, I think reporters are starting to get whiplash. I certainly am.

One minute, the Democratic leaders are united; the next minute, the Senate leader doesn't know what the Speaker is doing. One minute, the House is going to consider the tax-and-spending spree and the infrastructure bill together; the next, it is going to consider them separately. Democratic leaders announce an agreement on a framework for their tax-and-spending spree; their rank-and-file Members report they have never seen it. Their spending spree is going to cost \$3.5 trillion. No. Wait. It is going to cost zero.

Democratic progressives and Democratic moderates are at each other's throats. The House Speaker is chewing out centrist Democrats, and Democrats can't agree on a host of issues from Iron Dome funding, to prescription drug measures, to infrastructure. The Democratic Party is unraveling fast, and it is deeply unfortunate that Democrats can't seem to rise to the challenges of governance.

President Biden's administration was supposedly going to usher in a new era

of domestic tranquility and international respect. The professionals, we were told, were back in charge. Well, instead, it looks like Democrats and the President are going to leave our country a lot worse off than they found it, burdened by tax hikes and government spending—that is, if they can ever manage to agree on a bill—in greater danger from terrorism, and with a never-ending crisis at our southern border.

If Democrats don't change their focus and get their act together, a weakened country is likely to be their legacy.

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

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

#### BUDGET RECONCILIATION

Mr. DURBIN. Madam President, yesterday afternoon, the Senate Parliamentarian ruled that long overdue immigration reform could not be included in the budget reconciliation process. I respect the Parliamentarian very much, but I respectfully disagree. The pathway to citizenship has a substantial and direct budgetary impact, which makes it appropriate to be included in a reconciliation bill.

The last measure which we put before the Parliamentarian literally was a date change. That was the sum and substance of the amendment—a date change that had a budgetary impact in it. We were not creating new categories of immigration. We were not creating any new laws other than the date change.

I want to say to all of the Dreamers and immigrants and all of the mixed-status families who are desperately following the situation: We are not giving up, and you shouldn't give up either. America needs you, and I will keep my promise to keep working on this as long as it is my honor to serve in the Senate.

H.R. 5305

Madam President, on another matter, I can remember when "certainty" was the Republican refrain on tax cuts and the economy. They used to say businesses and families need certainty. That is what the Republicans used to say when they wanted to pass more tax cuts for wealthy people. American businesses couldn't invest or hire new workers and American families couldn't plan for their futures without certainty. We heard that repeatedly on the Republican side of the aisle.

Now it is a radically different message. Instead of preaching the gospel of certainty, as they used to, Senator MCCONNELL and today's Republicans are threatening to deliberately, cynically, recklessly push America toward an economic cataclysm. We are less than 3 weeks away from a default on

our national debt—that has never happened in history, a default on our debt—and 14 hours away from a government shutdown.

Later today, the Senate is expected to vote on a clean continuing resolution. If it passes, we can keep the Federal Government functioning until December 3, and we obviously should do that in the midst of a pandemic and with all of the things that are threatening America. We expect that the CR will also include emergency funding, as it should, to assist with the recovery from Hurricane Ida in Louisiana and the gulf coast, and with the wildfires in the Western States and to help Afghans, who aided us in the longest war in history, to resettle in America.

Even the threat of a government shutdown costs taxpayers money. It damages the economy, and it undermines confidence in America's future.

If reason and responsibility prevail, the continuing resolution will pass, and the threat of a government shutdown will be off the table for now, but that CR will do nothing to resolve the far greater threat to our economy—the looming potential default on the national debt.

The Democratic leader of the Senate, CHUCK SCHUMER of New York, came to the floor the day before yesterday, I believe it was, and said to the Republican leader: If you don't want to cast any Republican votes to establish and recognize the debt ceiling, the Democrats will vote for it. Step out of the way. Let us take the responsibility for doing the right thing.

Senator MCCONNELL objected. He wants it to happen, he wants the threat to be there, but it creates the uncertainty which they used to decry in their Republican leadership days. This is a manufactured crisis ginned up by Republicans to score political points.

The harm to the U.S. and global economies would be cataclysmic. Here in the United States, respected economists warn us that the results would trigger a painful recession—the opposite of what we need at this moment in history—the loss of more than 6 million American jobs—how can that be good for the Nation?—and 9 percent unemployment.

We would likely see a broad selloff in the markets, which would take a big bite out of Americans' retirement savings. Interest rates could spike. Not only does that affect American consumers and businesses, but it affects our government. We will be paying a higher interest rate. So taxes won't be spent on highways; they will be given to banks and companies and countries that are buying our debt. For working families, higher interest rates would mean bigger monthly payments on their mortgages, car loans, credit cards. For the Federal Government, higher interest rates would result in larger deficits and even a larger national debt.

Think about that. Republicans are threatening to default on America's

national debt because, they say, they are worried about deficits and debt, and defaulting on the national debt will make both worse.

Because we have never been through a default, it is hard to know exactly which payments the government will have to stop immediately and which payments might continue for a while. I don't want to sow seeds of fear across America, or panic, but we have got to be honest and realistic. If we don't establish and recognize the national debt of this country, it will be the first time in history.

Some of the payments that are at risk in my State of Illinois and my nearby State of Kentucky are obvious. More than 1.3 million families in Illinois and more than 500,000 families in Kentucky could see their child tax credits delayed. Nearly 600,000 veterans in Illinois and nearly 300,000 veterans in Kentucky could see their benefits delayed. That includes disability payments, VA pensions, education benefits, loan guarantees, and other benefits that veterans have earned with their service and sacrifice. Seniors would be hurt. Almost 2.8 million seniors in Illinois and more than a million in Kentucky would see their Social Security checks threatened.

Defaulting on our national debt could trigger a global financial crisis. It would squander one of our Nation's most valuable economic assets as trust by investors that America pays its bills and keeps its word would be at risk. The U.S. dollar could lose its valuable place as the world's primary currency. That would be a gift to our competitors in China.

American families and businesses are still struggling from financial devastation caused by the coronavirus. The crisis threatening America today is being manufactured right here in the Senate by politicians who believe, cynically, that it will help them politically to default on America's debt. Haven't the institutions of this great Nation suffered enough?

Ten months ago, an angry man, enraged over losing an election, summoned a mob to attack this Capitol Building on January 6 and tried to overturn the Presidential election.

And now that former President's party is refusing to do its part to avoid a default on our national debt.

Let's be clear about why Congress needs to address the debt limit. Addressing this debt limit allows Congress to continue to borrow money to pay for expenses that have already been incurred.

This measure that we are talking about, the acknowledgement of our debt ceiling, is to pay the debts of the Trump administration. The national debt of America increased by 36 percent under President Trump in one 4-year period. We are taking recognition of the fact that that money was spent and has to be paid for.

Ninety-seven percent of the total Federal debt occurred before Joe Biden



became President. This is debt that was built up under Presidents and congressional majorities in both parties. As I said, \$8 billion—nearly a third of the entire debt—was added under Donald Trump, with the support of the same Republican Senators who will not acknowledge that that is now part of our responsibility.

Now Senator MCCONNELL and his Republican colleagues are playing a verbal shell game, claiming falsely that we need to address the debt limit to pay for future spending. That is not true, and they know it.

If this Congress had not spent a penny since Joe Biden took office, we would still have to deal with the debt limit to pay for the Trump bills he left behind.

Democrats have offered proposals twice this week. On Monday, Senator SCHUMER offered a proposal that dealt with the debt limit. It included a CR to avoid a government shutdown and provided emergency aid which is needed for the victims of Hurricane Ida, wildfires, and resettlement of Afghan refugees. The Republicans used the filibuster to stop it.

On Tuesday, Leader SCHUMER offered a proposal to allow the Senate to address the debt limit with just a majority vote. Senator MCCONNELL objected.

Not only are Republicans refusing to help pay the debt incurred under Presidents of both parties, they are making it as difficult as possible for Democrats to address the debt limit in a responsible way.

Defaulting on this debt would be the ultimate dine-and-dash. It would be a grave, self-inflicted wound that would harm innocent Americans for decades.

Our Republican colleagues used to preach the gospel of economic certainty. The only thing certain about defaulting on our national debt is that it would be ruinous to our economy, and it is a responsibility both parties should want to avoid.

I yield the floor.

AMENDMENT NO. 3833

The PRESIDING OFFICER (Mr. BOOKER). Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote in relation to the Cotton amendment, No. 3833.

The Senator from Ohio.

Mr. PORTMAN. Mr. President, I rise in support of this amendment. I think it is important that we pass it, and I hope my colleagues on both sides of the aisle support it.

As we all know, as a result of the rushed and chaotic evacuation from Afghanistan, people were left behind, including some American citizens and a lot of Afghans who had helped us.

But because of the chaos, we also evacuated many Afghans who have no record of assisting us or our allies. In fact, we were told by the administration that the majority of the evacuees in the United States, called parolees, are neither U.S. citizens, green card holders, or SIV applicants who had helped us.

This is a commonsense amendment to simply make sure those parolees are properly vetted like any other group of parolees or refugees would be. Part of that vetting, of course, comes from individuals applying for what is known as the REAL ID, a system designed to make identity documents more consistent and secure.

Remember, the REAL ID law came out of the 9/11 Commission. It was a key recommendation of that Commission. We supported it here.

Our amendment does not stop Afghan parolees from getting driver's licenses or qualifying for REAL ID cards after appropriate screening. It simply requires the Afghan parolees to follow the same processes that other parolees must follow in order to be eligible.

Unfortunately, the CR before us makes an exception to that normal, commonsense security process.

The PRESIDING OFFICER. The Senator from Ohio's time has expired.

The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I think the Senator from Ohio is mistaken. In fact, this would—the Afghan refugees who are coming here are going to be properly vetted.

In a September 2 letter led by Senator COTTON, he said that “[o]ur immediate priority is the safety and well-being of American citizens, permanent residents, and allies who were left behind in Afghanistan.”

But it seems that that concern for our allies only extends so far for Senator COTTON and this amendment. As our Afghan allies are being brought into the United States on humanitarian parole, he wants to limit their ability to settle into a new life.

We need to vote no on this amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, the Cotton Amendment short changes critical assistance provided to Afghan parolees that is included in the underlying bill and it should be defeated.

It shortens the length of time that we provide refugee assistance to thousands of Afghan men and women who fled to the U.S. to escape the wrath of the Taliban—financial assistance, medical care, emergency housing, mental health care, job placement services, the things that they desperately need to begin their new lives in the U.S. For some, this would mean benefits for only a matter of months, and then they are on their own. This is not nearly sufficient for them to get on their feet in a new country. Especially when many of them came here with nothing.

Many of these men and women were critical U.S. partners during the war in Afghanistan, putting their lives at risk along with our men and women in uniform. We cannot turn our backs on them now.

The amendment also limits their ability to apply for a driver's license. A driver's license is vital to successful integration in this country—to securing

a job, to getting an education, to starting a small business. This is especially true outside of urban areas and without public transit, where many are likely to resettle.

This should not even be a debate. I urge a no vote on the Cotton Amendment.

VOTE ON AMENDMENT NO. 3833

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment, No. 3833.

Mr. PORTMAN. 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 bill clerk called the roll.

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

[Rollcall Vote No. 394 Leg.]

YEAS—50

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Collins	Kennedy	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Lummis	Tillis
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Paul	

NAYS—50

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Lujan	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	

The PRESIDING OFFICER. The yeas are 50, the nays are 50. The amendment is not agreed to.

The amendment (No. 3833) was rejected.

AMENDMENT NO. 3831

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to the Marshall amendment No. 3831.

The Senator from Kansas.

Mr. MARSHALL. Mr. President, I rise in support of our amendment to prohibit funds in this legislation to be used to promulgate, fund, or enforce President Biden's unconstitutional vaccine mandate on private employers.

As a physician, I am confident the vaccine has saved lives. My wife and I got the vaccine. My parents got the vaccine, and they are waiting to get their boosters. But whether to receive it is a personal choice between individuals and their doctor, not mandated



via unconstitutional Executive actions that the administration recently acknowledged they didn't have authority to put in place.

No precedent exists in American history for punishing private employers that don't enforce government vaccination edicts. Astonishingly, House Democrats included fines of up to \$700,000 on businesses that have unvaccinated employees as a way to pay for their out-of-control spending.

Make no mistake. This vaccine mandate is not about public health or science. If it were, we would recognize natural immunity as a highly effective way to combat the virus.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Vermont.

Mr. LEAHY. Mr. President, families across the country are frustrated, and so am I.

People are doing everything they can to end this pandemic, only to see some Republicans trying to prolong it with bills like this.

We are fighting a highly contagious virus. It has killed over 685,000 people in our country.

And that that number is only going to keep going up if people don't get vaccinated, and variants like Delta will continue to spread, undermine our economy, and take lives.

We need to end this pandemic, and getting people vaccinated is one of the most important things we can do to accomplish that.

So why would we pass an amendment that weakens one of our strongest tools to get people safely through this crisis?

I urge all of my colleagues to stand with people across the country who have been following the public health guidance, and who are ready for this pandemic to an end, by voting against this dangerous, counterproductive amendment.

VOTE ON AMENDMENT NO. 3831

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the amendment.

Mr. LEAHY. 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.

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

[Rollcall Vote No. 395 Leg.]

YEAS—50

Barrasso	Cruz	Lankford
Blackburn	Daines	Lee
Blunt	Ernst	Lummis
Boozman	Fischer	Marshall
Braun	Graham	McConnell
Burr	Grassley	Moran
Capito	Hagerty	Murkowski
Cassidy	Hawley	Paul
Collins	Hoeben	Portman
Cornyn	Hyde-Smith	Risch
Cotton	Inhofe	Romney
Cramer	Johnson	Rounds
Crapo	Kennedy	Rubio

Sasse  
Scott (FL)  
Scott (SC)  
Shelby

Sullivan  
Thune  
Tillis  
Toomey

Tuberville  
Wicker  
Young

NAYS—50

Baldwin  
Bennet  
Blumenthal  
Booker  
Brown  
Cantwell  
Cardin  
Carper  
Casey  
Coons  
Cortez Masto  
Duckworth  
Durbin  
Feinstein  
Gillibrand  
Hassan  
Heinrich

Hickenlooper  
Hirono  
Kaine  
Kelly  
King  
Klobuchar  
Leahy  
Lujan  
Manchin  
Markey  
Menendez  
Merkley  
Murphy  
Murray  
Ossoff  
Padilla  
Peters

Reed  
Rosen  
Sanders  
Schatz  
Schumer  
Shaheen  
Sinema  
Smith  
Stabenow  
Tester  
Van Hollen  
Warner  
Warnock  
Warren  
Whitehouse  
Wyden

The PRESIDING OFFICER (Mr. SCHATZ). On this vote, the yeas are 50, the nays are 50.

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is not agreed to.

The amendment (No. 3831) was rejected.

AMENDMENT NO. 3832

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to the vote in relation to the Braun amendment No. 3832.

The Senator from Indiana.

Mr. BRAUN. Mr. President, I left my business to run for Senate because I was fed up with business in DC as usual. Americans are fed up as well.

I think the place is broken when it comes to our budgeting process. We don't do them anymore. We are debating a funding bill for the fiscal year that ends today. That is how you end up \$28 trillion in debt.

Congress can agree on basically one thing: budgets, deficits, debt don't matter anymore. Well, they do. Every business, every State, and local government have to do them. Congress should as well.

No budget, no pay is simple. If we do not fund the government by October 1, we don't get a paycheck until we get it done. It is a popular bill because it works.

In 2013—the only time we have done one on time in 20 years—it was in place. Many here voted for it, including the majority leader.

Americans are watching. They are tired of the job we are doing. They demand accountability. Vote for this amendment. It makes sense. Our pay is in the 94 percentile of income to boot.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Vermont.

Mr. LEAHY. Mr. President, you know, this amendment has no business whatsoever being in a CR which has to be enacted by 12 midnight tonight. It may make a great sound bite or political ad, but it is not good policy. It is not a thoughtful solution to the many complicated reasons that we fail to enact budget resolutions or appropriations bills precisely on October 1.

We all have serious policy disagreements that lead to inaction or delay.

Let's debate those policies. Threatening to withhold pay or whatever has absolutely nothing to do with the structural issues, but it would do one thing. It would make sure that we had only multimillionaires in the House and Senate. It is a dangerous precedent and potentially corrosive influence of public policy.

Let's stop the political posturing. If you want this, do it as a freestanding bill, under regular order, by the Homeland Security and Governmental Affairs Committee. The CR is not the place for it.

I urge a "no" vote.

VOTE ON AMENDMENT NO. 3832

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BRAUN. 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 bill clerk called the roll.

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 396 Leg.]

YEAS—53

Barrasso	Grassley	Portman
Blackburn	Hagerty	Risch
Boozman	Hassan	Romney
Braun	Hawley	Rosen
Burr	Hoeben	Rounds
Capito	Hyde-Smith	Rubio
Cassidy	Inhofe	Sasse
Collins	Johnson	Scott (FL)
Cornyn	Kelly	Scott (SC)
Cortez Masto	Kennedy	Sinema
Cotton	Lankford	Sullivan
Cramer	Lee	Thune
Crapo	Lummis	Toomey
Cruz	Manchin	Tuberville
Daines	Marshall	Warnock
Ernst	McConnell	Wicker
Fischer	Moran	Young
Graham	Ossoff	

NAYS—47

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Sanders
Blumenthal	Kaine	Schatz
Blunt	King	Schumer
Booker	Klobuchar	Shaheen
Brown	Leahy	Shelby
Cantwell	Lujan	Smith
Cardin	Markey	Stabenow
Carper	Menendez	Tester
Casey	Merkley	Tillis
Coons	Murkowski	Van Hollen
Duckworth	Murphy	Warner
Durbin	Murray	Warren
Feinstein	Padilla	Whitehouse
Gillibrand	Paul	Wyden
Heinrich	Peters	

The PRESIDING OFFICER (Mr. KING). On this vote, the yeas are 53, the nays are 47.

Under the previous order requiring 60 votes for adoption of this amendment, the amendment is not agreed to.

The amendment (No. 3832) was rejected.

VOTE ON AMENDMENT NO. 3830

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate, equally divided, prior to a vote in relation to the Leahy substitute amendment No. 3830.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the Senators who stayed with us to

make sure we could get a good continuing resolution passed, which we are about to do. I just want to thank everybody and urge—it will be a voice vote, but shout “yes” on this next vote. Thank you.

I yield the floor, and I yield back the time on both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 3830

The question is on agreeing to the amendment No. 3830.

The amendment (No. 3830), in the nature of a substitute, was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. Under the previous order, the bill is considered read a third time.

There will now be 2 minutes of debate, equally divided, prior to the vote on passage of the bill, as amended.

The majority leader.

Mr. SCHUMER. Mr. President, first, let me thank Senator LEAHY on the Appropriations Committee, as well as Senator SHELBY and all those who worked diligently and hard to put this continuing resolution together.

This vote says we are keeping the government open. At this time—at any time, it is a very, very bad thing to let the government shut down but at this time in particular when there is so much going on in the country. And it is a glimmer of hope as we go through many, many other activities.

I would say this: Just as the CR is so important and requires bipartisan cooperation, I wish my colleagues on the other side of the aisle saw the debt ceiling as equally important and equally requiring bipartisan cooperation. They don't, and we are willing to move forward on debt ceiling ourselves. But for this moment, this is one of the larger problems, the biggest problem that has faced us in the last while, making sure the government stays open, and now we can be sure it will.

So I thank all of my colleagues who worked so hard on this issue.

I yield back time on both sides.

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

VOTE ON H.R. 5305

The bill having been read the third time, the question is, Shall the bill pass?

Mr. SCHUMER. 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.

The result was announced—yeas 65, nays 35, as follows:

[Rollcall Vote No. 397 Leg.]

YEAS—65

Baldwin	Hassan	Reed
Bennet	Heinrich	Romney
Blumenthal	Hickenlooper	Rosen
Blunt	Hirono	Rounds
Booker	Kaine	Sanders
Brown	Kelly	Schatz
Burr	Kennedy	Schumer
Cantwell	King	Shaheen
Capito	Klobuchar	Shelby
Cardin	Leahy	Sinema
Carper	Lujan	Smith
Casey	Manchin	Stabenow
Cassidy	Markey	Tester
Collins	McConnell	Tillis
Coons	Menendez	Van Hollen
Cornyn	Merkley	Warner
Cortez Masto	Murkowski	Warnock
Duckworth	Murphy	Warren
Durbin	Murray	Whitehouse
Feinstein	Ossoff	Wyden
Gillibrand	Padilla	Young
Graham	Peters	

NAYS—35

Barrasso	Hagerty	Portman
Blackburn	Hawley	Risch
Boozman	Hoeven	Rubio
Braun	Hyde-Smith	Sasse
Cotton	Inhofe	Scott (FL)
Cramer	Johnson	Scott (SC)
Crapo	Lankford	Sullivan
Cruz	Lee	Thune
Daines	Lummis	Toomey
Ernst	Marshall	Tuberville
Fischer	Moran	Wicker
Grassley	Paul	

The PRESIDING OFFICER. On this vote, the yeas are 65, the nays are 35.

The 60-vote threshold having been achieved, the bill is passed.

The bill (H.R. 5305), as amended, was passed.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

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

The bill clerk read the nomination of Rohit Chopra, of the District of Columbia, to be Director, Bureau of Consumer Financial Protection for a term of five years.

## 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 bill 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 the debate on the nomination of Executive Calendar No. 354, Rohit Chopra, of the District of Columbia, to be Director, Bureau of Consumer Financial Protection for a term of five years.

Charles E. Schumer, Christopher Murphy, Martin Heinrich, Edward J. Markey, Patty Murray, Tina Smith, Tammy Baldwin, Sheldon Whitehouse, Brian Schatz, Tim Kaine, Alex Padilla, Tammy Duckworth, Richard J. Durbin, Richard Blumenthal, Jacky Rosen, Robert P. Casey, Jr., Gary C. Peters.

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 nomination of Rohit Chopra, of the District of Columbia, to be Director, Bureau of Consumer Financial Protection for a term of five years, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 50, nays 50, as follows:

[Rollcall Vote No. 398 Ex.]

YEAS—50

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Lujan	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	

NAYS—50

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Collins	Kennedy	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Lummis	Tillis
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Paul	

The VICE PRESIDENT. On this vote, the yeas are 50, the nays are 50.

The Senate being evenly divided, the Vice President votes in the affirmative.

The motion is agreed to.

The Senator from Delaware.

Mr. CARPER. Madam President, before you leave, I want you to know that sitting next to me is Emily Spain from Santa Barbara, CA, where I think you might have been married, who is leaving today as my chief of staff.

The VICE PRESIDENT. Welcome. Welcome. It is a beautiful place. I did get married in Santa Barbara.

Mr. CARPER. You are wonderful for coming to preside today and helping us to send her off.

Now, if there is an extra box of Kleenex up there for me to use for my remarks, I would appreciate it.

Godspeed. Godspeed.

Madam President—soon to be Mr. President.

The PRESIDING OFFICER (Mr. VAN HOLLEN). The Senator from Delaware is recognized.

## TRIBUTE TO EMILY SPAIN

Mr. CARPER. Mr. President, I have already telegraphed my pitch here, but I rise today to thank from the bottom of my heart the woman who has spent nearly two decades serving in this institution, and luckily for me, nearly 13