

Nothing has worked. And maybe this perfectly legal, very effective police practice, stop and frisk, which is used every day across America, will help.

I yield the floor to my colleague from New Hampshire.

The PRESIDING OFFICER (Mr. MURPHY). The Senator from New Hampshire.

#### RELATING TO A NATIONAL EMERGENCY DECLARED BY THE PRESIDENT ON MARCH 13, 2020

Mrs. SHAHEEN. I ask unanimous consent that notwithstanding rule XXII, the Senate proceed to the immediate consideration of Calendar No. 33, H.J. Res. 7, and that at 5:45 p.m. today it be considered read a third time, and the Senate vote on passage of the joint resolution without any intervening action or debate.

PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the joint resolution by title.

The senior assistant legislative clerk read as follows:

A joint resolution (H. J. Res. 7) relating to a national emergency declared by the President on March 13, 2020.

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

#### TRIBUTE TO DR. ARIEL MARSHALL

Mrs. SHAHEEN. Mr. President, I now get to the reason that I came to the floor today, which is to recognize and express appreciation for a member of my staff, my legislative director, Dr. Ariel Marshall. Ariel will be leaving for a new opportunity next month, and I can't let her go without thanking her for her service and sharing how much she has meant to me, to her colleagues, and to the State of New Hampshire over the past 8 years. And all you have to do is look at all of our staff from our DC office who are here on the floor as part of this recognition of Ariel.

Ariel came to my Senate office in 2015 through a congressional fellowship for scientists and engineers with an interest in public policy. As a chemist with a Ph.D. in hand, Ariel approached policymaking as if it were a research topic or an experiment. She asked questions. She identified problems. She dove into research to understand different subjects and issue areas and their relationship to one another. She formed theories based on her observations. She looked for creative ways to test her ideas and analyze her findings, and she eagerly shared her conclusions with her colleagues and with an open mind on how the process could be improved.

With her background, it is no surprise that Ariel quickly developed a reputation as a capable and friendly team player. As her fellowship came to an end, Ariel made the decision to stay on staff as a legislative assistant with a focus on energy and environmental issues.

Her responsibilities grew in a very short time when she became a senior domestic policy adviser. And when the legislative director position opened on my team, Ariel was a natural fit, and she accepted her new leadership role with her trademark positivity, grace, and good humor.

Over the last 8 years, there have been historic moments that I know will be the cornerstone of Ariel's memories in the Senate. At the top of that list—for me, anyway—is Ariel's success in getting the Shaheen-Portman—Portman-Shaheen energy efficiency bill across the finish line and signed into law.

Her steady, unwavering efforts to move that bill forward, year after year, piece by piece, should be taught to every incoming legislative staffer in the Senate. It is a study in perseverance and effectiveness.

Her work on Shaheen-Portman—and the work of others before her—is making a huge difference in the global fight against climate change.

Ariel was also instrumental during one of the most difficult, most intense, and most important crises this body has had to face—the fight against COVID. Ariel led our legislative team at a time of great uncertainty here in the Senate. She was a key negotiator of the Senate's legislative response, including the historic CARES Act. Ariel's work on that bill, particularly on the small business provisions and the PPP program—in the midst of a nationwide pandemic and a potential economic collapse—helped to save millions of jobs around the country. Her efforts kept workers employed and food on the table for countless concerned families across this country.

Finally, Ariel was also our leading negotiator throughout the bipartisan infrastructure debate during the summer and fall of 2021. Ariel was particularly integral to both the water infrastructure and broadband investments, and she spent countless late nights—and had numerous slices of cold pizza—with me, with Senator COLLINS, and with the other bipartisan members of that group.

The infrastructure bill is a huge legislative achievement. It is one that will bring countless benefits to Americans for years to come. One of its most important accomplishments was proving that Republicans and Democrats could still work together to get big things done even in this difficult political climate. This would not have happened without the work of people like Ariel, who is tough, patient, effective, and focused on making a difference.

I am proud of all of the legislative work we have accomplished over these last 8 years in my office, and Ariel's leadership has been integral to these successes.

The legislation, the negotiating, the policymaking—that is just one measure of Ariel's impact. With her background in research and chemistry, Ariel knows that it is a community, or a team, that finds innovations and

makes discoveries. That much is clear in her leadership of our legislative staff. She has shaped a team that approaches issues and problems just as she would: by asking the right questions, by searching for solutions, by evaluating all of the options, by getting the job done.

All who work with Ariel view her not only as a wealth of knowledge but also as a dear colleague, a sympathetic ear, and a treasured friend. The relationships she has built and the values she has instilled in her team—I think that is an equal part of her legacy and long tenure on my staff.

These last few weeks have been bittersweet because, while all of us are excited about what is ahead for Ariel, we will also miss her wisdom, her counsel, her can-do attitude, her humor, and her infectious laugh.

Thank you, Ariel, for giving so much to me, to your colleagues, to New Hampshire, and to the country during your service in the U.S. Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

#### ENERGY

Mrs. CAPITO. Mr. President, I rise today to talk about the importance of unleashing American energy, the consequences of President Biden's refusal to invest in American energy, the impact this is having on energy States like West Virginia and Texas, and what steps we can take to move forward to fix the mistakes made by the White House and the jeopardy that they have put our country in.

President Biden has made his stance on American energy clear since day one of his administration. As President, his policies and personnel choices have delivered on his campaign promises, and high prices are just part of the bargain. The administration has canceled pipelines, rescinded previously issued approvals for others, and raised barriers to building new ones. They have frozen oil and gas leasing and proposed raising royalties—costs that will be passed on to the consumer. The Biden EPA has continued to layer regulation on regulation, though I am pleased to report that, earlier today, through the congressional resolution, we pulled down the WOTUS rule that the EPA recently put forward last December.

These are just a few of the unreasonable and misguided policy decisions this administration has made that have led to what we are facing today.

Congressional Democrats have not been shy about their stance on an “all of the above” energy future. Look no further than the two pieces of legislation that our colleagues on the other side of the aisle boast about the most—the American Rescue Plan and the so-called Inflation Reduction Act. Just last week, while I was questioning President Biden's head of the Environmental Protection Agency, I was asking him about his Agency's budget. Administrator Regan admitted that, because of the Inflation Reduction Act,

coal capacity and natural gas generation will plummet in the future.

This is the coal capacity with the IRA. It is way down here below 50. If there had been no IRA, it would have been somewhere here, around 80.

Let me say that again.

Through data generated by the EPA and admitted to be true by the head of the administration, coal capacity and natural gas generation will be significantly lower in our country because of the Inflation Reduction Act.

Here is natural gas with no IRA, up here. With the IRA, it will be way down here by 2040.

He went even further—Administrator Regan did—and admitted the misguided policies with the Inflation Reduction Act will lead to the closures of coal and natural gas plants. This will lead to the shuttering of proud energy-producing communities across my State of West Virginia and our country, moving us further away from the energy independence that we desperately need and want. This clearly spells out the priorities of this President and underscores the urgency needed in reversing these policies.

On top of all of this, the out-of-control reckless spending and Green New Deal priorities that are packaged in the American Rescue Plan have caused energy prices to soar alongside record inflation. So let's take a look at the consequences of President Biden's war on American energy by the numbers.

When he took office, the average price for a gallon of gasoline was \$2.39. Now the average price is \$3.44—a 44-percent increase. And let's not forget what we just lived through 9 months ago when the record was set, when gas prices averaged about \$5 a gallon for the first time in history.

High gas costs like this just create a domino effect. In fact, increased fuel costs and shortages have made it more expensive to manufacture goods, to deliver goods, and, ultimately, to provide what we want and need in this country. It has made everything more expensive. This creates additional strain on our supply chains and feeds into the inflation that so many families continue to struggle with.

Think about the cost of food at the grocery store. Add to this the price that Americans paid to heat their homes when winter came on. No matter what utility you used, it went up. Whether it was natural gas, electric, oil, or renewables, all prices went up. Those who heat their homes with natural gas are at the highest disadvantage in paying 25 percent extra this winter just to keep their homes warm. This truly shows that, no matter what, there is no escaping the consequences that President Biden and congressional Democrats have created by turning their heads on American energy.

The good news is we know what we need to do to unleash American energy and move critical projects forward. Republicans and Democrats alike know it. We all know it. We must make gen-

uine reforms to our Nation's permitting and environmental review processes. For example, it should not take 7 to 10 years to permit a mine or a large transportation project in the United States. It should not be typical for endless legal challenges to be filed, one after another, for the sole purpose of postponing and, ultimately, killing key energy projects. Projects that create jobs, that produce energy of all kinds, and that drive down costs should not be delayed or stopped because of burdensome regulations. The current system hamstring States and employers that are trying to build anything here in the United States, and it needs to change.

We need to provide regulatory certainty to our States. We need to expedite permitting and review processes while ensuring all environmental considerations are completed. We need to codify substantive environmental regulatory reforms and jump-start key projects like, in my State, the critically important Mountain Valley Pipeline.

Together, we should address section 401 of the Clean Water Act. We should streamline the NEPA process with real deadlines for Agency reviews, and we should limit judicial review to avoid endless litigation that delays and sometimes cancels projects.

I want to be very clear when I say "projects." I mean projects of any kind. That means both renewable and conventional sources of energy.

We have made great strides in advancing cleaner energy sources, but without the ability to build and build quickly, we will not capitalize on that process.

Unfortunately, at every turn, the Biden administration has made it harder for any of these projects to move forward. I mentioned earlier the waters of the United States rule, the WOTUS rule. It significantly expands the Federal Government's authority when it comes to water sources across the country, and it will mean more people will have to get more permits and deal with more redtape—many times, on their own private farmland.

Fortunately, we challenged that rule through a Congressional Review Act, and it passed in a bipartisan way in both the House and the Senate, and it will go to the President's desk. It is up to him.

Have you listened to the voices of the American people or will you continue with these tactics that you have been doing?

So what do we need to do? Why do we need to do it? How do we get it done?

I have been saying all along that I believe the best solutions are by going through regular order—bipartisan, through our committees—through the Environment and Public Works Committee, through the Energy Committee—and through any other committee that has relevant actions toward permitting. It is where we can hear those who know these issues the

best. We can formulate solutions, hash out our differences, and compromise. I believe that is the only way that we can get permitting reform across the line, and I am willing to do whatever I can.

I am glad the House is taking the first swing at this and sending us a great starting point for how we can finally address America's broken permitting process and give a boost to energy production right here at home. There is no denying there is growing momentum in the Senate to get real, legitimate permitting reform across the finish line and signed into law. I have had many, many conversations.

I encourage my colleagues on the other side of the aisle to heed the increased call for energy independence and help us deliver that "all of the above" solution, which we all say we want, that increases our national security, creates jobs, keeps good jobs at home, and that, lastly and very importantly, lowers the energy costs for American families.

With that, I am proud to be here with my fellow Republican Senators who have the solutions to energy independence.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I am pleased to join my colleagues today, the esteemed Senator from West Virginia and the senior Senator from Texas, to talk about the importance of producing more energy in America, which means that we have got to find a way to press back against the Biden administration's harmful policies that have caused energy prices to increase and have fueled inflation across our entire economy.

Gas prices, today, are \$3.46 nationally. That is the average—\$3.46 nationally. It has gone up 45 percent since President Biden took office. It is almost a 50-percent increase. That means everyone out there, every day, is paying 50 percent more at the pump. And it is not just that. It is the impact on inflation. There is an energy component in every good and every service that people buy. With a 50-percent increase in the price of gas at the pump, think about what that means. That is a 50-percent increase in energy cost in terms of inflation, which is hitting Americans so hard right now. Residential electricity prices spiked 25 percent during the same period. With natural gas, the price is up more than 50 percent—more than 50 percent.

What is causing this? Clearly, it is the Biden administration's policies. They spent the last 2 years restricting and curtailing U.S. energy production in pursuit of this Green New Deal, starting with day 1 when President Biden came into office with his canceling the Keystone XL Pipeline, and it has continued with the moratorium that he put on Federal oil and gas leases shortly thereafter.

President Biden, the Biden administration, along with Members of Congress, the Democrat Members of Congress, then passed a partisan bill that levied \$735 billion in new taxes, including a new tax on natural gas and higher fees and royalty rates on Federal energy production.

So they not only put a moratorium in place on oil and gas production on Federal lands but then later came back and said, OK, they will start allowing some production, but only 20 percent of those Federal lands are available, and the Biden administration increased the royalty rates by 50 percent. When you restrict supply and raise the cost, of course that is going to raise the price of energy in this country, and it is going to reduce the supply.

Now the Biden administration is doubling down with an onslaught of regulatory overreach specifically designed to make American energy production more expensive. This includes the waters of the United States regulation. The waters of the United States rule absolutely impacts everybody across this country. It is a fundamental property rights issue. Again, it affects not only our production of energy but ag products and everything else.

It makes no sense that while energy prices are high, instead of embracing America's energy producers, President Biden has drained our Strategic Petroleum Reserve to its lowest level in 40 years while going to the Middle East and places like Venezuela for our energy. Think about it. Think about their record on environmental stewardship. Think about their record on human rights. Instead of producing more energy here at home, they are going to places like Venezuela and allowing them to export their energy to the United States.

The Biden administration should not turn to places like Iran and Venezuela for more oil—countries with little to no environmental standards—when we have the capability to ramp up production here in this country.

In 2019, the United States produced 13 million barrels of oil per day, including 1.5 million barrels per day from my State, North Dakota.

U.S. oil production remains down at about 12.1 million barrels per day, so that is 1 million barrels a day less than when the administration came into office—1 million barrels a day. For example, in our State, we are producing a little over 1 million barrels a day when we were at 1.5 million barrels a day at the beginning of the Biden administration.

Increasing the supply and lowering the cost of energy is key to attacking inflation. As I said earlier, the cost of energy is built into every other good and service consumed across this country. To this end, I have introduced some legislation to expand our domestic energy production and enhance the energy security of the United States and our allies.

The North American Energy Act brings certainty to the permitting

process for important cross-border energy pipeline and electric transmission line projects and prevents the President from taking unilateral action to cancel vital energy projects like the Keystone XL Pipeline.

The Promoting Interagency Coordination for Review of Natural Gas Projects Act streamlines the review process for interstate natural gas pipelines and LNG projects, helping to more efficiently deliver natural gas to areas that need it the most.

More pipelines are needed to deliver natural gas to areas, including New England.

I say to the Presiding Officer, in your State, we need pipelines up there. There are still people up there who use fuel oil rather than natural gas because we don't have the pipeline capacity up there to bring it to them. That obviously increases their costs. Again, going back to environmental standards, it is clearly advantageous if they were to utilize natural gas.

The Bureau of Land Management Mineral Spacing Act is the third act I would mention that I have put forth that improves the permitting process in States like North Dakota and others where you have split mineral estates, where the Federal Government has no surface acreage, but the minerals underneath the land is in some cases owned by the Federal Government, in some cases owned by private individuals and others, and they are held up from producing those minerals because of the Federal ownership even when the Federal Government doesn't own any of the surface acres.

Removing this duplicative requirement for a Federal drilling permit in these cases would empower private mineral holders to develop their resources and produce more energy, while enabling the Federal Agencies, like BLM, to actually better utilize their resources.

These three commonsense permitting reforms are included in H.R. 1, the Lower Energy Cost Act, which is currently being considered on the House floor, H.R. 1.

It is time for us to go to work on a bipartisan basis in this Chamber, take the handcuffs off our energy producers, and produce more energy here at home for American consumers in this country.

The United States is fortunate to have abundant and affordable reserves in coal, oil, and gas. These resources are one of our Nation's greatest strengths. It is an incredible asset.

Nobody has better environmental stewardship than our country in producing energy. Thanks to the shale revolution, the United States became the world's largest oil and gas producer, and we have been able to do it while simultaneously reducing emissions. The carbon capture technologies we are advancing are actually reducing emissions.

Once again, by encouraging domestic production by streamlining energy

project approvals to get energy to market, we can unleash America's full energy potential to increase supply and bring down costs for hard-working families.

I now will yield the floor to my colleague from the Lone Star State, who can speak on these issues as well.

We are absolutely committed to producing more energy for hard-working Americans to bring down inflation and also because it is such a vital component of our national security. Energy security is national security.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I want to thank our friends from North Dakota, from West Virginia, and from Nebraska for being here today to talk about producing low-cost energy, which would reduce emissions.

I am from an energy-producing State. In Texas, we are an "all of the above" State. We actually generate more electricity from wind than any other State in the Nation.

While I know many people think of the Lone Star State as being primarily an oil and gas producer, which we are, we really are an "all of the above" State because we found that, for example, when the wind doesn't blow and the Sun doesn't shine, then you need a baseload from some source, whether it is nuclear, whether it is natural gas. We have even had instances where, because of very, very cold weather, 100-year cold snaps, even natural gas does not supply that baseload. But here again, it is a reminder of how vulnerable we all are to a secure and affordable energy supply.

If we needed a recent historical reminder, when Mr. Putin invaded Ukraine and threatened to cut off the sole source of energy for essentially all of Europe, they had to scramble for alternative sources and diversify their energy supply. That ought to be a lesson to us that we should not put all of our eggs in one basket, but we should pursue an "all of the above" energy strategy.

One of the biggest hurdles to energy development in America today, whether it is fossil fuels or green energy, is the permitting process. Any project with a Federal nexus, whether it touches Federal land, crosses State lines, or uses Federal funding, has to wade through a swamp of redtape. This process is not just cumbersome, it is also time-consuming and expensive. On average, it takes 4½ years to complete the environmental review for potential projects. Again, that is just the average—4½ years. Many projects take longer. In fact, it takes more than 6 years to complete the environmental review for a quarter of the projects.

Whether we are talking about drilling for oil and gas, building wind farms, mining critical minerals, building pipelines, or any other energy project, the permitting process is a major impediment. It puts the boot on

the neck of America's energy producers; it raises costs for consumers, who need more, not less, energy; and it delays the jobs and investment that these projects would create.

Earlier this week, a coalition of more than 340 organizations sent a letter to Congress advocating for commonsense permitting reform. This group includes organizations that represent traditional energy producers, like the American Petroleum Institute and the American Gas Association, but it also notably includes renewable energy groups, such as the American Clean Power Association and the American Council on Renewable Energy. It includes industries that are supported by American energy production, like pipeline contractors, builders, truckers, and engineers, as well as groups that advocate for small businesses and consumers. This is a very diverse range of stakeholders, and they agree on this one thing: It is time to fix America's broken permitting system. They described it as "the biggest obstacle to building the infrastructure of the future," and I agree.

I know that sometimes people think that building things is going to encourage more fossil fuel production, but the simple fact is, the same transmission lines that carry electricity from wind-generated turbines—you need those for any type of electricity, whether it is nuclear power, whether it is natural gas, whether it is wind. All of these require certain basic infrastructure, and they are all slowed down and made more expensive by the antiquated permitting process. This problem harms American energy security and stands in the way of new jobs and investments in communities all across the country.

It is time—it is really past time—for Congress to simplify and expedite the permitting process. This is at the top of the to-do list for our Republican colleagues in the House. As we have heard this week, they are expected to pass a package of bills to overhaul the broken permitting process and make other reforms to boost energy production and bring down energy costs for consumers.

Unfortunately, the majority leader, the Senator from New York, didn't waste any time attacking the House bill. He called it a "partisan, dead-on-arrival, and unserious proposal." That is hardly the recipe for productive, bipartisan negotiations between the House and the Senate.

As the majority leader knows, Senator MANCHIN, the Senator from West Virginia—his permitting reform didn't have the votes to pass the Senate, let alone the House. But the good news is that Senator MANCHIN and Senator CAPITO—both from the great State of West Virginia—are leading the efforts in this Chamber to work on a bipartisan permitting reform bill.

The only way to fix the broken system is to work together, to utilize our committees, and to craft a bill that can gain the requisite support of at least 60 Senators.

As a top Republican on the Environment and Public Works Committee, Senator CAPITO has been on point on this issue. She and Senator BARRASSO, who is the ranking member of the Energy and Natural Resources Committee, are our leaders in trying to find a way to fix this broken process and promote America's energy security.

As I said, there is strong bipartisan support for commonsense permitting reform, and I hope the majority leader will not stand in the way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

#### CONSUMER AND FUEL RETAILER CHOICE ACT

Mrs. FISCHER. Mr. President, my colleagues and I are here today to discuss the importance of unleashing American energy. Especially during a time of international turmoil, we in the United States need to ensure that we reduce our dependence on unstable foreign countries for our energy.

But right now, as the Senator from Texas alluded to in his comments, there is a tangled web of unnecessary regulations that is holding our Nation back from an "all of the above" energy agenda that would benefit consumers, producers, and our national security.

One example of what is holding us back is outdated regulation of E15. Nebraska is an energy-producing State and has an important role in any discussion about unleashing American energy. E15 is a biofuel blend of gasoline with 15 percent ethanol. This critical fuel mix is proven to lower gas prices for consumers at the pump. One study found that the average price of E15 during last year's summer driving season was 16 cents less per gallon than regular unleaded gas.

As any driver can tell you, after years of escalating gas prices under this administration, these savings add up quickly. Consumers want the lower fuel prices of E15, and retailers know it. That is why the number of retailers offering E15 has more than doubled since 2017, rising from 1,200 to 2,700.

E15 boosts our domestic energy security. Our country is blessed with ample natural resources, and we should take advantage of them—including ethanol. Use of E15 unleashes American energy here at home, dealing a blow to our dependence on foreign oil.

And ethanol is good for the environment. Emissions from ethanol are 46 percent lower than from traditional gasoline. One study found that corn ethanol contributed to a reduction of 500 million tons in emissions between 2005 and 2019. So why not make use of E15?

This issue is important to my State—very important. Nebraska is the second largest producer of biofuels in the Nation and generates over 2 billion gallons of renewable fuel each year. But when we look at these overly restrictive regulations, they are threatening to rob consumers of that choice.

One outdated law needlessly restricts the sale of E15 during the summer

months. The regulation restricting E15 is based on a measure called the Reid vapor pressure, or the RVP, which measures the volatility of certain gasoline blends. The irony of this is that E15 actually has a lower RVP than E10, which is less restricted. Ultimately, this outdated law doesn't make much sense, and it harms consumers.

In Nebraska, we have 24 operating ethanol plants, and they have created almost 1,500 good-paying jobs across our State. Family farmers in Nebraska use biofuels like E15 to help fuel the rest of this country. For the sake of those Nebraskans, as well as the average American at the pump, I have been leading the charge for many years to end the legal limbo that we see around E15.

This month, I introduced again the Consumer and Fuel Retailer Choice Act, which would allow for the year-round, nationwide sale of E15. Eight different States have made admirable strides to allow the sale of E15 in their regions, but these efforts can only result in a patchwork of uneven regulations across the country, leaving many families without access to cheaper E15.

The EPA could—and they should—take emergency action to allow E15 sales this summer. But, let's remember, that would only be a temporary solution. We need a permanent, nationwide solution, and that happens to be what my bill provides. The bill is the opposite of a mandate. It puts consumers in the driver's seat by providing them with the completely voluntary option to take advantage of E15 and its benefits.

We have worked hard to build a very diverse, bipartisan coalition for this bill. The Nation's largest oil and natural gas trade association, the American Petroleum Institute, is one of our bill's most notable supporters. It is time that Congress joins together to pass legislation that truly advances an "all of the above" energy solution, that ensures Americans' access to lower cost E15 fuel.

All of my colleagues should support more choices for lower cost fuel, especially as our country reels from high inflation.

The Consumer and Fuel Retailer Choice Act provides families with the choice to purchase and retailers with the choice to sell E15. That is a major win for family farmers, for consumers at the pump, and for our American security.

Mr. President, I see my colleague the junior Senator from Nebraska is here on the floor, and I would yield to him.

The PRESIDING OFFICER. The Senator from Nebraska.

H.J. RES. 27

Mr. RICKETTS. Mr. President, I rise today to fight a blatant land grab by the Federal Government.

My colleagues and I support the Senator from West Virginia's resolution disapproving of the waters of the United States rule. This rule would change the definition of "navigable

waters” to include things like roadside ditches, puddles on construction sites, farm ponds.

Think about that. President Biden’s EPA and Army Corps of Engineers apparently believe that drainage ditches, construction site puddles, and farm ponds are navigable waters. To say this statement defies all common sense is an understatement. Quite frankly, it is embarrassing.

I am from Nebraska. I get it. I am from a land-locked State. But, to me, “navigable” means you can put a boat on a body of water and go somewhere. But you don’t have to take my word for it. We have the Merriam-Webster definition of “navigable” right here, and it says: “deep enough and wide enough to afford passage to ships.”

If you put a boat on a roadside ditch, you are not going anywhere. If you put a boat on a puddle on a construction site, you are not going anywhere. If you put a boat on a pond, you are just going around the pond. You are not going anywhere besides that.

To Nebraska farmers and ranchers, this is just dumb. Beyond that, the Biden administration is trying to change the law without coming to Congress. The 1972 Clean Water Act said “navigable waters” 50 times. Congress’s intent could not have been more clear.

As a legislative branch, we must protect our authority. The Biden administration is trying to subvert our laws, and it must be stopped. If allowed to stand, this rule would increase costs and uncertainty for producers, property owners, and small businesses.

President Biden and liberal bureaucrats have absolutely no business regulating this, and I think the President knows it. You know why I think the President knows it? Well, because President Biden’s EPA and Army Corps of Engineers quietly finalized this rule on the last working day of the year, just before New Year’s Eve. It seems like the President and his cronies hoped that no one would notice.

Well, guess what. We noticed. Nebraska’s farmers and ranchers noticed. My Senate colleagues and I noticed, and we are pushing back hard. And, today, my colleagues and I are defending private property rights from this unconstitutional power grab. Today, we are sending a message to President Biden that our farmers and ranchers need relief, not regulation. Today, we are fulfilling our responsibility to provide oversight and accountability in response to Executive overreach. Today, we are defending the authority of the legislative branch.

When I was Governor, I repeatedly opposed President Obama’s efforts to expand the waters of the United States rule. As Senator, I strongly oppose President Biden’s attempt to do the same.

I want to again thank Senator CAPITO for her leadership on this issue. I am proud to have joined a bipartisan effort today to vote to rescind this un-

constitutional rule. I hope President Biden will choose to sign this common-sense resolution as he did the DC crime bill. He agreed with a bipartisan group of Senators then, and he should do the same now.

I yield the floor.

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

UNANIMOUS CONSENT REQUEST—S. 85

Mr. HAWLEY. Madam President, 4 months ago, the U.S. Senate, and then the U.S. House, came together to ban the app TikTok on all Federal Government devices—on tablets, on phones, on computers—on Federal contractors and their devices as well.

We acted, just a few months ago, with a sense of urgency because we decided that TikTok was a national security threat. A privacy threat? Yes. A data threat? Yes. But above all, a national security threat. And we were right to act just those few months ago.

And now we must take the next step: to ban TikTok nationwide, to protect the security of every single American whose personal lives, whose personal data, whose personal security is in danger from the Chinese Communist Party in Beijing. And it is time to act now because we have seen, just in the last week, the TikTok CEO come before the U.S. Congress and confirm that the reasons we acted 4 months ago were right and valid and that the need at this hour is urgent.

In this last week, we learned—I should say we confirmed from the testimony of the TikTok CEO that TikTok has the ability to track Americans’ data, to track Americans’ location, to track Americans’ personal lives—whether they want it to or not.

What am I talking about? Well, TikTok tracks your keystrokes. Now, think about this for a second. It is not just the videos you may upload if you have the app on your phone. It is not just the videos that you watch. It is the keystrokes that you enter—and not just while you are on the app. Oh, no. It tracks your keystrokes all the time—while you are texting, what you are emailing. It tracks your contact list. It reads your phone list.

We believe, based on independent third-party analysis, that it can get into email. And it does this whether or not the user consents. In fact, there is no way to turn it off. Americans are subject to this ongoing data collection—at all hours of the day and night—even if they have got TikTok turned off on their phone.

What else have we learned? Well, that TikTok is monitoring the location of Americans. It is not just your keystrokes. It is your location data. Where are you right now? What is it that you are doing? Where are you moving to? Are you in a car? Are you in a building? On what floor are you on? TikTok can use the settings of your phone to track exactly where Americans are.

And we know that they have been doing this—TikTok has been gathering

this data—not just on American citizens but also on American journalists. We know that they are able to see what journalists are saying, to see where journalists are going.

New whistleblower revelations have shown that TikTok has spied on particular American journalists and tried to track them, tried to learn what they are writing, tried to control, in essence, or at least get an understanding of what their message might be.

Think about this. An app on your phone that tracks your keystrokes, that reads your personal information, that tracks journalists around, that tracks your location—you can’t do anything about it. And we haven’t even gotten to the worst part.

The worst part is all of this information is accessible to engineers based in China, accessible to the Chinese Communist Party.

When he was asked about this last week, the CEO of TikTok didn’t deny this espionage. No, what he said instead is, well, “I don’t think spying is the right way to describe it.”

Maybe he preferred the word “surveillance.” Maybe he preferred the word “monitoring.” Maybe he preferred the word “tracking.” But I actually think “spying” just about captures it.

The problem with TikTok is not the videos on the app. The problem with TikTok is, it is a backdoor for the Chinese Communist Party into the personal lives and information into the most intimate details of every American’s life.

And we know the link between TikTok and the Chinese Communist Party is real, and we know that it is strong. TikTok is a wholly owned subsidiary of the Chinese parent company ByteDance. We know that ByteDance has Chinese Communist Party members in its senior leadership. In fact, ByteDance’s editor in chief is a Communist Party secretary. We know the Communist Party has done trainings for TikTok and ByteDance personnel. We have video of it being done in Beijing, in China.

Whistleblowers have come forward to my office, and to others, and given us evidence that China-based engineers are able to access Americans’ personal data at any time that they want. Again, the CEO did not deny that last week. No.

The links to the Chinese Communist Party are real, and they are inscribed in Chinese law. This isn’t just a matter of what TikTok may want to do. No. TikTok is a wholly owned subsidiary of the Chinese parent company and is subject to Chinese law, which both the 2014 espionage law in that country and their 2017 national security law, which required—required—the company to turn over data that the Chinese Communist Party, that Beijing, may request. Under those laws, they must make Americans’ data available—must make it available—to Chinese communist officials.

This is in addition to the CCP members who are actually senior officials in these companies, who work in these companies, who have access to Americans' data as I stand here and speak to you today.

The intent of China in all of this is quite clear. They want to build a profile on every single American. We know that many of the recent data hacks of credit agencies, of other digital repositories of Americans' personal information have been carried out by communist China. They are hungry for information about the American people. They are gathering it on everybody that they can, as much as they can—just like they do to their own citizens. And they are using the app TikTok to do it.

Of course, that is not the only way that the Chinese Communist Party has tried to gather information on Americans. This is certainly not the only time that they have done it. Think about the Confucius Institutes all across the country that the CCP funded on America's college campuses. Think about the researchers they funded and tried to place into key programs, key institutes and universities all across the country. Heaven's sake, think about the Chinese spy balloon that just went over this country, right over my home State of Missouri, just a few weeks ago, photographing everything that they could.

Now, this is a pattern. The difference is, in those cases, we addressed it. We shut down the Confucius Institutes. Those who have lied about their money that they have gotten from China, the funding that they have gotten, have in some cases been prosecuted for attempted espionage on America's college campuses, and the spy balloon was belatedly shot down—but shot down, at least.

Now, we have taken action in these other instances to protect Americans to stop the efforts of the CCP to spy on America, to collect Americans' data, to put Americans at risk. And now we must do the same thing with TikTok.

This is why President Trump and the previous administration tried to ban it. Let's not forget this isn't the beginning of this debate. This is the end of it. We have been at this for years now.

Years ago, the last administration tried to ban TikTok for all of these same national security reasons that led us as a Congress to ban it on Federal devices.

This has been a long time coming. There is no rush to judgment here. This is what administration after administration has concluded; that it is time to take action.

Here is the real truth that if it were the Confucius Institutes, the Chinese spy balloon, if it were some American company that was coordinating with a foreign ally, we would shut it down immediately. And we have done it in these other cases. But with TikTok, now TikTok says: Oh, no, no, no, no. You can't do that to us. You can't hold

us accountable. We have a special carve-out. No, we have the First Amendment. The First Amendment protects us.

Well, I must have missed the class in law school where we covered the First Amendment right to spy. The last time I checked my Constitution, there was no such protection. And I can be darn sure that there is no special First Amendment carve-out for communists.

Now, the First Amendment may protect dance videos, sure; upload those all you want. But the First Amendment does not protect the right to spy on American citizens. It does not protect espionage. It does not protect what the Chinese Communist Party is trying to do in harvesting the data of millions of Americans.

Now, TikTok has no special First Amendment carve-out. They don't get special privileges that no other entity or an American company would get. They are subject to the same rules. And when you try to spy on American citizens, when you try to use Americans' own phones as portals for collection, that ought to be stopped. You ought to be banned.

And the fact that they are a China-based company shouldn't help them or hurt them. The fact is, their ties to Beijing, their ties to the CCP, their ongoing efforts at espionage, and their ongoing lies, by the way, to this body—this is a company that has come before this body and lied time and time again. They said that they weren't controlled by ByteDance. Now we know they are. They said that China's China-based engineers couldn't access American user data. Now we know they can.

They said that the CCP had no influence. And yet last week, the CEO of TikTok couldn't even confirm that the CCP hadn't helped write his talking points. Now, this is an entity—this is a corporate interest—that is influenced, if not, controlled, by the Chinese Communist Party.

The national security risks are severe and growing worse. And I haven't even talked about—I haven't even talked about—the materials on suicide promotion that you will find on TikTok. I haven't talked about the risks to mental health that it may pose.

And there is a reason that TikTok isn't even available in China. Did you know that? In China, TikTok isn't available. Why is that? Well, it is because Beijing isn't stupid. They know it is "digital" fentanyl.

TikTok wasn't designed to make our lives better. TikTok is designed to addict and then to be used as a gateway into our personal lives. It is designed to addict and then to be used as a portal to spy on American citizens.

Now, I tell you what, here is one thing that has changed since just December, a few months ago, when we banned TikTok on Federal Government devices. TikTok has gone into full damage control mode. And as Big Tech companies do all the time, they hired a

fleet of lobbyists and have spent untold amounts of cash. I am told that even today TikTok lobbyists have been seen here in the building. I have no doubt that they are scurrying around right now. Maybe they are in the Gallery.

I just say this: We have the opportunity today to send a message to this corporate interest that the U.S. Senate is not for sale; that we cannot be bought; that we cannot be purchased; that we cannot be influenced by their lobbying campaign, by their corporate money; that we will instead side with the American people. We will tell the truth about what this app is. We will do our jobs and protect Americans.

Now, some say that we ought to have a broader bill that would not actually ban TikTok but would give new authority to the executive branch and leave it open. I don't agree with that. My view is, we should act decisively to ban TikTok directly. We shouldn't give new, open-ended authority to Federal bureaucrats; we should target this threat specifically. That is what this bill does that we have before us today. It goes right at the problem. It bans TikTok in this country. It protects the American people, and it sends the message to communist China that you cannot buy us.

I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of S. 85 and the Senate proceed to its immediate consideration. I further ask that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

THE PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Reserving the right to object, there are two main reasons why we might not want to do this. The one would be the First Amendment to the Constitution. Speech is protected, whether you like it or not. The second reason would be that the Constitution actually prohibits bills of attainder. You are not allowed to have a specific bill against a person or a company. So this fails on two egregious points, pretty obvious points. I think we ought to think about that.

I think we should be aware of those who peddle fear. I think we should be aware of those who use fear to coax Americans to relinquish our liberties, to regulate and limit our First Amendment rights.

Every accusation of data-gathering that has been attributed to TikTok could also be attributed to domestic big tech companies. In fact, one of the bills they are looking at doing is broad enough that the President will be given the power to designate whatever country he sees fit to be an adversary and whatever company underneath that definition. It would basically be a limitless authority for the President to ban speech.

If Republicans want to continuously lose elections for a generation, they



should pass this bill to ban TikTok, a social media app used by 150 million people, primarily young Americans. This brilliant strategy comes while polls indicate that 71 percent of young women and 53 percent of young men voted for a Democrat candidate for Congress.

Admittedly, many Democrats have joined Republicans in calling for this ban, but, like most issues, the blame will stick to Republicans more.

The Republican strategy to ban TikTok comes simultaneously with GOP complaints of domestic social media companies canceling and censoring conservatives. Without a hint of irony, many of these same conservatives now rail against censorship while advocating for censorship against social media apps they worry are influenced by the Chinese.

Before banning TikTok, these censors might want to discover that China already bans TikTok. Do we really want to emulate Chinese speech bans? Aren't we the ones who say it is wrong for China to ban speech? So we are going to be just like China and ban speech we are afraid of?

The vice president of FreedomWorks, John Tamny, perhaps described this situation best:

Nauseating Harassment of TikTok Presumes Americans Will Be Saved From Chinese Authoritarianism If U.S. Politicians Act Like Chinese Authoritarians.

We are going to be saved from speech if we ban it in our country. My goodness. Could we think of anything more antithetical to the freedom of speech?

Go to the app. They say the app is full of propaganda, and your young people will be dancing into communism. Go to the app and search for Falun Gong, the anti-communist religious sect that is persecuted in China. Go to TikTok and search for videos advocating Taiwan's independence; criticism of Chinese President Xi Jinping. Videos are all over TikTok that are critical of official Chinese positions. That is why TikTok is banned in China. Do we want to follow China's lead in banning speech?

We should not let fear of communism cause us to ignore our First Amendment protections of free speech.

This legislation violates not only the First Amendment rights of those who own TikTok—many of whom are actually Americans, not Chinese—but it also violates the First Amendment rights of the millions of young Americans who use this social media app.

I ask the American people: Do you want Joe Biden to be your censor? Do you want to give unlimited power to any President, regardless of party, to decide who is our adversary and which countries and then which companies? There is not even a list of what percentage. What if the Chinese own 1 percent of a company or 10 percent of a company?

One of the bills before us would allow the Department of Commerce to decide—there are five countries they list

that are adversaries; these are big countries that have a lot of interactions with our country already—decide which country in addition to the five.

The Department of Commerce can designate a country as an adversary, but then they can designate a company. But there are no specifics. Do the new people who are designated to be an adversary have to own 100 percent of the company? 50 percent of the company? 1 percent of the company?

This is a crazy gift of power to one person. I don't care which party they are in; it is a huge mistake.

Doctors Mueller and Farhat of Georgia Tech write:

If nationalist fears about Chinese influence operations lead to a departure from American constitutional principles supporting free and open political discourse, we will have succeeded in undermining our system of government more effectively than any Chinese propaganda.

Throughout the 20th century, millions of people were fed communist propaganda every day for their entire lives. When the regimes collapsed, the people celebrated. They danced on the Berlin Wall and on the grave of communism.

Have faith. Have faith that Americans are smart enough to hear bad ideas and reject those ideas. Have faith that our desire for freedom is strong enough to survive a few dance videos. Have some faith in freedom.

We don't ban things that are unpopular in the United States. Our Constitution even allows a Communist Party.

The previous speaker said, and I quote, "There is no . . . First Amendment carve-out for communists." Well, actually, there is. In our society, you can be a communist. I don't advocate it. I think it is a terrible idea, and almost no Americans choose it. But there is a Communist Party here. We actually had a former CIA Director who said he voted for the Communist candidate in 1976—someone I don't advise you appoint to be the head of your CIA. But this is a free country. You can actually have terrible ideas, and you can broadcast them. That is what freedom of speech is about. It is not about saying: You know, I love Mother Teresa. It is not about saying things uncontroversial. It is about the ability to say things that people don't like.

Have some faith in freedom.

Our Constitution does protect even despicable speech, even the Communist Party. It operates today. Nobody wants to join the Communist Party, but you still can if you wish. America is a country that celebrates free expression, that cherishes free association, that is confident in the cause of liberty.

If you want to address the evils of Big Tech, it is not the Chinese Government you have to fear but your own. In June 2021, Newsweek reported that Big Tech complied with 85 percent of government requests to hand over your personal data. So you are worried

about the Chinese Government? Your government has all of your data, and they are sucking it up from all of Big Tech. So the thing is, is your next step to ban Big Tech in our country?

There are some people who are promoting banning TikTok, and their next step is Facebook. This is on both sides of the aisle. This contagion is infecting the whole country—both parties.

Realize that this means—with 85 percent of government requests to Big Tech being honored, this means that Facebook, Google, Apple, Microsoft, once presented with a subpoena or a warrant, routinely hand over the contents of emails, text messages, photos, documents, calendars, contact lists, and more to your government. Big Tech puts up virtually no legal fight to protect your privacy. They could go to court to stop this. Instead, there is a big cable that runs from Big Tech to the government, and they snoop on every bit of our information. If you want to protect privacy, why don't we start by protecting our own privacy in this country?

To those who are worried that the Chinese Government might somehow now have access to millions of American teenagers' information, realize that all social media sucks up personal data that people voluntarily provide. If you are going to ban TikTok, what is next?

Arguably, several domestic apps censor conservatives more than TikTok. I know this because I have been censored and I have been banned. I have had speeches on the Senate floor that are protected by the Constitution banned and kicked off of YouTube. I despise these people, but I am not going to vote to ban them because I realize that intellectually, in a free country, I don't have the right to tell the New York Times to publish my op-ed or YouTube to publish my speech. I don't like what they do.

Quit using them. That is what happens in a free country. If you don't like TikTok, quit using them. But don't disenfranchise 150 million Americans who are using a social media app and just say it is no big deal. This is the First Amendment right of 150 million Americans.

I have a host of complaints about domestic social media platforms. They cancel conservatives. But I am not in favor of banning one of them or regulating their speech or telling them who can post and who can't post. That is what the First Amendment is about. If you don't like TikTok or Facebook or YouTube, don't use them, but don't think that any interpretation of the Constitution gives you the right to ban them.

TikTok's mission appears to be like most other companies: to make money and lots of it. TikTok is actually cooperating with our government. There is something called the Committee on Foreign Investment in the United States—CFIUS—and TikTok has agreed to put all their data in Oracle's

Cloud, and they have agreed to work with the U.S. Government. Because they so much want to make money, they will do anything to try to get rid of this accusation that they are somehow part of the Communist Party, which is not true. It is a company that is owned—probably the majority of it—by Americans and Europeans and other Asians outside of China. Less than 50 percent of it is owned by any Chinese. There is no Chinese Government of the American TikTok.

Even that being said, they are willing to put all of it under the Oracle Cloud. They are willing to have U.S. regulators be given access to it, all because they want to continue to make money. They don't want to be shut down by the censors.

The First Amendment isn't necessary to protect speech that everybody accepts. The First Amendment exists to protect speech that might be unpopular or might be controversial.

U.S. courts have already struck down the Trump ban on TikTok. It amazes me now that the other side that was so horrified by the idea of President Trump banning something has now jumped on board to ban it themselves.

I hope saner minds will reflect on which is more dangerous: videos of teenagers dancing or the precedent of the U.S. Government banning speech. For me, it is an easy answer. I will defend the Bill of Rights against all comers—even, if need be, from members of my own party.

I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Missouri.

Mr. HAWLEY. Would the Senator from Kentucky entertain a question?

Mr. PAUL. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Missouri.

Mr. HAWLEY. Madam President, I have never before heard on this floor a defense of the right to spy. I didn't realize that the First Amendment contained a right to espionage.

The Senator from Kentucky mentions the Bill of Rights. I must have missed the right of the Chinese Government to spy on Americans in our Bill of Rights, because that is what we are talking about here.

The Senator from Kentucky can watch as many dance videos as he wants. I have no objection to that. He can watch them on this floor for all I care. Fine. What I object to is the Communist Chinese Party using this app on Americans' phones to spy on Americans without their consent.

The Senator says that Americans can simply not use this app, just turn it off. That is not the case. If you turn it off, it continues to collect information. You don't need to consent. TikTok doesn't ask you do you want to share your information; it takes it. It doesn't ask you for permission to track your location; it takes it. It doesn't ask you for permission to share it with the Chi-

nese Communist Party; it just does it. That is the problem.

Scour the Constitution. Scour the First Amendment. I promise you, you won't find any right to espionage. You won't find any right to spy. And this novel right that the Senator thinks he has discovered for Americans to be spied upon—I never heard of such a thing in the history of this country. I am astounded to learn that Americans have the right to be spied upon.

So not only does China apparently get the right to spy in the First Amendment, Americans have the inalienable right to be spied upon and have all of their data taken from them. That, apparently, is democracy.

That is not democracy. That is the abuse of our laws, the abuse of our economy, the abuse of our people by a foreign government for its purposes.

So I say again, watch dance videos to your heart's content; but spy on Americans, that is where we have to draw the line.

As to money, the Senator said—and I think he is exactly right—that TikTok wants to make money. No doubt about it. And, my, the money they are making; and, my, the money that they are showering on this building. And it is having an effect.

But in the end, the American people don't want to be treated as commodities to be bought and sold, because—make no mistake—it is the American people who are being bought and sold here by TikTok.

They are being sold to the Chinese Communist Party for influence and money. They are being sold for the wishes and the whims of Beijing, and they are being lied to every step of the way.

I will yield to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Madam President, there are just a couple of points I want to address. I have been watching in the office; I am not here to make a motion or anything, but this is an important topic. We don't do this enough, which is this back-and-forth, so I will be brief.

The first is, this is not a First Amendment issue, because we are not trying to ban "booty" videos. I don't know if there is a better term for it, but that is not what we are trying to ban. It is not about the content of the videos that are online, it is about the dangers to the national security that are presented by the way that this company functions. And that is what people don't understand and what we owe people an explanation on.

The reason why TikTok—and all the social media companies, for that matter—are addictive is two. They collect a tremendous amount of data on the individual user, not just what you are doing but what you are doing across the platform, your pictures, everything. They want to learn from it, but not just because some guy is sitting

and reading all this stuff. They feed it into an algorithm that is powered by artificial intelligence. It knows you better than you know yourself. That is why the more you use it, the more attractive the videos become to you, because they know exactly how your mind works better than you know how your mind works—at least the algorithm does.

So who owns the algorithm? The algorithm is owned by a company named ByteDance that is in China. Now, listen, I don't care who owns ByteDance. I don't care if it is owned 100 percent by Americans. ByteDance operates out of China. And this is what we need to understand: There are no such things as private companies in China; they do not exist.

Under Chinese law, their national security law, their national intelligence law, every company in China has to do whatever the Communist Party tells them. So if the Communist Party goes to ByteDance and says: We want you to use that algorithm to push these videos on Americans to convince them of whatever, they have to do it. They don't have an option. They may not want to do it. But ask Jack Ma what happens, no matter how rich you are, when you don't want to do what the Communist Party tells you to do. You move to Singapore for a year and disappear. That is what happens.

OK, so all these people have to respond, and ByteDance has to answer to whatever they are told. Now this thing about Oracle and the cloud, it sounds really good, but here's the problem with it: It doesn't matter where you store the data. You could store the data in my backyard in a locked safe. No matter what, for TikTok to work, you have to give the engineers in China access to it because they control the algorithm.

So it honestly doesn't matter where the data is stored. They still have to open it up for the engineers at ByteDance in China to look at it or the algorithm doesn't work; and without the algorithm, there is no TikTok.

You can't buy the algorithm. Do you know why you can't buy the algorithm? Because in 2020, the Chinese Government imposed a law that says it is illegal. You cannot transfer the algorithm out of China.

What made me chuckle last week is when there was this talk of a forced sale, the Chinese Government says: We will block it. And I am like, how can the Chinese Government block the sale of a company they don't control? How can the Chinese Government block the sale of a company that is not theirs?

The answer is, because under Chinese law, ByteDance cannot do anything that they are not allowed to do, and that algorithm can be used against us.

The other one is we will just sell TikTok. Again, TikTok is the name of this platform in the United States.

I heard an argument made that there is no TikTok in China. There is an equivalent to TikTok in China; it is



just not called TikTok. TikTok U.S. is what they call it abroad, but there is an equivalent that uses the same AI formula and the like. The difference is that the videos they allow over there are ones that don't encourage you to choke yourself to death or drink poison or things of that nature.

But, look, it is not about the content. All of these social media companies—there is a difference, though. I am not a fan of Facebook and how they handle things. I am not a fan of any of these social media companies. But the difference is, whatever they do wrong, they do because they want to do it. If the U.S. Government goes tomorrow to Facebook and says: We want you to do X, they will probably say no. They wouldn't need to listen to us under a law. You can subpoena them for records through a process that involves courts, but none of that exists in China. And that is the point that is being missed here.

So last point I want to address: No evidence that they are doing anything now. You go on the video, you can search this and you can search that, absolutely. Because they understand that they want to grow their market share. But I would make the same argument about the weapons. China has hypersonic missiles. There is no evidence they are firing them at us today, but why do they have them?

The Soviet Union—and now Russia—has intercontinental ballistic missiles with nuclear warheads on them. They never fired them on us. And yet we spend a lot of money making sure they don't and trying to shoot them down if they do.

Every threat is theoretical until the moment it happens. The truth of the matter is this: There is this powerful amount of data, a powerful algorithm entirely controlled at any time they want by the Chinese Government operating in our country, and there is no other way to handle this—not the sale of the company, not the storage of the data. If there was a lesser way to deal with this, I would be for it. But there isn't.

And that is why since 2019, I have been calling for this to be banned. There is no other way to get control of this. The dangers it poses to the country are real. I think before we ban a company that 150 million Americans use, we owe them a better explanation than: Just trust us; it is bad. I agree with that. And we should be doing more of it. But be under no illusion—this is a weapon.

And I will close with this: Think about all the people here that were freaking out because Russia was using bots to influence voters in America on Twitter, Facebook, what have you. Imagine if Russia owned Facebook or Twitter. Imagine if there was a law and now it owned them but told them: You must use it this way. Because that is what we are facing. That is what we have on our hands here.

And not to mention the millions of small businesses in America that have

grown because of TikTok. They will be hostages in the future to a Chinese Government that can destroy their business at a moment's notice unless they can convince their elected officials that America shouldn't defend Taiwan or that America shouldn't be tough on trade.

However they want to weaponize it, the risk is real. I don't waste my time going after social media platforms unless it is important. This is important. I hope we will talk more about it. It deserves the attention that it is starting to get.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. HAWLEY. Madam President, let me just finish with this, that the Senator from Kentucky decried the collection of personal data by American social media companies—and he is right to do that, by the way. I am concerned about that, too, no doubt. But he pointed out that many American social media companies collect all of this information, that they do it without users' consent, sometimes they sell it to third parties for profit, and you can't necessarily opt out of it. All fair enough, but he is protecting exactly what he decries.

The difference is with TikTok, that information is going to a hostile foreign government. It is not a market. It is total control.

So I would just say this to Americans out there who are using TikTok: Just know this—we need to tell you the truth about this app. Just know this: If you have it on your phone, it is tracking your key strokes; it is tracking your movements; it is tracking your location; and it is sending that information—whether you want it sent or not—to Beijing, to the Communist Chinese Party, where it can be accessed by anybody there who wants it, under China's national security laws.

That is a threat to your personal security, and that is why we should act to ban it.

Let me just finally ask the Senator from Kentucky—he and I talked about this before—would the Senator consider allowing us to set a rollcall vote, an up-or-down rollcall vote? Not unanimous consent passed but, as I said, a rollcall vote at a time certain. Would the Senator consent to that?

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Reserving the right to object. I am unlikely to take First Amendment advice from someone who believes that the First Amendment doesn't protect the Communist Party. You will find no greater foe of Communism, no greater critic. I have been a longstanding critic of, really, the funding of research in Wuhan that led to the virus. And yet I still want to protect the basic Bill of Rights, the First Amendment that protects speech, whether we like it or not. And if someone doesn't understand that Communism actually is included in the

First Amendment, that terrible speech we object to is included under that—this is something we should be very wary of.

We should beware of people who peddle fear. We should beware of people who peddle half-truths. Almost everything that has been said about collecting data is, in all likelihood, true. All the social media companies collect data. They devise algorithms. Some of the domestic ones have psychological experiments that might horrify you to see what they have all the young kids thinking and doing and trying to get them to click on different pictures or trying to get them.

This is a marketing strategy, and they all do it. And they all want to make money, and they all want to get clicks.

The difference is this: Many people on the right—in fact, some on the left—they are horrified by Big Tech in our country; they are consistent in being horrified by the abuses of Big Tech here and also TikTok.

But look at their legislative proposals, many of them would actually ban Big Tech here as well or put it under the thumb of government or set up government agencies or panels to determine what speech would be acceptable. And if you are not putting enough conservatives on there, by golly, we are going to have a government commission that is going to determine what kind of content gets on there.

These are scary ideas. Don't succumb to fear. Don't give up our freedoms. Don't say that, oh, my goodness, we are going to ban 150 million Americans. This isn't just about the company; this is about the rights of 150 million Americans to get their content.

You are restricting what they can do, and you are restricting what they can use, all with innuendo. Everything that has been said about, oh, this is a channel and a funnel to the Chinese Government—these are all conjecture. These are all things they are saying happened. As far as the sale of the company, I don't think we should force them to sell, but I do believe, in a heartbeat, they could be sold.

They are located in the Cayman Islands. They are incorporated in the Cayman Islands, and they can be sold at any minute. I don't think we should force them to sell. The majority of the shareholders are not Chinese; the two engineers that developed it are, but to say that the algorithm has to reside in China and is in one tiny place and isn't anywhere else is a simplistic notion of the way technology works.

The company has bent over backwards to work with our government to try to set up something that would be reasonable, including more government oversight. So I, for one, will say that I will continue to defend the First Amendment. And those who believe that the First Amendment doesn't protect the speech are in the wrong, and they will find that out when the Supreme Court rules on this.

I object.

The PRESIDING OFFICER. The objection is heard.

Mr. HAWLEY. Madam President, I would just say in conclusion that the security risk from TikTok led us to ban it 4 months ago for the Federal Government. The facts cannot be denied, which is why the TikTok CEO had nothing to say a week ago. He could not deny any of these facts. The truth will carry the day, and we will continue to fight.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, I understand that there is a vote scheduled at 5:45, and in order to clarify the voting procedure this evening, I would initially ask unanimous consent that I be able to complete my remarks and the following Senators be permitted to speak for five minutes each prior to the scheduled vote.

I also presume that Senator TUBERVILLE will speak while he reserves his right to object; is that correct? So you do not need time?

In that case, I ask unanimous consent for Senator LEE, Senator HIRONO, Senator BENNET, and Senator MARSHALL to be granted 5 minutes each prior to the scheduled vote.

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

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. REED. Madam President, I rise to discuss the promotions and appointments of general and flag officers in the United States military, including several appointments to lieutenant general and vice admiral.

These are officers who would hold positions of particular importance and responsibility to the Nation. The promotions of these military leaders were reported out of the Armed Services Committee over the past 2 months.

There have been no substantive objections raised against these nominations. For the benefit of my colleagues who may not appreciate the nature and volume of military promotions and nominations considered by the Armed Services Committee, last year, the Committee considered and the Senate confirmed nearly 20,000 military officers, including 656 general and flag officers.

The Senate confirmed 20,000 nominations through bipartisan unanimous consent because the tradition of the Committee and of the Senate is to consider military nominations as apolitical and thus process them in a timely and respectful manner so our troops do not experience delays in their promotion or appointment or in their pay and benefits.

Moreover, the sheer volume of nominations we consider means we cannot subject them to the ordinary political gamesmanship we see with civilian nominations.

The senior Senator from Alabama has made these promotions a political

matter. He and he alone placed a blanket hold on these officers, unrelated to their qualifications, because of a policy disagreement with the administration that these officers played no part in deciding.

This, in my view, is a profound assault on the professionalism of the men and women of the armed services.

The vast majority of these officers were selected by promotion boards, which are panels of military officers who decide promotions purely on merit, considering the skill, talent, and the military's collective assessment of their potential to lead in the grades for which they have been nominated.

Blanket political holds on military officers, in an attempt to overturn a civilian policy decision, sets a dangerous trend for our military, our political process, our Nation, and this Senate.

The senior Senator from Alabama placed his hold on February 16th, and as a result, not a single general or flag officer nominated in this Congress has been confirmed.

Let me repeat that.

Due to the senior Senator from Alabama's hold, not a single general or flag officer has been promoted.

As the Senator's hold moves into its third month, we will quickly reach a critical mass of backlogged nominations, if we are not already there, that will imperil our national security, degrade unit readiness, and place undue, and undeserved, hardships on military families.

It may not be his intent, but he is effectively accomplishing what our adversaries could only dream of: denying our military of its leadership and degrading our ability to fight and win the Nation's wars.

The bottom line is that military promotions are not a political matter and they are not toys for political gains, and military officers are not tokens in such a game. They are not hostages to issues that are determined by civilian authorities.

An administration's civilian nominees may be fair game, and they have been repeatedly, but not professional military officers. That has long been the Committee's and the Senate's tradition and practice.

And I want to turn to some specific claims made by the Senator from Alabama. He has asserted a number of times that the Department changed the law or that DOD somehow lacked authority. That simply isn't true.

To be clear, under its new policy—and this is with respect to reproductive rights for female soldiers, sailors, airmen, marines, and guardians—the Department of Defense will provide administrative leave and paid travel if a member of the military or their dependent is stationed in a State or country that does not provide the healthcare needed.

The Department has broad statutory authority to provide travel benefits to servicemembers and their dependents, and it does so routinely, including for

the provision of healthcare services. I am not aware of any assertion from anyone knowledgeable of the law and of the Department's actions that the Department does not have the authority to do this. Indeed, to the best of my knowledge, no serious lawyer has made this argument, and there has not been a single lawsuit filed on this matter.

These policies are, again, travel and administrative leave policies. They do not violate the Federal prohibition on DOD paying for noncovered reproductive health services. Such reproductive health services will still be paid for by members and dependents out of their own pockets. These policies merely facilitate the provision of health services for servicemembers and dependents who may be stationed in an area that does not provide the needed healthcare, including overseas locations.

Further, the senior Senator from Alabama has publicly stated:

"If Democrats are so worried about the nominations, then they can bring them up for a vote. We have more than enough time to vote on nominees."

Setting aside the deeply troubling implication that certain Members of the Republican Party do not care enough about our national defense to ensure that senior military leaders are in place in a timely manner, it would take several months of constant attention on this floor just to move through the current batch of general and flag officers that are presently on the Senate calendar. And this is not even accounting for all the nominations still to come.

If we took this path, this Senate would be consumed entirely by nominating and confirming military officers ad infinitum, unable to do anything else.

And there are currently 184 general and flag officers, including 11 to be promoted to lieutenant general or vice admiral, subject to this political hold.

And let me highlight just three to show you the impact and the consequences of these holds.

One nominee is nominated to be Commander of the Navy's 7th Fleet. It is the largest of the Navy's deployed fleets and has responsibility for the Indo-PACOM area of operations.

And I hear constantly in the Committee and elsewhere on the floor: The Chinese threat—we have got to do more. We just listened to a long diatribe about TikTok and how dangerous it is.

I think what might be more dangerous is not having a confirmed leader for this fleet in the Pacific able to move out immediately to any type of threat coming from the Chinese.

In addition, the Commander of the Navy's 5th Fleet is responsible for the naval and combined maritime forces in the Indian Ocean, Persian Gulf, Arabian Sea, and it is under the overall command of U.S. Central Command. And we hear every day—we heard it just recently—about how the Iranians are taking advantage of us. They say we are not responding strongly enough.

Well, how effective will our response be if we are not quite sure who the Commander of this fleet is? We have got a nominee, but the officer is not confirmed. We have an officer who may have to leave for another assignment. This causes readiness problems, morale problems, and undermines the military that we all seem around here to suggest is our primary concern.

Another one: the U.S. Military Representative to NATO, who is the senior uniformed representative to NATO during a time when NATO is critical to our support of Ukraine, therefore, against Russia.

And, again, my colleagues would stand up and say: We have got to do more for Ukraine. We have to make sure they get the support they need, through coordination with NATO. We have to do all these things, but we really don't need anyone in Brussels to help with military advice and assistance. We will just ignore that.

These are just three examples, and I would like to look ahead because this is just the tip of the proverbial iceberg.

Within the next 8 months, we expect the Department to nominate approximately 650 general and flag officers, including 80 three- or four-star nominees, all of whom will come through the Armed Services Committee and require Senate confirmation.

These include the nomination of the next Chairman of the Joint Chiefs of Staff. By law, General Milley will retire in September. If this hold persists, then we will be without a Chairman of the Joint Chiefs of Staff.

We also expect nominations for the service chiefs of the Army, the Navy, and the Marine Corps. The Chief of Staff for the Army, the CNO of the Navy, and the Commandant of the Marine Corps are scheduled to retire.

If this hold persists, we will not have leadership in the Army, the Navy, and the Marine Corps, and that would be devastating to readiness, to morale, to the whole history of our government in which we move nominees based on merit, not as political hostages.

We are also talking about major combat commands—Cyber Command. Does anyone have to talk about the relevance of Cyber Command? Again, we just listened to a long, long discussion about cyber security and the stealing of information and governmental interference with that. Cyber Command is the key actor from the Department of Defense standpoint in all of those efforts. And, frankly, without a Commander of Cyber Command, I think the TikTok issue sort of diminishes in importance.

We also have SPACECOM and NORTHCOM. They are responsible for the defense of the United States so that we do not find ourselves here at home devastated by any type of attack, which, today, includes cyber, missile, hypersonics—all those possibilities.

There are also three Deputy Commanders who are coming on—CYBERCOM, CENTCOM, and AFRICOM.

So what you can see is, if this policy continues or this practice continues, we are wiping out the leadership of the Department of Defense and doing an extraordinary disservice to the men and women who wear the uniform of the United States.

We have always treated military nominations appropriately, as beyond the political fray, and we must continue to do so for the good of the service and all those who take the oath, and their families, too, because no military member serves alone. The families serve with him or her.

Now, I believe in a very strong military based on constitutional and professional values. We must not inject political theater into this process.

If we do not have a coherent, organized leadership at the Department of Defense, then we are putting our troops at risk. That is quite simple, and, to me, it is unacceptable.

With that, I would ask unanimous consent that the Senate proceed to executive session to consider the following nominations en bloc: Calendar Nos. 46, 47, 48, 49, 50, 51, 52, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, and 107; that the nominations be confirmed en bloc; the motions to reconsider be considered made and laid upon the table with no intervening action or debate; and that no further motions be in order to any of the nominations; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from Alabama.

Mr. TUBERVILLE. Madam President, I reserve the right to object.

I want to start out by mentioning the great respect I have for Senator REED. I am deeply grateful for the chairman's service to this country, both the service in uniform and as chairman of the Armed Service Committee, of which I am a member.

I believe the chairman and I agree on a lot more than we disagree on, but I take exception to several things that have been said about me by Democratic Members of the Senate.

Every day this week, the majority leader has come to the floor and attacked me by name. It is not very often the majority leader of the Senate attacks a Senator by name 3 days in a row.

Now, in my former profession, I have been called everything so it really doesn't bother me too much, but the majority leader has also tweeted about me. That is good.

So let's get the record straight as we speak.

Right now, I want to talk about what I have done and what I am doing. First of all, I am not blocking anyone from being confirmed or promoted. Every single one of these nominees can receive a vote if Senator SCHUMER wants it. In fact, one of the civilian nominees is getting voted on this week. If Demo-

crats are so worried about these nominations, let's vote. If we are not going to vote on taxpayer-funded abortion, then let's vote on these nominees. Voting is our job. It is not much to ask of the U.S. Senate to do our job, to vote.

Senator SCHUMER and some of the other Senators have claimed that my hold on these nominees is unprecedented.

Well, it is not. My hold is far from unprecedented. In fact, Senator BENNET himself threatened to do this exact same thing just a few months ago. Why? Because the Air Force planned to move Space Command from Colorado to Huntsville, AL. We have talked about this recently. Two years ago, we had a Senator from Illinois put a hold on 1,000 nominees over the promotion of one single officer. So far, my hold has affected 184 nominations.

I also will note that these Senators haven't said a word about our recruiting crisis that we have going on as we speak. Democrats are in a panic about 184 promotions for generals and officers, and yet I have not heard a word from them about the 15,000 enlisted soldiers we are missing right now from last year's recruiting class. That is an entire division.

There is another 8,600 who were discharged over the President's vaccine mandate—kicked out. I don't hear a word about that from the Democrats.

The military is down 23,000 enlisted soldiers due to the actions taken by the Biden administration and his Secretary of Defense just this past year. Yet Democrats are worried about 184 generals getting their promotion? Only one of those things threatens our security. It is not officer promotion.

When my dad was serving in World War II, we had one general for every 6,000 enlisted soldiers—one. Today, we have got one general for every 1,500. We do not suffer from a lack of generals in this country. We suffer from a lack of recruits. Military experts have known for a long time that the Pentagon is top-heavy.

This entire line of attack on me is absolutely false. The generals' jobs are being done. Yet 23,000 enlisted troops that we are missing, their jobs are not being done.

My Democrat friends keep saying abortion is necessary for readiness, but I have yet to hear a shred of evidence to back that up. I have been asking for months. Yet again, my Democrat friends have absolutely zero evidence to show abortion makes our troops safer, stronger, or more lethal.

And let's be clear about what we are talking about. We are not talking about access to abortion. We are talking about taxpayers funding for travel and extra paid time to get elective abortions.

We already have a policy. We already have a policy in the Army about abortion, and it has worked fine. But this policy includes spouses and dependents. We are talking about taxpayer funding for somebody's kid to get an abortion

in another State. This has never been in the policy until now, because Congress has ensured that the Pentagon cannot perform or facilitate abortions except in legal circumstances, and limited.

This morning, I received an email from a soldier's mom in Alabama. She said her son has had to pay thousands of dollars out of his own pocket to buy uniforms and bedsheets. She said it is absurd to force taxpayers to pay for travel for abortions while our troops—our troops—are paying out of pocket for their uniforms. She is right. She is exactly right.

And that is what this is all about. Earlier today, Senator SCHUMER said this is about women making their own choices. That is not true. That is exactly not true. This is about taxpayer funding. That is what we are talking about. We have strict limits on taxpayer funding for abortions in this country. That has gone through this building right here. There has been a bipartisan consensus for 40 years. Yet, all of a sudden, Democrats are saying the military can't win wars without expanded abortion. It doesn't make sense.

Frankly, we already have policies for abortion in the military. Over the last 5 years, there have been about 20 abortions a year performed in the military. These have been in cases of rape, incest, and threat to the life of the mom. Over the 40 years, I don't recall the military ever once complaining that we weren't performing enough abortions. Not one time have I heard that—not one time.

According to one report cited by the Pentagon officials to my staff, the new policy would expand taxpayer-funded abortions from 20 abortions a year to 4,000–4,000. And who is going to pay for that? The people in this country are going to pay for it.

This goes beyond the law without anybody taking a vote here in this building.

We were elected to pass laws. We were elected to do our job. The Department of Defense wasn't elected. They were appointed.

In fact, this contradicts what Congress has actually voted for. This includes some of the people complaining the loudest. Earlier this week, 37 Democratic Senators went on record in asking for the Department of Defense to go beyond the laws that they themselves have voted for. Now, in fairness, I would note that the chairman and Senator SCHUMER were not on that list of 37 Senators.

But the idea that more abortions make our troops safer and more lethal is absurd.

This has been a coordinated campaign to pressure me to lift these holds. That doesn't bother me one bit, and it is not going to work. Frankly, it is just going to make me do the opposite.

I am glad the majority leader is taking notes on these holds. If Democrats want to expand taxpayer funding for

abortion, then let's vote on it. I am ready to vote on it. The majority leader, the last time I looked, controls this floor. He can make it happen. And if these nominees are so important, then we can vote on them too.

So far this year, the Senate has already taken 24 days off. This is in addition to the 2-week recess in January and the 2-week recess which starts at the end of this week. I have only been here for 2 years, but I am told this is one of the slowest years in memory around here. I don't have anything to compare it to. Sometimes, we don't even vote until 5:30 on a Tuesday. People back home don't work those kind of hours, but they are expected to pay for what we are talking about.

Yet the Democrats are in a panic over the idea of taking more votes. I don't mind working full weeks. I worked all my life. I had a full-time job. I will stay here until hell freezes over. I am not going to be intimidated by a campaign of selective outrage.

Let me remind the chairman that I gave the Pentagon fair warning. I gave them fair warning. They chose to go forward with this policy.

Mr. President, I ask unanimous consent to have printed in the RECORD this letter I sent to Secretary Austin on December 9, 2022.

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

DECEMBER 9, 2022.

Hon. LLOYD J. AUSTIN III,  
U.S. Department of Defense,  
Washington DC.

SECRETARY AUSTIN: Your October 20, 2022 memo directing the Department of Defense to explore increasing access to reproductive health care will have broad ramifications for the department's readiness, manpower, and budget. On Wednesday, December 7, my staff received a brief from the (acting) Assistant Secretary of Defense for Health Affairs and learned that you plan to implement these changes by year's end. The brief also revealed estimates of how your plan will expand the number of abortions subsidized by the DoD. The estimates are as exponential as they are immoral.

The department's authorities to provide for or fund abortions are governed by 10 U.S.C. §1093 which limits these to cases of rape, incest, or pregnancies that threaten the life of the mother. For years, the department has averaged less than 20 abortions per year. The brief revealed the policy intentions put forth in your October 20 memo, "Ensuring Access to Reproductive Health Care," would increase DoD-subsidized abortions by as much as 4,100 per year. That estimate does not include dependents, which your policy also intends to cover, who might seek assistance in obtaining an abortion.

This vast expansion of DoD-subsidized abortions is made worse by how your plan will provide unrestricted access to abortion. As six states and the District of Columbia have no abortion restrictions, your policy would force taxpayers to finance access to abortions without protections other states have duly enacted such as waiting periods and prohibitions on late-term abortions. Like me, many Americans find such abortions morally repugnant.

When questioned on these issues, the department could not provide analysis or estimates of how this policy change will impact

its budget, readiness, and manpower. It is irresponsible to push forward with such a controversial change to department policy without thorough due diligence on how this will impact the readiness of the force.

Lastly, it is my conviction that this proposed policy change is illegal, circumvents Congress, and exceeds your authority. Should you implement these proposed changes to the department's abortion policies, I will place a hold on all future DoD civilian and general/flag officer nominations.

Sincerely,

TOMMY TUBERVILLE,  
United States Senator.

Mr. TUBERVILLE. Now, I didn't want to do this, and I told the Department of Defense that. I told the people who were in charge of all the nominations.

This was the Biden administration's choice, and I am going to keep my word. And because of that, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Rhode Island.

Mr. REED. Mr. President, first of all, the notion that we can simply start confirming these officers is patently absurd. There are 184 nominations that are on hold now. We anticipate another 650 general and flag officer nominations throughout the remainder of this year.

Because we get very little cooperation—in fact, none at all—from the Republicans, we average about three nominations a week—Senator DURBIN knows this well—because we have to wait, during quorum calls, to exhaust the hours necessary before we can take the final vote. So we would be working many months, just on this batch of 184, to confirm these officers. And then when we add 650 additional nominations—and they will keep coming and coming—that is absolutely preposterous. It is impossible. So that is not an answer to the problem.

He mentioned Senator DUCKWORTH. Senator DUCKWORTH held nominations for 3 weeks. She was not trying to change the policy of the Federal Government under the Trump administration. She wanted factual information whether President Trump had had politicized the military by interfering with Colonel Vindman's promotion. That is the exact opposite of what the Senator from Alabama is doing. He is holding everybody's nomination as a political action, just like President Trump was trying to do with Colonel Vindman, as reciprocation and as retaliation.

We had a hearing on recruitment at the request of the minority. What are the issues there? The issues are that we have a 3-percent unemployment rate. One of the most significant issues facing the military services is the low percentage of individuals who are eligible and interested in military service.

The issue of whether or not this policy affects recruiting, I think, was refuted by the Senator when he has indicated that he expects 4,000 people to take advantage of this policy. Well, that is not a trivial number. And I would suspect women considering the

military would think hard, regardless of their moral position. They would not like to be in a place where they cannot get access to reproductive care. Twenty percent of the military are women. It is going to have an effect on women. Just look at the polling across the United States about *Roe v. Wade* versus the *Dobbs* decision, and I think you will find that there is a significant number of women who are concerned.

So this is very simple. We are either going to politicize and completely ignore military nominations, using military officers as hostages for political decisions, or we can return to tradition and confirm expeditiously. And one final point, this issue will be considered in the usual order because during the Armed Services Committee markup, I presume there will be amendments on both sides that will be considered fairly, and this issue will be addressed, as it should be, in the context of the National Defense Authorization Act.

What the Senator of Alabama is doing is damaging the military of the United States, perhaps catastrophically, if he continues this policy for many more weeks. That is not appropriate.

With that I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I am here to stand in support of my friend and colleague from Alabama, Senator TUBERVILLE, as he stands in opposition and raises his legitimate objections, which I share, to the Department of Defense's plan to use Federal funds to facilitate the performance of abortions.

Look, there has long been among the American people a pretty widespread supermajority of Americans—Republicans and Democrats making up that supermajority—who say, regardless of how they as individuals feel about abortions, they don't want U.S. taxpayer dollars going to fund or facilitate abortions. That overwhelming supermajority preference for that is reflected in legislation that Congress has enacted, codified in 10 U.S.C., section 1093.

So what has happened here is the Department of Defense has very cleverly disguised and very cleverly meandered around that so to technically comply with that statute. Instead of funding abortions and performing them on Federal facilities with Federal resources, they are facilitating, paying for the travel expenses—air, land travel, ground travel, meals—giving 3 weeks of leave in order to perform these. So they are still using Federal dollars to facilitate abortion, just in a way that is carefully gerrymandered around the text of 10 U.S.C., section 1093.

Now, I want to echo what Senator TUBERVILLE said a moment ago about Senator JACK REED. I have profound respect for him. I admire him as a Senate friend and colleague, as the chairman of the Armed Services Committee, as himself, somebody who has given enor-

mously to his country with his service through the military and otherwise.

I do want to respond to a couple of points that he made because I don't think they lead where Senator REED intended them to lead. He repeatedly described this as a civilian policy decision. Yes, this does embody a civilian policy decision, and it is a policy decision that is fundamentally legislative in nature.

Now, if he wanted this made, he could have easily come to Congress. The Congress, including the U.S. Senate, has long been deferential to the Department of Defense when they come to us and say: We need this or that. This will help us perform our mission to keep our Nation safe and protected from threats to our national security. We are a pretty generous bunch, especially when it comes to the DOD.

So why didn't they do that?

Well, I think they didn't do that—I know they didn't do that—for one simple reason: They knew that the answer would be no.

So, yes, the civilian policy decision—the last I checked, the organ, the branch, of the Federal Government that makes civilian policy decisions that affect the country—that bind the country with law—is this branch. We are the ones who get to set that. Now, sure. They are authorized to make a number of their own internal operating decisions; but whereas here, a policy is so blatantly at odds with the fundamental spirit of the Federal statute enacted into law, they have gone around us. They have carefully written it so as to gerrymander this policy around 10 USC 1093. They wanted nothing to do with us. What Senator TUBERVILLE is doing here is standing up for our prerogative as lawmakers.

Article I, section 1, clause 1 says:

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.

They want to go around that. I get that. But when they want to go around that and start doing our job, our prerogative is to tell them: It is going to take you a little longer to get some people confirmed.

While, yes, it would be very inconvenient if they had to go through the additional hoops—it is not impossible; they could do it; they could start; they could get a number of people confirmed—they are asking Senator TUBERVILLE to make it easy for them. They want to have their cake and eat it too. So if they want his cooperation, they need to respect the legislative prerogatives of the Senate for which he is standing today. I admire him for doing that and stand with him in this.

As far as not injecting politics—political decision making—into the Department of Defense itself, he has got that exactly backward. He is making a political decision overriding our prerogative to do that and then blaming us for the issue.

Finally, with regard to Senator REED's suggestion that we could deal

with this in the National Defense Authorization Act that is coming before the Senate in the coming months, I get the point. If he is serious about that, I would like to suggest something to Senator TUBERVILLE, and we can talk about this offline, perhaps after we vote. I suspect that if the Department of Defense wanted to really stand behind that, they could offer to suspend this regulation that they have issued—this policy memorandum they issued on February 16—until such time as we can debate it, discuss it, and work on it in the NDAA.

Look, let this be a message to Secretary Austin: If you want to make the laws, run for Congress; but you can't legislate from the E-Ring at the Pentagon. You cannot do that. Until then, stand down and leave the lawmaking to lawmakers.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, as a member of the Senate Armed Services Committee and as chair of the Readiness Subcommittee, I rise today deeply opposed to the dangerous posturing of my colleague from Alabama in playing with our national security. That is what it is coming down to.

In the Senate, we have a long history of bipartisan support for our armed services and our servicemembers. What is not usual is for one Member of the Senate to put a hold on hundreds of nominees—let's face it—for political and ideological reasons. I don't know how else you would characterize his actions.

So while we may disagree about military policy—obviously, we do—we have always kept the readiness of our forces above politics. Now the Senator from Alabama is intentionally politicizing our military. The Senators can stand there all they want and say they are not politicizing.

Oh, really? I beg to differ.

The Senator is blocking numerous promotions simply because he is upset that the DOD is doing its part to protect our servicemembers and address their needs. Our servicemembers who are women have a need to access appropriate reproductive care.

Now, this wasn't an issue before because—guess what—we didn't have a Supreme Court that upended almost 50 years of a constitutional right that women in this country had. Why is this important? Because we never had a *Dobbs* decision before. But now we have, and that is what we have to live with.

Because of the Senator's reckless posturing and unyielding stance, the promotions of more than 160 flag officers—men and women who have dedicated their lives to serving our country—are already being delayed, and these delays pose a grave and growing threat to our national security and the readiness of our troops. In the next several months, we are set to consider the

nominations of nearly half—nearly half—of the members of the Joint Chiefs of Staff, including the Chairman.

At a time when we face growing threats around the world, leaving these roles unfulfilled would have catastrophic consequences for our military and our national security. Just yesterday, Secretary Austin was before the Armed Services Committee, on which Senator TUBERVILLE and I both sit. Secretary Austin told us that “not approving the recommendations for promotions actually creates a ripple effect through the forces that makes us far less ready than we need to be.”

What is worse is that this hold is all because the Department of Defense is allowing servicemembers to access reproductive healthcare—something well within the Department’s authority. As a result, as I mentioned, of the Supreme Court’s disastrous Dobbs decision, nearly 80,000 women servicemembers—do you know what? If the Senator cares about recruiting and retaining servicemembers, how about wanting to retain and recruit female servicemembers?

So with this Dobbs decision, we now have 80,000 women servicemembers who are stationed in States where they can’t fully access reproductive care. To address this crisis brought on by the Supreme Court’s decision, the DOD adopted a commonsense policy to allow those servicemembers to travel to get the care they need.

To be clear, this policy does not cover the cost of abortions. We are not talking about taxpayer-paid abortions. It would be really great if we could just adhere to facts. The Senator says that this is really a roundabout way to pay for our abortions. No. This is a very direct way to meet the needs of our female servicemembers to get the healthcare and the reproductive care that they so plainly need.

Secretary Austin has said that the health of our servicemembers must be a top priority. Who can argue with that? I couldn’t agree more. I applaud Secretary Austin’s leadership on this issue, but, clearly, my colleague from Alabama is more concerned with pushing his ideological agenda than the realities our troops face.

Our servicemembers put their lives on the line for our country. They deserve better than to be used as political props. Frankly, this obsession that the Republicans have to have power and control over women’s bodies—what is up with that?

For the sake of our country and our troops, I urge my colleague from Alabama and my colleague from Utah to drop this dangerous crusade and confirm the military nominations en bloc.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I ask unanimous consent to have 30 seconds. I would love to respond to that point.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEE. To the Senator from Hawaii, I would be happy—I would be thrilled—to accept that request, and I will accept it right now. I can’t speak for Senator TUBERVILLE, but I can speak for myself. I will absolutely accept that right now. Let’s get them all done. Get the Pentagon to lift this policy—to suspend it—until we can get it ironed out in the NDAA. I will agree to that right now. If this is as bad, as dire, as apocalyptic, dogs and cats living together in the streets, Book of Revelation stuff, as you describe it, then we should do that. But lift the policy. You can’t legislate from the E-ring of the Pentagon. We will stand up for our rights. And we must.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, we are going to be working on the NDAA, and I suggest to my colleague to go ahead and put an amendment—or whatever he wants—in the NDAA. Then let’s take a vote on whether or not this policy should stand.

The PRESIDING OFFICER. Under the previous order, the Senator from Colorado is recognized for 5 minutes.

Mr. BENNET. Mr. President, I appreciate so much the Senator from Hawaii’s perspective on this really important issue. And it is a really important issue.

I mean, there has been some discussion on the other side about how for 50 years, there has been a consensus in this Chamber about how we treat these issues, ignoring completely what the Dobbs decision has done to this country, which is to strip a 50-year constitutional right—to strip a 50-year constitutional freedom—from the American people. It is the first time since Reconstruction that a right has been stripped from the American people by the Supreme Court. It has been a 50-year crusade—an agenda by the allies of the people across this aisle to accomplish that.

It was a lot earlier today that I heard: Well, I didn’t learn that in law school, I didn’t learn that in law school, about the First Amendment in their debate about TikTok. Well, when I was in law school, that is when originalism was injected into the bloodstream of conservative legal thought in this country. It had not existed before. It was something that was invented by Justice Scalia when he was a law professor, and it was grabbed onto by a lot of people on the other side of the aisle to justify a deeply conservative view of economic history in America.

I would ask my colleagues to allow me to give the rest of my speech before they use profanity on the floor of the Senate to describe what I am talking about.

The PRESIDING OFFICER. The Senator will be in order. Members are asked to take their conversations off the floor.

Mr. BENNET. I thank the Presiding Officer.

I am not offended by that. I just think some of the people at home may not want to hear that kind of language on the floor of the Senate—but that is because they know what I am saying is true about originalism.

Because of their efforts and because they were able to elect Donald Trump, who was not actually read in on the joke, we ended up with three people on the Supreme Court who subscribe to that originalist view and who decided, following Justice Scalia, that if it were not a freedom in 1868, then it is not a freedom in 2023, even though it has been a freedom and a right for the last 50 years in this country.

So don’t come here and say that there was somehow a consensus here when that freedom and that right has been stripped from the American people by the Supreme Court.

To my colleague from Alabama, who has left the floor—by the way, just on that point, he has now twice misrepresented my actions on this floor. So I ask unanimous consent that this article from Politico, which my colleague from Alabama put in the RECORD the last time he was here, misrepresenting my record, be printed in the RECORD. I would like to put exactly the same article in the RECORD so people can actually see the truth of my record.

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

DEMOCRATS STEP UP PRESSURE ON BIDEN TO REVERSE TRUMP’S DECISION ON SPACE HQ  
(By Connor O’Brien and Lee Hudson)

And one of the state’s senators is even seizing on the politics surrounding abortion and LGBTQ issues, arguing that sending the command from a blue state to a red one takes away the rights of service members.

Sen. Michael Bennet (D-Colo.) “has raised the issue of reproductive health care access in his conversations about the Space Command basing decision,” said one congressional aide, who asked for anonymity to discuss private conversations between Bennet and the Pentagon.

The senator, the aide added, “has serious concerns about the impact that abortion ban laws have on readiness and our national security.”

It’s the latest turn in a saga that’s dragged on for three years after Trump personally directed the Air Force to choose Redstone Arsenal in Huntsville, Alabama, as the command’s permanent headquarters. Alabama and Colorado were the two finalists in the Air Force’s search.

The decision, if given the final signoff by the Biden administration, would uproot the fledgling command from its current location at Peterson Space Force Base in Colorado Springs. Since the original decision, members of Colorado’s delegation in both parties have decried the move to a Trump-friendly state as political favoritism that will delay the organization from achieving full operating status.

“I haven’t found any Democratic senator who thinks it’s a good idea to allow a precedent to stand that encourages politics to overrule the judgment of our military command,” Colorado Sen. John Hickenlooper said in an interview.

The Biden White House vowed to reassess the choice after lawmakers blasted the basing decision. The Air Force secretary must



still determine whether to follow through with Trump's decision or keep the command in Colorado.

The Air Force was expected to announce a final decision at the end of 2022, but the deadline passed with no ruling.

"We don't have anything new on the decision timeline," the service said in a statement. The service declined to say why a choice has not been made.

Lawmakers on both sides of the argument say they're in the dark on when the Air Force might finally make a call, but both states' delegations have said they believe they will prevail.

"I do think the delay is, in my view, a positive thing," said Rep. Jason Crow (D-Colo.). "My read of that is that the administration is taking a harder look and a fresh look at it and revisiting certain elements of the decision. That's what I hope they're doing."

The commander, Gen. James Dickinson, has said Space Command won't be fully operational until the final basing decision is made.

#### PROS AND CONS

U.S. Space Command was restarted by the Trump administration in 2019 as it sought to emphasize the importance of the military's space mission, coinciding with the creation of the Space Force. Space Command, which oversees the operations of military space assets and defending satellites, had been its own outfit since the 1980s, but was folded into U.S. Strategic Command following the creation of Northern Command in 2002.

Colorado Springs and Huntsville were two of six finalists selected by the Air Force in late 2020 for the permanent headquarters. The list included military installations in Florida, Nebraska, Texas and New Mexico.

Colorado lawmakers contend permanently keeping Space Command in its temporary home is more efficient and will ultimately prove better for national security because it will be near Northern Command and North American Aerospace Defense Command.

With a large military space presence already in the state, Colorado's leaders argue that politics alone was the deciding factor in the Trump administration selecting Alabama.

They point to comments Trump made after leaving office boasting that he made the call to move Space Command.

"I hope you know that. [They] said they were looking for a home and I single-handedly said 'let's go to Alabama.' They wanted it. I said 'let's go to Alabama. I love Alabama.'" Trump said on an Alabama-based radio show in August 2021.

Alabama's almost entirely GOP delegation says Huntsville—dubbed Rocket City because of the large aerospace industry presence there—checks all the boxes for the new command.

The Pentagon visited each of the six prospective headquarters sites between Dec. 8, 2020, and Jan. 7, 2021, where experts gathered data and refined cost estimates. Those cost estimates were not released publicly, according to the Defense Department's inspector general.

"Democrats said it was political, but the best place to put it is in Huntsville," Sen. Tommy Tuberville (R-Ala.) said in an interview.

"The only reason you would leave it in Colorado is because that's where it's at right now," Tuberville said. "But we need to make sure it's in the right spot. We have the missile defense. We have Redstone Arsenal, NASA. You name it, we got it."

Since a headquarters decision was announced in January 2021, both the Defense Department IG and the Government Ac-

countability Office released reports that questioned whether the selection process was adequate.

DoD IG found the Air Force base analysis that was conducted under the Trump administration's direction "complied with law and policy" when selecting Alabama as the headquarters location, while the GAO asserted the service's base location analysis had "significant shortfalls in its transparency and credibility."

Neither report determined whether Trump meddled in the decision.

Both oversight groups agree a resolution was reached during a White House meeting with high-ranking officials on Jan. 11, 2021.

Meeting attendees included the former president and top Pentagon leaders who have since left—the acting defense secretary, the vice chair of the Joint Chiefs, the Air Force secretary and the assistant secretary of the Air Force for installations, environment and energy.

Days before the meeting, the Pentagon received new information that if Colorado was selected the military could renovate a building instead of having to construct a new one to house the new headquarters.

But the Space Force did not deliver an updated estimate to Air Force officials ahead of the White House meeting, according to GAO.

The Pentagon is keeping the cost estimates private and are not included in the GAO report because the information is designated as "sensitive and privileged."

Opting for renovation instead of new construction would allow for the command to reach full operational much sooner than the estimated six years.

In interviews with the GAO, the head of Space Command, the top Space Force general, and the former vice Joint Chiefs chair, all said they conveyed in the meeting that the headquarters should remain in Colorado because that was the best way to reach full operational capability as quickly as possible.

Bennet echoed the same concerns during a speech on the Senate floor this month.

It is important the Biden administration not ratify "a political decision that was made in the last few days of the Trump administration," Bennet said, referring to the former president dismissing the counsel of Pentagon officials who recommended the headquarters remain in Colorado.

Bennet underscored it is not only expected to be cheaper and faster to keep Space Command in Colorado, but the military would not have to worry over the number of civilian workers who won't opt to move to Alabama. Roughly 60 percent of the Space Command workforce are civilians, he said.

"Decisions of this importance shouldn't be made this way. It should be in the interest of our national security. And the Biden administration has the opportunity to restore the integrity of this process," Bennet said.

#### RENEWED FIGHT

The Colorado delegation fought the move when it was initially announced, but had gone quiet in the following months. They rekindled their efforts last month when Hickenlooper and Bennet were the only Democrats to join Republicans in opposition to the confirmation of Brendan Owens, the nominee to oversee facilities and energy programs at the Pentagon. The pair said they opposed him because the Pentagon had brushed off their efforts to meet with Austin to discuss Space Command.

Owens was still confirmed despite most Republicans also opposing him.

Bennet also threatened to hold up other nominees to secure a meeting with Austin. Hickenlooper and Bennet met with Austin to discuss the decision on Jan. 26, though no resolution was reached.

"He's got a lot on his plate, so he wasn't versed in the details of the issue," Hickenlooper said. "But he listened very thoughtfully and I think he took it very seriously."

But Bennet continued to press the issue. A spokesperson said Bennet placed a hold on Ravi Chaudhary, Biden's nominee to oversee Air Force installations. He dropped the hold this month after meeting separately with Chaudhary and Air Force Secretary Frank Kendall where he "reiterated his longstanding concerns" with the basing decision. The behind-the-scenes maneuvering has not been previously reported.

Some opponents are also highlighting how the climate in the U.S. has changed since an initial decision was made in January 2021. Many Democrats are unsettled by moving service members from a blue to a red state after the Supreme Court dealt a blow to abortion rights last year.

With the end of nationwide federal protections for abortion, many Democrats have raised the impacts on troops stationed in states where the procedure is now banned or significantly limited. Bennet has publicly raised similar concerns in the proposed Space Command move.

"I'm deeply concerned about how the Dobbs decision and state abortion bans will affect Space Command's workforce and readiness if the command leaves Colorado," Bennet said in a statement to Military.com in August.

Another driver for the Biden administration to keep the headquarters in Colorado and not move to a conservative state are rights for LGBTQ people.

"It's hard not to think about the dramatically more hostile environment in Alabama when it comes to reproductive rights and LGBTQ+ rights," said one Democratic aide. "It'll mean many of the civilians who work for Space Command may not move with it. And service members will be forced to move somewhere where they'll lose those rights."

Though both Tuberville and Hickenlooper downplayed the role the Supreme Court decision would play in the basing move, the impact on troops has been in focus after the reversal of abortion protections under *Roe v. Wade*.

Even Austin, who is usually not outspoken on political issues, moved to shore up troops' access for abortion. He issued a memo in October directing the Pentagon to pay for service members to travel costs for abortions, though not for the procedure itself, arguing the "practical effects of recent changes" in laws will hurt military readiness.

Formal policies issued this month cover travel costs for obtaining abortions as well as administrative leave, as many troops are stationed in states where the procedure is now illegal.

Tuberville was among the GOP lawmakers who slammed the move. He vowed to hold up civilian Pentagon nominations as well as top military promotions over the new policy.

The issue, however, isn't purely about red states vs. blue states. If Space Command doesn't move to Alabama, the headquarters will remain in reliably conservative Colorado Springs. The area and its military assets are represented by Republican Doug Lamborn, who chairs the House Armed Services Strategic Forces subcommittee. Lamborn has also criticized the move as one of political favoritism over national security needs.

The state's other two Republican House members, Reps. Ken Buck and Lauren Boebert, have also protested the decision and signed several letters with Democrats arguing to keep the command in Colorado.

Yet if the Biden administration decides to reverse the earlier decision, it could open

itself up to criticism that it's making a political call, just like the Trump White House. A reversal also would draw push back from Alabama's delegation, including Rep. Mike Rogers, who has new tools at his disposal as the House Armed Services Committee chair.

In the meantime, Alabama lawmakers are confident the Trump administration's decision will be upheld.

"Nobody's saying, but they've done several more reviews on it in the last two years," Tuberville said of the final decision. "And we've pretty much passed all the tests."

Mr. BENNET. I want to thank—he is gone—the Senator from Alabama for finding an article about me in Politico because it is so seldom that any article is written about me. I am grateful that he has called attention to it. He is not here for me to say thank you for that.

But he is now on the floor, doing something that no Senator has ever done—holding up every single flag officer's promotion in this country—180 of them or so, now maybe 600 of them. We have the head of the Seventh Fleet and the head of the Fifth Fleet. These are vital offices that he is holding up.

He just said: We have got enough generals. We have enough generals.

Why is he doing it? Why is he doing it? He is doing it because he is offended by a regulation that the Department of Defense has promulgated in the wake of the Dobbs decision of reversing *Roe v. Wade*—stripping the American people of this fundamental right, stripping the American people of this fundamental right. In the wake of that, the Secretary of Defense had the nerve to say: If you are serving—through no decision that you have made—in a State like Alabama which banned abortion and you have to travel to another State to get an abortion, we will pay for that travel—travel.

If you need a little bit of extra time, the regulations say, before you go to your commanding officer and tell them that you have to have a medical procedure, like abortion, it gives you a little extra time to do that.

The third thing it does is that it says that if you have to leave the State of Alabama because you can't have access to abortion there, then you don't have to use paid leave.

Those are the three things this rule does. I am coming to an end, Mr. President. That is all it does. That is all it does.

In his world, he would like to have a place where people did not have their travel paid for, they had to use their paid leave, and they had to tell their commanding officer immediately. That is the America he wants to live in because he lives in a State—

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

Mr. BENNET. I would ask the Senate for 30 more seconds.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BENNET. Thank you.

He is entitled to his opinion, certainly, and the State of Alabama has a totally different approach to a wom-

an's right to choose than Colorado does, and I respect that even though we differ. But in Alabama, there are no exceptions for rape or incest. In Alabama, if you are a doctor who has committed an abortion, you could go to jail for 99 years. In Alabama, they are trying to say that those women who use chemicals that many women use—

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

Mr. BENNET.—to end their abortion—all we are saying is—

Mr. CORNYN. Regular order.

Mr. BENNET.—we need to recognize what has happened since Dobbs, and we need—

Mr. CORNYN. Regular order.

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

Mr. BENNET. I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

H.J. RES. 7

Mr. MARSHALL. Mr. President, I rise today in support of H.J. Res 7, a bill that will immediately terminate the COVID-19 national emergency declaration.

Over a year ago, this body voted to end the COVID national emergency declaration. Actually, it has been a year and 26 days ago. Then, it was just 5 months ago that this body voted for a second time to end the COVID national emergency with an overwhelming bipartisan vote of 61 to 37. Today, we hope the third time is the charm, that the rumors are true that the President will finally sign this legislation and end this chapter of physical, mental, and financial strife seldom seen in our world's modern history.

Emergency powers are given to the executive branch so the Commander in Chief has the flexibility to quickly act in the event of a crisis. That declaration was appropriate in 2020, but now it is time for the proper constitutional checks and balances to be restored. It is time to end any and all authoritarian control and unilateral spending decisions without congressional consent.

Many, many Kansans have asked me, "What's the holdup, why is the White House waiting to end this emergency declaration?" Well, sadly, I have to tell them, because the emergency declaration has allowed the administration to justify increased spending and push harmful mandates.

Under this national emergency, we have seen a massive increase in government spending across the board. This spending over the past 2 years has resulted in the highest level of inflation Americans have encountered in 40 years. The gross Federal debt has increased by \$3.7 trillion—\$3.7 trillion—since this President took office, an increase of 12 percent. We sadly watched as interest rate hikes, combined with skyrocketing inflation, have raised the amount of debt many Americans hold and made almost everything cost more.

On top of all of this, the authority granted to the President by this emer-

gency declaration has been the direct justification for the White House's efforts to cancel as much as \$20,000 in debt for Federal student loan holders—a plan that would cost taxpayers an additional \$400 billion.

We all understand what it means when politicians say: Never let a good crisis go to waste. But it doesn't stop there. With the national emergency in place, the administration also moved to mandate vaccines for private companies with 100 or more employees. If not halted by the courts, this massive Federal overreach would have forced millions of Americans to choose between the jab or their job.

Next, the White House tried to force healthcare workers, Federal employees, contractors, and even members of our military to receive the vaccine against their choice. Thankfully, these were also halted by the courts across the country.

These are the consequences of a 3-year emergency declaration. Take a good look at the decisions made under this prolonged, supersized government rule, and you will quickly understand why our Founding Fathers warned of this type of abuse of power when they authored the Constitution and made it a top priority to keep each branch of government in line with systems of checks and balances.

I come to the floor today hopefully for one last vote on terminating this declaration.

Is the emergency indeed over? Well, our President himself said as much in a September 2022 interview on CBS's "60 Minutes." I quote the President's direct words: "The pandemic is over."

Enough is enough. It is time to end this chapter and let Americans get back to their own lives.

I ask my colleagues to join me again in a strong bipartisan fashion in sending this resolution to the President's desk to end the national emergency declaration for COVID-19 once and for all today.

I yield the floor.

VOTE ON H.J. RES. 7

The joint resolution was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. MARSHALL. 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 Delaware (Mr. COONS), the Senator from California (Mrs. FEINSTEIN), the Senator from Pennsylvania (Mr. FETTERMAN), the Senator from New Hampshire (Mrs. SHAHEEN), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from Tennessee (Mrs. BLACKBURN), the Senator from Tennessee (Mr. HAGERTY), and the Senator from Kentucky (Mr. MCCONNELL).

The result was announced—yeas 68, nays 23, as follows:

[Rollcall Vote No. 80 Leg.]

#### YEAS—68

Baldwin	Hassan	Paul
Bennet	Hawley	Peters
Boozman	Heinrich	Ricketts
Braun	Hickenlooper	Risch
Britt	Hoeben	Romney
Brown	Hyde-Smith	Rosen
Budd	Johnson	Rounds
Capito	Kaine	Rubio
Casey	Kelly	Schmitt
Cassidy	Kennedy	Scott (FL)
Collins	King	Scott (SC)
Cornyn	Klobuchar	Sinema
Cortez Masto	Lankford	Sullivan
Cotton	Lee	Tester
Cramer	Lujan	Thune
Crapo	Lummis	Tillis
Cruz	Manchin	Tuberville
Daines	Marshall	Vance
Durbin	Moran	Warner
Ernst	Mullin	Warnock
Fischer	Murkowski	Wicker
Graham	Murphy	Young
Grassley	Ossoff	

#### NAYS—23

Blumenthal	Markey	Schumer
Booker	Menendez	Smith
Cantwell	Merkley	Stabenow
Cardin	Murray	Van Hollen
Carper	Padilla	Warren
Duckworth	Reed	Welch
Gillibrand	Sanders	Wyden
Hirono	Schatz	

#### NOT VOTING—9

Barrasso	Feinstein	McConnell
Blackburn	Fetterman	Shaheen
Coons	Hagerty	Whitehouse

The joint resolution (H.J. Res. 7) was passed.

The PRESIDING OFFICER (Ms. HASSAN). The majority leader.

### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 73, Matthew P. Brookman to be United States District Judge for the Southern District of Indiana; that the Senate vote on the nomination without intervening action or debate; that the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action, and the Senate resume legislative session.

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

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Matthew P. Brookman, of Indiana, to be United States District Judge for the Southern District of Indiana.

Thereupon, the Senate proceeded to consider the nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Brookman nomination?

The nomination was confirmed.

### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

#### AUTHORIZING THE USE OF THE CAPITOL GROUNDS

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 15, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The senior assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 15) authorizing the use of the Capitol Grounds for the National Peace Officers Memorial Service and the National Honor Guard and Pipe Band Exhibition.

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

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

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

The concurrent resolution (H. Con. Res. 15) was agreed to.

#### AUTHORIZING THE USE OF EMANCIPATION HALL IN THE CAPITOL VISITOR CENTER

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 25, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 25) authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

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

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

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

The concurrent resolution (H. Con. Res. 25) was agreed to.

#### EXPRESSING DEEPEST CONDOLENCES TO AND SOLIDARITY WITH THE PEOPLE OF TÜRKIYE AND SYRIA FOLLOWING THE DEVASTATING EARTHQUAKE ON FEBRUARY 6, 2023

Mr. SCHUMER. Madam President, I ask unanimous consent that the Com-

mittee on Foreign Relations be discharged from further consideration and the Senate now proceed to S. Res. 76.

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

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 76) expressing deepest condolences to and solidarity with the people of Türkiye and Syria following the devastating earthquake on February 6, 2023.

There being no objection, the committee was discharged, and the Senate proceeded to consider the resolution.

Mr. SCHUMER. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table.

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

The resolution (S. Res. 76) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of February 16, 2023, under "Submitted Resolutions.")

### RESOLUTIONS SUBMITTED TODAY

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate now proceed to the en bloc consideration of the following Senate resolutions, introduced earlier today: S. Res. 135, Osceola Turkey Day; S. Res. 136, AmeriCorps; S. Res. 137, Ombudsman Appreciation Day.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. SCHUMER. Madam President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be considered made and laid upon the table, all en bloc.

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

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under "Submitted Resolutions.")

### MORNING BUSINESS

#### REMEMBERING JUDY HEUMANN

Mrs. MURRAY. Madam President, I rise today to recognize the life and legacy of disability rights activist, Judy Heumann. Today, I join so many touched by her advocacy in mourning her passing, remembering her life, and paying tribute to the contributions she made to the disability community.

Judy's activism began early in life. As a young child who contracted polio and used a wheelchair, she was denied the right to attend school in New York. Later in life, Judy was denied a teaching license after failing her medical exam due to "paralysis of both lower