

the work being accomplished. Such accountability is a top priority.

With respect to the Direct eFile system, the IRS has provided no evidence it has authority to create such a system, and, indeed, the evidence strongly indicates it does not. The IRS must immediately disclose to the Finance Committee and American people the statutory provisions it has relied upon to authorize the administration's grand foray into becoming a tax preparation company, blurring lines that should not be crossed. In doing so, the IRS will also have to explain how it has not violated case law prohibiting study provisions authorized by Congress from being converted by administrative agencies into implementation decisions, as well as those addressing instances where the IRS has been found to have unilaterally acted beyond its statutory authority.

Make no mistake: Congress has the final say on the ability of the IRS to build and field a Direct eFile program that puts the IRS—the tax collector and enforcer—in the business of tax preparation. Beyond this clearly being Congress's prerogative, many policy reasons weigh against the IRS action, including the intractable conflict of interest of the IRS being tax return preparer, adviser, collector, enforcer, and, in many cases, adjudicator.

It is particularly poignant in the context of a bill that attempts to rein in excessive Federal spending to address an Agency action that will assuredly result in billions in future, and ongoing, expenses to the Federal fisc.

We must return to regular order and let Congress express itself, rather than be ignored by an Agency intent on overstepping its bounds.

Mr. KELLY. Madam President, the CHIPS for America Act uses innovative funding tools to incentivize private companies to construct, modernize, or expand advanced semiconductor manufacturing facilities in the United States. Properly structured, these incentives can encourage companies to build more facilities, faster, than without Federal support. In order to maximize this opportunity to bring chip manufacturing back to the United States, we can't allow redundant regulations to delay projects already underway.

The benefit of Federal funding has influenced the pace of investment in the U.S. At the same time, Federal funding doesn't control the outcome of projects that are currently being constructed. The role of the Department of Commerce under the CHIPS for America Act is to determine whether the project is worthy of investing taxpayer dollars.

The enactment of the CHIPS for America Act has greatly accelerated the pace of investment in the U.S., but a Federal grant will not create control over the outcome of project plans that are already being implemented. Notably, Arizona has four new leading-edge semiconductor fabs under construction.

These were announced after the CHIPS for America Act was enacted and with the hope for potential Federal support, but companies aren't going to walk away from the multi-billion investment they have already made into these ongoing projects.

The change to the definition of "major Federal action" included in section 111 of H.R. 3746, the Fiscal Responsibility Act of 2023, will ensure that certain projects that would not otherwise be subject to the National Environmental Policy Act—NEPA—do not in fact trigger NEPA simply by receiving a Federal incentive investment through programs, like the CHIPS for America Act, where the provision of Federal funds does not control the outcome of the project. It is important to note that privately funded semiconductor manufacturing facilities undergo significant environmental reviews.

I am grateful that H.R. 3746 clarifies the scope of NEPA as it applies to this narrow subset of projects where Federal agencies do not control the outcome of a project.

Mr. OSSOFF. Madam President, today the Senate takes up legislation to avert an economically catastrophic default on U.S. sovereign obligations. The Department of the Treasury has advised the Congress that without passage of this legislation by June 5, the United States will default.

Any modifications to the legislative text under consideration by the Senate will require reconsideration of the measure by the House, pushing passage of such legislation past Treasury's June 5 deadline and forcing a default. Our overriding governing responsibility is to avoid default and the massive economic damage it would impose on American families and businesses.

Accordingly, I will oppose all amendments offered to this measure to ensure Senate passage of the measure as passed by the House and to protect families and businesses from economic catastrophe.

Mr. SCHUMER. Madam President, first, I want to thank everybody for co-operating. I think we got the most votes in the least time.

Second, and more importantly, we are about to vote on something so important to the country, and so many of us on both sides of the aisle will know that if we do this, we will not default. That is very, very important.

Thank you for your cooperation.

The next vote is Tuesday at 5:30 p.m.

The PRESIDENT pro tempore. Under the previous order, the bill is considered read a third time.

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

The PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall the bill pass?

Ms. STABENOW. I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Tennessee (Mr. HAGERTY).

Further, if present and voting: the Senator from Tennessee (Mr. HAGERTY) would have voted "nay."

The result was announced—yeas 63, nays 36, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—63

Baldwin	Grassley	Peters
Bennet	Hassan	Reed
Blumenthal	Heinrich	Romney
Booker	Hickenlooper	Rosen
Boozman	Hirono	Rounds
Brown	Hoeven	Schatz
Cantwell	Kaine	Schumer
Capito	Kelly	Shaheen
Cardin	King	Sinema
Carper	Klobuchar	Smith
Casey	Lujan	Stabenow
Collins	Manchin	Tester
Coons	McConnell	Thune
Cornyn	Menendez	Tillis
Cortez Masto	Moran	Van Hollen
Cramer	Mullin	Warner
Duckworth	Murkowski	Warnock
Durbin	Murphy	Welch
Ernst	Murray	Whitehouse
Feinstein	Ossoff	Wyden
Gillibrand	Padilla	Young

NAYS—36

Barrasso	Graham	Ricketts
Blackburn	Hawley	Risch
Braun	Hyde-Smith	Rubio
Britt	Johnson	Sanders
Budd	Kennedy	Schmitt
Cassidy	Lankford	Scott (FL)
Cotton	Lee	Scott (SC)
Crapo	Lummis	Sullivan
Cruz	Markey	Tuberville
Daines	Marshall	Vance
Fetterman	Merkley	Warren
Fischer	Paul	Wicker

NOT VOTING—1

Hagerty

The PRESIDING OFFICER (Mr. PADILLA). On this vote, the yeas are 63, the nays are 36.

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

The bill (H.R. 3746) was passed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 179.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of David Crane, of New Jersey, to be Under Secretary of Energy.

CLOTURE MOTION

Mr. SCHUMER. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 179, David Crane, of New Jersey, to be Under Secretary of Energy.

Charles E. Schumer, Joe Manchin III, Thomas R. Carper, Mazie K. Hirono, Kirsten E. Gillibrand, Margaret Wood Hassan, Tammy Baldwin, Sheldon Whitehouse, Peter Welch, Richard J. Durbin, Richard Blumenthal, Tina Smith, Alex Padilla, Debbie Stabenow, Tammy Duckworth, Chris Van Hollen, Ben Ray Lujan.

LEGISLATIVE SESSION

Mr. SCHUMER. Mr. President, I move to proceed to legislative session.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 26.

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

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Dale E. Ho, of New York, to be United States District Judge for the Southern District of New York.

CLOTURE MOTION

Mr. SCHUMER. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 26, Dale E. Ho, of New York, to be United States District Judge for the Southern District of New York.

Charles E. Schumer, Richard J. Durbin, Richard Blumenthal, Christopher A. Coons, Benjamin L. Cardin, Tina Smith, Christopher Murphy, Mazie K. Hirono, Tammy Baldwin, Margaret Wood Hassan, John W. Hickenlooper, Sheldon Whitehouse, Catherine Cortez Masto, Brian Schatz, Gary C. Peters, Alex Padilla, Michael F. Bennet.

LEGISLATIVE SESSION

Mr. SCHUMER. Mr. President, I move to proceed to legislative session.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 81.

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

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Dilawar Syed, of California, to be Deputy Administrator of the Small Business Administration.

CLOTURE MOTION

Mr. SCHUMER. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 81, Dilawar Syed, of California, to be Deputy Administrator of the Small Business Administration.

Charles E. Schumer, Benjamin L. Cardin, Sherrod Brown, Margaret Wood Hassan, Tammy Baldwin, Alex Padilla, Debbie Stabenow, Tina Smith, Jeff Merkley, Gary C. Peters, Jeanne Shaheen, Mazie K. Hirono, Tim Kaine, Brian Schatz, Sheldon Whitehouse, Richard Blumenthal, Jack Reed.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the mandatory quorum calls for the cloture motions filed today, June 1, be waived.

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

LEGISLATIVE SESSION

MORNING BUSINESS

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

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

VOTE EXPLANATION

Mr. WARNER. Mr. President, I was absent on Tuesday, May 30, 2023, for rollcall vote No. 133. Had I been present, I would have voted yea on confirmation for Darrel James Papillion,

of Louisiana, to be U.S. District Judge for the Eastern District of Louisiana.

Mr. President, I was absent on Wednesday, May 31, 2023, for rollcall vote No. 134. Had I been present, I would have voted nay on the motion to proceed to H.J. Res. 45, providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to "Waivers and Modifications of Federal Student Loans".

Mr. President, I was absent on Thursday, June 1, 2023, for rollcall vote No. 135. Had I been present, I would have voted nay on H.J. Res. 45, providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to "Waivers and Modifications of Federal Student Loans".

VOTE EXPLANATION

Mr. BENNET. Mr. President, I was necessarily absent for rollcall vote No. 133, Confirmation of Darrel Papillion of LA to be U.S. District Judge. Had I been present for the vote, I would have voted yea.

Mr. President, I was necessarily absent for rollcall vote No. 134, Motion to proceed to H.J. Res. 45. Had I been present for the vote, I would have voted nay.

Mr. President, I was necessarily absent for rollcall vote No. 135. Had I been present for the vote, I would have voted nay. Joint Resolution, H.J. Res. 45, forces Federal student loan borrowers across Colorado to repay payments and interest and retroactively disqualify months of credit towards Public Service Loan Forgiveness and Income-Driven Repayment Forgiveness Programs.

ADDITIONAL STATEMENTS

RECOGNIZING CLASSROOM CLINIC

● Ms. ERNST. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, each week I recognize an outstanding Iowa small business that exemplifies the American entrepreneurial spirit. This week, it is my privilege to recognize Classroom Clinic of Carroll, IA, as the Senate Small Business of the Week.

Psychiatric nurse practitioner Sue Gehling founded Classroom Clinic in 2019 to help with the mental health needs of children attending schools in rural Iowa. Sue spent most of her life in rural Iowa and saw firsthand the opportunities to serve her community by addressing mental health needs while working at a clinic in Carroll. Classroom Clinic provides rural school districts with the ability to serve students using a telehealth model. Since 2019, Classroom Clinic has worked with four districts, including seven schools,