

years I have encouraged him to do just that. It was more than 11 years ago—more than 11 years ago—when I first urged the Chief Justice in writing to adopt a binding code of conduct, but he didn't accept my suggestion.

And what has happened in the years since? I will tell you: Sadly, the American people's confidence in the Supreme Court has cratered. Public support for the Court is at an alltime low.

So if we are set to restore the public trust in our Nation's high Court, we must begin by enacting the legislation that I have introduced with Senator WHITEHOUSE. I thank him for his leadership on this issue for many years. I hope every member of the Judiciary Committee, on both sides of the aisle, votes tomorrow in support of the Supreme Court Ethics, Recusal, and Transparency Act.

Mr. President, I would like to address statements made earlier today on the floor by the Republican leader. It was his analysis and his comments on the bill which I have just described, which he said takes us out to the "thinnest constitutional ice."

The relationship of the legislative branch—Congress—and the Supreme Court is unusual. The Supreme Court is expressly created by the Constitution. Other courts are created by statute, and they become important to us in so many different ways. And the relationship between Congress and the Supreme Court is somewhat unique.

We have nine members of the Supreme Court. That is not required by the Constitution. The number of Supreme Court Justices is established by Congress, and it was established in the middle of the 19th century. It is nine today. It was other numbers before that. Congress has the power to choose the actual numbers of the Court.

And when it came to issues like televised court proceedings for the Supreme Court, there is a bipartisan bill, which I am authoring now—cosponsoring with Senator GRASSLEY, a Republican from Iowa—to deal with the actual conduct of the proceedings before the Supreme Court.

We also handle the annual budget. Congress passes the annual budget for the Supreme Court as well.

As you can tell, it is a relationship which is intertwined. We do not have the authority nor are we trying to exercise the authority to change or influence a judgment. That is up to the Court itself. But when it comes to the administration of the Court and the rules of administration, the Congress has played an important role.

Senator MCCONNELL described our concern about the ethical situation in the Court as an "uptick in pearl-clutching and hysterics." That colorful term belies the fact that the things that I have described here are very basic and concern Americans of all political faiths.

Senator MCCONNELL said: "We have been told we should be outraged that the Justices dare to buy and sell prop-

erty and take vacations." Of course, he misses the point. If they want to buy and sell property, that is their business. But when someone else is buying and selling the property of a Justice or his relative, that is relevant for the public to know if the person buying the property has any business before the Court or any impact on the judgment of that Justice.

"It is the same old intimidation campaign by the left," according to Senator MCCONNELL, to hold this hearing and consider a bill dealing with the ethics of the Supreme Court. What he conveniently ignores is the fact that the first letter I sent to the Court on this subject was 11 years ago.

The Court has changed dramatically in that period of time, but my message has remained the same, whether the Court is dominated by liberals or conservatives or something in between. That makes quite a difference in this argument.

He calls our effort "open disdain for a body that refuses to interpret the Constitution through the lens of their party's platform." It is not open disdain. It is a recognition that what is going on in the Court is unsustainable.

What they have done and the conduct that has been disclosed already has raised serious questions about the ethical standards of the Court. We want to make sure that changes for the better to maintain the independence of the Court.

And still I struggle to understand the logic of those on the Republican side of the aisle when it comes to ethics in the Supreme Court. They seem to think it is partisan if we raise this issue.

It wasn't that long ago—just last year, 2022—that we considered the issue of disclosure of stock transactions. A bill was passed, a bipartisan bill cosponsored by Senators CORNYN and COONS, and it went to the Supreme Court, and they adopted it as their standard of conduct. Apparently, when it comes to those ethical considerations, cooperation between the two branches is acceptable. Why isn't it acceptable today, as we set out to do?

The first thing I did, when we initiated this subject, was to contact the Supreme Court and let them know that we were sending a letter to the Chief Justice inviting him to come testify and appear and describe the situation at the Court and how it was being handled.

He respectfully declined that invitation and responded with his own defense of the current situation. But we tried from the beginning not to make this partisan. We tried to make it respectful under the Constitution. I am sorry the Chief Justice did not accept our invitation. But we tried several different ways to engage him and the Court and found that the best way to move forward is to consider this legislation tomorrow before the Senate Judiciary Committee.

I think it is a step in the right direction to say that our nine Supreme

Court Justices will at least be held to the same standards of ethical conduct as every other judge in the Federal system. That is not an unreasonable requirement, and it is one that I think would start to repair the image of the Court, which is badly in need of repair. I yield the floor.

RECESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:15.

There being no objection, the Senate, at 12:46 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. ROSEN).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2024—Continued

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. What is the pending business?

The PRESIDING OFFICER. S. 2226.

S. 2226

Mr. WICKER. Madam President, let me say that in just a few moments, we will begin voting on amendments that are subject to unanimous consent requests, and we hope to do five votes today and additional votes tomorrow and following so that we can get this National Defense Authorization Bill enacted and get to conference.

Let me say that this year's National Defense Authorization Act would help meet the dangerous national security moment we face and would equip our military with the tools necessary to implement the national defense strategy.

Chairman REED will speak later about the ways this bill will help us deter adversaries and reinforce our defenses. It has been a pleasure to work with him and to advance our constitutional duty to provide for the common defense. We do this every year. This will be the 63rd time that Congress—the House and Senate—have sent a national defense authorization bill to the President for his signature, and I know we will do it today. This is a testament to our commitment to our country and also to our servicemembers.

Our threats are much greater than they were 63 years ago in 1961 when the first NDAA was passed. Today, the United States faces the most complex and dangerous global security situation since World War II.

China is swelling its military might. Xi Jinping has directed his forces to be ready to invade Taiwan by 2027. He has actually said this is his goal. He proclaimed it openly. A successful invasion of Taiwan would spell the end of the global security architecture that has helped ensure American peace and prosperity since 1945. Meanwhile, Russia is executing the largest European land war in over half a century. But Vladimir Putin's eyes are not only on

Ukraine and Europe. He seeks influence across the global south and the Middle East.

Amid this resurgence of great power conflict, Iran and North Korea are increasingly bellicose. Their weapons programs and missile tests raise the specter of nuclear conflict to a higher level. The President of Israel mentioned this very effectively in a joint speech to Congress earlier today.

Indeed, our own homeland is no longer a sanctuary. Criminal Mexican cartels have exploited our porous southwest border. This has created a drug and human-trafficking crisis that is killing thousands of Americans each year.

Moreover, two decades after 9/11, our sovereign airspace is vulnerable. We witnessed that earlier this year when China flew a surveillance balloon over our country without any encumbrance. Managing such a complex threat environment requires more resources and smarter approaches.

Senior national security officials have repeatedly told the Senate Armed Services Committee a simple message: American defense capabilities are spread dangerously thin. In fact, our military has not been spread this thin in 70 years. Our industrial base began to hum on the eve of war with the Axis powers. And since then, our worldwide military presence has underwritten our domestic tranquility.

We have succeeded because we followed the doctrine of peace through strength. We believe the best way to encounter today's threats is to deter our adversaries from attacking at all. However, as today's threats increase, our deterrence capabilities have decreased, and they must begin to increase and do so immediately.

For the past few years, our defense industrial base has languished. Anemic budgets created a brittle industry that cannot ramp production to meet the needs of today. This year's NDAA is an important step forward in our quest to rebuild our arsenal. Ideally, we would have an annual 3- to 5-percent boost to our topline above inflation—3- to 5-percent boost above inflation to our topline. Yet even without that budget increase, our committee has managed to advance a strong bipartisan product that contains important provisions.

Let me summarize a few.

Our secret weapon, first of all, has always been our people. So supporting our military personnel is key to any successful NDAA. This bill authorizes a 5.2-percent pay raise for our service-members, and it includes a host of other quality-of-life improvements for our troops and for our families.

The bill also contains provisions that will help the military solve its recruiting crisis. I am glad to note we include a massive expansion of Junior ROTC—the JROTC program—an initiative that instills values like citizenship and public service in our young people and, no doubt, increases interest in military service.

A 19th century American Navy captain said:

Whoever rules the waves, rules the world.

Our committee agrees. This year's NDAA supports our shipbuilding programs by fully authorizing LPD-33, the Marine Corps' top priority. The bill decisively rejects the Biden administration's misguided proposal to retire several ships too early. We also included support for our submarine programs. The legislation addresses ongoing maintenance delays. We are sending more funds to our shipyards. It expands our deterrent capabilities with the sea-launched cruise missile, and it allows us to make good on our commitments to the United Kingdom and to Australia, commonly known as the AUKUS agreement.

The NDAA also delivers a host of powerful munitions. The bill makes six more munitions eligible for multiyear procurement contracts, including the highly regarded Tomahawk missile. This missile is one of INDOPACOM's commander's top priorities for deterring Chinese aggression in the western Pacific. The commander said he needed this additional procurement, and this committee bill gives it to him.

These multiyear commitments send a clear demand signal to our industrial base. We have to manufacture this ammunition. We have to manufacture these weapons. They also allow us to replenish our stocks while securing victory for Ukraine against our strategic adversary Russia. And we will produce these arms at home, equipping American troops with weapons made by American workers.

Our committee realizes military competition in the 21st century will be decided also by our willingness to harness emerging technology. So this NDAA accelerates the development of artificial intelligence—offensive cyber, hypersonics, and unmanned platforms. We intend to lap Beijing in the 100-year innovation marathon. We need to lap communist China. So we are authorizing a new Pentagon authority within the Office of Strategic Capital.

This bill also establishes investments in space launch infrastructure to secure the high ground in the Sino-American space race.

As always, partnerships with our allies act as a force multiplier on all the tools we are providing American soldiers, sailors, airmen, and marines.

I am glad this bill enhances security cooperation with allies in every part of the free world, from the Baltics to the Pacific.

The bill also addresses the crisis at the southwest border. And it is a crisis. We do this by requiring the Department of Defense to develop a strategy for countering fentanyl—a DOD strategy for countering the deadly drug of fentanyl. It also authorizes the Department to act against criminal Mexican cartels in cyber space.

Today, the Department unbelievably pays rent to store previously purchased border wall materials. We don't put

them up to protect our border, but we pay rent to landowners to store these border wall materials. This legislation, on a bipartisan basis, compels them to use or transfer those materials so that wall construction can continue. This bill focuses the Pentagon on deterring real wars, not fighting culture wars.

Our NDAA sends a signal to the Department of Defense bureaucrats that Congress intends to rein in divisive social policies. This year's bill limits the amount we spend on salaries of DEI staff. It restores a culture of meritocracy and calls our service academies to focus on forming effective officers and not on hosting Berkeley-style seminars.

Time forbids me from listing all the provisions we have included in the NDAA. But before I finish, I should note that we have an all-too-rare chance to return the Senate to regular order today, and it gives us a chance to avoid a costly, wasteful continuing resolution for our military. For the first time in years, the Senate majority leader has put the Defense bill up for consideration with months left in the calendar. Still, we must be mindful of the fleeting time. But we must take this chance to avoid another self-inflicted real cut to defense. And that is what a continuing resolution always does when we have to retreat to that. Let's avoid that and we are doing that today.

We are going to take up five amendments that we have agreed by unanimous consent to bring to the floor. The managers' package contains 50 amendments that have been agreed to by the committees and the leadership—25 amendments sponsored by Democrats, 25 amendments sponsored by my party, the Republican Party. And we have a chance to continue this with votes tomorrow.

I think we should proceed with dispatch, working into the night, if necessary, next week, to get this bill done after having a full debate on ideas submitted from both sides of the aisle.

Let's work thoughtfully to deliver a bill to the President's desk that commits this Congress to a national policy of preparedness.

Let me quote President Theodore Roosevelt who endorsed such a policy of preparedness. Theodore Roosevelt said this:

Never in our entire history has a Nation suffered . . . because too much care has been given to the Army, too much prominence given it, too much money spent upon it, or because it has been too large. But again and again, we have suffered because enough care has not been given to it; because it had been too small; because there has not been a sufficient preparation in advance for a possible war.

We need to heed those words today. And what President Roosevelt was saying is it will cost a lot to deter our enemies, but it would cost a lot more if we do not. We cannot wait a moment longer to consider this year's NDAA.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call roll.

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

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

The Senator from Rhode Island.

Mr. REED. I rise to discuss the National Defense Authorization Act for Fiscal Year 2024.

The Armed Services Committee approved this bill by a broad bipartisan vote of 24 to 1 last month—the largest margin in years. I appreciated the opportunity to work with Senator WICKER and our colleagues to produce this bill. Senator WICKER has been supportive, cooperative, creative, and has done so with great credit to the committee's traditions, and I thank him for that. I am also obviously tremendously appreciative of the work of the staff, Liz King on the majority and John Keast on the minority.

This is a strong defense bill. It is laser-focused on the threats we face. It addresses a broad range of pressing issues, from strategic competition with China and Russia to countering threats from Iran, North Korea, violent extremists, and even climate change. The bill authorizes a record level of investment in key technologies like hypersonics and artificial intelligence and makes real progress toward modernizing our ships, our aircraft, and our combat vehicles. Most importantly, this NDAA provides a historic level of support for our troops and their families, including the largest pay raise in decades. The bill makes meaningful steps forward at a critical time for our national security.

In addition to authorizing \$845 billion for the Department of Defense and \$32 billion for the Department of Energy's national security programs, there are a number of important policy provisions that I would like to briefly highlight.

To begin, we have to ensure the United States can outcompete, deter, and prevail against our near-peer rivals. China has emerged as our primary competitor, as the only nation with the intent and the capability to mount a sustained challenge to the United States' security and economic interests.

This NDAA confronts China by fully investing in the Pacific Deterrence Initiative, or PDI, to improve our force posture and build the capabilities of our partners and allies in the Indo-Pacific. The bill also establishes the Indo-Pacific Campaigning Initiative to facilitate increased U.S. military exercises, freedom of navigation operations, and partner engagements in the region. And, to help Taiwan improve its overall readiness and defense capabilities, the bill establishes a comprehensive training, advising, and capacity-building program for Taiwan's military forces.

I want to emphasize, however, that our Nation's ability to deter China can-

not be based on military might alone. We must strengthen our network of allies and partners, which will be central to any strategy for the Indo-Pacific region. To that end, the bill makes progress toward advancing the security partnership among Australia, the United Kingdom, and the United States, known as AUKUS. This partnership provides a valuable blueprint that can help pave the way for other regional networks.

Now, even as we shift increased attention to the Indo-Pacific, we cannot lose sight of our priorities in other theaters, like Europe. This year's NDAA fully funds the European Deterrence Initiative and the Ukraine Security Assistance Initiative to support our European allies and partners. Ukraine has fought with incredible skill and bravery to defend its sovereign territory from Russia, but there is much more to be done. The United States must continue to provide training, humanitarian and economic assistance, weapons, and military equipment to Ukraine to help the nation protect itself and rebuild itself.

As part of this effort, the NDAA includes significant support for America's industrial base to backfill our own munitions. This bill facilitates the acquisition of defense stocks related to Ukraine and authorizes the use of multiyear contracting authorities to help improve industrial base stability.

Specifically, the bill helps improve defense acquisition processes by enabling the Department to invest in and rapidly field cutting-edge commercial technologies. By improving defense small business programs and partnerships with high-tech companies, this legislation will help meet the defense, industrial, and civilian needs of the United States.

Indeed, America's capacity for technological innovation has long given us the strongest economy and military in the world. This advantage is not a given, however; it must be nurtured and maintained. To that end, the Defense bill authorizes significant funding for game-changing technologies like microelectronics, hypersonic weapons, and unmanned aircraft systems. It also provides resources to accelerate the development of the Joint All-Domain Command and Control, or the JADC2, program. This suite of technologies will help the Joint Force detect, analyze, and act on information across the battlespace, quickly using automation, artificial intelligence, and predictive analytics. When fully developed, this concept will help our forces acquire targets as early as possible and rapidly deliver information to the best operator on air, land, or sea.

To accomplish the objectives of national security and the national defense strategy, our military services and combatant commanders must have the resources they need. In recognizing this, the NDAA broadly supports the procurement of naval vessels, combat aircraft, armored vehicles, weapons

systems, and munitions requested in the President's defense budget for fiscal year 2024.

The bill provides additional funding for the Navy and the Marine Corps to accelerate the procurement of surface vessels and submarines, which are critical to power projection and deterrence around the world. The bill also provides greater predictability and stability in our naval acquisition programs and improves the United States' shipbuilding infrastructure modernization efforts.

The bill authorizes the Air Force to divest of certain aircraft and to restructure parts of its fleet as it evolves to a rapidly changing global security environment, and it invests in the Army's priority modernization efforts, to include long-range fires, future vertical lift, next-generation combat vehicles, and air and missile defense.

Developing these air, land, and sea warfare capabilities will be vital to our success in long-term strategic competition with China. Simultaneously, we must enable the Department to operate successfully in evolving domains like space and cyber space. With this in mind, this bill helps strengthen the cyber security posture of the Department and the defense industrial base by providing increased funding to adopt innovative and modern cyber security strategies, tools, and technologies.

Ultimately, the key factor that makes the U.S. military the greatest in the world is our people. We need to ensure that our uniformed personnel know every day how much we appreciate what they do and that we have their backs.

Importantly, this NDAA provides a 5.2-percent pay raise to both military servicemembers and the Defense civilian workforce. As I indicated, this is one of the largest increases in pay in many, many years.

Finally, as we navigate the threats of nuclear escalation from Russia and increasing capabilities from China, the Defense bill strengthens our deterrence strategy by helping to modernize the U.S. nuclear triad. And there are many, many other provisions in this bill that will help equip the Department and our warfighters with the tools they need to succeed.

This morning, Leader SCHUMER introduced a substitute amendment to S. 2226, the committee-passed NDAA. This substitute includes 51 amendments that have been cleared on both sides, including 21 Democratic amendments, 21 Republican amendments, and 9 bipartisan amendments. Again, I am pleased that we have brought this bill to the floor so the entire Senate has an opportunity to participate in the process.

We have worked tirelessly, and we will continue to do so. I know that Chair MURRAY is here because she has the first amendment and would like to speak to that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 300

Mrs. MURRAY. Madam President, I call up my amendment No. 300, and I ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 300.

The amendment is as follows:

(Purpose: To amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to expand the ways beryllium sensitivity can be established for purposes of compensation under that Act and to extend the authorization of the Advisory Board on Toxic Substances and Worker Health of the Department of Labor)

At the appropriate place in title XXXI, insert the following:

SEC. ____ . AMENDMENTS TO THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT OF 2000.

(a) **SHORT TITLE.**—This section may be cited as the “Beryllium Testing Fairness Act”.

(b) **MODIFICATION OF DEMONSTRATION OF BERYLLIUM SENSITIVITY.**—Section 3621(8)(A) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 73841(8)(A)) is amended—

(1) by striking “established by an abnormal” and inserting the following: “established by—

“(i) an abnormal”;

(2) by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(ii) three borderline beryllium lymphocyte proliferation tests performed on blood cells over a period of 3 years.”.

(c) **EXTENSION OF ADVISORY BOARD ON TOXIC SUBSTANCES AND WORKER HEALTH.**—Section 3687(j) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s-16(j)) is amended by striking “10 years” and inserting “15 years”.

Mrs. MURRAY. Madam President, for my colleagues who don’t know, during World War II, the Federal Government established the Hanford site in Central Washington State to produce the plutonium that our Nation needed for nuclear weapons.

To this day, workers are on the job in cleaning up that site. It is important but dangerous work. One of those dangers is beryllium exposure that causes serious respiratory diseases.

Now, Congress passed legislation providing care to those working on our nuclear arsenal, but here is the thing: Not everyone who needs these critical medical benefits for beryllium exposure can get them today. Right now, people have to jump through very costly, unnecessary hoops, and, even then, they could be denied—all because the statute is outdated.

Right now, a beryllium blood test that is “borderline” does not count toward a diagnosis even when you are experiencing the effects of beryllium exposure or when it is your third such borderline result. That is just not right. By the way, it is not consistent with the current science either.

My amendment simply updates the statute and brings it in line with an OSHA rule that was finalized under the last administration so that more workers can easily get the care that they need.

And it is a fiscally responsible measure. The CBO estimates it will cost less than \$500,000 over 10 years, if anything at all, but it will make a real difference for these workers who have sacrificed so much for our country.

So I urge my colleagues to vote yes on the amendment.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 429

Mr. KAINE. Madam President, I rise to discuss an amendment we will vote on later. When we vote on it, it is 1 minute a side, and I think it might take a couple of more minutes to explain a vote on NATO that is very powerful.

A few years ago, people were questioning the viability of NATO. Was it still worth it? Well, what President Biden and what this body have shown is that, with American leadership, NATO is stronger today than it has ever been. NATO’s capacity and NATO’s willingness to link arms and provide defense to Ukraine in the midst of an illegal invasion by a human-rights-abusing Vladimir Putin has been extremely powerful, and the value of NATO has been demonstrated to such a degree that even nations that never would have contemplated entering NATO in the past—Finland and Sweden—have fought for accession and have been green-lit by this body and now the international community to join.

There is a question, though, that was coming up as people were talking about should we withdraw from NATO: How do you withdraw from a treaty? The Constitution is plain that, to enter into a treaty, you need a ratification vote by the Senate, but the Constitution is silent about withdrawal. So, in the last administration, a question came up about whether a President could withdraw from NATO unilaterally.

I have a bill that is bipartisan, together with Senator RUBIO, and we will vote on it later this afternoon. It will specify that no President can unilaterally withdraw from NATO, and any effort to withdraw from NATO would have to be either approved by Senate ratification—a two-thirds vote—or by an act of Congress. This sends a powerful message that Congress, after these decades, still believes in the power of NATO.

Our allies who worry about different Presidents—should the policy change

depending upon every 4 years who is President—would take this statement of congressional support in a very, very powerful way.

I am happy to say it is an overwhelmingly bipartisan bill that came through the Foreign Regulations Committee in the 117th Congress by an overwhelmingly bipartisan vote, and the administration supports it.

Finally, the question did come up once in a Supreme Court case from 1979, *Goldwater v. Carter*: How do you withdraw from a treaty? What the Supreme Court said is that it was a political question for the executive and legislature to work out.

We will take a legislative step, in my hopes today, as part of this NDAA, that when it is on the President’s desk, by his ratification, we will demonstrate that in America both the executive and legislative branches appreciate NATO and are committed to its success.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REED. Madam President, I ask unanimous consent that the 3 o’clock vote commence.

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

Mr. REED. Madam President, I yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

VOTE ON AMENDMENT NO. 300

The question is on agreeing to amendment No. 300.

Mr. REED. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS), is necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Wyoming, (Mr. BARRASSO).

The PRESIDING OFFICER (Ms. BALDWIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 189 Leg.]

YEAS—96

Baldwin	Capito	Cruz
Bennet	Cardin	Daines
Blackburn	Carper	Duckworth
Blumenthal	Casey	Durbin
Booker	Cassidy	Feinstein
Boozman	Collins	Fetterman
Braun	Cornyn	Fischer
Britt	Cortez Masto	Gillibrand
Brown	Cotton	Graham
Budd	Cramer	Grassley
Cantwell	Crapo	Hagerty

Hassan	Menendez	Schumer
Hawley	Merkley	Scott (FL)
Heinrich	Moran	Scott (SC)
Hickenlooper	Mullin	Shaheen
Hirono	Murkowski	Sinema
Hoeven	Murphy	Smith
Hyde-Smith	Murray	Stabenow
Johnson	Ossoff	Sullivan
Kaine	Padilla	Tester
Kelly	Paul	Thune
Kennedy	Peters	Tillis
King	Reed	Van Hollen
Klobuchar	Ricketts	Vance
Lankford	Risch	Warner
Lee	Romney	Warnock
Luján	Rosen	Warren
Lummis	Rounds	Welch
Manchin	Rubio	Whitehouse
Markey	Sanders	Wicker
Marshall	Schatz	Wyden
McConnell	Schmitt	Young

NAYS—2

Ernst Tuberville

NOT VOTING—2

Barrasso Coons

The PRESIDING OFFICER. On this vote, the yeas are 96, the nays are 2.

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

The amendment (No. 300) was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Madam President, just for the information of Members, we are speeding up the vote process. There is the White House picnic tonight, and we have to get things done by then. So there are going to be 10-minute votes, and we are going to call questions quite strictly. Thank you.

The PRESIDING OFFICER. The junior Senator from Virginia.

AMENDMENT NO. 429

Mr. KAINE. Madam President, I call up amendment No. 429 and ask that it be reported by number.

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

The bill clerk read as follows:

The Senator from Virginia [Mr. KAINE] proposes an amendment numbered 429.

The amendment is as follows:

(Purpose: To require the advice and consent of the Senate or an Act of Congress to suspend, terminate, or withdraw the United States from the North Atlantic Treaty and authorizing related litigation, and for other purposes)

At the end of title XII, add the following:

Subtitle H—Limitation on Withdrawal From NATO

SEC. 12990. OPPOSITION OF CONGRESS TO SUSPENSION, TERMINATION, DENUNCIATION, OR WITHDRAWAL FROM NORTH ATLANTIC TREATY.

The President shall not suspend, terminate, denounce, or withdraw the United States from the North Atlantic Treaty, done at Washington, DC, April 4, 1949, except by and with the advice and consent of the Senate, provided that two-thirds of the Senators present concur, or pursuant to an Act of Congress.

SEC. 1299P. LIMITATION ON THE USE OF FUNDS.

No funds authorized or appropriated by any Act may be used to support, directly or indirectly, any decision on the part of any United States Government official to suspend, terminate, denounce, or withdraw the United States from the North Atlantic Treaty,

done at Washington, DC, April 4, 1949, until such time as both the Senate and the House of Representatives pass, by an affirmative vote of two-thirds of Members, a joint resolution approving the withdrawal of the United States from the treaty, or pursuant to an Act of Congress.

SEC. 1299Q. NOTIFICATION OF TREATY ACTION.

(a) CONSULTATION.—Prior to the notification described in subsection (b), the President shall consult with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives in relation to any initiative to suspend, terminate, denounce, or withdraw the United States from the North Atlantic Treaty.

(b) NOTIFICATION.—The President shall notify the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives in writing of any deliberation or decision to suspend, terminate, denounce, or withdraw the United States from the North Atlantic Treaty, as soon as possible but in no event later than 180 days prior to taking such action.

SEC. 1299R. AUTHORIZATION OF LEGAL COUNSEL TO REPRESENT CONGRESS.

(a) IN GENERAL.—By adoption of a resolution of the Senate or the House of Representatives, respectively, the Senate Legal Counsel or the General Counsel to the House of Representatives may be authorized to initiate, or intervene in, in the name of the Senate or the House of Representatives, as the case may be, independently, or jointly, any judicial proceedings in any Federal court of competent jurisdiction in order to oppose any action to suspend, terminate, denounce, or withdraw the United States from the North Atlantic Treaty in a manner inconsistent with this subtitle.

(b) CONSIDERATION.—Any resolution or joint resolution introduced relating to any action to suspend, terminate, denounce or withdraw the United States from the North Atlantic Treaty and introduced pursuant to section 4(a) of this title shall be considered in accordance with the procedures of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 765).

SEC. 1299S. REPORTING REQUIREMENT.

Any legal counsel operating pursuant to section 1299R shall report as soon as practicable to the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives with respect to any judicial proceedings which the Senate Legal Counsel or the General Counsel to the House of Representatives, as the case may be, initiates or in which it intervenes pursuant to section 1299R.

SEC. 1299T. RULE OF CONSTRUCTION.

Nothing in this subtitle shall be construed to authorize, imply, or otherwise indicate that the President may suspend, terminate, denounce, or withdraw from any treaty to which the Senate has provided its advice and consent without the advice and consent of the Senate to such act or pursuant to an Act of Congress.

SEC. 1299U. SEVERABILITY.

If any provision of this subtitle or the application of such provision is held by a Federal court to be unconstitutional, the remainder of this subtitle and the application of such provisions to any other person or circumstance shall not be affected thereby.

SEC. 1299V. DEFINITIONS.

In this subtitle, the terms “withdrawal”, “denunciation”, “suspension”, and “termination” have the meaning given the terms in the Vienna Convention on the Law of Treaties, concluded at Vienna May 23, 1969.

Mr. KAINE. I ask unanimous consent that there be 6 minutes equally divided prior to a vote on the amendment.

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

Mr. KAINE. Madam President, this is an amendment dealing with the power of the NATO alliance. We have seen since the February 2022 invasion of Ukraine that NATO allows the democracies to link arms and stand courageously against an illegal invasion of Ukraine by the dictator Vladimir Putin.

Some had questioned the value of NATO, but NATO has demonstrated its power to protect democracy against this invasion since February of 2022.

There had been an issue raised in the last few years about whether any President could unilaterally withdraw from NATO, which was approved by the Senate in a treaty. The Constitution of the United States indicates that the Senate must ratify treaties but is silent about how to exit treaties. The U.S. Supreme Court, in 1979, said that is a political question for the legislature, the executive, to resolve.

What this amendment would do would make plain that no one can withdraw from NATO—the United States from NATO—without either a two-thirds vote in the Senate or an act of Congress.

We received a green light for this in the Goldwater v. Carter decision in 1979, and I think, of all the treaties the United States has entered into, right now at this moment, in the aftermath of the summit in Lithuania and during this war in Europe, this Congress should send a powerful message to our allies in NATO that we stand with this historic alliance.

The administration supports this amendment.

I would reserve the remainder of my time.

The PRESIDING OFFICER. The senior Senator from Mississippi.

Mr. WICKER. Madam President, to speak for a few seconds in opposition to this amendment, it is absolutely unnecessary. I cannot think of any currently serving elected official of significance who is calling for suspending or withdrawing from NATO.

If I didn't know better, I would think that this amendment might be aimed as a slap at former President Trump, but surely that is not the case.

If it is, however, we should be reminded that the former President was concerned about some of NATO's members not meeting their obligations to spend 2 percent of GDP but that he was fully committed to article 5 of NATO.

You will be pleased to know that this bill, NDAA, addresses the concern of the 2 percent. We adopted an amendment at markup, sponsored by Senator SULLIVAN, that would require the Secretary of Defense to prioritize NATO members who are meeting or exceeding the 2 percent GDP defense spending target when the DOD is making decisions on basing, training, and exercises.

I yield the balance of my time.

Mr. PAUL. How much time do I have remaining?

The PRESIDING OFFICER (Mr. MURPHY). Is the Senator opposed to the amendment?

Mr. PAUL. Yes.

The PRESIDING OFFICER. One minute and 40 seconds remaining.

Mr. PAUL. Could I ask unanimous consent to have one additional minute?

The PRESIDING OFFICER. Is there an objection?

Without objection, the Senator from Kentucky is recognized.

Mr. PAUL. It is unconstitutional for the legislature to change the Congress. While the Constitution provides a role for both the President and the Senate when entering a treaty, it is silent regarding how to exit a treaty.

When the question of treaty determination first arose in 1793, President Washington and his cabinet endorsed the view that the President's Executive power included the ability to unilaterally terminate a treaty, withdraw from the treaty obligations, permitted the U.S. to maintain neutrality in a war between France and Great Britain, and it was done unilaterally by President Washington.

The power to enter treaties is found in article 2, which vests the President with the Executive power. Unlike a legislative body, the President can act with unity and dispatch, precisely the qualities needed to negotiate a treaty. And so the Founders grounded this authority in article 2.

Passing this amendment is tantamount to altering the Constitution, because the amendment would authorize the Senate to infringe upon the Executive powers of the President. The Senate has no voice when exiting a treaty. This would amend the Constitution and is unconstitutional, and that is a good thing.

The Founders wanted it to be difficult to commit the United States to international obligations and easy to get out. We should follow the Constitution and vote "no" on this amendment.

Mr. KAIN. Mr. President, might I ask how much time I have remaining?

The PRESIDING OFFICER. One minute and 17 seconds.

Mr. KAIN. On the constitutional argument, my colleagues, this very question came before the Supreme Court of the United States in 1979. President Carter terminated a Taiwan-related treaty and was sued by Senator Goldwater and others. The case went to the United States Supreme Court. The Court said because the Constitution on exiting a treaty is silent, it is a political question that the legislature and Executive can resolve for themselves.

The Supreme Court refused to overturn Carter's action. That is a clear green light that if Congress, the legislative, and Executive branch agree that on this particular treaty the silence does not dictate but can be the source of legislation, we would be able to undertake this action.

Finally, I note this is widely bipartisan, and I thank Senator RUBIO and many other Democratic and Republican colleagues who have cosponsored this amendment to stand strong at this moment with me.

With that, I yield.

Mr. WICKER. Mr. President, how much time is left on this unnecessary and extraneous amendment?

The PRESIDING OFFICER. One minute and 11 seconds.

Mr. WICKER. I urge a "no" vote for those reasons.

VOTE ON AMENDMENT NO. 429

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 429.

Mr. KAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. WICKER. A parliamentary inquiry.

The PRESIDING OFFICER. The yeas and nays are ordered, but the Senator will state his inquiry.

Mr. WICKER. Do I understand this will be a 10-minute vote and those Senators who arrive after 10 minutes and a brief grace period will not be allowed to vote? Is that the position of the chair?

The PRESIDING OFFICER. Ten-minute votes have been ordered.

Mr. WICKER. I appreciate the clarity.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Pennsylvania (Mr. FETTERMAN), the Senator from Colorado (Mr. HICKENLOOPER), the Senator from Minnesota (Ms. KLOBUCHAR), and the Senator from Vermont (Mr. WELCH) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from South Carolina (Mr. SCOTT), and the Senator from Alabama (Mr. TUBERVILLE).

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

The result was announced—yeas 65, nays 28, as follows:

[Rollcall Vote No. 190 Leg.]

YEAS—65

Baldwin	Feinstein	Murkowski
Bennet	Gillibrand	Murphy
Blumenthal	Graham	Murray
Booker	Hagerty	Ossoff
Brown	Hassan	Padilla
Cantwell	Heinrich	Peters
Capito	Hirono	Reed
Cardin	Hyde-Smith	Risch
Carper	Kaine	Romney
Casey	Kelly	Rosen
Cassidy	Kennedy	Rubio
Collins	King	Sanders
Coons	Lujan	Schatz
Cortez Masto	Lummis	Schumer
Crapo	Manchin	Shaheen
Cruz	Markey	Sinema
Daines	Menendez	Smith
Duckworth	Merkley	Stabenow
Durbin	Moran	Sullivan

Tester
Van Hollen
Warner

Warnock
Warren
Whitehouse

Wyden
Young

NAYS—28

Blackburn
Boozman
Braun
Britt
Budd
Cornyn
Cotton
Cramer
Ernst
Fischer

Grassley
Hawley
Hoeven
Johnson
Lankford
Lee
Marshall
McConnell
Mullin
Paul

Ricketts
Rounds
Schmitt
Scott (FL)
Thune
Tillis
Vance
Wicker

NOT VOTING—7

Barrasso
Fetterman
Hickenlooper

Klobuchar
Scott (SC)
Tuberville

The PRESIDING OFFICER. On this vote, the yeas are 65, the nays are 28.

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

The amendment (No. 429) was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Mr. President, again, I remind Members that we now closed the vote before everybody came, and we are going to keep doing that. So please stay here, and let's try to get as much done as we can this afternoon.

Thank you.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 222

Mr. PAUL. Mr. President, I call up my amendment No. 222, and I ask unanimous consent that the debate of 4 minutes be equally divided.

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

The clerk will report the amendment by number.

The bill clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 222.

The amendment is as follows:

(Purpose: To express the sense of Congress that Article 5 of the North Atlantic Treaty does not supersede the constitutional requirement that Congress declare war before the United States engages in war)

At the appropriate place in title XII, insert the following:

SEC. ____ SENSE OF CONGRESS ON CONSTITUTIONAL REQUIREMENT THAT CONGRESS DECLARE WAR BEFORE THE UNITED STATES ENGAGES IN WAR.

It is the sense of Congress that Article 5 of the North Atlantic Treaty does not supersede the constitutional requirement that Congress declare war before the United States engages in war.

Mr. PAUL. Mr. President, my amendment reasserts that article 5 of the NATO treaty does not supersede Congress's power under article I, section 8, clause 11 of our Constitution to declare war.

According to our Constitution, we resort to war only after the people's elected representatives deliberate and determine that it is in our best interest.

My amendment is also consistent with the NATO treaty. Article 5 of the treaty commits allies to respond to an attack, but it allows each ally to determine whether to engage in military hostilities.

Article 11 of the NATO treaty states that its provisions are to be carried out by each country's constitutional process. We cannot delegate our responsibility to NATO, nor are we expected to.

Let's reaffirm that article 5 does not supersede Congress's responsibility to declare war.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise in opposition.

Senator PAUL's amendment is entirely unnecessary, but worse than that, it is dangerous.

There is no question that, like any other treaty, the NATO treaty does not supersede the Constitution. However, specifically calling out article 5 of the North Atlantic treaty here erroneously implies that there is a tension between it and the Constitution. This sends a damaging message about the U.S. commitment to the alliance at a time when support for NATO is as critical as ever given Russia's invasion of Ukraine.

Further, by only referencing the NATO treaty, Senator PAUL's amendment erroneously implies that other treaties may supersede the Constitution—a proposition that no Senator would accept.

Because Senator PAUL's amendment is both unnecessary and harmful at a critical time of our engagement in Ukraine, I urge all Senators to vote against it.

I reserve the balance of the time.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. How much time do I have remaining?

The PRESIDING OFFICER. You have 1 minute remaining.

Mr. PAUL. I think it should be an easy vote to affirm the Constitution. To vote against affirming the Constitution actually places doubt in the Constitution.

The power to declare war is the most important power and the most important vote that any legislator will ever entertain. Why is this important? Because in 2001, people voted to go to war, and this body still thinks that vote binds us to war with no further vote.

We do need to reaffirm the power and the necessity of declaring war because we are ignoring it by continuing to be involved in military activity and war around the globe without ever having voted on it as we are mandated by the Constitution.

Mr. REED. Mr. President, is there any time remaining on our side?

The PRESIDING OFFICER. There is 63 seconds remaining.

The Senator from Rhode Island.

Mr. REED. I will be very brief. My understanding of the War Powers Act—the President of the United States may initiate hostilities for a limited period of time until Congress can act. This proposal, a sense of Congress, would call into question what the War Powers Act authorizes, and that is a constitutional provision. It has been held constitutional.

VOTE ON AMENDMENT NO. 222

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

Mr. WICKER. 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. THUNE. The following Senator is necessarily absent: the Senator from Wyoming (Mr. BARRASSO).

The result was announced—yeas 16, nays 83, as follows:

[Rollcall Vote No. 191 Leg.]

YEAS—16

Braun	Kennedy	Rubio
Cruz	Lankford	Schmitt
Daines	Lee	Tuberville
Hagerty	Lummis	Vance
Hawley	Marshall	
Johnson	Paul	

NAYS—83

Baldwin	Gillibrand	Ricketts
Bennet	Graham	Risch
Blackburn	Grassley	Romney
Blumenthal	Hassan	Rosen
Booker	Heinrich	Rounds
Boozman	Hickenlooper	Sanders
Britt	Hirono	Schatz
Brown	Hoeven	Schumer
Budd	Hyde-Smith	Scott (FL)
Cantwell	Kaine	Scott (SC)
Capito	Kelly	Shaheen
Cardin	King	Sinema
Carper	Klobuchar	Smith
Casey	Lujan	Stabenow
Cassidy	Manchin	Sullivan
Collins	Markey	Tester
Coons	McConnell	Thune
Cornyn	Menendez	Tillis
Cortez Masto	Merkley	Van Hollen
Cotton	Moran	Warner
Cramer	Mullin	Warnock
Crapo	Murkowski	Warren
Duckworth	Murphy	Welch
Durbin	Murray	Whitehouse
Ernst	Ossoff	Wicker
Feinstein	Padilla	Wyden
Fetterman	Peters	Young
Fischer	Reed	

NOT VOTING—1

Barrasso

The PRESIDING OFFICER. On this vote, the yeas are 16, the nays are 83.

Under the previous order requiring 60 votes for passage, the amendment is not agreed to.

The amendment (No. 222) was rejected.

The PRESIDING OFFICER. The majority leader.

ORDER OF BUSINESS

Mr. SCHUMER. Mr. President, we made some good progress this afternoon. We are going to have our fourth vote now. It will be the last vote today. The Cruz-Manchin amendment, No. 926, will be the first vote tomorrow morning. We are going to continue to work on setting up additional rollcall votes on amendments for tomorrow. Members should be aware that we will probably have a nice chunk of votes tomorrow if we can work everything out. We want to move as quickly as we can.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VANCE. Mr. President, I ask unanimous consent for 4 minutes

equally divided prior to the next rollcall vote.

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

AMENDMENT NO. 838

Mr. VANCE. Mr. President, I call up amendment No. 838 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Ohio [Mr. VANCE], for Mr. HAWLEY and himself, proposes an amendment numbered 838.

The amendment is as follows:

(Purpose: To amend the Foreign Assistance Act of 1961 to clarify the meaning of the term "aggregate value" for purposes of the Presidential drawdown authority)

At the end of subtitle G of title XII, add the following:

SEC. 1299L. CLARIFICATION OF THE TERM "AGGREGATE VALUE" FOR PURPOSES OF PRESIDENTIAL DRAWDOWN AUTHORITY.

The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended—

(1) in section 506(a)(1) (22 U.S.C. 2318(a)(1)), in the undesignated matter following subparagraph (B), by inserting after "fiscal year." the following: "For purposes of this paragraph, the term 'aggregate value' means—

"(A) in the case of defense articles, the greater of—

"(i) the original acquisition cost to the United States Government, plus the cost of improvements or other modifications made by or on behalf of the Government; or

"(ii) the replacement cost; and

"(B) in the case of defense services, the full cost to the Government of providing the services.""; and

(2) in section 644(m)(2) (22 U.S.C. 2403(m)(2)), by inserting "except as provided in section 506(a)(1)," before "with respect to".

Mr. VANCE. Mr. President, I propose amendment No. 838 for the very simple reason that, as we spend resources to support the Ukrainian war effort against the Russians, we need to be honest with ourselves and honest with the American people about exactly what we are spending and how much we are spending.

We saw recently, in a \$6 billion Department of Defense accounting error, which fails to give the American people and fails—and what our amendment does is simple. It forces the Department of Defense to use an accurate accounting method. If we ask ourselves, when the President uses his drawdown authority to send weapons systems to Ukraine, how do we account for it? Do we account for it based on an old cost with depreciation or do we account for it on its cost to the American taxpayer?

I think it is very clear that the cost to the American taxpayer is the one that we should use, and I also think this allows us to more adequately count and account for the resources we are giving to Ukraine and other nations as well.

Mr. President, I ask to reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise in opposition to the Senator's amendment. This amendment actually changes a longstanding definition related to the President's use of draw-down authority to provide critical military support to our partners in times of need.

It would artificially inflate the value placed on the defense articles—things like weapons or military items or technical data that we provide to our partners and allies, resulting in the administration hitting the cap on its authority much more quickly. That means less aid to Ukraine, less aid to Taiwan, less aid to any ally that needs assistance in the future.

This would undercut our current efforts to support the Ukrainians, limiting our ability to provide them with critical defense articles they need to defend themselves. If this amendment passes, it will be a loss for our ability to support our allies. I urge a "no" vote.

Mr. VANCE. Mr. President, I ask to be recognized.

The PRESIDING OFFICER. The Senator from Ohio has 47 seconds remaining.

Mr. VANCE. Mr. President, I will be brief here. First of all, the Department of Defense clarified that it has not used the proper accounting methods in Ukraine. So I don't think this is a change to a longstanding policy. I think that it reinforces proper accounting methods within the Department of Defense.

The more important point here is that a \$6 billion accounting error is approximately the amount of aid that the United Kingdom has provided to Ukraine. If we are not using an accounting method that allows us to properly account for this stuff, we are missing gaping numbers. We can't possibly have a reasonable cost-benefit debate if we don't know the cost of the resources and the weapons we are sending to Ukraine.

We just need to be honest with ourselves and with the American people. That is all this amendment does. And I ask that it be called up for a vote.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there further debate?

Mr. REED. Mr. President, is there time remaining?

The PRESIDING OFFICER. The Senator from Rhode Island is recognized and has a minute and 3 seconds.

Mr. REED. Mr. President, the Army recognizes its mistake. They revised their policies. They now use something known as net book value, which is consistent with the Foreign Assistance Act, which the State Department uses.

And reinforcing Senator MURRAY's point, the bottom line here is, if we adopt this amendment, we will lower the amount of equipment we can provide to Ukraine, which is critically in need of such equipment.

I would urge a "no" vote.

VOTE ON AMENDMENT NO. 838

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

The yeas and nays have been requested.

Is there a sufficient second?

There appears to be 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 Wyoming (Mr. BARRASSO).

The yeas and nays resulted—yeas 39, nays 60, as follows:

[Rollcall Vote No. 192 Leg.]

YEAS—39

Blackburn	Hawley	Ricketts
Braun	Hoeven	Rounds
Britt	Hyde-Smith	Rubio
Budd	Johnson	Schmitt
Cassidy	Lankford	Scott (FL)
Cornyn	Lee	Scott (SC)
Cramer	Lummis	Sullivan
Cruz	Marshall	Thune
Daines	McConnell	Tillis
Fischer	Moran	Tuberville
Graham	Mullin	Vance
Grassley	Murkowski	Wicker
Hagerty	Paul	Young

NAYS—60

Baldwin	Fetterman	Peters
Bennet	Gillibrand	Reed
Blumenthal	Hassan	Risch
Booker	Heinrich	Romney
Boozman	Hickenlooper	Rosen
Brown	Hirono	Sanders
Cantwell	Kaine	Schatz
Capito	Kelly	Schumer
Cardin	Kennedy	Shaheen
Carper	King	Sinema
Casey	Klobuchar	Smith
Collins	Lujan	Stabenow
Cooms	Manchin	Tester
Cortez Masto	Markley	Van Hollen
Cotton	Menendez	Warner
Crapo	Merkley	Warnock
Duckworth	Murphy	Warren
Durbin	Murray	Welch
Ernst	Ossoff	Whitehouse
Feinstein	Padilla	Wyden

NOT VOTING—1

Barrasso

The PRESIDING OFFICER (Ms. CORTEZ MASTO). On this vote, the yeas are 39, the nays are 60.

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

The amendment (No. 838) was rejected.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Madam President, I ask unanimous consent that the vote on the Cruz-Manchin amendment No. 926 be at a time to be determined by the majority leader, following consultation with the Republican leader, on Thursday, July 20, with all provisions in the previous order remaining in effect.

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. BENNET. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations en

bloc: Calendar Nos. 46 through No. 52, No. 82 through 107, No. 110 through No. 113, No. 130 through 139, No. 180 through No. 205, No. 224 through No. 226, No. 228 through No. 234, No. 236 through No. 246, No. 248 through No. 249; that the nominations be confirmed en bloc; the motion to reconsider be considered made and laid upon the table with no intervening action or debate; 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 an objection?

Mr. MARSHALL. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MARSHALL. Madam President, I am certainly honored to be here and stand beside my colleague and friend, Coach TOMMY TUBERVILLE, as we work through a very, very challenging situation regarding our military nominations.

I have tried to listen to the arguments from my colleagues across the aisle, and one thing I want to just point out, a very simple solution, is to bring these to the floor and give us a vote on them.

I am happy to stay here tonight and vote. Happy to come in early tomorrow and vote as well. It is certainly something within the power of this body to do that. So that is one simple solution.

Next, I want to point out that the Pentagon is the one that picked this fight. They are the one that changed the policy. And in my opinion, this is an unlawful policy that they are ignoring the Hyde amendment, that they are using Federal funds to aid and abet in abortions.

As I dug a little deeper into this, I was shocked to find out that the Pentagon's policy allows more time off for an abortion than for a person who needs to go attend to a family funeral or to a marriage.

And I might add, of course, the military, I assume, is not paying for the travel of that soldier going back home to get married or to attend a family funeral.

There is lots of arguments why we think this is right, but I think the ultimate argument is why Coach TUBERVILLE and I are here is that we believe in the sanctity of life, that we believe that life begins at conception.

I think if my colleagues across the aisle would sit and listen for a second, if you truly believe that life begins at conception, I don't see how you could support abortions, let alone using Federal dollars to pay for these abortions.

I remember my second year of medical school, and I was assuming I was going to be a family practice doctor. We had been married for about a year and a half, had our first baby. And the second that little girl made her first cries and I saw that bond between my daughter and my wife and every time I

delivered a baby since then, I have always just been amazed at that bond between a baby and a mom, that agape love that a mom shows a baby. It was at that moment that my daughter was delivered that I decided that that was what I wanted to do for a living.

As an obstetrician, a person who believes that life begins at conception, that is why this issue is so important to us. That is why this is such an important issue that we are willing to hold up these nominations.

I think what we are asking is a simple solution: Let's take these flag officers and these generals, and let's vote on them. We can take these on. I think there are only 250 of them or so. I think we can take those on, and then let's do them.

If not, we are asking the Pentagon to go back to the previous policy and stop their unlawful use of American taxpayer dollars violating the Hyde amendment for these abortions.

The PRESIDING OFFICER. Is there an objection?

The Senator from Alabama.

Mr. TUBERVILLE. Madam President, reserving the right to object.

Last night, I spoke on the phone with Secretary of Defense Lloyd Austin. I also spoke with him last Thursday. Both conversations were very cordial. We had good conversations, respectful; but they were very brief. There was absolutely no offer—there was no offer—of a compromise. It is their way or the highway. Thus far, the Pentagon has done nothing but attack me, and I keep repeating the same claims over and over.

Since I spoke with Secretary Austin on Thursday, a few things have changed. One is that the House of Representatives has now passed their annual Defense bill. The bill contains an amendment that would explicitly repeal the memos which implemented the Pentagon's new abortion policy. It wasn't in the base text of the bill. It was added on the floor by the majority of the House Members. The majority of the House of Representatives has spoken out in opposition to this policy. It was a bipartisan vote.

Senator BENNET, Secretary Austin, and President Biden need to realize this. I am not alone. Our team is building and growing, and 60 percent of the country is opposed to taxpayer funding for abortion. That includes Democrats, Republicans, and Independents—60 percent.

The Pentagon's new abortion policy is even worse than that. It is a taxpayer-funded abortion that nobody—and I mean nobody—in the House or here voted for.

It gets worse. This morning, the Pentagon's staff who is in charge of putting this together, gave a briefing to the members of the Senate Armed Services Committee. To be honest with you, it was a complete debacle. I thought they would be prepared. The briefing confirmed a few things we know about this policy.

First of all, there are virtually no restrictions at all on the use of this policy. None. The briefers confirmed that the policy could be used to facilitate a late-term abortion for enlisted members and their dependents. Pentagon officials confirmed that this policy would facilitate abortion up to the moment of birth, depending on the State—at the moment of birth. Late-term abortion is opposed—late-term abortion is opposed—by about three-quarters of the American people.

To be clear, the DOD has the authority to perform abortions in cases of rape, incest, and the life of the mother. That was passed on this floor in 1984. Now, what we are talking about with this new policy that no one in this building voted on is taxpayer funding for elective late-term abortion. This is radical. It is extreme. It is downright wrong.

Third, the briefers essentially confirmed that the policy was not—was not—based on facts. It was based on an extreme political ideology. I asked the briefers for evidence that abortion improves readiness. They should have seen this coming before they walked in the building this morning at 9 o'clock. They knew they were going to be asked this. I have been asking this question for a year; and Pentagon officials still have absolutely no evidence whatsoever that it impedes readiness. When the administration was touting this policy, they said it could lead up to 4,000 taxpayer-funded abortions a year. Let me explain this.

When I got a briefing last year from the Pentagon, we asked them: How many abortions is this going to consist of? Well, now we are doing two dozen a year. When this policy is put into place, RAND—their polling group out of the Pentagon—said it will affect probably around 4,000. Now, this came from the Pentagon. This wasn't made up by my team or anybody else in my party. This came directly from the Pentagon. Now, I want to say this—4,000—and that is not including dependents. It is not including dependents. So you are looking at a lot more.

Now they are backtracking and accusing me of inflating that number. Well, that is fine. They have a short memory. That argument cuts both ways. The Democrats need to explain why 2,000 abortions—if that is all it is going to be—are necessary for a military of 2 million people. They can't explain it because it has nothing to do with readiness. We are talking about elective abortion.

We already have an abortion policy for rape, incest, and the health of the mom. This policy was, in no way, affected by the Alabama law or any other State law. It has nothing to do with the Dobbs decision. This is a taxpayer-funded abortion that nobody—and I mean nobody—voted for in this building or at the other end of the building.

The Democrats say my hold is unprecedented. Well, I will say this: Their abortion policy is unprecedented. We

are here to make the law, not the Pentagon.

Anyone who calls himself pro-life needs to stand up and be counted right now. That means my party included. The Democrats' media machine is throwing the kitchen sink at this hold. It doesn't bother me. I have been called everything anyway. It just makes me that much stronger to hear people complain about this, knowing that deep down, somewhere, there is a soft part in their hearts for 4,000 to 5,000 unborn babies who will never breathe life on this Earth. So the more Joe Biden attacks me, the more I am convinced I am doing the right thing.

It seems like my colleagues on the left will do anything to change the subject and distract from this issue at hand. Recently, even the White House attacked my football record. My wife did the same thing at times. It is absolutely ridiculous, though, how this thing has gotten out of hand. There has been very little conversation, very little dialogue, and that is what this place is supposed to be about. The only dialogue we have had is with Senator BENNET and several other Senators coming in and discussing this in a UC, but the people who can change this and have an opportunity to make a difference in this could sit down and talk.

I hate that we have to do this, but we are going to stick with it. So let's stick with the facts. And, after today's briefing, it is clear to me that the Pentagon doesn't have any facts.

For that reason, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Colorado.

Mr. BENNET. Madam President, I am sorry that the Senator from Alabama has objected tonight again. I think this is the seventh time that we have been out here having this conversation, when I have been trying to move ahead the promotions of our Defense Department and he has, in an unprecedented manner, opposed it.

For 230 years, nobody in this Chamber has done what the Senator from Alabama is doing—putting a hold on the military promotions of people in uniform, of the flag officers of our Department of Defense, who ordinarily come through here in a customary way to get approved by the Senate, for obvious reasons—because we need them. They are for our national security. They have sacrificed their entire adult lives. They have sacrificed time with their families. They have sacrificed everything for this country. Now they have been put on a list to be promoted, and the Senator from Alabama has put a hold on them, which has never happened before in the history of the United States.

For somebody who has put this Senate to a grinding halt month after month after month, he has picked an odd argument with which to defend his position. He has said, time and time again, that what he is doing actually doesn't matter, that what he is doing

in the face of Democratic and Republican—not that it matters, because the Secretary of Defense, you know, shouldn't think of himself as a Democrat or a Republican. But the people who have served in Democratic and Republican administrations have said over and over again that he is compromising our national security, which is, of course, exactly the conclusion that anyone who is looking at this with common sense would believe, which is that our generals and our admirals actually make a difference and that the head of the Joint Chiefs of Staff actually makes a difference.

If that is not the case, we are in worse trouble than I thought. If it is the case, if what he is saying is right and that it doesn't matter, that it doesn't make any difference, then how can he claim to be acting on this incredibly important principle since it doesn't matter?

As he says, these military positions are being fulfilled by acting officials—by acting officials. He says the generals, as I say, aren't important, that the admirals aren't important, and that they can be filled by acting officials because we don't need a Marine Corps Commandant. In his mind, it doesn't matter. We don't need an Army Chief of Staff. We don't need a Chief of Naval Operations. We don't need a nominee for the Joint Chiefs of Staff. All of those positions are up for promotion right now, and every single one is being blocked by the Senator from Alabama and by the people in this Chamber who are supporting him on this unprecedented hold.

By the way, I haven't talked about this in the seven times I have been out here, but I have heard from people about this since, so let me just mention the incredible unfairness of this hold to the families who are supporting and serving with them, who are living with these members of the Armed Forces, many of whom have spent their entire careers working to get to the point that they are in right now—to be promoted to positions with the most significant responsibilities they have ever held.

As for the decisions that have been made on the way here—to miss the soccer games of their kids; to make a decision to accept a promotion that takes you to a foreign land that is distant from your family, that is distant from your community—there is a disruption in people's lives who now don't know where to put their kids in school because the Senator from Alabama has put on his blanket hold, which he says doesn't matter. These are people who wear the uniform of the United States. They are not politicians, not that that matters either, but they are people who wear the uniform of this country, who have given their lives and their careers to this country, and he says that holding up these promotions doesn't matter.

By the way, I am not going to get distracted by this, and I am not going

to criticize his coaching career tonight or his football record, as he said. The Senator from Kansas, I know, won't let me get away with that, so I am not going to do it. I would even say the Senator from Kansas would have to admit, I hope, that this is an odd position for a coach to take—that the coaches don't matter in our military and that our admirals and our generals and the people who rally the troops don't matter.

You know, this is a little bit like saying the Denver Broncos didn't need Mike Shanahan to win two consecutive Super Bowls in 1997 and 1998 or that the Denver Nuggets, this year, didn't need Michael Malone to win their first NBA championship or—not to criticize his record—that the University of Alabama didn't need Nick Saban to win eight SEC championships.

Of course, it matters. Leadership matters. Leadership matters probably more in the Armed Forces than it matters anywhere else, and that is the reason that we are here. He knows exactly what he is doing, and he understands the damage that he has inflicted, and there is a reason he is the only Senator in 230 years who has done this.

What is it? What is it that he wants to bring the country's attention to? What is he asking the country to pay attention to? He is saying that he is standing up for the sanctity of life. He said that tonight. He is claiming that it is easy to describe these policies as the woke Biden administration distorting the Defense Department to serve their woke policy goals.

What he wants the American people to believe is that he is stopping the government from paying for abortions, and that is simply not what he is doing because that is not what is happening. That is not what is at issue here.

He says that the Dobbs decision doesn't have anything to do with what he is doing or with this case, and that is totally wrong.

Last year, as everybody in America knows, the Supreme Court of the United States, for the first time since Reconstruction, stripped the American people of a fundamental freedom, a fundamental constitutional right. That has not happened in this country since Reconstruction, but it happened this year.

It happened this year in the Dobbs case. It happened when Justice Alito, writing for the majority, said that if it wasn't a freedom in 1868, it is not a freedom today. And that was the most glorious—I would say inglorious, but he would say glorious—expression of his judicial ideology of originalism that we have ever seen on the Court. It came after 50 years—it is worth going through this history because he blew it off so quickly—after 50 years of a concerted political effort to overturn a woman's right to choose in this country; to run elections based on taking that freedom away, that right away; to pack the courts with judges who would take that freedom away; to create a judicial ideology that barely existed.

The ink was barely dry on the law review articles that Justice Scalia—then Attorney Scalia—was writing when I was in law school that were claiming that these originalists had a fundamental understanding of what the Founders' perspective was and understanding was when they founded this country, when they wrote the Constitution. Now we have seen it manifested in this opinion by Justice Alito, where he says that if it wasn't a freedom in 1868, it is not a freedom today.

I don't want the pages or anybody else who is here tonight to be fooled just because they used the word "originalism." That is the most brilliant political name, the most brilliant political label that has ever been attached to any ideology probably in the history of humankind—certainly in the history of our country—because it claims that they know what the Founders' actually wanted when they founded this country, which, of course, is ridiculous on its face for a variety of reasons, not the least of which is that the Founders had fundamental disagreements with each other about all kinds of things. Anybody who has studied our constitutional history to any degree knows that and knows the Constitution was a product of compromise and consensus and agreement and disagreement.

Some of the Founders, I am sad to say, owned slaves and fought very hard for the protection of human slavery in the United States of America, and their legacy will be with us to the end of our days because of what they did at the founding. There are other Founders who fought, who were abolitionists, who said: This is wrong. We should get rid of slavery.

The Constitution, just like our pieces of legislation around here, is littered with—is littered with—those kinds of compromises. Some of them are ones that are glorious, and some of them are ones that are inglorious.

(Mr. OSSOFF assumed the Chair.)

I dwell on this, Mr. President, because it is important for people to understand that this didn't come from nowhere. It is important to understand that we are at a moment when they have achieved their 50-year ambition, which is to create an originalist majority on the Supreme Court of the United States to reverse *Roe v. Wade*, among other things, but that is clearly the most important thing to them.

In a moment of maybe political distress, realizing that they had actually succeeded in their wildest dreams to achieve something that, I can tell you, speaking for myself in my advanced age, when I was in law school, would have been unimaginable, which is that in the United States, we would reverse *Roe v. Wade* in the year 2023—that I would travel the streets of Colorado with my daughters, and we would look up at the billboards advertising certain stuff in Colorado and realize that we live in a country that was legalizing marijuana on the one hand and making

abortion illegal at the same time. That is something we couldn't have imagined. That is something we would not have foreseen.

But nobody, when I was in law school, would have believed that you could have gotten five Justices of the Supreme Court to agree with the logic that if it was not a freedom in 1868, when women didn't even have the right to vote in this country, it is not a freedom today, and it is as simple as that. It is as straightforward as that.

When that opinion was reached in Dobbs, then you started to hear people say: Well, don't worry about it. That is just a State's rights issue. You don't need to worry about that. Laboratory of democracy—we are just going to see what the States decide to do.

The first problem with that, of course, is that we are talking about a fundamental freedom. We are talking about a fundamental right. We are talking about, in my judgment, a civil right. That is the first issue. That is something that shouldn't be decided State by State by State. But it turned out that they actually meant what they said. This wasn't just an experiment in democracy; this was an attempt to ban abortion in the United States of America.

Since Dobbs was decided, 21 States have banned abortion or restricted access.

Last week, Iowa passed a 6-week abortion ban. Most women don't even know they are pregnant at 6 weeks.

The leading candidate for President on their side of the aisle, who is not named Donald Trump, signed an abortion ban in his State, the State of Florida, that 65 percent of Floridians oppose, that bans abortion at 6 weeks, and he did it at 11 o'clock at night. Why do you think he did that at 11 o'clock at night? Maybe because he knew that what seemed like the thing to do on rightwing radio was going to be a lot less popular with the voters in Florida and, I would say, the voters across the United States of America who are deeply concerned about protecting this civil right, who are deeply concerned about protecting freedom and a woman's right to choose and all the implications for equality that come to the fore when you are facing questions like this.

Those are the questions we are facing right now in the wake of the Defense Department in good faith trying to grapple with the change in the law brought about by the majority of the Supreme Court stripping away this fundamental freedom and stripping away this fundamental right.

There was a time when women serving in our military would have some assurance that they were going to have minimal access to reproductive healthcare no matter where they served. That was the law of the land before Dobbs. That is what *Roe v. Wade* said. But now they don't have that minimal access.

The Department of Defense, in the wake of the decision in Dobbs—not a

decision, I assume, they would have wanted—is trying to grapple with that in ways that make sense for the men and women who serve in our military. They are basically trying to say: Let us treat women the same as everybody else who is serving in the military.

In response to Dobbs, the Pentagon released three policies.

Let me tell you something. Let me tell you something. We are going to have a debate in this country about what Dobbs means when it comes to access to a woman's right to choose, and the consensus that has existed around here for a long time has been upset by that. We are going to have a debate about that. I am sure about that. But I just want to say that it is absolutely false that the Defense Department has created a situation where—they are suggesting that they are funding—taxpayers—abortions. That is what the Senator from Alabama says. I hope that people who are supporting him on this floor know that is false. They know that is not true. That is not what the Defense Department is doing. The Defense Department has not violated the Hyde amendment.

The Defense Department, faced with this decision in Dobbs, did three things. They said: If you need reproductive healthcare or if you need an abortion, we will pay for your travel to go from a State like Alabama, where you can get jailed, I guess, for up to 99 years if you are a doctor who performs abortion, to a State like Colorado that has enshrined *Roe v. Wade*, that we will pay your way.

That is not special treatment; that is the treatment everybody gets for a medical service that is not provided near their base.

The second thing they said was that they were going to allow paid leave while you are getting your reproductive healthcare, just like everybody else who is going to get a medical procedure gets. And we are going to give you a little bit of additional time on this—what can be a very difficult subject for the reasons everybody here knows—to talk to your commanding officer and inform them that you are pregnant.

That is it. That is it. That is it. It is not more than that.

So what I would ask everybody in this Chamber, whether you are pro-life or whether you are pro-choice or something else, where everybody across America who is suffering now because we are not able to promote the flag officers in the U.S. military—what I would ask you to consider, please, is what Senator TUBERVILLE will win if he wins. What will Senator TUBERVILLE win if he wins? He will ensure that women are going to be treated worse than men in the Department of Defense.

He will ensure that women will be treated differently, unequally, and unfairly because, unlike anyone else who needs a medical procedure, they will have to pay for their own travel out of,

let's just say, Alabama or other States that have banned abortion, to be able to access an abortion. Unlike everybody else—unlike everybody else—they will have to take unpaid leave while they are trying to undergo that medical procedure or a medical procedure that could lead to an abortion.

I don't think most people in this country who are pro-life would think that women should be treated differently in that respect, discriminated against. I think they would take the view that, if you are serving in the U.S. Armed Forces and you are serving in a State that has banned abortion and you are pregnant, and you have decided—you have made a judgment on your own or with your family or with your doctor—that the right answer for you and for your family is to go to another State and have an abortion—I think most people would say that you ought to have the right to do that, that you shouldn't be discriminated against if that is your judgment. That doesn't mean you are pro-choice or pro-life. It means that people can make that determination and that people shouldn't be discriminated against.

I have to say, Mr. President, it is almost as if he is punishing them for the rule that the Department of Defense has promulgated and that he wants to try to make this a case of the Biden administration overreaching, distorting the Department of Defense, bending DOD to its will, infusing the Department of Defense with some sort of woke strategy.

I think it is really important for the American people to understand what is at stake here. This is not a game. This is not a game when you are holding up every promotion of every single flag officer at DOD. This is not a game when all you are talking about is whether we are going to have a country that discriminates against people or whether people are going to be treated equally. This isn't a game when the question is, Are you going to have the ability to have your leave paid for, your travel paid for, to have a little extra time to talk to your commanding officer about the decision that you are going to have to face?

Why in the world would we want to make life more difficult for people who are in that condition or circumstance? Why are we blaming them for a rule that they had nothing to do with writing and that the DOD had the ability to promulgate? The Department of Justice has made that clear. It defies common sense. It defies common sense.

And tonight we heard him say that he is here because he is trying to defend the sanctity of life. That is what he said. And I have said out here and I will say again that I believe that people in this country have strong differences of opinion when it comes to a woman's right to choose and when it comes to abortion and that I think it is really important that people respect that. The Presiding Officer and I actually have had this conversation over

the years about that, and I believe it. I think that people can have very different moral points of view here. I think that people can have very different religious points of view about this.

I have concluded, for myself, that I think this is a decision that is much better left—partly because it is such a difficult decision, it is a much better decision to be left to a woman herself, consulting with whomever she wants to consult with—her doctor, her family—than it is for MICHAEL BENNET to impose myself on that decision or for Senator TUBERVILLE to impose himself on that decision.

Tonight, we heard him say that he thinks that DOD—that somehow this money could be used to pay for late abortions in this country and who wouldn't be for stopping late abortions in America; everybody would want to stop late abortions.

I would think, if you studied the matter, if you asked the question, "What is a late abortion in America? What does happen?" that what you discover is, not surprisingly, that 1 percent of abortions in America, or less than 1 percent, are late abortions in America, and they are situations where women—moms, mostly moms—have made the decision I say it—because it is going to be moms and dads—but, often, mostly moms—who have made the decision to have a child, to pick a name, to pick out the furniture for a bedroom, and then something has gone terribly wrong, something nobody in this Chamber would ever wish on anybody they knew. And sometimes those are circumstances where—against all expectations, against all promise, against all hope, against all joy—somebody has to make a decision to have a late-term abortion.

Is that really the moment that we want Senator TUBERVILLE helping to make that decision? Is that really when we want the Federal Government helping to make that decision? I don't think so. But I think we shouldn't be surprised that we are here with this extreme measure that he has taken in the Senate, a reflection of what is an extreme ideology.

He has called abortion "infanticide." He has called abortion "this generation's Holocaust." He won't be satisfied until he subjects women in his State to the draconian measures that Alabama has legislated. There are no exceptions for rape or incest in Alabama. If you are a doctor and you perform an abortion, you can go to jail for up to 99 years in Alabama.

Just today, Mr. President, we found out that the Alabama attorney general—like the attorney general from Mississippi, I think it was—wants to record information and is demanding that information be supplied to the government on women who have traveled out of State to seek abortion services. That is a pretty dystopian view of where we are as a country. I don't understand how you could say you are on

the side of freedom and be trying to hunt the information down for American citizens who are making a decision that is in their interest or the interest of their family, to collect information on a lawful medical procedure, to try to prevent women from traveling across State lines in this country—in this country—in this democracy, this Republic.

How do you say that you are on the side of freedom when you refuse to allow women to have the same opportunity to travel for medical procedures as men, unless you think that somehow women aren't entitled to the same freedoms as men? How do you make the case—I don't know—that you stand for freedom? You might stand for something else than to stand for freedom when you say that you are in a better position, as an elected politician from a State, to make judgments about a woman's pregnancy than she is.

This is a freedom to discriminate. This is a freedom to oppress people. We are in a tough place tonight because of what the Senator from Alabama has done.

I acknowledge that his State is really different from mine. Colorado really values freedom, and Colorado really values privacy. By the way, I am sure the people of Alabama do too. I can't prove it here tonight, but I will bet you there are a lot of people in Alabama who think it is wrong to be holding up these flag officers and who, if they knew that this really was about paying, for example, for paid leave—not taxpayer-funded abortions, which is what we heard again tonight, which isn't true—that they would say: Man, this doesn't sound like the right battle that we are taking.

It is like the 65 percent of people in Florida who are saying: What? Our Governor signed a bill at 11 p.m. at night to create a 6-week abortion ban in our State when there are women in Florida all the time who don't even know that they are pregnant at that time?

Colorado has taken a different view. We are a libertarian State in some respects—a libertarian State, a Western State. We believe a decision about a woman's health belongs between a woman and her doctor and her family, if she chooses to involve them. We were the first State in America to decriminalize abortion before *Roe v. Wade* was even decided. We were the first State—Colorado—to codify the right to choose after *Dobbs*. And that is a totally different view of the world than Alabama has, and I accept that.

But the reason why we are here is we have got to figure out what to do in a post-*Dobbs* world, where that minimum threshold, that constitutional freedom on which so many generations of Americans—especially American women, but Americans—have relied has been stripped away. And in my opinion, in the meantime, we ought to be willing to say that this is a decision that should be left to women, to make this

decision in their interest and for themselves.

It is not my job or the Senator from Alabama's job to substitute his position, his decision, to effectively say that we are going to reward your service, your willingness to serve in the Department of Defense, when you have been sent, through no fault of your own or decision of your own, to a place like Alabama that has banned abortion in this country—we are not only going to allow you to make that decision, but we are going to say that you have got to pay your own way out of here; that, unlike any other person, you can't take paid leave.

I think that is an extreme position, Mr. President, and I think it is an absurd position to believe that we are not hurting our national defense by not confirming these generals and these admirals and these other people who are up for promotion and that it doesn't somehow degrade our military readiness, when it obviously does. And every single person in this Chamber knows that it does.

At a time when Putin is in Ukraine and China is saber-rattling in the Pacific, this is the last thing we need to do. There is a reason why our friends in Ukraine are working so hard to try to take out the leadership in Putin's army, for God's sake—because it matters who is in command, as a matter of your national defense, as a matter of your national security, as a matter of your willingness or your ability to be able to effectively fight.

So I am at the end tonight, Mr. President. I apologize to the floor staff, once again, for keeping us here as late as I have. I apologize to the young pages who are here, in particular, not just for that fact but because they are coming of age at a moment in American history when we are coughing up fundamental rights, instead of extending those rights to people.

But that is what this battle has to be about. That is what this battle is about. That is why it is so important that when something like this happens, that we call it out and that even people who are natural allies or otherwise would be natural allies of a particular political position might in this instance say "Man, that tactic is really self-defeating" or might in this instance say "Please at least tell the American people candidly what it is you are doing." I think the American people, if they understood that, would say we should do our job and approve these nominations.

I think the American people, in the years ahead and the decades ahead, are going to fix the decision that the *Dobbs* Court just did. There is no doubt in my mind that the American people are not going to stand for Justice Alito's America where if it wasn't a freedom in 1868, it is not a freedom today. We have come too far for that to be our point of view. We owe too much to this next generation of Americans and even the generation that is coming after them,

believe it or not, for that to be our point of view.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

IRAN

Mr. MORAN. Mr. President, America's attention is rightfully drawn to supporting Ukraine's defense against Russia's illegal and unjustified war. At the same time, we are contending with China, which is undergoing the largest peacetime expansion of military power in history.

This morning, Congress and the American people heard from Israeli President Isaac Herzog, and I rise today to remind my colleagues of the ongoing threat posed by Iran to peace in the Middle East and beyond.

Iran is exporting more oil today than it has since 2019 despite the sanctions that were overwhelmingly passed by this Congress and that remain as current law.

Recently, the Navy's Fifth Fleet intervened to prevent two commercial oil tankers from being seized by Iran in the Gulf of Oman. Iran was recently granted membership in the Shanghai Cooperation Organisation, which fosters deeper political and economic cooperation with Russia, China, India, and other members.

All of this has taken place while Iran continues to enhance its nuclear program, provides Russia with weaponry to use in Ukraine, funds proxy fighters throughout the Middle East, holds U.S. citizens hostage, and vows to kill former American officials in revenge for the death of Soleimani.

Despite Tehran's reestablishment of diplomatic ties with Saudi Arabia and holding indirect talks with the United States, it appears that we are far from the "deescalation" that the Biden administration says it seeks. Instead, all evidence points to an Iranian regime intent on aggressively pursuing its aggressive objectives.

I agree that we should avoid a crisis that would be triggered by Iran enriching uranium weapons beyond a 90-percent grade or by Iran-backed militias killing U.S. servicemembers in an attack, but my concern is what behavior the President is willing to accept short of these redlines.

While I can only speculate on the content of the Biden administration's reported talks with Iran, press reports suggest a possible agreement would permit Iran to maintain nuclear enrichment at 60 percent. This level cannot be justified for peaceable purposes, and agreeing to it can have serious consequences.

In addition, the Biden administration's persistent outreach to Iran un-

dermines its stated goal to degrade the Russian military.

Henry Rome and Eric Brewer, two scholars who follow Iran's nuclear program closely, recently wrote:

Instead of laying the groundwork for a deal that reverses Tehran's nuclear program, this strategy risks cementing Iran's status as a nuclear threshold state [all] while shaking off its economic and political isolation.

In other words, it gets a lot of what it wants without any price to pay.

Normalizing the 60 percent enrichment level may threaten more nuclear proliferation, particularly in the Middle East. Other countries contemplating nuclear programs will take note and demand the same treatment.

Another element of a reported deal is Iran's pledging not to harm American servicemembers in the region. Ensuring the protection of Americans abroad is the President's first responsibility, and it is to be commended; however, turning a blind eye to havoc wrought against our partners in the region only sows greater instability.

At the same time Iran's oil exports were revealed earlier this month, Israel was waging a military operation against Iranian-backed Palestinian militia groups— Hamas and the Palestinian Islamic Jihad.

In Iraq, in addition to Tehran-backed militias that remain beyond government control, Iran is gaining ground in the Iraqi Government.

Scholar Michael Knights observed last month:

Iran's allies have achieved unprecedented control of Iraq's parliament, judiciary, and executive branch. . . . Washington's complacent attitude toward these events is only setting it up for costly involvement later.

The regime's ability, through the IRGC, to fund such efforts comes directly from the failure to enforce sanctions. The Wall Street Journal reports that oil exports are double what they were a year ago—the highest, as I said, since 2018. Oil revenue is the regime's lifeblood, and reducing its cash stream is a critical component to getting Iran to negotiate.

I call on this administration to strictly enforce sanctions on Iran's oil exports and pressure countries that help to facilitate the sale of Iranian oil.

In a bipartisan letter I joined with 25 of my colleagues just recently, we wrote the President last month:

It is crucial for your administration to remain aligned with Congressional efforts related to Iran's nuclear program and not agree to a pact that fails to achieve our nation's critical interests.

In the face of a regime in which hardliners have solidified power, President Biden's narrowly focused approach merely kicks the can down the road. But this may be to Iran's advantage. In fact, it most likely is. Current trends indicate that Iran will use the time to refill its coffers and deepen its diplomatic ties, better positioning itself to withstand pressure to make any significant concessions.

The administration must pursue more than the bare minimum in its diplomacy. Keeping a problem from developing into a crisis is good, but solving the problem is much better. I recognize the obstacles that must be overcome and that we will have to provide some concessions. To believe otherwise would ignore the history of diplomacy. But in accord with the will of Congress, an acceptable agreement can be reached. President Biden has the tools we have provided through that legislation, and he must use them.

I yield the floor.

The PRESIDING OFFICER (Ms. HASSAN). The Senator from Colorado.

MORNING BUSINESS

Mr. HICKENLOOPER. Madam President, I ask unanimous consent that the Senate 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.

TRIBUTE TO GRACE STEENBERGEN

Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Grace Steenbergen for her hard work as an intern in my office in Cheyenne, WY. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Grace is a native of Pine Bluffs. She is a sophomore at Baylor University, where she studies political science with a minor in legal reasoning and analysis. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Grace for the dedication she has shown while working for me and my staff. It is a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her journey.

ADDITIONAL STATEMENTS

REMEMBERING JAMES A. WADE

• Mr. BLUMENTHAL. Madam President, I rise today to recognize Mr. James "Jim" Wade, an expert trial attorney, towering figure in Connecticut politics, and dear friend to so many, including myself.

Born in Staten Island, NY, and raised in Simsbury, CT, Mr. Wade received his undergraduate degree from Yale University in 1959 and his J.D. from the University of Virginia School of Law in 1962. Upon graduating from law school, Jim served honorably as a lawyer for the Navy's Judge Advocate General's Corps, a testament to his dedication to public service.