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## Senate

(Legislative day of Friday, September 22, 2023)

The Senate met at 3 p.m., on the expiration of the recess, and was called to order by the Honorable PETER WELCH, a Senator from the State of Vermont.

### PRAYER

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

Let us pray.

Lord and King, You are forever. Send Your light and truth to guide our Senators. As they move into crisis mode in an attempt to avoid a government shutdown, give them insights that will help them solve the riddles of these times. Empower them to possess discernment in order to know what is right.

Lord, imbue them with a passion for truth that will compel them to do Your will. Strengthen them also with a humility that seeks to listen and learn. May they find joy in their work as they seek to please You. Remove from them discouragement and despair as You make them partners with You in building a nation where truth and justice will prevail.

We pray in Your powerful Name. Amen.

### PLEDGE OF ALLEGIANCE

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

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The senior assistant executive clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 26, 2023.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PETER WELCH, a Senator from the State of Vermont, to perform the duties of the Chair.

PATTY MURRAY,  
President pro tempore.

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

### RESERVATION OF LEADER TIME

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

### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

### LEGISLATIVE SESSION

SECURING GROWTH AND ROBUST LEADERSHIP IN AMERICAN AVIATION ACT—MOTION TO PROCEED—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 3935, which the clerk will report.

The senior assistant executive clerk read as follows:

Motion to proceed to Calendar No. 211, H.R. 3935, a bill to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### CONTINUING RESOLUTION

Mr. SCHUMER. Mr. President, as I have said for months, the only solution for avoiding a harmful government shutdown is bipartisanship. We now have 4 days to go until funding expires on Saturday at midnight. We are now right at the precipice. Yet, all last week, Speaker MCCARTHY, instead of focusing on bipartisanship, catered to the hard right and has nothing—nothing—to show for it. And now the Speaker will put on the floor hard-right appropriation bills that have nothing to do with avoiding a shutdown.

So, this week, the Senate will move forward first. Over the weekend, Senate Democrats and Republicans together worked in good faith to reach an agreement on a continuing resolution that will keep the government open beyond September 30. We are very close to finishing our work and hope to release text very soon.

This bipartisan CR is a temporary solution, a bridge toward cooperation and away from extremism, and it will allow us to keep working to fully fund the Federal Government and spare American families the pain of a shutdown. While, for sure, this bill does not have everything either side wants, we will continue to fund the government at present levels while maintaining our commitment to Ukraine's security and humanitarian needs and while also ensuring those impacted by natural disasters across the country begin to get the resources they need.

In a few hours, we will hold the first procedural vote to move forward on the vehicle for the CR, and I thank my colleagues and staff from both sides of the aisle who spent all weekend negotiating in good faith to get us to this point. The Senate CR is a good, sensible, and bipartisan—let me emphasize, bipartisan—bill. It will achieve the most important immediate goal,

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



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avoiding a shutdown. It will protect American families from needless pain, pay our troops, and make good on our promise to American seniors. It will promote access to affordable healthcare, sustain investment in life-saving research, and avoid costly disruptions to our supply chains.

Now, of course, today's agreement won't have everything that both sides want. But let me repeat: This CR is a bridge, not a final destination. It will help us achieve our immediate and necessary goal of avoiding a government shutdown and move us away from the senseless and aimless extremism that has dominated the House so we can get to work on appropriations.

We can and must do more to respond to disasters that have ravaged the country. We can and must do more to lower costs and grow the middle class. We can and must do more to stand with our friends in Ukraine and resist Putin's dangerous attacks on democracy and freedom. And we can and must do more to finish the bipartisan appropriations process in a way that makes strong investments in our country, in our families, and in our future.

We will continue to work on these and many more, but, right now, this CR is a must-needed bridge away from extremism and toward cooperation. Make no mistake, a shutdown would be a terrible outcome for the country, despite what some on the hard right would have us ludicrously believe.

It is hard for me to believe that some on the extreme right in the other Chamber say they actually want a shutdown—what insanity. This will avoid that, that terrible outcome.

It will pay for our servicemembers, which could be halted if there is a shutdown. It would prevent millions of Americans who count on government services from suffering. It would prevent food safety, public health protection, small business loans, and infrastructure projects from being cut and, at least temporarily, ended, because they are all at risk right now, if there is a shutdown.

If there is a shutdown, TSA could be thrown into chaos, meaning possible delays and disruptions for all flyers. Border enforcement Agencies would be undermined. Even FEMA's Disaster Relief Fund could actually dry up.

We don't need to go through any of this. The Senate's bipartisan CR will ensure that none of the bad things I just enumerated happen. I urge—I urge strongly—reasonable Members of both Chambers to come together to pass this bridge CR and move forward, freed from the hard-right extremists who are hell-bent on destroying trust in government and hurting millions and millions of middle-class families.

#### UNITED AUTO WORKERS STRIKE

Mr. President, now on labor, the UAW, and the WGA, early this morning, before I came to Washington, I went to Rockland County, NY, and stood with UAW Local 3039 on the picket line in solidarity with their fight for

better wages, better benefits, safer working conditions. Rain or shine—and today it was mostly rain—UAW Local 3039 is out there, standing for a fair, equitable contract to share in the profits they helped create.

We must not forget that during the auto crisis of 2008, unions and workers gave back plenty. It is one of the reasons that the auto companies are making such large profits. And the workers are entitled to have a fair share of those profits. So we need to make sure the settlement is fair to working people.

It is simple: When unions win, workers win; the middle class wins; America wins. Just take the WGA strike—the Writers Guild—for example. This past weekend, after nearly 5 months on strike, the WGA announced a tentative settlement with Hollywood studios to get members back to work. The WGA deal proves that progress is possible, that workers can gain, and I hope it encourages the big three auto companies to stay at the table and bargain in good faith.

Today, in a milestone for the UAW strike and the history of working people in this country, President Biden traveled to Michigan today to stand with the UAW on the picket line. It is likely to be the first time in 100 years a sitting President joined workers on the picket line. It shows how important strong labor unions are to this President and to Democrats. That is why I thought it was appropriate for me this morning to join some of our New York UAW members on the picket lines in New York, as the President marched in Michigan.

President Biden's visit underscores a historic moment for the American labor movement. We may be on track to see the most labor activity in 40 years. And I am proud that so many of my colleagues on the Democratic side of the aisle have stood on the line with workers, fighting for a better life.

As President Biden said today, "The middle class built this country. And unions built the middle class." Praise God we have a President as pro-union and pro-worker as President Biden in office at a time like this. Of course, we weren't always so lucky. Former President Trump will also be in Michigan this week, where he will no doubt try to style himself as a champion of unions and working Americans. That is pretty rich coming from someone who led one of the most anti-worker administrations in recent memory, one openly hostile to labor unions, disinterested in the well-being of working families, and who appointed anti-labor people to many of the Agencies that regulate labor.

No working American should believe Donald Trump when he claims to fight for them. Where was Donald Trump when UAW went on strike against GM in 2019? All talk, no substance. Even now, he is openly attacking the UAW that is trying to secure better contracts.

The difference between the Biden administration's record on labor and the Trump administration's record couldn't be starker. Under the Biden administration, Democrats secured historic relief to protect hard-earned pensions through the American Rescue Plan. Under the Trump administration, on the other hand, Republicans reversed rules to expand overtime pay for 8 million workers, loosened infection and safety rules for oil rigs and coal companies, and reversed bans on toxic pesticides that protected farm workers.

Under the Biden administration, Democrats broke the nearly decade-long funding freeze on the National Labor Relations Board. But under the Trump administration, Republicans appointed the most anti-labor NLRB nominees, and they voted to make it harder for workers to organize, while making it easier for employers to oust existing unions.

Under the Biden administration, we passed historic bills, like the infrastructure bill, CHIPS and Science, and the Inflation Reduction, all of which are creating good-paying jobs. As majority leader, I made sure that pro-union provisions were written into this legislation. But under the Trump administration, Republicans passed a \$1.5 trillion tax cut that overwhelmingly benefited big corporations and the ultrawealthy, while giving peanuts to working families whom Donald Trump claimed to fight for.

So it easy to see who is really on the side of unions and working Americans and who isn't.

I was proud to stand with the UAW this morning, and I am proud that President Biden is standing with working people of this country today.

I yield the floor.

#### RECOGNITION OF THE MINORITY LEADER.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### GOVERNMENT FUNDING

Mr. McCONNELL. Mr. President, at midnight on Saturday, current appropriations will run out, and the Federal Government will shut down. Over the years, I have been pretty clear in my view that government shutdowns are bad news, whichever way you look at them. They don't work as political bargaining chips. They create unnecessary hardships for millions of Americans—for example, the nearly 46,000 servicemembers and 22,000 civilian workers in my home State of Kentucky who earn Federal Government paychecks—and they hardly ever produce meaningful policy outcomes at the end of the day.

A government shutdown would be an unnecessary disruption of the important work on the Senate's agenda. So I would urge each of my colleagues to work this week to avoid one.

For the past several months, Senator COLLINS, Senator MURRAY, and our colleagues on the Appropriations Committee have worked diligently to help the Senate fulfill our commitment to funding the government through regular order. As that important work

continues, colleagues in both Chambers are rightly concerned about a number of distinct priorities.

They are focused on taking further action to rein in reckless spending as we continue to rebuild our national defense. They are concerned about addressing the consequences of the Biden administration's failure to secure our southern border. They are eager to provide relief to communities recovering from natural disasters, from Hawaii to Florida. And bipartisan majorities recognize the ongoing need to counter Russia and China and continue to provide lethal aid to Ukraine. In the coming weeks, I hope the administration will work with Congress to address these pressing needs.

But in order for work on appropriations to continue uninterrupted, Congress needs to extend government funding by the end of this week. The sooner Congress keeps the lights on, the sooner these important conversations can resume.

The clearest path forward is a standard, short-term continuing resolution. Our work this week needs to produce the resources and flexibility to maintain essential government functions at their current rates of operation while progress on full-year appropriations continues.

Just to reiterate, delaying action on short-term government funding doesn't advance the ball on any meaningful policy priorities. Shutting the government down over a domestic budget dispute doesn't strengthen anyone's political position; it just puts important progress on ice, and it leaves millions of Americans on edge.

So I expect that the Appropriations Committee will finalize a short-term funding extension in the very near future for the Senate to review. I would encourage each of our colleagues to join me in supporting the standard, responsible step forward.

The ACTING PRESIDENT pro tempore. The Democratic whip.

Mr. DURBIN. Mr. President, I want to join the Republican leader, as well as the Democratic leader, with our hopes that we can still rescue the situation on Capitol Hill before the deadline. We have an impending government shutdown that is only 5 days away.

The House Republicans on the other side of the Rotunda have not taken on their responsibility at this moment, and we are doing our best on a bipartisan basis to do the opposite. Extreme factions of the Republican Party continue to list their demands for reckless cuts and partisan proposals in exchange for keeping the lights on in the Federal Government. In doing so, their radical agenda is holding the livelihood of the American people and the proper functioning of our government hostage.

House Republicans' proposals, which some of their own Members don't even agree with, would cut millions of dollars from public health, childcare, education, food safety, law enforcement,

housing, and more. These cuts would create uncertainty for hard-working families across the country, and they would put our national security and economic well-being at risk.

Instead of negotiating in good faith, House Republicans are willing to put the country through the pain of a shutdown. Now, we have had shutdowns before. I remember them well—2013, 2018, and now the threat of one in 2023. It appears to be a 5-year cycle. The shutdowns in 2013 and 2018 reduced economic output and GDP growth by projections in the billions. They forced Federal employees to go without checks, to either work without pay or be furloughed, and that included our military at the time. Servicemembers would not be paid until Congress funds the government. That would mean missed paychecks and strained household budgets for the duration of a shutdown, until extreme MAGA Republicans felt their demands had been met.

Take one Agency for example—the National Institutes of Health, the premier medical research Agency in the world. They would have to delay new clinical trials during a government shutdown, stalling critical medical research on diseases like cancer and Alzheimer's.

A shutdown would halt training of 2,600 air traffic controllers at a time when our country desperately needs them, and the air traffic controllers already on the job would have to work without pay. How would you like to have the pressure of that job and in the back of your mind wonder if you are going to make your mortgage payment? That would potentially lead to delays, longer wait times for those traveling, as we have seen in past shutdowns. The same goes for TSA.

The shutdown would delay major infrastructure projects that were created by the bipartisan infrastructure bill.

It could jeopardize the benefits of more than 6 million American participants in the Special Supplemental Nutrition Program for Women, Children, and Infants, including 170,000 in my home State of Illinois.

Public housing operations and housing choice voucher subsidies could be at risk of running out of funding.

A shutdown could deplete relief funds and slow emergency responses in the case of natural disasters. We have seen evidence of plenty of those.

In short, it would be nothing less of a disaster for the economy and for American families for this handful of MAGA Republicans to stop the funding of our government.

Here in the Senate, we have taken a bipartisan approach to the task of keeping our government funded.

I have served on the Senate Appropriations Committee for a number of years, and I have watched carefully as the procedure of that committee—one of the most important committees in the Senate—has changed.

For the last almost 5 years, we have gone without a meaningful, bipartisan

effort to write budget bills, and we have taken from the Members the opportunity on the floor of the Senate to actually review those bills and make amendments.

It is our good fortune that the leaders in the Senate Appropriations Committee currently are two of the best. One of the best Democratic Senators and legislators, PATTY MURRAY, of Washington, chairs the Appropriations Committee. Her ranking Republican member, SUSAN COLLINS, of Maine, is another extraordinary legislator. What they managed to achieve so far in the Appropriations Committee is a tribute not only to their skill but also a tribute to bipartisanship.

They have reported out all 12 appropriations bills to the floor of the U.S. Senate for consideration on the floor for the first time in 5 years. Instead of a massive package called an omnibus, they were leading us toward individual appropriations bills and an amendment process on the floor we haven't seen for a long, long time. Unfortunately, it was set aside by one Republican Member last week, but we haven't given up on the notion of making this bipartisan.

I heard earlier a statement made by the Democratic leader in the Senate that there were negotiations through the weekend for a temporary spending bill. I hope that spirit continues when it comes to the appropriations bills. I am sure with Senators MURRAY and Collins working on it, we have a good possibility.

Now we recognize, more than ever before, the need to keep the lights on in Washington on Capitol Hill. This week is going to be our test. What must be top of mind in any compromise is keeping the Federal employees paid, their families fed, keep the economy moving forward, keep our affairs in order so that our adversaries know that the United States of America can actually fund its own government.

That is why here in the Senate we are going to consider a bipartisan continuing resolution to keep the government open at current funding levels while we work toward a longer term answer.

Instead of considering a similar, serious short-term proposal to prevent a shutdown, some House Republicans are now trying to consider 11 individual appropriations bills before Sunday. Let me tell you, the track record doesn't look so good. Speaker MCCARTHY has already pulled down more than one vote on the defense spending bill, despite the fact his own party actually drafted the bill. They drafted the bill, then they couldn't pass it with their own members of the House.

I am not sure what his plan is. But in the Senate, ours is to prevent a government shutdown and have an orderly process of spending bills considered by the Senate. We owe it to every American family to do our jobs and to do it in a timely, respectful manner.

I urge my colleagues in the House to put the needs, well-being, and livelihood of Americans above any partisan loyalty. I am committed to working with my colleagues to prevent a shutdown. I look forward to the Senate considering a continuing resolution that does just that.

#### UNITED AUTO WORKERS STRIKE

Mr. President, on a separate topic, I heard my colleague earlier, Senator SCHUMER, talk about visiting a picket line for the United Auto Workers this morning. I did the same thing yesterday morning in Bolingbrook, IL, where UAW local warehouse workers were out on the line drinking coffee and eating a few donuts, holding their signs that said “solidarity” with their union. I wanted to walk over there and be with them at this moment.

You have to understand, when a worker like a UAW worker goes on strike, they are really walking away from their regular paycheck and receiving emergency pay from the unions, which, historically, has never quite been the same or as much. The same thing is true when it comes to the medical benefits. They may lose the coverage they had in the workplace and have the union program that is an alternative that doesn't provide the same level of benefits.

What I am trying to get to is the bottom line is, these strikes are personal, and families sacrifice on behalf of the workers.

Why would they do that? Why would they walk off the job, stand in the cold or outside weather from time to time like this? Because there is more at stake than their own personal well-being. They are fighting not only for their fellow members of the union, they are fighting for working people all over the United States.

The organized labor movement—which I was happy to be a childhood union family growing up—really made a difference in the life of America. The 40-hour work week, overtime, vacation, healthcare benefits, pension—virtually every one of those elements that are part of a modern job—a good modern job—were fought for and sometimes died for by those who were working in the labor movement in the earliest stage.

The UAW is a good example. It was back in the forties when a young fellow named Walter Reuther decided to make the UAW a viable force in Detroit, MI. There was the famous confrontation at a River Rouge plant where the UAW workers were on strike and violence broke out. Some people were seriously injured. Those sacrifices were made, and America changed as a result of it.

Now the modern struggle of the UAW is not unlike that of the forties. The President of the UAW, Mr. Fain, came by my office several times to talk about his goals. He made it clear—and we all knew the answer—that when it came to the question of the survival of these automobile makers in 2008 when the economy plunged, it was the work-

ers who stood up and said: We will make sacrifices and changes so that these companies can survive. Some people, even those on the floor of the Senate, were arguing: Let them go. That is capitalism. There are winners and losers.

But President Obama and I and many others felt just the opposite. Automobile manufacturing is a critical part of the American economy. President Obama was determined to keep those companies alive during that period of time. UAW did its part, and it did it well. They sacrificed wages and benefits. They said that the new workers would get paid dramatically less than those who had been there for years, and they literally saved those companies.

Now those companies are profitable to the tune of billions of dollars a year. What the UAW is saying is, for goodness' sake, make sure the workers are part of the success. Don't let them read in the papers how much the company is making while they are breaking their backs to make the products that are successful.

That is what the strike is all about. There was a time not that long ago in the early sixties when the executives of automobile companies and similar corporations were making about 30 times the wages of those who were working on production lines. Now the number is 500 times. The three executives who lead the automobile manufacturers all make over \$20 million a year, each and every one of them. I believe the one from General Motors makes \$29 million a year. Meanwhile, the wages for the executives have gone up 40 percent in the last 5 years and for the workers, 6 percent. So there is a disparity there that needs to be addressed and done fairly.

We want to make sure that the companies are profitable—they build products we are proud of. But we want to make sure the workers who are sacrificing every single day share in that profitability, share in that productivity. And they can do it if they are part of the contract that is now being negotiated.

I was out there on the line for about a half hour yesterday, standing along with the workers and encouraging the workers to be strong during this period. It is a time of personal sacrifice, but it is well worth it, not only for sisters and brothers in the union but workers all over America who prosper with the achievements made by the UAW.

I am proud to have had their support over the years, and I am proud to stand with them in this time of challenge.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

#### BIDEN ADMINISTRATION

Mrs. BLACKBURN. Mr. President, in March of 2021, I came to the floor and spoke about Xavier Becerra's abysmal record before voting to confirm him as Secretary of Health and Human Services. Here is what I pointed out to my

colleagues: He had no meaningful experience in public health, no meaningful experience in running a large-scale logistical operation, and a career's worth of hostility toward basic constitutional rights. My colleagues across the aisle didn't listen on this, and now his record as Secretary is worse than anyone could have imagined or predicted.

My colleagues who helped confirm him entrusted him with the lives of some of the world's most vulnerable children. Unaccompanied minors who are apprehended by Border Patrol are transferred to the care of Health and Human Services. This is clearly a big job considering that the Biden border crisis has led to over 300,000 encounters with unaccompanied children at our Nation's southern border. I am sure that these precious children thought they would finally be safe under the care of Health and Human Services and the sponsors they were ultimately going to be released to.

But Secretary Becerra proved what we already knew; that he was not up to the challenge of such a large Department with such expansive authority and that he had no experience that was relative.

Without explanation, HHS loosened the vetting requirements for sponsors, eliminating certain background checks and reviews of the children's files. Since then, HHS has lost contact with more than 85,000 of these children.

Back in February, the New York Times released a horrific exposé showing how these children have since been trafficked and exploited for labor—and these are only the stories of the children that the reporters could find.

Think about the enormity of the situation: 85,000 children. They cannot locate them. They do not know who is in charge of them. They do not know if they are dead or alive. They do not know if they are working in a processing plant or a manufacturing plant, or if they are being trafficked for sex, or if they are in a labor gang, because they cannot find these children.

And they decided to loosen the vetting requirements: Vetting takes too long. We need to speed up the process.

That is the mess that we find coming from Health and Human Services and its Secretary, Chief Officer Becerra.

If you have any doubt that Mr. Becerra has direct knowledge of this crisis, look no further than his own words. That same New York Times report referenced an audio recording taken during a staff meeting with the Office of Refugee Resettlement. That is a department within Health and Human Services.

When Becerra was admonishing his staff about their lack of speed in vetting sponsors and discharging these children into their care, he said:

If Henry Ford had seen this in his plants, he would have never become famous and rich. This is not the way you do an assembly line.

If that doesn't convince you, listen to the whistleblowers who begged HHS

leadership to listen. HHS employees on the ground noticed alarming signs of exploitation and raised it to their supervisors. "This is urgent," one wrote. She was ignored.

Again and again, staffers and contractors told HHS something was wrong, and the reports allegedly reached Secretary Becerra's desk. Even the senior staffer overseeing the unaccompanied minors program noted in an email to the Department's leadership:

If nothing continues to be done, there will be a catastrophic event.

These reports were not just ignored. Those who spoke up were retaliated against. They were fired. They were silenced.

Think about this. You are working in a Department. You see things are going wrong. You hear the chief guy say:

If Henry Ford had seen this in his plants, he would have never become famous and rich. This is not the way you do an assembly line.

You report it. You say: Things aren't right here. Children are being exploited. They are being used for labor. They are being used for sex. We cannot find these children. Nothing has been done.

Don't just take my word for it. That is according to a report from the Health and Human Services inspector general.

When Secretary Becerra appeared before the Senate Finance Committee back in March, I asked him what he knew about the exploitation of these children and when he knew it. Unsurprisingly, he evaded that question. I didn't get an answer. So after the hearing, I wrote him a letter asking again about his knowledge of these neglected and lost children and what role he had in firing the very people who were trying to sound the alarm and say that something needs to be done.

I didn't hear a word until September 8, and the response I got from HHS was a little more than an outline of their failed policies. They did not answer a single one of the questions about the Secretary's involvement in the decision-making process of what needed to be done to go find 85,000 children—not a word. So I sent a followup letter, giving the Secretary one more chance to answer the questions.

The Senate has a duty to conduct oversight, and I take that responsibility and that duty seriously. The Secretary should take this responsibility and his duty to respond to us seriously.

Where are these children? How are you vetting these children?

I had really hoped that my friends across the aisle—for all of their talk about compassion and trying to be compassionate to individuals and looking at border policies—that they would take this responsibility seriously as well. But our Senate Judiciary Committee Democrats seem content with distracting and deflecting from the crisis of leadership that is occurring over at Health and Human Services.

In a hearing back in June that was supposedly intended to "ensure the well-being of unaccompanied migrant children," Chairman DURBIN didn't call a single government witness to testify about what is happening with these unaccompanied alien migrant children.

We cannot just turn a blind eye or try to sweep this under the rug. We are talking about children—children who are in a strange country, children who do not have an adult to look after them, children who maybe were lured here on a false premise.

This is something our Judiciary Committee and Chairman DURBIN should take up. We should bring the Secretary in and find out what is happening at Health and Human Services with the Office of Refugee Resettlement and with these children.

I said it back in 2021, and I will say it again. Secretary Becerra is not fit to serve as the HHS Secretary, and his continued disregard for the lives of these children—the nonresponse on answering these questions—proves that point.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, so ordered.

#### CONTINUING RESOLUTION

Ms. COLLINS. Mr. President, I rise tonight to urge my colleagues to support cloture on the motion to proceed to the FAA authorization bill.

Now, let me explain what this is about. The vote to get on the shell legislation is simply a vote to move the process forward to prevent a disastrous government shutdown. It does not indicate support or opposition to any particular component of a continuing resolution. It does not bind Members to vote one way or the other on a continuing resolution.

What this really is, is a vote on whether or not Members want government to shut down at the end of this week. It does indicate, in the strongest possible terms, that the Senate is committed to working to prevent a government shutdown. We still have time to consider legislation to keep the government open and funded, but in order to do so, the process must move forward.

I would ask all Senators who wish to avoid a shutdown of government and all that that entails to vote yes on cloture. Again, let me stress that voting yes on cloture tonight is a vote against a government shutdown and for letting the process move forward. It is just the first step. It does not bind Members to support the continuing resolution and to support every provision in the continuing resolution.

Now, what happens if we don't move forward tonight? We are increasing the

chances that government will shut down. I have been through two government shutdowns, and I can tell you, they are never good policy. They do not accomplish the goals that people who advocate government shutdowns think will be accomplished, and they impose real hardship.

Don't we want our military to be paid on time? Don't we need paychecks going to those brave Border Patrol agents who are overwhelmed in trying to defend our southern border? Don't we want the Coast Guard, an entity very important to the Presiding Officer as well as to my State of Maine, to be able to continue to rescue our fishermen and patrol our seas, intercepting drug smugglers? Don't we want the DEA to be able to continue to work to keep fentanyl out of our communities?

The stakes are very high. I hope that all of my colleagues will vote to proceed to this shell bill tonight so that, then, we can debate the continuing resolution to fund government until the middle of November. That will allow us to continue our work on the appropriations bills. That is so important.

The Appropriations Committee, for the first time in 5 years, reported all 12 of the appropriations bills independently and with overwhelming bipartisan support. Three of them are in a package that is before us, that were on the floor all last week and have been just put aside temporarily so that we can work on the continuing resolution.

And my hope is, during that 45-day period when the continuing resolution is keeping government functioning at the levels that are needed, that we can continue our progress on the appropriations bills, bringing them across the floor. We have already cleared some 20 amendments to the three-bill package that the appropriators brought to the floor. Those 20 amendments will receive rollcall votes.

So we are making progress. Let's not stop that progress by shutting down government and causing tremendous hardship to our military, to our law enforcement officers, to those who are serving Americans through so many different Agencies. Let's not have that happen.

Please, I implore my colleagues, let's proceed by voting yes on the motion to invoke cloture tonight.

The PRESIDING OFFICER (Mr. MARKEY). The Senator from Vermont.

Mr. WELCH. First, I want to thank Senator COLLINS and assure her that I appreciate the excellent work that she and Senator MURRAY have been doing, and I will be a vote for cloture so that we can proceed.

Mr. President, Vermont is one of the States that suffered devastating damages as a result of recent floods and very much is in need of the replenishing of the FEMA disaster aid fund.

As a Congress, as a Senate, our leaders, Senator MCCONNELL and Senator SCHUMER, and our Appropriations chair and vice chair, Senator MURRAY and Senator COLLINS, have been working

very hard to get a continuing resolution passed so that we will keep the lights on in government.

And we can't shut down. Just think about it. Military people won't get paid. That is just absolutely unacceptable. Start there, and the cascade of terrible things that are all avoidable will happen.

I am very appreciative of the efforts of our leadership, especially our committee chair and vice chair, for their work to avoid a shutdown. I am totally committed to avoiding a shutdown. It is unacceptable to inflict so much unnecessary harm on so many innocent people because of a crackpot theory that if you shut things down and burn the place down, it is going to result in a good outcome.

There are no good outcomes, as Senator McCONNELL said earlier, when you use as a tactic to try to get your way to shut the government down.

So I will be supportive of the efforts on a bipartisan basis here to work toward a resolution. It is still very much in play as to what is going to happen to the FEMA money that is so essential to people who have suffered as a result of natural disasters.

I talk about Vermont, of course—and I will do that right now—but I am very mindful that my colleagues in Hawaii suffered that devastating fire in Maui, and, of course, we have had hurricanes and storms in Texas, in North Carolina, in Georgia, in Florida. So one thing all of us should be doing is helping each other when our citizens are the victims of a natural disaster.

So the No. 1 priority is to keep the lights on because we are going to fight another day. No. 2, my hope, is that there is still time to include aid for the Federal Emergency Management Agency to help us in Vermont, to help folks in Hawaii, to help folks in North Carolina, Georgia, Florida, and elsewhere.

But I want to talk a little bit about what the situation is in Vermont. We remember the iconic photo that was broadcast nationwide of the downtown of the capital city of Vermont, Montpelier, underwater. The water is gone now. It has dried up.

This is a local business in Montpelier, and that is the Minikin toy shop in Montpelier. The water was up to here. This is now gone, but the question is—this shop, the Minikin toy shop, where I bought things for my grandkids—Kelly Tackett, the owner, she spoke with the Burlington Free Press about the flooding in her toy store. And she said:

This was my lifelong dream shop. Those photos [of the flooding] make me realize this is likely the end of Minikin. I worked so hard to bring it to life.

She really needs a second chance here, and our FEMA funding can make a difference. I visited and spoke with her and her young family as they were cleaning up the shop right after the flood.

Cabot, VT, is a small community, the home of Cabot cheese. It is at the head-

waters of the Winooski River, and all of the businesses in the town were hit by flooding. The owners of Harry's Hardware, which also serves—this is a real Vermont story—as a bar and the town's only gas station, were trapped in the building by the floodwaters, which rose from a trickle to a flood within minutes.

Vermont is still dealing with major infrastructure damage. There were more than 1,100 damage sites on roads and bridges in the State, causing significant challenges for commuting in rural areas due to unclear information on closures. We are still dealing with the recovery from that.

Over 12 million pounds of debris from the flooding have been cleared, and the community has stepped up to extract it, as seen on Flood Recovery Day, where volunteers cleaned up over 100,000 pounds in 1 day. But there is still much more to go. Other key components of Vermont's infrastructure and economic drivers—railways, rail and hiking trails, ski resorts—suffered damage and need to be repaired.

For the vast majority of these business owners, the disaster recovery loans offered by the Small Business Administration, they are not a financial reality; it will only force folks into more debt. They need grants. They need flexibility. They need options.

I want to thank my senior Senator, my colleague Senator SANDERS, who convened a meeting with the FEMA Administrator, with Governor Scott, and Congresswoman BALINT. But the Administrator, Criswell—who is doing a terrific job, by the way, and Vermonters thank FEMA for their great work—she was very candid that the FEMA fund is running on vapors. It needs to be replenished.

So as tough as the situation is—and I do agree we have to avoid the shutdown—my hope is that, before the end of the day, we will be able to have included FEMA relief to replenish that fund and make certain that the good work that FEMA is doing can continue.

It is really a basic question here: No. 1, do we use shutdown threats and shutdown reality as a tactic? We, in this body, have rejected that.

And the second is, do we find a way to make certain that when citizens throughout our country—not just Vermont or Hawaii but any citizens—who are in harm's way when a natural disaster occurs, that we are here so they can count on us to help them get to the other side?

We have an opportunity to begin the process of keeping government functioning and rejecting the politics of shutdown threats. And we have the opportunity to work together again to replenish the FEMA disaster relief—the farm relief—that is so essential so that our citizens who have been in harm's way can get the recovery funds that they need.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, I ask unanimous consent to complete my remarks before the vote is called at 5:30.

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

Mrs. MURRAY. Mr. President, I have been working nonstop, reaching out to my colleagues, who have heard from me all hours of the day and night this past weekend, to put together a straightforward, bipartisan CR package that we can pass quickly to prevent a completely unnecessary government shutdown.

I am pleased to say the senior Senator from Maine and I have put together a bill that keeps our government funded while we continue to work on full-year appropriations. It provides critical dollars for communities that are struck by disasters and Ukraine, which is at a pivotal moment in its defensive efforts against Putin's brutal, unprovoked war of aggression. These are important downpayments as we continue to work now on a full-year bill, but we have more to do.

Importantly, this CR also ensures that wildland firefighters will not see a pay cut. It prevents critical laws from lapsing to make sure the FAA and community health centers can continue operating and more.

I hope that all of our colleagues in the Senate and the House will work with us to get this signed into law as soon as possible so we can avoid a shutdown that would be nothing short of devastating for our economy and for families everywhere.

This should not be hard. We have a simple, bipartisan CR, a truly reasonable bill. We have the support to get it signed into law if it is put up for a vote in both Chambers. We do not have a moment to waste. Let's get this done and get right back to work on passing the 12 bipartisan appropriations bills that are ready to come to the Senate floor.

Mr. President, I am here tonight to urge a "yes" vote on the motion to invoke cloture.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Mr. President, let me first thank the Senator from Washington State, the chair of Appropriations. We worked together so hard and diligently over the weekend, and we produced a result, I think, that shows that bipartisanship can triumph over extremism. Here in the Senate, we are bipartisan. I want to thank Leader McCONNELL. He worked with us throughout. I want to thank Ranking Member COLLINS. They worked with us throughout because we all know, together, that a government shutdown will be devastating—devastating—for this country.

It amazes me that some in the other body—just an extreme few—say they want a shutdown. That hurts tens of millions, hundreds of millions of Americans for only some kind of ideological political purpose. But we said no. The funding levels continue at the same level as before.



There is \$6.1 billion for Ukraine on the defense side and on the—on the State Department side. There is \$6 billion for disaster relief. On all of these, this is a bridge towards cooperation. This is not going to be the final proposal for the whole year. But to avoid a government shutdown, we needed a bridge. It is a bridge toward cooperation and away from extremism, which will allow us to keep working to fully fund the Federal Government and spare families the pain of a shutdown.

Let us hope that we get many people on both sides of the aisle voting for this product and that the House understands that bipartisanship there is the only way to go to avoid a shutdown.

I yield the floor.

#### CLOTURE MOTION

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

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 211, H.R. 3935, a bill to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes.

Charles E. Schumer, Patty Murray, Jack Reed, Benjamin L. Cardin, Martin Heinrich, Robert P. Casey, Jr., Tina Smith, Alex Padilla, Christopher A. Coons, Jeanne Shaheen, Tim Kaine, Mark R. Warner, Richard Blumenthal, Christopher Murphy, Chris Van Hollen, Debbie Stabenow, Gary C. Peters.

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

The question is, Is it the sense of the Senate that debate on H.R. 3935, a bill to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Minnesota (Mrs. SMITH), are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Idaho (Mr. Risch) and the Senator from South Carolina (Mr. SCOTT).

The yeas and nays resulted—yeas 77, nays 19, as follows:

[Rollcall Vote No. 240 Leg.]

#### YEAS—77

Baldwin	Crapo	Lankford
Barrasso	Duckworth	Lujan
Bennet	Durbin	Manchin
Blumenthal	Ernst	Markey
Booker	Fetterman	McConnell
Boozman	Gillibrand	Menendez
Brown	Graham	Merkley
Cantwell	Grassley	Moran
Capito	Hassan	Mullin
Cardin	Heinrich	Murkowski
Carper	Hickenlooper	Murphy
Casey	Hirono	Murray
Cassidy	Hoeven	Ossoff
Collins	Hyde-Smith	Padilla
Coons	Kaine	Peters
Cornyn	Kelly	Reed
Cortez Masto	Kennedy	Romney
Cotton	King	Rosen
Cramer	Klobuchar	Rounds

Rubio	Sullivan	Warren
Sanders	Tester	Welch
Schatz	Thune	Whitehouse
Schumer	Tillis	Wicker
Shaheen	Van Hollen	Wyden
Sinema	Warner	Young
Stabenow	Warnock	

#### NAYS—19

Blackburn	Hagerty	Ricketts
Braun	Hawley	Schmitt
Britt	Johnson	Scott (FL)
Budd	Lee	Tuberville
Cruz	Lummis	Vance
Daines	Marshall	
Fischer	Paul	

#### NOT VOTING—4

Feinstein	Scott (SC)
Risch	Smith

(Mr. KING assumed the Chair.)

The PRESIDING OFFICER (Mr. KELLY). The yeas are 77, the nays are 19.

The motion was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Mr. President, I am very glad to see cloture was adopted by a very large, bipartisan majority. This shows we can work together, even with our differences, for the betterment of the country. I hope the House follows suit.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE UNITED STATES FISH AND WILDLIFE SERVICE RELATING TO "ENDANGERED AND THREATENED WILDLIFE AND PLANTS; LESSER PRAIRIE-CHICKEN; THREATENED STATUS WITH SECTION 4(D) RULE FOR THE NORTHERN DISTINCT POPULATION SEGMENT AND ENDANGERED STATUS FOR THE SOUTHERN DISTINCT POPULATION SEGMENT"—Veto

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE UNITED STATES FISH AND WILDLIFE SERVICE RELATING TO "ENDANGERED AND THREATENED WILDLIFE AND PLANTS; ENDANGERED SPECIES STATUS FOR NORTHERN LONG-EARED BAT"—Veto

Mr. SCHUMER. Mr. President, I ask unanimous consent that the veto messages on S.J. Res. 9 and S.J. Res. 24 be considered as having been read and be printed in the RECORD and spread in full upon the Journal.

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

The veto messages are ordered to be printed in the RECORD as follows:

*To the Senate of the United States:*

I am returning herewith without my approval S.J. Res. 9, a joint resolution that would disapprove the final rule entitled "Endangered and Threatened Wildlife and Plants; Lesser Prairie-Chicken; Threatened Status with Section 4(d) Rule for the Northern Distinct Population Segment and Endangered Status for the Southern Distinct Population Segment."

The final rule, issued by the United States Fish and Wildlife Service (USFWS), provides Endangered Species Act (ESA) protections to an American bird species whose historical habitat on the Great Plains has diminished by approximately 90 percent and whose populations have plummeted toward disappearance. Following a rigorous review of the best available scientific and commercial information regarding the past, present, and future threats, as well as ongoing conservation efforts, the USFWS listed the Southern Distinct Population Segment of the lesser prairie-chicken as endangered, and the Northern Distinct Population Segment of the lesser prairie-chicken as threatened. The rule also affirms and protects locally led and crafted voluntary conservation agreements that landowners and land managers have developed in recent years, which provide certainty for industry as well as safeguards for prairie-chicken populations.

S.J. Res. 9 would overturn a science-based rulemaking that follows the requirements of the law, and thereby undermines the ESA. The lesser prairie-chicken serves as an indicator for healthy grasslands and prairies, making the species an important measure of the overall health of America's grasslands. If enacted, S.J. Res. 9 would undermine America's proud wildlife conservation traditions, risk the extinction of a once-abundant American bird, and create uncertainty for landowners and industries who have been working for years to forge the durable, locally led conservation strategies that this rule supports.

Therefore, I am vetoing this resolution.

JOSEPH R. BIDEN, Jr.

THE WHITE HOUSE, September 26, 2023.

*To the Senate of the United States:*

I am returning herewith without my approval S.J. Res. 24, a joint resolution that would disapprove the final rule entitled "Endangered and Threatened Wildlife and Plants; Endangered Species Status for Northern Long-Eared Bat."

The final rule, issued by the United States Fish and Wildlife Service (USFWS), provides Endangered Species Act (ESA) protections to the northern long-eared bat, whose populations have been heavily impacted by white-nose syndrome. The northern long-eared bat now faces extinction due to white-nose syndrome, a deadly disease that has spread across approximately 79 percent of the northern long-eared bat's entire range and is expected to affect 100 percent of the species' range by the end of the decade. Data indicate white-nose syndrome has caused estimated declines of 97 to 100 percent in affected northern long-eared bat populations. Following a rigorous review of the best available scientific and commercial information regarding the past, present, and future threats, as well as ongoing conservation efforts, the USFWS listed the northern long-eared bat as an endangered species under the ESA.