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Senate

(Legislative day of Friday, September 22, 2023)

The Senate met at 10 a.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 PRESIDING OFFICER. Today's opening prayer will be offered by Air National Guard Chaplain Lt. Col. Kent Lundy, wing chaplain at the 181st Intelligence Wing from Terre Haute, IN.

The guest Chaplain offered the following prayer:

If you would be in prayer with me.

Inspiring God that creates a way where there is no way, inspire these servant Senators to rise to every challenge by putting people over profits and freedom for all over privilege for a few. Bless them and their staff with a passion in their bellies and steel in their spine so that they can do the hard things well. May they never take more power than we the people give them. May the good they seek to do be the good for everyone who calls the United States home.

Give this body a passion to especially make sure our military is ready to defend democracy at home and around the world.

Eternal light that never shuts down, may our Senators answer a higher calling that will care for Your creation for at least the next seven generations, and may You endow them with wisdom as they steward the gift of freedom for such a time as this.

Instill the characteristics of integrity, truth, humility, and compassion in all Americans, just as we expect the same from these servant Senators. And let us commit to making selfless service great again.

Even if the institution of the Senate would last a thousand years, may the people one day say: This—this—was their finest hour.

Mindful of all the names Your children use to call upon You, I pray in the Name of Jesus. 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 27, 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—Continued

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 legislative 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.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

WELCOMING CHAPLAIN KENT A. LUNDY

Mr. YOUNG. Mr. President, "Let us all strive to make selfless service great again." Lt. Col. Kent Lundy opened this Chamber in prayer today.

When the Constitutional Convention reached an impasse in the summer of 1787, the oldest delegate offered a suggestion to the assembled. Rather than searching in the dark for truth, Benjamin Franklin reasoned they should instead begin each day's work with an appeal through prayer to the "Father of Lights" to illuminate their path. Without his assistance, Franklin argued, "[w]e shall be divided by our little partial local interests; our projects will be confounded, and we ourselves shall become a reproach and a byword down to the future age."

With that divine assistance, none of these ever came to pass, blessedly; that we stand in this institution that they built, guided by the Constitution that they wrote, is surely proof of it and proof of his blessings. We still need them. We need those blessings over our work here, over our Nation.

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



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I am honored that, today, that appeal was made by one of Indiana's own. An airman pastor, Lt. Col. Kent Lundy has long served his Nation and the communities he has called home. He wears the uniform of the Air Force as a member of the Indiana National Guard. He is an ordained elder in the United Methodist Church. Chaplain Lundy has been a member of the Indiana Air National Guard for 16 years, 12 of which were with the 122nd Fighter Wing in Fort Wayne as a chaplain.

He has been deployed overseas twice, and for the last 4 years he has been on Active Duty with the 181st Intelligence Wing in Terre Haute, IN.

As wing chaplain, he supports the physical, social, mental, and spiritual needs—the four pillars of airman fitness—of his fellow guardsmen as they do their work, as they seek to make America great again through service from the ground up, as they provide our military critical assistance for missions and rescue efforts during natural disasters.

A testament to the passion he brings to his work, Chaplain Lundy has said being an Air Force chaplain is “the greatest job in the Air Force.” And when you meet him, you get a sense of his enthusiasm for his work, for his service. You come to understand that.

But his work goes beyond that. He is an advocate for Hoosier veterans, and he has worked to destigmatize and increase access to mental health care for those who have served.

Chaplain Lundy originally joined the Air Force in 2006. His calling goes back much further than that, though. He first heard it during a visit to the Holy Land as a seventh grader shortly after joining the church. Over the years, it has led him to pastor churches in Fort Wayne and other parts of northeast Indiana.

His wife, Rev. Dr. Marti Gates Lundy, who is with us today as well, is also a United Methodist pastor.

Chaplain Lundy has devoted his life to God and to meeting the spiritual needs of his fellow Hoosiers and the men and women who serve our country.

I don't know if he found the U.S. Senate as big of a thrill as he has the Indianapolis Motor Speedway—we are not going to ask him that question; he has offered prayers there, too—but we are privileged to have had Chaplain Lundy deliver today's invocation.

After all, to borrow Franklin's words, we still need the assistance of Heaven and its blessings on our deliberations.

Thank you, Chaplain Lundy, for making those appeals on our behalf.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

Mr. BRAUN. Mr. President, I would like to thank you, Chaplain Lundy, for coming all the way from Terre Haute. That is on kind of the west central side of our State, a pretty good trek out here.

You heard what the senior Senator from Indiana said. You have had a storied career in the military, but I think

having a life led based upon strong faith, there is no substitute for it, serving there with the National Guard.

Indiana has the notoriety for having a lot of veterans in our own State, always coming to the call when there is a need, whether it is through the National Guard or through Active Duty.

You play such an important role because so often the troops who give the most, who serve, need the help of probably the Almighty more than any of us in that task. Thank you for doing that. Caring for that spiritual well-being, it is hard to imagine how that works in some instances. Again, doing it, you ought to feel good about the career you have made and spent, especially back home in Indiana.

We are a State where, I think, faith is the cornerstone of so much of what we do. Our families and our communities all intertwine. Every town, I think, needs that. Every State needs that.

Thank you, again, for doing this today, opened the Senate session in prayer, and for what you have done throughout your storied career.

Chaplain LUNDY. Thank you.

Mr. BRAUN. You are welcome.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

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

CONTINUING RESOLUTION

Mr. SCHUMER. Mr. President, well, yesterday afternoon, Democrats and Republicans reached an agreement on a CR that will keep the government open until November 17, and, with a strong bipartisan vote of 77 to 19, the Senate agreed to move forward last night on this legislation. It shows that, in the Senate, both parties can work through our differences for the betterment of the country.

But in the House, Republicans have tried everything but bipartisanship. Last night, the Speaker twisted himself into pretzels yet again, trying to avoid his responsibility of governing. But this is the truth: Every bill House Republicans have pushed has been partisan, every CR has been aimed at the hard right, and every path they have pursued to date will inevitably lead to a shutdown.

Speaker MCCARTHY, the only way—the only way—out of a shutdown is bipartisanship, and by constantly adhering to what the hard right wants, you are aiming for a shutdown. They want it. You know it. You can stop it. Work in a bipartisan way like we are in the Senate, and we can avoid harm to tens of millions of Americans.

Bipartisanship is precisely what we have been pursuing here in the Senate. We haven't agreed on everything, and there is still a lot more work to be done. But we haven't let our differences paralyze us, and the result has been a commonsense, bipartisan, sensible approach for a CR.

It will keep the government funded at current levels until November 17. It

will extend the Federal Aviation Administration until December 31. It will replenish the Disaster Response Emergency Fund to help communities battered by natural disasters. It will continue paying Federal firefighters. It will extend funding for community health centers, the National Health Service Corps, and other healthcare programs. And it will send more help to our friends in Ukraine.

Thank you to my colleagues who negotiated this bill in good faith. Thank you to Chair MURRAY and Vice Chair COLLINS and all the staff on the Approps committees, who worked all day and night through the weekend. And thanks to Leader MCCONNELL and the many, many Republicans who worked with us and joined us in passing this, for moving forward on this bipartisan CR.

Now, there is still much more work to do. Now that we are on the bill, it will require consent and cooperation to move it swiftly through the Chamber. We cannot have Members trying last-minute delay tactics and risk a shutdown. The CR agreement the Senate has released is a good, sensible, and bipartisan—let me emphasize “bipartisan”—bill. It is a bridge toward greater cooperation between the Chambers and away from the paralyzing extremism we have seen in the House.

And a reckless shutdown will serve no purpose except for hard-right partisans, whose only goal is to grind the gears of government down and promote extremism. It will cause grave harm for communities across the country. A reckless shutdown will cause grave harm to our border. It will affect our military by withholding their pay. It will disrupt everything from food safety inspection to TSA operations, to small business loans.

This is the problem with MAGA extremism. It is not serious about governing. Chaos is the only word in their playbook. Conflict seems to be their natural state of being. And some of them seem to exult in shutting down the government.

And if MAGA Republicans get their way, the danger for this country will be great. Extremism will be dominant. The ultrarich will be empowered. Working families will suffer. Women's healthcare will be even more curtailed.

We don't want to go down that troubling road. The Speaker should resist the 30 or so Republicans who want to drag us in that direction, and he can do it by giving bipartisanship a chance, just as we are doing here in the Senate.

SAFER BANKING ACT

Mr. President, now on SAFER Banking, this morning, as we speak, the Banking Committee is holding a markup on our bipartisan SAFER Banking Act. Today's markup of SAFER Banking represents a huge step forward in the Senate's effort to help cannabis businesses operate more efficiently, more safely, and more transparently.

I worked long and hard to get to this point with Chairman BROWN and Ranking Member SCOTT; and special thanks

to Senators Merkley, Daines, Lummis, Sinema, and Reed, because I thank them for their cooperation as well. It has been a goal of mine since we started this session of the Senate to move forward on this legislation.

And the good news: The SAFER Banking bill is about to be reported out of committee with strong bipartisan support this morning. Once it is reported out of committee, I will bring SAFER Banking to the floor for a vote as quickly as possible.

For too long, cannabis businesses have been forced to rely primarily on cash transactions—no credit or debit cards. Dealing only in cash stifles these businesses' growth, opens them up to so many risks, and makes them easy targets for theft, robbery, and other crimes. No industry has the ability to thrive if they can't access banking infrastructure, especially not an industry that is growing as quickly and is as new as the cannabis industry.

Congress has always been in the business of promoting entrepreneurs, promoting small business, and promoting job growth. We should continue doing so with the cannabis industry. Our SAFER Banking Act will connect cannabis businesses, especially ones in minority and underserved communities, to traditional financial resources like bank accounts and small business loans, creating a safer and more transparent environment for the industry to grow.

I am also committed to including criminal justice provisions like HOPE and GRAM in SAFER Banking. I have long advocated for expungement of records for cannabis offenses, and with SAFER Banking moving through the committee in a strong bipartisan way, now is the time to get it done.

So, again, I thank my colleagues on both sides for their work on this legislation, which has been an effort years—in the making. And once it is reported out of committee, I will put SAFER Banking on the floor for a vote very soon.

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.

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

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

RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

CONTINUING RESOLUTION

Mr. MCCONNELL. Mr. President, yesterday, the Senate took the first step toward avoiding a harmful and unnecessary government shutdown. The business before us now is to pass standard, short-term funding legislation to keep basic and essential government functions operating while work continues on full-year appropriations.

We are talking about making sure that the servicemembers who will con-

tinue to stand watch around the world and the Border Patrol and ICE agents who will continue to contend with the Biden administration's border crisis here at home and the VA medical providers who will continue to care for America's heroes don't have to go without their paychecks.

The choice facing Congress is pretty straightforward. We can take the standard approach and fund the government for 6 weeks at the current rate of operations, or we can shut the government down in exchange for zero meaningful progress on policy.

So let's be clear. There are a number of important discussions on additional funding priorities that are still unresolved. Many colleagues are eager to make real progress in bringing the Democrats' reckless spending to heel; to force the administration to start taking its southern border crisis seriously; to provide greater relief for victims of wildfires, hurricanes, and other natural disasters; and to deliver continued assistance to Ukraine's defense against Russia. And on all of those counts, I am one of them.

We would like to address all of those issues, but these important discussions cannot progress if Congress simply fails to complete our work on standard, short-term funding and the basic functions of government end up being taken hostage. So a vote against a standard, short-term funding measure is a vote against paying over a billion dollars in salary for Border Patrol and ICE agents working to track down lethal fentanyl and tame our open borders. Letting FEMA's Disaster Relief Fund dry up is not a productive way to advocate for victims of disasters. Letting small businesses' loan applications collect dust is not a productive way to help working Americans contend with Washington Democrats' historic inflation.

Shutting down the government isn't an effective way to make a point. Keeping it open is the only way to make a difference on the most important issues we are facing.

ECONOMIC RECOVERY

Mr. President, on another matter, the American people are absolutely sick—sick and tired—of living under Bidenomics. According to one recent survey, nearly 70 percent of Americans think the economy is actually getting worse. And support for President Biden's handling of the economy is at the lowest level of his Presidency.

It might have something to do with the fact that since President Biden took office, soaring inflation has turned rising wages into net pay cuts for American workers. Real wages are down 2.3 percent since 2021. Household incomes fell in 17 States last year. And for all but the wealthiest 20 percent of households, American families' savings have actually shrunk.

A food truck owner in Atlanta told reporters recently that he is paying—listen to this—25 percent more for ingredients, while the lines for his sand-

wiches are dwindling as customers cut back on their spending. Here is what he said:

I've had to raise some of my prices just to kind of keep up to make it. . . . And gas prices, when you drive a food truck, you only get eight miles a gallon. So the cost of [my] fuel really hurts.

Here is what the Fed Chairman Jerome Powell said last week:

People hate inflation, hate it.

The Chairman of the Fed is absolutely right. Working families are tired of wondering how to make ends meet every month. They are tired of being told that Bidenomics is working for them.

I suggest the absence of a quorum.

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

The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

STOP CSAM ACT

Mr. DURBIN. Mr. President, a few weeks ago, regulations enacted in the European Union went into effect that cover more than a dozen of the world's biggest tech platforms. This includes online marketplaces, app stores, and social media platforms like Facebook and Instagram.

The European Union regulations address a host of harmful practices, including preventing targeted advertising, minimizing illegal content and hate speech, and, most importantly, protecting kids from horrible content.

If companies fail to comply in the European Union, they could be fined up to 6 percent of their annual global revenue. They can also be banned from operating in the European Union countries.

This shows that Big Tech can be regulated. It is possible to craft rules to protect our families without breaking the miracle of the internet.

In contrast to what has happened in Europe, here in the United States, Congress has failed to regulate high tech. And while we sit on our hands, other nations are moving ahead and shaping the rules of the digital world.

Worse than that, while we fail to act, children are left in harm's way. We can, and we must, regulate Big Tech to protect our kids.

Let me tell you about one young man named Cornell Johnson. He is from Illinois. He is a man who preyed on 17 victims, ranging in age from 4 to 17 years old and located across 8 States. His tool of choice: Facebook.

Johnson would set up profiles claiming to be a woman and then use these Facebook profiles to contact girls all over the country. First, he would entice these girls to send him sexually suggestive images of themselves in various stages of undress. Then he would

use these images to coerce the victims into sending him sexually explicit content. He would threaten to post the nude pictures online unless the young victims submitted to his demands for still more explicit images.

Horrifically, Johnson also directed his teenaged victims to sexually abuse younger children in their household and send him the images. He was prosecuted and sentenced to 45 years in Federal prison.

Johnson was held accountable for his conduct, but what about Facebook? Johnson could not have committed his crimes without the social media platform. He could not have sexually exploited those 17 children in 8 different States. Yet our current law, as written, shields Facebook from any accountability for the role they played in making Cornell Johnson's crimes possible.

Sadly, there are many examples where Big Tech is failing children in America.

Earlier this year, the Wall Street Journal exposed how Instagram's algorithms are connecting pedophiles and guiding them to locations where they can purchase child sexual abuse material. The platform permitted searches with terms associated with child abuse so vile that I won't repeat them in this Chamber. Senator LINDSEY GRAHAM and I wrote to Meta, Instagram's parent company, in June asking for answers to explain these algorithms. We are still waiting.

On X, formerly known as Twitter, Elon Musk reinstated the account of a user who was banned for tweeting an image of a toddler being tortured. As of late July, that image had drawn more than 3 million views and 8,000 retweets. A study released in June found that Twitter failed to stop the uploading of copies of known child sexual abuse material, CSAM. The study also found that Twitter would sometimes allow accounts to remain active until they had uploaded CSAM multiple times. Elon Musk's claims of a zero-tolerance policy for child exploitation on his platform doesn't reflect the disturbing reality.

Another company failing our children is Apple. In 2021, the company paused its plan to detect CSAM uploaded to its cloud service. Then last month, Wired published a letter from Apple in which the company confirmed it will make no effort to address child sexual abuse material stored on its platform. Apparently, Apple views permitting this ongoing child sexual exploitation as an acceptable and necessary cost of protecting their right to privacy.

But I believe we can live in a world where user privacy and child safety can coexist, and I believe I have written a bill that does just that. My STOP CSAM Act will end Big Tech's free ride and give victims a way to hold these companies accountable for their failure to stop online child sexual exploitation and, in some cases, for their actions that make it worse.

Importantly, the bill achieves this goal in a manner that will avoid any unintended impact on technology that protects privacy.

The STOP CSAM Act is the product of extensive consultations with stakeholders. It passed out of the Judiciary Committee, which I chair, unanimously—every Democrat, every Republican supported it—and I am working to bring it to the floor.

The Senate must act. Our failure to do so will preserve the status quo where our children are being sexually exploited online every single day. What a nightmare. As a father, mother, grandfather, grandmother, you think all the time: What are they looking at on those phones all day long? What is on those screens? What message is being sent to them? What is changing them from that experience? And what can I possibly do as a parent or grandparent to police what is going on there?

We need to have the law on our side. Sure, I want to be certain to recognize the basic fundamental constitutional rights in our country, but I have to acknowledge as well that we aren't doing anything at this point. The current law says that these platforms are not responsible for whatever they do or fail to do. It is a get-out-of-jail-free card completely, and it has been that way for decades.

We have to wake up to the reality of the year we live in and the reality of life in families across America. Even the most conscientious parents cannot know what is going on every hour of every day with children and these screens.

The sexploitation which I outlined here in detail is happening, and what are we doing about it? If we are going to help Americans raise good kids—and we want them all to raise good kids—we have to give them the tools and we have to back them up with laws that say we are going to take it seriously. The European Union has done it, so why not the United States of America? It is time for us to make progress in this area for the good of our children.

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.

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

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

BORDER SECURITY

Mr. THUNE. Mr. President, "No end in sight"—that is how one Border Patrol chief described the influx of migrants in the Rio Grande Valley sector of the southern border in March 2021. "No end in sight." That was 2½ years ago, and there is still no end in sight to this crisis.

On Friday, we learned that 232,972 individuals were caught trying to ille-

gally cross our southern border in the month of August—232,972. That is the highest August number yet for the Biden administration. All signs suggest that we are on track for a third record-breaking year of apprehensions at the southern border. In fact, roughly 11,000 individuals were apprehended attempting to cross our southern border in just 24 hours this past weekend—11,000 in 24 hours.

If the White House really thinks it is "stopping the flow at the border," as the White House Press Secretary said last month, it should think again.

It is important to note that the numbers I have mentioned only reflect individuals who were actually apprehended. They don't include individuals who have made their way into the country illegally without—without—being caught. Since the beginning of the Biden administration, there have been at least 1.5 million known "got-aways," individuals the Border Patrol detected but was unable to apprehend.

The Biden administration's so-called border plan is clearly not working, and State and local governments are stretched thin. And I am not just talking about border towns and border States; I am talking about places like New York City, Chicago, Massachusetts. As migrants flood into these locations, blue States and blue cities are learning what border States have been experiencing for years, and they are struggling with the costs this crisis is imposing.

Denver, CO, has spent almost \$25 million sheltering migrants.

Chicago is projected to spend more than \$250 million this year on migrant care.

New York City could spend \$12 billion—billion with a "b"—by 2025 on the migrant crisis, possibly precipitating cuts to city services. Just to give you one example of the current crisis, the city has begun housing 3,000 illegal immigrants at a makeshift shelter on local soccer fields, eliminating a popular source of activity and recreation for local children.

Here is what New York City Mayor Eric Adams had to say about this crisis the other day, and I quote:

Let me tell you something, New Yorkers, never in my life have I had a problem that I did not see an ending to—I don't see an ending to this. This issue will destroy New York City.

That from the mayor of New York.

The border crisis we are experiencing is a predictable outcome of the decisions made early in the Biden administration. The President's team was warned of the possibility of a migrant surge. Yet the moment the President took office, he set about dismantling the immigration policies of his predecessor and weakening our Nation's border security. And it wasn't long before the border was overwhelmed.

And while after 2 years the Biden administration finally started to, at least halfheartedly, acknowledge the border crisis, what few proactive measures the

administration has taken have been ineffective, to say the least. As one columnist put it recently in the *Washington Post*:

The Biden administration's various efforts have amounted to Band-Aids on a massive, open wound.

I am also deeply concerned about some of the new policies the administration seems to be considering. The Department of Homeland Security is reported to be considering requiring some illegal migrants to remain in Texas or, perhaps, other border States while they await asylum screening. Now, I am not sure if this an attempt to spare blue States from having to deal with the border crisis or a recognition that releasing tens of thousands of illegal immigrants into the interior of the country isn't a good idea; but, regardless, forcing border communities to shoulder even more of the border crisis is a terrible and profoundly unjust idea.

How about actually turning illegal immigrants back at the borders of this country instead of keeping them within the borders and border States?

And then there is the supplemental funding request the White House sent to Congress. As our colleague Senator HAGERTY has pointed out, the request includes a provision that would allow Immigration and Customs Enforcement funding to be used for shelters and migrant services. In the words of the Senator from Tennessee, this could:

[E]ffectively convert ICE from a law enforcement agency into a U.S. travel agency for illegal aliens and into a grant-making bureaucracy for sanctuary cities.

I am pleased that the administration and Mexico have reached an agreement in which Mexico will attempt to reduce pressure on its border cities by sending migrants back to their home countries, among other reforms. But after letting this crisis deepen for 2½ years, the administration has a lot more work to do.

Currently, immigration is high on Americans' list of concerns, and it is no wonder. Americans can tell that our borders are open and that things are not getting better. They know that our current situation is not sustainable. It would be nice if the President could figure that out as well.

Ultimately, it is really quite simple. President Biden created this crisis—no ifs, ands, or buts about it—and he has the power to end it. He just needs to decide he is going to enforce the law. Pure and simple.

Unfortunately, until he does so, I am afraid that it will continue to be no end in sight at our southern border.

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.

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

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

Mr. CORNYN. Mr. President, more than 4½ months ago, title 42 expired. That was on May 11 of this year. Title 42, just to refresh everybody's memory, was a public health order that was designed to prevent the spread of COVID-19, particularly from people entering the country from other countries around the world.

In the lead-up to title 42's expiration, the Biden administration rolled out its plan to address the expected surge in migration. This plan was called the Circumvention of Lawful Pathways rule, and it was sold as a way to discourage illegal immigration and restore some sense of order along the border.

As I and countless others have pointed out, this wasn't a real solution. This was a shell game. It was an attempt to conceal the scope and scale of the border crisis and to process migrants into the United States at an unprecedented rate. Let me just paraphrase that. This was not designed to deter people from illegally immigrating to the United States. It was a way to greet them and welcome them and then invite them to enter into the United States without following the legal rules and laws that Congress had passed.

Well, despite the people who pointed out that this was really a ruse—a Trojan horse, if you will—the administration moved forward with the plan. Just days before title 42 was lifted, Homeland Security Secretary Alejandro Mayorkas tried to assure the American people that the Biden administration was in control.

He said:

The border is not open; it has not been open; and it will not be open subsequent to May 11.

Well, at the time, it was clear that at least two parts of his statement were false. The border was open. That is why more than 10,000 migrants a day were crossing the southern border in the final week of title 42. How do you say the border is not open when 10,000 people are traversing the border each day without going through our legal immigration system? And the border had been open, and that is why the United States broke nearly every record in the book for border crossings on President Biden's watch. So it was open, and it had been open, and it is clear today that the border is still open even with the administration's new plan in place.

Despite the initial drop in border crossings after title 42 was lifted, illegal border crossings have surged once again. In August, Customs and Border Protection apprehended just under 233,000 migrants, setting the record for the busiest month this calendar year. As you might have predicted, the cartels simply sat back to assess the lay of the land and this new state of affairs and adapted their operations to exploit the rule's numerous loopholes.

Unfortunately, the challenges at the border have only grown since August. Over the last few weeks, areas along the entire U.S.-Mexico border have ex-

perienced a new surge in immigration. One area that is under tremendous strain is the west Texas town of El Paso. Last week, more than 8,000 migrants crossed into Eagle Pass. Excuse me—Eagle Pass. This isn't a major city. In fact, I mentioned El Paso by mistake. Eagle Pass is actually a much smaller town. This isn't a major city with extensive resources. Eagle Pass is a small border town with a population of roughly 28,000. It doesn't have the resources to house, feed, or transport thousands of migrants each week. Eagle Pass is bearing the brunt of this surge, but it is not alone. El Paso, that I mentioned earlier, is also experiencing a massive influx.

Several weeks ago, El Paso, in far west Texas, was seeing roughly 350 to 400 border crossings per day. In recent days, that number has skyrocketed to more than 2,000 a day.

Customs and Border Protection is releasing more than a thousand migrants a day into the community. And these aren't people, necessarily, who are claiming asylum. They are simply just trying to keep the line from stacking up and overloading the processing facilities of Customs and Border Protection.

So what are they doing? They are simply releasing them into the community, and they are on their own but for the help of some of the nongovernmental organizations that are trying to provide humanitarian assistance.

The city of El Paso has limited resources to care for migrants, and those resources are quickly being depleted. Over the weekend, El Paso Mayor Oscar Leeser said the city had reached a "breaking point" due to the growing number of migrants. That may sound familiar. That sounds like another mayor, Mayor Eric Adams of New York City, who said the influx of migrants into New York City is creating extreme danger and reaching the breaking point.

I am, generally speaking, a pretty optimistic person. But I don't see any indication that anything is going to change in the Biden administration's abdication of its responsibility to secure the border and have orderly, safe, and legal immigration.

People around the world see that America's southern border is wide open, and they are making their way to the United States.

I have mentioned this story before, but when four of our colleagues on the Democratic side of the aisle and four on the Republican side went to Yuma, AZ, with Senator SINEMA and Senator KELLY, who represent that State, we found a sleepy little agricultural community where the chief of the Border Patrol sector there welcomed us saying: Last year we encountered people from 174 different countries speaking more than 200 languages. Senator KELLY, one of the Arizona Senators, pointed out that there was an airport in a northern Mexican city called Mexicali and that, evidently, people

were just flying into that city and then literally Ubering over to the Yuma sector and claiming asylum.

The New York Times reports that in August, nearly 82,000 migrants have passed through what is known as the Darien Gap, which is the sole land route to the United States from South America, describing it as “by far the largest single-month total on record.”

The border crisis has had—and continues to have—a major impact on border communities in my State, but the scale of the Biden border crisis means the burden is now being shared more broadly with communities across the country.

Liberal enclaves, self-styled sanctuary cities like New York and Chicago have been longtime supporters of open-border policies, I suspect, primarily because it hasn't affected them in a negative way like it has always done in my State and my communities.

These cities proudly identify themselves as sanctuary cities and have even criticized commonsense measures to enforce our immigration laws. But as more and more migrants have poured into these liberal cities, the narrative has changed, as I pointed out a moment ago.

Mayor Adams of New York City, for example, issued a stark warning, saying it will “destroy New York City.”

The Democratic Governor of New Jersey, who once vowed to turn New Jersey into a sanctuary State, now says the State is at capacity. We have seen the same story play out in Boston, Chicago, and even right here in Washington, DC.

Even major sanctuary cities that are more than a thousand miles from the southern border can't keep up with the volume of migrants from the Biden border crisis. As our colleagues know, this is more than a humanitarian crisis. This is a public safety crisis as well.

When border agents are pulled off the frontlines to process, transport, and care for migrants, it creates a vulnerability for cartels and criminal organizations to then move illicit drugs across the border. They are given a clear pathway—literally, a multilane highway—to smuggle fentanyl, heroin, and other dangerous drugs across the border and into cities and communities all across this country.

This isn't news to the cartel. This is their business model: Flood the zone with people, divert law enforcement, and then move the drugs into the United States. Last year alone, 108,000 Americans died as a result of those drugs.

The cartels know that this game that they are playing—or this business model—inures to their benefit. We saw this 2 years ago, when 15,000 migrants crossed into Del Rio in a matter of days. Del Rio is this little city of 35,000 people. They had an influx of 15,000 migrants—mostly Haitians—in just a matter of days.

It looks like we are seeing this history repeat itself. Border Patrol Chief

Jason Owens said he believes the surge last week was by design. As I said, cartels and these criminal organizations know they can flood the zone with migrants and distract law enforcement. It creates open corridors for drug traffickers, human smugglers, maybe even terrorists, and criminals of all stripes to sneak across the border.

When talking about the threats posed by fentanyl and criminal organizations, Chief Owens said:

It's about as bad as I've ever seen it.

This is somebody who has given his professional lifetime to serving the country as a member of the Border Patrol.

Communities across our country are being ravaged by the overdose epidemic, which is killing more than 110,000 Americans a year, and President Biden seems content to let the carnage continue. He has shown no interest in securing the border and cutting off the cartels' illicit trade corridors.

I can't reach any other conclusion but to think that President Biden doesn't care. If he did care, he would do something about it. But he, obviously, hasn't done anything about it, and the only obvious conclusion is that he doesn't care.

We are seeing clear and convincing evidence, both at the southern border and major cities, that President Biden's border plan—if you could call it that—isn't working. Apprehensions are on the rise, detention facilities are over capacity, and cities and nonprofit organizations are stretched beyond their limits to deal with the migrants with weak or nonexistent claims for asylum who never should have been released in the first place. The so-called Circumvention of Lawful Pathways rule has made the border crisis worse, not better.

In many ways, that seems to be the theme repeated over and over again: taking a bad situation and making it worse. And nowhere is that more evident than at the border.

What we have seen is the Biden administration is using this rule to funnel migrants into unlawful parole programs, essentially creating another class of immigrants with flimsy immigration status.

Rather than deliver consequences for illegal immigration, the administration is simply creating a new set of magic words migrants have to say in order to avoid immediate removal.

This rule is riddled with loopholes. And when too many migrants claim to fit within these loopholes, they will once again overwhelm DHS capacity. It is not fair to the migrants who have been led to believe that they can depend on these parole programs long term, and it is not fair to those with legitimate claims for asylum—which are maybe 10 to 15 percent of the people claiming asylum—to have to wait in line for years upon years with people who have no legitimate claim to asylum. And the reason they have to do that is because of the backlog in the immigration courts.

As we have seen with DACA, which is Deferred Action on Childhood Arrivals—these are the Dreamers, people who came as children with their parents into the country and for whom I have complete sympathy. We don't hold children responsible for what their parents do. Yet these migrants will face years of uncertainty and heartache as a result of the procedures employed by President Obama at the time, which have now been litigated in court for 10 years. Right now, the current status is the courts have said that what President Obama tried to do was illegal. He didn't have that authority.

It is time for Congress to intervene. We, obviously, can't depend on leadership—or even participation at this point—from the Biden administration.

This summer, I introduced a Congressional Review Act resolution that puts an end to President Biden's shell game. We know from the press that immigration groups, both on the right and the left, oppose the Circumvention of Lawful Pathways rule. Earlier this year, some of our Democratic colleagues said that they were deeply disappointed with the administration's decision to move forward with the rule.

I hope my colleagues on both sides of the aisle who have raised concerns over this policy will support the effort to overturn it.

Our colleagues know the impact of the border crisis, and they know that it is being felt far beyond the U.S.-Mexico border. Cities across the country, from El Paso to New York City, are overwhelmed by the burden of caring for these migrants who have no plausible claim to be in the country legally. Yet by sheer volume, they have overwhelmed the system.

Mayors and Governors are sounding the alarm over the unbearable weight of this crisis. They can't look for help at the White House; so they ought to be looking to us to do our job and provide that help.

At the same time, communities across the country are being terrified by the destruction and the death caused by the fentanyl crisis. On Monday, I sat down with parents, students, and first responders in Dallas, TX, who really drove home this point.

Each of our colleagues should have a vested interest in ending policies that are fueling the humanitarian and public safety crisis that begins at the border and yet reaches into every community across America. I didn't think it was possible for the Biden border crisis to get worse, but it clearly has.

Congress needs to act before the situation gets even more dangerous and worse and to force the Biden administration to put forth a serious plan that actually discourages illegal immigration and doesn't just invite migrants without any plausible or legitimate claims to being in the country and in the great American heartland.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

INFLATION

Mr. KENNEDY. Mr. President, I grew up in a wonderful small town in Louisiana called Zachary.

Now, today, Zachary is a city. It is five times larger than in the days I spent there growing up because Zachary, a number of years ago, got very serious about improving elementary and secondary education. The Presiding Officer knows something about that. So Zachary is much larger today, and if anyone ever doubts that growth and economic development is centered around quality public education, all you have to do is look at Zachary.

But when I grew up in Zachary, it was very small—one stoplight. We were so small, we didn't have a town drunk; several people had to take turns. But I loved it. I loved Zachary High School. You know, some people did not like high school. I am not one of them. I cared about two things: basketball and cheerleaders. And I wasn't very good at either one, but I had fun trying.

I also loved baseball, in part because my dad, my late father, was a baseball fan. And I was an OK fielder in baseball, but I had to quit the sport because I couldn't hit a curve. I was OK with the fastball, but I couldn't hit a curve. And I remember my coach telling me: KENNEDY, keep your eye on the ball, OK? Keep your eye on the ball.

And I tried, but I just couldn't do it.

My purpose in rising today is to suggest that we should keep our eye on the ball. We are faced with many difficult issues in the Senate today. We always are, but I think that is especially true today. My colleague Senator CORNYN just talked about one: immigration. Of course, the war in Ukraine is on everyone's mind. And I could go on and on and on.

But I don't want my colleagues to forget about one of the most important issues of all facing the American people today, and that is the cost of living in our extraordinary country—inflation. In my State, the median household income for a family of four is about \$55,000. That means half of our families make more and half of our families make less. But the mean is \$55,000 for a family of four.

As a result of President Biden's inflation—and, as an aside, I would note, I say this with no joy whatsoever—inflation in America today is manmade, and that man's name is President Joe Biden. In my State, where the mean household income is \$55,000, the average American family is paying \$800 a month more—a month; not a year, a month more—to live in this wonderful country as a result of Bidenomics. That is \$9,600 a year that a family of four making \$55,000 a year has to find.

And my people, they have maxed out their credit cards, and they have spent their savings. And they borrowed money, and they have had to take money out of their children's 529 college savings program. It is strangling my people. It is not any better in other States.

I looked at the numbers this morning. What we call overall inflation right now is about 3.7 percent. Core inflation, if you take out food and energy prices, as many of the economists like to do, is 4.3 percent. So 3.7 percent overall, 4.3 percent if you take out food and energy. Now, we are doing better. A year ago, those numbers were double. And I am so pleased that inflation has fallen just a bit, but I want you to understand what that means.

Falling inflation just means that prices—they are still rising, but they are not rising as fast as they were. Let me say that again. Falling inflation just means prices are still going up every month, every day, but they are not going up as fast as they were. We call that disinflation. Falling inflation also means that prices overall are not going down. That is deflation. My point is, even though inflation is falling—and I am so glad it is—all that means is that prices are not going up as fast as they were.

And we are going to be stuck with these high prices. They are going to be permanent, even if inflation goes to zero. What does that mean? Well, let's look at basic goods. Even if inflation goes to zero tomorrow, since February of 2021, electricity is up 24 percent. We are stuck with that. When inflation falls, electricity is not going to go back down to where it was. We are going to continue to pay 24 percent more. And gas—in Louisiana, gas is up 71 percent. We are stuck with that, even if inflation falls to zero. Eggs are up 28 percent; potato chips are up 28 percent; bread, 28 percent—permanent—coffee, 30 percent; rice, 28 percent; flour, 29 percent; milk, 17 percent; ice cream, 20 percent; chicken, per pound, 24 percent. And that is why the American people, in large part, are struggling so economically.

You should not have to sell blood plasma in America, the wealthiest country in all of human history, in order to go to the grocery store. It is not any worse, our inflation—which I am afraid these high prices, as I said, are going to be permanent. It is not any better if you look at necessities by category. All goods—as a result of President Biden's inflation, starting in February of 2021 and running through today, all goods are up an average of 17 percent.

How many American families have seen their income go up 17 percent? Not many. Food—all food, average—an average—is 19 percent. Housing is up 16 percent. Clothing is up 10 percent. Used cars and trucks are up 32 percent. And even if we can get inflation down to zero, we are going to be stuck with those prices. New cars are up 20 percent. Mortgage rates are up 161 percent.

Let me end as I began. We have a lot of issues that we are struggling with right now, but among the five things that moms and dads in America worry about when they lie down to sleep at night and can't is the cost of living in our wonderful country.

And these are the people who made this extraordinary country. America is not great because of the Federal Government. America is great because of ordinary people doing extraordinary things—people who just get up every day, go to work, obey the law, pay their taxes, and try to do the right thing by their kids.

President Biden's inflation is strangling a free people. The American people deserve better. And I don't want us to lose sight of that fact as we grapple with other important issues.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. ROSEN).

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

The PRESIDING OFFICER. The Senator from Rhode Island.

CONTINUING RESOLUTION

Mr. REED. Madam President, many of us in this Chamber, on both sides of the aisle, work hard to govern responsibly, and we are deeply frustrated by those who are deliberately attempting to shut down the Federal Government.

A fringe element of extremist House Republicans has pushed Congress to the brink of another costly, wasteful shutdown. A government shutdown of any duration would harm hard-working Americans and our economy. Shutdowns cost taxpayers billions of dollars per week. They cost businesses money. They could even cause a downgrade to the Nation's credit rating, and they force an unnecessary disruption of many vital services.

Federal workers in all 50 States who perform essential work, like food inspectors, TSA agents, or park rangers, would stop getting paychecks. A Federal shutdown can halt projects and cause Federal lending to cease. Clinical trials and research at the NIH could be forced to stop. Effective programs like the Women, Infants, and Children Nutrition Program would be left in a vulnerable state.

As for national defense, a government shutdown would be extremely damaging; and in the midst of the blockade of key military promotions, it would be another Republican-inflicted wound.

A shutdown could halt our munitions production lines as it did in the 2013 shutdown. This would be very shortsighted—very shortsighted—at a time when we are focused on ramping up munitions production for Ukraine and with an eye on future needs in the Indo-Pacific.