

you have a beach house. The government shouldn't be paying for it." So I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Louisiana.

Mr. KENNEDY. Mr. President, I appreciate my colleague Senator PAUL and his comments. I, like him, would like to continue to work with our colleagues to reform this program. But when reality calls, you shouldn't hang up, and that is what we have done here today, because this government is going to shut down. I hope I am wrong—God, I hope I am wrong—but I think this government is going to shut down midnight Sunday night, and the National Flood Insurance Program is going to shut down with it, right smack dab in the middle of hurricane season.

I thought the first role of government—I thought this is what Republicans believe; I thought this is what Libertarians believe—the first role of government is to protect people and property. And all the U.S. Senate has done today is expose ordinary Americans—not millionaires; ordinary Americans—who live in modest homes, who get up every day—I am going to say it again—and go to work and obey the law and pay their taxes and try to do the right thing by their kids and whose home is their biggest asset. We are going to tell them: It is OK. Even though you can't buy the flood insurance from a private provider, the government is going to stop you from buying it from the National Flood Insurance Program right in the middle of hurricane season.

That is not what this country is all about.

All my bill would have done—and I will be back. Just like the Terminator, I will be back. All my bill would do would be to take the current program—the current program, I will concede—I agree with Senator PAUL—the current program looks like somebody knocked over a urine sample. It is that bad. But we need to work to improve it. But in the meantime, we do not need to allow it to expire.

I yield the floor.

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

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the veto message

with respect to S.J. Res. 9, which the clerk will report.

The senior assistant legislative clerk read as follows:

Veto message, a joint resolution (S.J. Res. 9) 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".

The PRESIDING OFFICER. There will now be 20 minutes of debate equally divided between the two leaders or their designees.

The Senator from Kansas.

Mr. MARSHALL. Mr. President, today, I rise in support of the passage of S.J. Res. 9, providing for congressional disapproval of the U.S. Fish and Wildlife Service's rule regarding the lesser prairie-chicken under the Congressional Review Act over the objections of President Biden.

This week, the White House continued their war on American agriculture with its latest veto on our bipartisan lesser prairie-chicken resolution, S.J. Res. 9.

The White House has shown time and time again how truly out of touch they are with grassroots farmers and ranchers and their commitment to the environment.

Recently, the White House made the bold claim that the prairie-chicken population serves as an indicator for healthy grasslands and prairies.

To start with, I want to personally invite the U.S. Fish and Wildlife folks to the great plains of Kansas to see firsthand the many conservation efforts of our local landowners. The comment from the White House suggests that the prairies of Kansas are unhealthy, that our ranchers are the problem and not the solution. It seems obvious that once again the Agencies know little to nothing about the blood, sweat, and tears and the pride our landowners pour into their land to make sure it is cleaner, safer, and healthier for future generations.

Furthermore, the White House suggests our efforts in Congress to delist the bird "create uncertainty for landowners and industries who have been working for years to forge the durable, locally-led conservation strategies."

Mr. President, all of the industries impacted by this listing, who are supporters of our resolution, would strongly disagree with your statement.

However, the White House is right on one thing—it is right on the count. For over 20 years, Federal, State, and private landowners have voluntarily collaborated with the Fish and Wildlife Service to conserve the lesser prairie-chicken and its habitat. These partnerships have already resulted in conservation agreements covering roughly 15 million acres of potential habitat for the species. In fact, these efforts have been so successful that the lesser prairie-

chicken species is now considered stable in Kansas.

On the other hand—make no mistake about it—this veto creates uncertainty. I have to ask the White House: What message does listing the bird now, after all the good conservation work, send to those of us who have successfully labored to improve the lands handed to us from previous generations? I will tell you the message it sends: that the hammer will still fall regardless of these successful efforts, and the government will step in and regulate our industry out of existence despite successful conservation efforts.

The Federal Government thinks it knows best when it comes to conservation. I rise to say that this assumption is wrong. Despite billions of dollars spent in the name of the Endangered Species Act, the law continues to fail at its underlying mission of recovering and delisting species. Less than 2 percent of all listed species have been removed from ESA protection since 1973.

It is clear the ESA is merely another tool weaponized by this administration to attack those of us in rural America. This is unsurprising coming from a White House that vetoed the bipartisan resolution striking down the waters of the U.S. rule.

Through a combination of public and private efforts, the lesser prairie-chicken is now better protected than at any previous time. A listing as "threatened" or "endangered" will not provide any additional conservation benefits above what already exist.

While the numbers of the lesser prairie-chicken tend to follow rainfall, numbers range-wide have been growing since the Obama administration attempted to list the bird in 2014.

No one in this body wants to see this bird go extinct. No oil producer, rancher, farmer, wind energy producer—none of us wants the demise of the prairie-chicken. That is why voluntary partnerships have worked. A listing now will only push oil and gas developments to countries that have long track records of violating human rights or extract these important energy sources in a manner which is more harmful to the environment than American producers.

Whether it is gas, diesel, wind, or solar energy, a listing now will only increase the cost of energy for Kansans. A listing now will federalize millions of acres of ranchland, increasing the regulatory burden for our farmers and ranchers, ultimately increasing the cost of food. I ask you, for what purpose? An attempt to protect a species by an Agency which has only successfully recovered 2 percent of species it has listed.

I know and believe in the local communities that have and will continue to do what is best for the land, which is what will be best for the lesser prairie-chicken.

This administration continues to ignore the impact that overregulation

has on American industries. This administration's costs of rules and regulations already outpace the last two administrations combined. From January 21, 2021, through August 4 of this year, final rules from the current administration imposed roughly \$400 billion in total costs, with more than 232 million hours of annual paperwork.

In summary, our resolution is one of the many important steps the Senate GOP has taken to unburden the economy from the bureaucratic harassment being employed by the Biden administration.

I again urge you to join me in applauding rather than punishing good, voluntary conservation efforts and support the joint resolution for congressional disapproval of the lesser prairie-chicken listing over the objections of the President.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. HEINRICH. I yield back all time on our side.

VOTE ON VETO MESSAGE

The PRESIDING OFFICER. Hearing no further debate, under the previous order, the question is, Shall the joint resolution (S.J. Res. 9) pass, the objections of the President of the United States to the contrary notwithstanding?

The yeas and nays are required under the Constitution.

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

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

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

Mr. THUNE. The following Senators are necessarily absent: the Senator from Louisiana (Mr. CASSIDY), the Senator from Utah (Mr. ROMNEY), and the Senator from South Carolina (Mr. SCOTT).

The result was announced—yeas 47, nays 46, as follows:

[Rollcall Vote No. 242 Leg.]

YEAS—47

Barrasso	Graham	Murkowski
Blackburn	Grassley	Paul
Boozman	Hagerty	Ricketts
Braun	Hawley	Risch
Britt	Hoeben	Rounds
Budd	Hyde-Smith	Rubio
Capito	Johnson	Schmitt
Collins	Kennedy	Scott (FL)
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Lummis	Tillis
Crapo	Manchin	Tuberville
Cruz	Marshall	Vance
Daines	McConnell	Wicker
Ernst	Moran	Young
Fischer	Mullin	

NAYS—46

Baldwin	Hickenlooper	Rosen
Bennet	Hirono	Sanders
Blumenthal	Kaine	Schatz
Booker	Kelly	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Sinema
Carper	Lujan	Tester
Casey	Markey	Van Hollen
Coons	Menendez	Warner
Cortez Masto	Merkley	Warnock
Duckworth	Murphy	Warren
Durbin	Murray	Welch
Fetterman	Ossoff	Whitehouse
Gillibrand	Padilla	Wyden
Hassan	Peters	
Heinrich	Reed	

NOT VOTING—7

Brown	Romney	Stabenow
Cassidy	Scott (SC)	
Feinstein	Smith	

The PRESIDING OFFICER (Mr. BOOKER). On this vote, the yeas are 47, the nays are 46.

Two-thirds of the Senators being duly chosen and sworn not having voted in the affirmative, the joint resolution on reconsideration fails to pass over the President's 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

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the veto message with respect to S.J. Res. 24, which the clerk will report.

The legislative clerk read as follows:

Veto message, a joint resolution (S.J. Res. 24) to provide 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".

The PRESIDING OFFICER. Under the previous order, the question is, Shall the joint resolution (S.J. Res. 24) pass, the objections of the President to the contrary notwithstanding?

The yeas and nays are required under the Constitution.

The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. THUNE. The following Senators are necessarily absent: the Senator from Louisiana (Mr. CASSIDY), the Senator from Utah (Mr. ROMNEY), the Senator from South Carolina (Mr. SCOTT), and the Senator from Ohio (Mr. VANCE).

Further, if present and voting: the Senator from Ohio (Mr. VANCE) would have voted "yea."

The yeas and nays resulted—yeas 47, nays 45, as follows:

[Rollcall Vote No. 243 Leg.]

YEAS—47

Barrasso	Graham	Mullin
Blackburn	Grassley	Murkowski
Boozman	Hagerty	Paul
Braun	Hawley	Ricketts
Britt	Hoeben	Risch
Budd	Hyde-Smith	Rounds
Capito	Johnson	Rubio
Collins	Kennedy	Schmitt
Cornyn	Klobuchar	Scott (FL)
Cotton	Lankford	Sullivan
Cramer	Lee	Thune
Crapo	Lummis	Tillis
Cruz	Manchin	Tuberville
Daines	Marshall	Wicker
Ernst	McConnell	Young
Fischer	Moran	

NAYS—45

Baldwin	Heinrich	Reed
Bennet	Hickenlooper	Rosen
Blumenthal	Hirono	Sanders
Booker	Kaine	Schatz
Cantwell	Kelly	Schumer
Cardin	King	Shaheen
Carper	Lujan	Sinema
Casey	Markey	Tester
Coons	Menendez	Van Hollen
Cortez Masto	Merkley	Warner
Duckworth	Murphy	Warnock
Durbin	Murray	Warren
Fetterman	Ossoff	Welch
Gillibrand	Padilla	Whitehouse
Hassan	Peters	Wyden

NOT VOTING—8

Brown	Romney	Stabenow
Cassidy	Scott (SC)	Vance
Feinstein	Smith	

The PRESIDING OFFICER (Mr. FETTERMAN). On this vote, the yeas are 47, the nays are 45.

Two-thirds of the Senators being duly chosen and sworn not having voted in the affirmative, the joint resolution on reconsideration fails to pass over the President's veto.

The Senator from Delaware.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. CARPER. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations en bloc: Calendar Nos. 300 and 324; that the Senate vote on the nominations en bloc without intervening action or debate; that the motions to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action and the Senate resume legislative session.

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

The question is, Will the Senate advise and consent to the following nominations en bloc: Robert G. Taub, of New York, to be a Commissioner of the Postal Regulatory Commission for a term expiring October 14, 2028 (Reappointment); and Thomas G. Day, of Virginia, to be a Commissioner of the Postal Regulatory Commission for a term expiring October 14, 2028?

The nominations were confirmed en bloc.