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Senate

(Legislative day of Friday, September 22, 2023)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the Honorable MARK KELLY, a Senator from the State of Arizona.

PRAYER

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

Let us pray.

Eternal God, our bulwark of safety, we worship You.

Though confronted by challenges, we continue to bless Your Name at all times. May our praises to You continually reside in our mouths with reverence. We speak of Your mercies that are new each day as we celebrate Your great faithfulness.

Lord, continue to manifest Your steadfast love to those who place their hope in You. Continue to use our Senators for Your glory. Continue to be our shelter from the storm.

We pray in Your matchless 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

Washington, DC, September 30, 2023.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable MARK KELLY, a Senator from the State of Arizona, to perform the duties of the Chair.

PATTY MURRAY,
President pro tempore.

Mr. KELLY 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—Continued

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 3935) to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes.

Pending:

Schumer (for Murray) amendment No. 1292, in the nature of a substitute.

Schumer amendment No. 1293 (to amendment No. 1292), to add an effective date.

Schumer motion to commit the bill to the Committee on Commerce, Science, and Transportation, with instructions, Schumer amendment No. 1294, to add an effective date.

Schumer amendment No. 1295 (to (the instructions) amendment No. 1294), to modify the effective date.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. WELCH. 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. WARNER. 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.

REMEMBERING DIANNE FEINSTEIN

Mr. WARNER. Mr. President, I rise today in joining a number of my colleagues to pay tribute to the legacy of Senator Dianne Feinstein.

In the last couple of days since her unfortunate passing, much has been said about my friend Dianne. She was a trailblazer who helped pave the way for generations of women seeking public office. As the first female mayor of San Francisco, she was elected to the Senate in 1992, the so-called Year of the Woman, and she helped triple the number of female Senators from two to six. Think about that. That was just in 1992. Although we still have a long way to go as we march toward true representation in this body, today there are four times that many women sitting in this Chamber, and, as many of them have already noted from the floor, it is in part because of the legacy of Dianne Feinstein.

Dianne was propelled into office because she believed in the power of public service to improve people's lives. It is why, having witnessed the devastating effect of gun violence firsthand—literally coming up on the murder of then-Supervisor Harvey Milk—she was such a champion of gun safety.

Believing that weapons of war had no place on our streets, she authored and shepherded into law the assault weapons ban. Although I acknowledge that

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



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my own record on this issue has been somewhat complicated, I am convinced that this country would be far better and would be far safer if that assault weapons ban was restored today.

In this and so many other ways, Senator Feinstein was long ahead of the curve. She was a lifelong champion of equality, civil rights, immigrants, and the gay community. She was proud to call herself an environmentalist long before that term was even used.

Much has been said about her legacy on these issues, but as the current chairman of the Senate Intelligence Committee, I want to call particular attention to her leadership on national security.

Let me cite right now that I have been in pretty regular contact with my dear friend, the former chairman of the Senate Intelligence Committee, the former Senator from North Carolina, Richard Burr, who also wanted, through me, to express his condolences as well.

Among her many firsts, Senator Feinstein was the first woman to chair the Senate Select Committee on Intelligence. She served as chairman from 2009 to 2015 and vice chairman from 2015 to 2017.

During her time as chair of the committee, the Senator led the drafting and subsequent enactment of six consecutive authorization bills following a 6-year span where we didn't do the IAA. These bills are crucial tools to exercise oversight of the U.S. intelligence community. They authorize funding for intelligence activities and add or amend legislation affecting the IC.

But perhaps one of her greatest legacies was her unflinching investigation into the brutal detention and interrogation methods used by the CIA in the aftermath of the 9/11 attacks.

As part of that report, which, I can tell you as a member of the committee at that point, without her persistence, her diligence, would not have gone through, as a part of that effort, the report that came out of her investigation into CIA methods was a report that—committee staff examined more than 6.3 million pages of records. They wrote a 6,700-page report, backed up by 38,000 footnotes, and eventually released a public, 500-page, declassified, executive summary detailing a host of brutal practices used against detainees, without—and this was hard for those of us who supported the IC—without yielding actionable intelligence to prevent terrorist attacks.

In doing so—again, I was a witness to this—Chairman Feinstein went toe-to-toe with the CIA, went toe-to-toe with Presidents of two different parties and others who were determined to bury that part of the CIA's history. She made sure that we had a full reckoning.

I joined the committee in 2011, 2 years into Dianne's tenure as chair. From her, I learned about both the intel, the necessity that this committee be independent, that it needs to

be bipartisan, and that our role in oversight was critically important.

In so many ways, I am proud of the fact that under Senator Burr and now under my tenure as leadership, we call ourselves the Senate Intelligence Committee—the most bipartisan, fully functioning committee not only in the Senate but in the whole Congress.

On a personal note, I remember—and I have such greater appreciation for this now—when I was the new guy on the committee, I sat at the far end of the dais. My particular interests were in satellites and overhead. Whenever we had a hearing on the essential role that NGA, NRO, and other Agencies play, in terms of overseeing the oversight of our satellite imagery, and the fact that I felt we were sometimes investing way too much in legacy systems, Dianne would always let me go the extra minute, 2 minutes, 3 minutes in terms of my questioning. That is a type of courtesy and understanding that I have tried to emulate in my role as chairman.

Sometimes, at the end of a long hearing, if you are the guy or the gal at the end of the dais in your chair, you like things to be wrapped up fairly quickly. She was always courteous. She was always understanding. She allowed me the lane where I slowly developed some level of expertise. And I stand here today proud of my work on that committee.

But I learned so much from her about how to operate—how to operate with integrity, how to operate in a bipartisan fashion, and with always the eye on the ball that the work that the men and the women of the intelligence community does is absolutely critical. But it is also equally critical for those of us in Congress who are entrusted with the oversight responsibility of that community that we do our job as well.

Like so many of my colleagues, we have lost a mentor. I lost a friend, and the Senate has lost a giant.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

CONTINUING RESOLUTION

Mr. WARNER. Mr. President, thank you for the courtesy of allowing me to speak again. I just spoke about Dianne Feinstein.

Later today, the House is potentially acting on legislation. One of the things Dianne was always clear-eyed about was our national security threats and the challenges posed by autocratic nation-states like Russia. I implore my friends in the House—a House that just this week, by a vote of 330-plus, said they did not want to walk away from Ukraine, our commitment at this moment, our military support, our diplomatic support, our State Department support at this critical junction in this world.

Well, in a crass, crass move, Republican House leadership is not only trying to remove all assistance for Ukraine but literally trying to prevent our Defense Department, our State De-

partment, and other Agencies from transferring already-existing funds to those necessary areas that are going to be most in jeopardy if we walk away from Ukraine at this moment in time. I implore those who have said time and again that we need to stand up for Ukraine not to walk away at this moment in time.

The truth is, what happens today, as European elections over the next few weeks with forces that are not in support of democracy's continued fight against the autocracy that Putin represents, the brutal dictatorship that Putin represents—they will be watching.

I hope that we stand firm, as so many of us in this body alone, north of 85 Senators, have come to the floor at one point or another or in voting have said they want to stand with the people of Ukraine in their strong fight. We are going to have to address that question later today as we sort through these final hours before the imminent and totally avoidable shutdown happens at midnight tonight.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor this afternoon to urge my colleagues to keep moving this bipartisan CR forward and remind them that this isn't the be-all, end-all of legislating this year. I really appreciate the efforts, including considering a different message in this bill.

I have a message for everyone who still wants this bill to do a little bit more. This is not the last bill this Congress is ever going to pass, but it is how we avoid a devastating shutdown. The issue that the Senator from Virginia just talked about in terms of making sure we are strong—not just here at home, but across the globe—I can assure you, whatever other issue you care about, whether it is childcare or the border or farmers or schools or air travel or rural healthcare or veterans, you name it—a government shutdown is not going to make it better. It will hurt our families. It will hurt our economy, and it will hurt our national security. And, by the way, it is going to be more expensive than just keeping things open.

That is why the first order of business for all of us, no matter what you care about, has to be getting our bipartisan CR passed. Once we take care of priority No. 1 and keep the lights on, we can and we obviously will keep talking about how to deal with the pressing challenges of childcare, the border, natural disasters, and more. And we can get back to passing our 12 bipartisan appropriations bills to provide full-year funding.

Let's get this done so we can avoid a complete disaster for families and get back to making progress on all the other issues we all care about. I urge my colleagues to vote yes on the motion to invoke cloture on the substitute.

I yield the floor.

The PRESIDING OFFICER (Ms. WARREN). The Senator from Oregon.

Mr. MERKLEY. Madam President, the bill that we will be voting on shortly reflects intense bipartisan collaboration here in the Senate, the type of collaboration that we need to see a lot more of in this institution.

I share a lot of credit—let me put it differently. I thank the coleads, Senator MURRAY and Senator COLLINS, for working so hard to get all the appropriation bills out of committee and finding a path forward for us to make sure that, with the CR, we can keep the government open.

It doesn't have things in it that I would like—a lot more disaster aid for folks around the country, a lot more support for Ukraine. But I think it represents exactly the type of modest package that is appropriate at this moment, while, as the chair of Appropriations pointed out, we will continue to work together in the month to come to pass the actual appropriation bills.

The issue that I am very concerned about on the House side right now is that they are taking and putting together a package that has no support for Ukraine and that bans the administration from moving funds throughout the Defense Department and the State Department to be able to support Ukraine.

If you want China and Russia being No. 1 and No. 2 in the world, then that would be the path to go. If you want to have dictatorships, authoritarian governments crush democracy, then that would be the way to go.

But I want our vision of a republic, our vision of a democracy, our vision of a state that has freedom of speech and freedom of assembly to be able to be the model that expands freedom in this world.

Let's support this package before us, and let's support a package that has both disaster aid and aid for Ukraine.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

QUORUM CALL

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

The PRESIDING OFFICER. Is there objection?

Mr. BRAUN. I object.

The PRESIDING OFFICER. The objection is heard.

The clerk will continue to call the roll.

The legislative clerk continued to call the roll, and the following Senators entered the Chamber and answered to their names:

Braun	King	Schatz
Brown	Markley	Schumer
Cortez Masto	Merkley	Warner
Duckworth	Murray	Warren
Hyde-Smith	Padilla	Whitehouse
Kelly	Reed	

The PRESIDING OFFICER. A quorum is not present.

The majority leader.

MOTION TO INSTRUCT

Mr. SCHUMER. Madam President, I move to instruct the Sergeant At Arms to request the presence of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Michigan (Ms. STABENOW) is necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Carolina (Mr. SCOTT).

The yeas and nays resulted—yeas 49, nays 48, as follows:

[Rollcall Vote No. 246 Leg.]

YEAS—49

Baldwin	Hickenlooper	Rosen
Bennet	Hirono	Sanders
Blumenthal	Kaine	Schatz
Booker	Kelly	Schumer
Brown	King	Shaheen
Cantwell	Klobuchar	Sinema
Cardin	Lujan	Smith
Carper	Manchin	Tester
Casey	Markley	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	

NAYS—48

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

NOT VOTING—2

Scott (SC) Stabenow

(Mr. OSSOFF assumed the Chair.)

(Mr. HICKENLOOPER assumed the Chair.)

The PRESIDING OFFICER (Mr. OSSOFF). A quorum is present.

The majority leader.

Mr. SCHUMER. Mr. President, I move to reconsider the vote, and I lay it on the table.

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

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. SCHUMER. Mr. President, I ask that the Senate stand in recess subject to the call of the Chair.

Thereupon, the Senate, at 3:55 p.m., recessed subject to the call of the Chair and reassembled at 8:10 p.m. when called to order by the President pro tempore.

SECURING GROWTH AND ROBUST LEADERSHIP IN AMERICAN AVIATION ACT—Continued

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

CLOTURE MOTIONS WITHDRAWN

Mr. SCHUMER. Madam President, I ask unanimous consent that the cloture motions with respect to substitute amendment No. 1292 and the underlying bill, H.R. 3935, be withdrawn.

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

CONTINUING APPROPRIATIONS ACT, 2024 AND OTHER EXTENSIONS ACT—MOTION TO PROCEED

Mr. SCHUMER. Madam President, I ask that it be in order to make a motion to proceed to H.R. 5860.

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

Mr. SCHUMER. I move to proceed to H.R. 5860, which was received from the House and is at the desk.

The PRESIDENT pro tempore. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

Motion to proceed to H.R. 5860, a bill making continuing appropriations for fiscal year 2024, and for other purposes.

Mr. SCHUMER. Madam President, I know of no further debate on the motion.

The PRESIDENT pro tempore. Is there further debate?

If not, the question is on agreeing to the motion.

The motion was agreed to.

CONTINUING APPROPRIATIONS ACT, 2024 AND OTHER EXTENSIONS ACT

The PRESIDENT pro tempore. The clerk will report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 5860) making continuing appropriations for fiscal year 2024, and for other purposes.

Mr. SCHUMER. Madam President, I now ask unanimous consent there be up to 5 minutes for debate, equally divided, between the two leaders or their designees; that upon the use or yielding back of time, the Senate vote on passage of H.R. 5860 with 60 affirmative votes required for passage and with no amendments or motions in order to the bill prior to the vote on passage.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The majority leader is recognized.

Mr. SCHUMER. Madam President, I have very good news for the country. Democrats and Republicans have come