

The PRESIDING OFFICER. The Senator from Maryland.

UNANIMOUS CONSENT AGREEMENT—H.R. 4366

Mr. CARDIN. Mr. President, I would ask unanimous consent that there be 2 minutes of debate, equally divided, prior to each rollcall vote during the consideration of H.R. 4366.

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

Mr. CARDIN. Mr. President, I would ask consent that the vote scheduled for 11:30 begin immediately.

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

VOTE ON MOTION TO DISCHARGE

Mr. PAUL. Mr. President, I would ask unanimous consent that we proceed to the roll call vote, and I ask for the yeas and nays on this resolution.

The PRESIDING OFFICER. The question is on agreeing to the motion to discharge.

Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Maine (Mr. KING) and the Senator from California (Mr. PADILLA) are necessarily absent.

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

The result was announced—yeas 11, nays 86, as follows:

[Rollcall Vote No. 270 Leg.]

YEAS—11

Braun	Markey	Sanders
Kaine	Marshall	Vance
Kennedy	Merkley	Welch
Lee	Paul	

NAYS—86

Baldwin	Fetterman	Reed
Barrasso	Fischer	Ricketts
Bennet	Gillibrand	Risch
Blackburn	Graham	Romney
Blumenthal	Grassley	Rosen
Booker	Hagerty	Rounds
Boozman	Hassan	Rubio
Britt	Hawley	Schatz
Brown	Heinrich	Schmitt
Budd	Hickenlooper	Schumer
Butler	Hirono	Scott (FL)
Cantwell	Hoeven	Shaheen
Capito	Hyde-Smith	Sinema
Cardin	Johnson	Smith
Carper	Kelly	Stabenow
Casey	Klobuchar	Sullivan
Cassidy	Lankford	Tester
Collins	Lujan	Thune
Coons	Lummis	Tillis
Cornyn	Manchin	Tuberville
Cortez Masto	McConnell	Van Hollen
Cotton	Menendez	Warner
Cramer	Moran	Warnock
Crapo	Mullin	Warren
Cruz	Murkowski	Whitehouse
Daines	Murphy	Wicker
Duckworth	Murray	Wyden
Durbin	Ossoff	Young
Ernst	Peters	

NOT VOTING—3

King	Padilla	Scott (SC)
------	---------	------------

The motion was rejected.

MILITARY CONSTRUCTION, VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2024—Continued

The PRESIDING OFFICER (Mr. HEINRICH). The Senator from Indiana.

AMENDMENT NO. 1182

Mr. BRAUN. Mr. President, I call up my amendment No. 1182 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Indiana [Mr. BRAUN], for himself and others, proposes an amendment numbered 1182 to amendment No. 1092.

The amendment is as follows:

(Purpose: To prohibit earmarks)

On page 2, after line 19, add the following:

SEC. 4. PROHIBITION ON EARMARKS.

(a) IN GENERAL.—Notwithstanding any provision of any division of this Act, none of the funds made available under any division of this Act may be used to implement any earmark, Community Project Funding, or Congressionally Directed Spending specified in any provision of any division of this Act or in any report described in section 3.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall prevent funds allocated for any earmark, Community Project Funding, or Congressionally Directed Spending included in any division of this Act or in a report described in section 3 of the matter preceding division A in this Act from being awarded under a merit-based process under existing law.

Mr. BRAUN. Mr. President, Americans are hurting more than I think in any other time since I have been here for sure; high inflation—I calculate in the 5 years I have been here, we have added 15 trillion to our national debt—struggling to make ends meet and I think inflation, and all of this is DC's fault.

Starting in 2021, Congress kept passing huge spending bills. We have never gone off of it since then. We now borrow a trillion dollars every 6 months; it used to be annually. Massive spending packages sail through this place because they are packed with pet projects. We have even brought back earmarks. Earmarks give Representatives, give Senators, the incentive to be big spenders. We should cut every earmark out of this bill and ban them permanently and quit loading up our kids and grandkids with the debt to pay for all this.

Shameful, in my mind.

The PRESIDING OFFICER. The Senator from Washington.

MAINE SHOOTING

Mrs. MURRAY. Mr. President, before I speak, I just want to take a moment to speak to the gut-wrenching shooting that occurred in Maine last night. The situation, I know, is still developing, and I am sure there will be more to say about what the Lewiston community is going through and what steps we, as a nation, must take to prevent gun violence.

But even as we get more information, it is painfully clear this was a horrific blow to a close-knit community, and I want my colleagues from Maine and everyone in Maine to know that my heart goes out to them, everyone who is affected by this tragedy, and I think I speak for all of us when I say the Senate stands with both of our colleagues from Maine.

AMENDMENT NO. 1182

Mr. President, now to the task at hand. Last Congress, Senate and House Committees on Appropriations leaders reinstated the practice of congressionally directed spending—or CDS—with bipartisan support. CDS is an important way for Senators to advocate for their States and the communities they know best through their investments in projects to improve transportation and drinking water infrastructure, support workforce development programs, childcare centers, so much more.

So at the beginning of this year, the Senator from Maine and I laid out a robust process to accept CDS requests for fiscal year 2024, and that process included extremely important guardrails: requiring each Senator who requested a CDS to certify neither they nor their immediate family members have any financial interest in the project, to ensure that each funded project is clearly identified in the reports with the requesting Senator's name and posted on our committee website, required Senators to publish their CDS requests on their own websites, established an audit process with the GAO, prohibited for-profit entities from receiving CDS funding, and established a total limit on the amount of funding that could be dedicated to CDS in our Senate bills.

Across the three bills in this funding package, the committee received nearly 7,000 CDS requests from 66 Senators on both sides of the aisle. Then our staff worked diligently to review all of those requests to make sure they met Agency eligibility requirements and complied with Senate rules and the additional guidelines we had set—if the project met those requirements, eligible for funding.

We respect the projects that Senators choose to request and their decisions on CDS priorities for their States and their constituents. And through the CDS process, Congress is exercising our constitutional power of the purse. After all, we all know better than anyone about the needs of our States and our constituents.

So I oppose this amendment, and I urge my colleagues to do so as well.

The PRESIDING OFFICER. The Senator from Maine.

MAINE SHOOTING

Ms. COLLINS. Mr. President, before I address the amendment offered by Senator BRAUN, let me thank the Senator from Washington State for her very kind comments expressing condolences to the people of Maine.

Our hearts are so heavy today. This heinous attack, which has robbed the lives of at least 18 Mainers and injured so many more, is the worst mass shooting that we could ever imagine in our State. This is a dark day for our State. I am grateful for the expressions of support and offers of help and condolences that I have received from my colleagues and friends across the Nation as well as from the administration.

I have had conversations both last night throughout the night and early

this morning with President Biden, Secretary Mayorkas, Attorney General Merrick Garland, and special advisor to the President Tom Perez, who has been particularly helpful in mobilizing resources for the State of Maine so that this killer can be captured.

S.J. RES. 44

It is hard to transition from the terrible attack in Maine to talk about the Braun amendment, but that is what I must do.

First, let me make a very important point. What we are talking about is whether the legislative branch of government should make decisions about government spending or whether that decisionmaking should be given entirely to the executive branch when it comes to specific projects.

We are not talking about adding more money; we are talking about who makes the decision. And, indeed, in our Senate appropriations bills, less than one-half of 1 percent of the funding is allocated to congressionally directed spending projects.

This process has provided opportunities for Members of Congress from both parties who understand the needs of their constituents far better than every Federal Agency to advocate for specific investments in their local communities.

As Chair MURRAY has said, we have included safeguards to promote transparency and accountability. First, we prohibit for-profit entities from eligibility. Second, we require public disclosure to ensure that spending decisions are made in the light of day. For the appropriation measures before us today, each Member's CDS request has been posted online since April. There is no secrecy here. They also include a certification that neither the Member of Congress nor members of their immediate family have any financial interest in the CDS items that they have requested.

Further, the disclosure tables for each bill list each Member who submitted a request for a particular project that was funded. These tables have been available online since this past summer when the bills were considered and approved in committee.

The directed investments of these three bills that we are considering will make a difference to our constituents. They include funding to support agricultural research, local transportation and community development projects, as well as military construction projects that are on the service's unfunded priorities list.

So I urge my colleagues to protect our constitutional power of the purse and support the Senate's ability to make substantive, tangible investments in our communities. I urge a "no" vote on Senator BRAUN's amendment.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BRAUN. First of all, I echo the comments of Senators Collins and Murray on the tragedy in Maine. We see it all too often.

When it comes to this place, we don't do budgets anymore. We haven't done them—that we have adhered to—in over 20 years.

We piled up—to give you a little taste of debt—\$5 trillion in debt in 2000. We added another \$6 trillion, I believe, or \$5 trillion by 2008. We added another 8 from 2008 to 2016. Where is it going to end?

Yes, Congressional Directive Spending would be OK if it was in the context of actually doing budgets and not borrowing all this money from our kids and grandkids.

This is symbolic mostly, but going back to earmarks just says we are putting a rubber stamp on the dysfunction that drives this place in the first place.

I yield.

VOTE ON AMENDMENT NO. 1182

Mr. BRAUN. And I ask for the yeas and nays.

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

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 Maine (Mr. KING) and the Senator from California (Mr. PADILLA) are necessarily absent.

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

The result was announced—yeas 35, nays 62, as follows:

[Rollcall Vote No. 271 Leg.]

YEAS—35

Barrasso	Fischer	Ricketts
Blackburn	Grassley	Risch
Braun	Hagerty	Romney
Budd	Hawley	Rubio
Cassidy	Hoeven	Schmitt
Cornyn	Johnson	Scott (FL)
Cotton	Kennedy	Tester
Cramer	Lankford	Thune
Crapo	Lee	Tuberville
Cruz	Lummis	Vance
Daines	Marshall	Young
Ernst	Paul	

NAYS—62

Baldwin	Hassan	Reed
Bennet	Heinrich	Rosen
Blumenthal	Hickenlooper	Rounds
Booker	Hirono	Sanders
Boozman	Hyde-Smith	Schatz
Britt	Kaine	Schumer
Brown	Kelly	Shaheen
Butler	Klobuchar	Sinema
Cantwell	Lujan	Smith
Capito	Manchin	Stabenow
Cardin	Markey	Sullivan
Carper	McConnell	Tillis
Casey	Menendez	Van Hollen
Collins	Merkley	Warner
Coons	Moran	Warnock
Cortez Masto	Mullin	Warren
Duckworth	Murkowski	Welch
Durbin	Murphy	Whitehouse
Fetterman	Murray	Wicker
Gillibrand	Ossoff	Wyden
Graham	Peters	

NOT VOTING—3

King	Padilla	Scott (SC)
------	---------	------------

The amendment (No. 1182) was rejected.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE FOOD AND NUTRITION SERVICE RELATING TO "APPLICATION OF BOSTOCK V. CLAYTON COUNTY TO PROGRAM DISCRIMINATION COMPLAINT PROCESSING-POLICY UPDATE"

The PRESIDING OFFICER (Mr. PETERS). Under the previous order, the Senate will proceed to the consideration of S.J. Res. 42, which the clerk will report.

The senior assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 42) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Food and Nutrition Service relating to "Application of Bostock v. Clayton County to Program Discrimination Complaint Processing-Policy Update".

The PRESIDING OFFICER. There is now 30 minutes of debate, equally divided.

The Senator from Michigan.

Ms. STABENOW. Mr. President, also from Michigan, it is wonderful to see you in the Chair.

Mr. President, I want to explain how we got here today because you are going to hear a lot of things that are just false today and, frankly, are things that, I believe, are mean and using some of our most vulnerable children for political stunts.

But let's start. Why are we having this discussion? Well, the Supreme Court has ruled that discrimination based on sex includes sexual orientation and gender identity. In general, it makes sense. The administration, including the U.S. Department of Agriculture, is simply updating its policies to comply with the law.

Now, last year, 22 Republican attorneys general took the Department of Agriculture to court based on the argument that you will hear today from this resolution's sponsor. Everything you will hear they sued the Department of Agriculture over, and the court just dismissed the case. They completely dismissed the case. In fact, the opinion dismissing the lawsuit called the Republicans out for their political stunt. This is the judge saying this, stating that this case had nothing to do with bathrooms or sports teams. And the judge then said that this case is about food stamps and nutrition—not bathrooms, not sports teams, not free speech, and not religious exercise. It is about whether or not the USDA—how they administer food benefits: school breakfast, school lunch, after-school snacks, and other kinds of school and other food programs. And the judge said: The plaintiff States want to ignore a Federal statute and discriminate against poor people who do not conform to traditional conception of sex.

So this is about food programs.

And then the judge went on to say: The plaintiff States' insistence to the