

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)
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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

contrary is no more than an invitation to join a political discussion untethered to applicable statutes or precedent. The court will instead simply apply the law.

So I urge the rejection of what has been called a political stunt by the Federal court. I am calling it a political stunt because it is very clear that children are being used to address what some colleagues have said is just “red meat” to Republicans, to feed the cultural wars.

Now, I want to say that I am really glad that my Republican colleagues are so concerned about feeding kids, and they should be happy to know that the USDA food and nutrition policies have nothing to do with school bathrooms and nothing to do with school sports. The USDA food programs have nothing to do with funding the rest of the school programs. The Federal nutrition money is not used on anything else. It can't be withheld on anything else or for funding anything else, other than the school meals. That is what it is all about.

This whole exercise is nothing more than a political stunt using children, as I said before, to stoke the made-up cultural wars. Every child deserves to enjoy school breakfast or lunch without being singled out for being LGBTQ+, period. That is all this is about.

I also want to just add that the Biden administration is focused on making sure the kids have access to meals and families can put food on their table, and it is absurd that anyone would say otherwise. They have increased access to free meals for students, expanded local food options, and are making meals healthier.

And we came together, at the end of last year, Senator BOOZMAN and I, and led an effort to expand summer meals. It was a wonderful bipartisan effort to make sure, in the summer, that we have 29 million children, who would otherwise not eat healthy meals, have a chance to get a healthy meal.

So we should be working together on bipartisan efforts to provide healthy food for our children. This exercise does not accomplish that. It is nothing more, unfortunately, than a cruel political stunt.

I urge my colleagues to vote no.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Mr. President, I rise today in strong opposition to S.J. Res. 42, which I view as a cruel effort to green-light discrimination against LGBTQ+ children.

My colleagues—some of them—across the aisle have made false claims about a policy that the Biden administration has released, a policy that makes clear the obvious: that every child should be able to get lunch at school no matter their race, religion, ability, gender identity, sex, or sexual orientation. That is it—a simple, narrow directive from the USDA that says schools that receive Federal funding for nutrition

assistance must not discriminate within the confines of these nutrition programs on the basis of gender identity, sex, or sexual orientation.

This is not about bathrooms. This is not about locker rooms. This is not about sports. This is also not about pushing some alleged agenda. This is about feeding children, period.

Since this policy was issued over a year ago, in May of 2022, the USDA has initiated no enforcement-related actions, not a single case—zip, nada, zero. This is a “solution” in search of a problem. The actual problem is some of my Republican colleagues' continued efforts to pick on LGBTQ+ children for their own political gain. By overturning this policy, my Republican colleagues are essentially arguing that discrimination based on gender identity, sex, and sexual orientation is OK.

Well, I am so glad that there haven't been any instances of this happening. Just imagine the scenario that my colleagues are trying to allow. All of us—all of us—in the Senate represent LGBTQ+ children and their families.

Say you are one of those children and you are told you can't have your school breakfast or lunch because of who you are, depriving a child of eating because Congress has decided that that would be OK.

This is not OK. This resolution is not about doing good for the American people or making their lives better. In fact, it is quite the opposite. Resolutions like these have a profound impact on LGBTQ+ kids and their families.

I rise today to remind my Republican colleagues that their actions do not go unnoticed by LGBTQ+ children, kids who already face increased adversity every day in the form of harassment or bullying or discrimination. As a consequence, LGBTQ+ youth are four times as likely to attempt suicide than their peers, and nearly 60 percent of LGBTQ+ youth report experiencing symptoms of depression.

Our words matter. Our actions here matter. When some Republicans attack gay and trans children, our kids hear that. They hear that they are not welcome at school, in public, and, tragically, sometimes even at home. They hear that their rights are lesser than their peers because of simply who they are. They hear that they don't have the same freedoms and liberties as every other kid. They hear that the adults in the room, including some of my colleagues here in Congress, do not care.

Well, I care, and that is why I am standing up against this attack and, frankly, all the attacks I am seeing on gay and trans kids. LGBTQ+ children deserve the freedom to be like any other kids, whether that be playing sports, joining a club, or just being a kid, free from bullying and harassment and discrimination. And that, of course, includes the school lunch line. These kids have a right to a life without harassment or further stigmatization.

Should this misguided resolution go through, Congress is giving folks a free

pass to deny a school lunch to a kid just because of who they are. And, make no mistake, this resolution would make our LGBTQ+ kids feel less welcome and less safe in their own schools. This policy is about feeding children no matter who they are, and it is just that simple. Please vote no.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. SCHATZ. Mr. President, Republicans need to leave the kids alone—leave the kids alone. Right now, they are trying to deny food to LGBTQ kids because they have disagreements about policies concerning trans people. Instead of debating those disagreements among adults, they are holding school lunches for kids hostage.

I want to be really clear about what this proposal would do and the message that it would send to millions of Americans. It would overturn a policy that prevents LGBTQ kids and adults from being discriminated against while accessing Federal nutrition assistance like school meals, food banks, SNAP benefits.

You have an issue with high school sports? I think you are wrong, but have at it. You have a view about trans people? I think you are wrong, I think it is terrible, but have at it. But leave the kids alone. Let them eat. Let the children have a lunch. Every kid deserves a square meal. Leave them alone.

Most people are fortunate enough to not have to worry about where their next meal will come from. It is just a routine part of life. But that isn't the case for many queer Americans who are twice as likely to experience food insecurity, according to the Census Bureau. And trans people are three times as likely to be food insufficient compared to cisgender individuals.

This policy is not just another line in the rule book; it is the difference between people having a meal and going to bed hungry. If we can't hold kids harmless—if we can't hold kids harmless—what the hell are we doing here? Can't we have some boundaries to the culture wars? Can't we have some disagreements without looping in the children? They are kids; we are adults. We are responsible for their health and safety. Let them have a square meal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MARSHALL. Mr. President, it is always a great honor to come to this hallowed floor to fight for our youth, our Nation's greatest treasure.

I would ask the White House to leave our kids alone. They are the ones that have picked this fight. It is the White House that won't leave our kids alone.

I rise in support of S.J. Res. 42, which would strike down a policy memorandum regarding the Federal school lunch program that the USDA issued that has been weaponized against our youth. That is right. This administration is using school lunches to attack our youth, to implement their transgender policies.

Let me begin by stating as a physician, as an OB/GYN, I devoted my entire life to the health and well-being of moms and children. From a mother's first visit to our office to the baby's birth and during the childhood, nutrition is a key to the healthy development and growth of every infant, toddler, and school-age child. During my time as a doctor and now on Capitol Hill, there is nothing I stress more to moms than the importance of nutrition.

With that being said, I would like to make it abundantly clear as I address this Chamber, there is no greater champion for children's health and nutrition than me. That is why, as you can imagine, I am deeply troubled by the way my friends across the aisle have described the intent of this resolution today. I am actually shocked by just how wrong and, frankly, deceitful they are with their tactics and messaging on this CRA.

Let me be clear, the only player in this policy fight that wants to and has actually suspended access to the school lunch program is the Biden administration. After 3 years, I thought I had seen it all when it came to what this current administration is willing to do in order to force its radical transgender agenda on the American people. Unfortunately, we have underestimated how committed they are to forcing this harmful ideology on all of us.

Today, I am bringing this resolution to the floor to expose the lengths the Biden administration is willing to go to appease the far-left factions of their party. I learned a long time ago with this White House: Don't listen to what they say; watch what they do. Take note; observe their actions.

Listen to this: A memorandum issued by the USDA last May shows they have extended fighting the cultural war in a way that leaves school lunches for children hanging in the balance. Right now, as I stand here in this Chamber, the Biden administration is threatening food assistance for low-income kids unless the schools they attend carry out their transgender agenda, putting children's access to lunch at risk.

This resolution of disapproval we are considering today aims to overturn this horrific policy memorandum for the USDA which would deny low-income kids access to the Federal school lunch program if their school does not adhere to the Biden administration's mandate. This includes, but is not limited to, requiring biological boys to be given access to girls' bathrooms and locker rooms or allowing biological boys to compete in girls' sports.

We have heard all these stories of young women denied opportunities to win a championship or gain a scholarship because a biological boy was allowed to compete in their events. Listen, this is flat-out wrong. As someone who was a middle school student when title IX was enacted and I saw firsthand the value of that law to allow

young girls to participate in school sports—many of whom went on to receive athletic scholarships—to see this action by the White House is heart-breaking.

The USDA memorandum would force Christian schools to abandon their religious beliefs. Listen, this is not hyperbole or political rhetoric. The Biden administration has already weaponized the school lunch program and suspended access to the school lunch program specifically in two schools, requiring both to file lawsuits over losing Federal food assistance.

In California, the USDA has actually taken away school lunch funding from kids because a Christian school refused to violate their closely held religious beliefs and their hiring policies because this school wanted to draw the workforce from a pool of individuals who share their values and live out their religious convictions. Children, including LGBTQ families, had their Federal funding for their lunches taken away. This is fact.

What is ironic here is there was an original case in Florida where USDA granted an exemption for religious schools and forced the Federal statute that includes a robust religious exception. But this year, a second lawsuit has been filed because the USDA wasn't abiding by the standard the statute set. If the USDA is not going to follow its own exemption and ignore Federal law, then we must act—and we must act today.

More than 20 Republican attorneys general agree with me and are suing the USDA over the policy memorandum. If this USDA policy continues, schools risk losing Federal funds for free and reduced lunches.

In total, more than 29 million students nationwide receive free or reduced lunch programs, something I am proud to support.

We must protect these children's food security, their privacy, and their safety at all costs. The USDA has no authority to force this on our children or the schools they attend; to adhere to woke mandate such as requiring boys to be given access to girls' bathrooms and locker rooms or allowing boys to compete against girls in girls' sports. The USDA has no authority to tell Christian schools they have to violate their religious beliefs.

I will wrap up it up with this. We must stop this policy dead in its tracks to protect access to school lunches for students across this country and send a clear message to this administration: Stop weaponizing the Federal Government.

Let me state again: The only player in this policy fight aiming to take away access to the school lunch program is the Biden administration. This CRA would not allow for discrimination against kids in the lunch line. That is protected by Federal law. It is in the statute.

With that, I encourage my colleagues to support its passage.

I would like to yield the remainder of my time to the Senator from the great State of Texas, Senator CRUZ.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Mr. President, I rise today to support Senator MARSHALL's resolution of disapproval of this outrageous rule.

I have to say, as I sat here on the Senate floor, I listened to my friend from Hawaii give his floor remarks. As I listened to what he said, I wrote down some of what he said. He said "Kids need to eat." He said "Don't take the food away from children." And he said "Don't drag children into the culture wars."

I have to admit, Mr. President, I felt like I was in "Alice in Wonderland" and that I had gone through the looking glass because I agree emphatically with all three of those statements; and, for a moment there, I thought the Senator from Hawaii had given a speech in support of this resolution of disapproval.

What is this issue about? Understand what it is about. It is Joe Biden and the Democrats who are taking food away from children. The U.S. Department of Agriculture has told schools: We will cut off your school lunch funding. We will take the food off of your plates and out of your mouths unless the schools comply with the Biden administration's radical transgender policies.

It is Joe Biden and the Democrats and every Democrat who votes in favor of this policy who are saying: We are going to take food away from kids. Why? Because to today's Democratic Party, feeding children—and, mind you, we are talking about low-income kids, many of whom the only food they get that day, they get at school—and the Democrats are going to say: We are taking away your food. Why? Because today's Democrat Party is committed to the proposition that a boy who identifies as a girl should be allowed to use the girls' restrooms; should be allowed to shower with teenage girls, even if the girls don't want it; that 10-, 12-, 14-, 15-year-old girls should be forced to shower naked next to someone who is biologically male. This is not hypothetical. Members of the Judiciary Committee listened to the testimony of Riley Gaines, a national champion swimmer who was forced, under these same idiotic policies, to shower in a shower next to someone biologically male with full male equipment. She wasn't asked for her consent. I ask the women in this Chamber: How many of you would be excited to be forced to shower with someone biologically of the opposite sex?

Today's Democratic Party has embraced the radical and extremes. When it comes to sports, their view also is that boys should be able to compete against girls in sports and men should be able to compete against women in sports. And this is happening all over the country.

I believe in women's sports. I believe in girls' sports. I have two young daughters. Sports are amazing for girls to learn discipline, hard work, and teamwork. Title IX has opened doors for young women to go to college. And yet the Democrats' extreme transgender ideology is destroying girls' sports and women's sports.

This is not a matter of gender or gender identity; this is a matter of fairness. Anyone who is not consumed by ideology understands there is a difference between boys and girls. There are biological differences between boys and girls. There is a reason why, recently, in Canadian power lifting, a biological male won the women's power lifting, beating the second-place competitor by, if I remember correctly, 463 pounds. It is not fair to force little girls to compete against biological boys.

The Democrats don't care about fairness. They care about extreme ideology. And every Democrat who votes against this CRA is voting to take the food from hungry kids because that is how radical they are in enforcing this policy.

I urge every Senator to vote aye.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. I ask unanimous consent that I be permitted to speak for up to 5 minutes and Senator STABENOW be permitted to speak up to 1 minute prior to the scheduled vote.

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

Mr. MURPHY. Mr. President, on the merits, this resolution is just absurd. The Department of Agriculture is not, as Senator CRUZ alleges, punishing schools based upon how they label bathrooms or what they teach in health classes. The offenses that Senator MARSHALL and Senator CRUZ are alleging here are just made up.

What the Department is saying is simple: If you are feeding poor kids, it shouldn't matter whether that kid is straight or gay or transgender, whether they are Black or White, whether they are Catholic or Protestant. You can't choose not to feed a kid because of their ethnicity, their race, or their sexual orientation. That is just common sense. I will guarantee you, 90 percent of the Americans agree with that sentiment.

The reason we are debating this resolution, though, isn't because there is a problem that needs to be solved. We are debating this resolution because the rightwing in this Nation has launched a relentless and unceasing campaign to marginalize, demonize, and bully kids who are gay, transgender, or non-binary.

All across the country, the Republican State legislatures are introducing bills designed to demonize gay children, to make people believe that these kids are a threat to others, hundreds and hundreds of bills all centered on the same lie as this resolution: That it is not OK to be gay, that it is abnormal

to be transgender, and that society should rally around efforts to bully and shame these children and their families.

A few weeks ago, I finished up my annual walk across the State of Connecticut. I do it each year. I spend a week walking about 20 miles a day, talking to hundreds of people—most of them totally nonpolitical—about what they care about and what they want their leaders to be working on. Do you know what nobody talked to me about on that walk? Children's sexual orientation, drag shows in schools, bathroom labeling. Do you know what they did talk to me about? Wages not keeping up with costs, the safety of their neighborhoods, Israel, opioids, drug costs.

This obsession that Senator MARSHALL and Senator CRUZ and their rightwing allies have with the sexual orientation of our kids is so divorced from what people are actually talking about in this country.

It is no wonder the candidacy of Ron DeSantis—really founded on his relentless similar campaign of attacks against gay kids and adults in Florida—is floundering because even primary voting Republicans think that this obsession that Republicans have with children's sexual orientation or gender identity is just super creepy and super weird, and it has nothing to do with the actual set of problems this Nation is facing.

But there is one problem attached to this resolution: There are consequences to what Senator MARSHALL and Senator CRUZ are proposing. When leaders choose to make bullying and marginalizing gay kids a top priority, kids listen. Fuel gets given to their bullies. People like the Senators who are sponsoring this resolution legitimize attacks on gay kids and make those kids feel inferior and alone.

The students at Seth Walsh's school were systematic in the way they targeted him because he was gay. They pushed him down the stairs. They kicked him until he was badly bruised. They screamed at him. They called him names. No doubt these bullies took direction and inspiration from adults who paved the way, who endorsed this kind of behavior.

Then one day after one of these incidents, a frightened Seth called his mom, and he said, "Mom, you have to come get me right now." His mother could feel the fear in his voice, so she grabbed Seth's little brother, and they rushed out the door, they went to the school, and they brought him home. His mom was so supportive. That afternoon, they just sat and they talked.

Seth went upstairs and took a shower to calm himself down. Afterwards, he came downstairs and asked his mom for a pen, told her he was going outside to play with the dogs. Ten minutes later, his mom went outside to continue this conversation with her son, but it was too late. Seth had hung him-

self from a tree, and the pen he had asked for was for his suicide note.

Seth Walsh was 13 years old.

A recent survey of transgender youth showed that half of them—52 percent of them—have contemplated suicide over the last year. Just think about that for a second. Half of the kids who are transgender come to the conclusion at some point in their young lives that they would be better off dead—dead—than to live in a world that believes they are threats to be marginalized or expunged.

How small, how tiny do you have to be to reach a position of political leadership and choose to use that position to bully or shame kids like Seth.

This campaign of targeting and marginalizing gay and transgender kids, trying to convince the country that they are threats to this country, it is just wrong on the facts, it is wrong morally, it has lethal consequences, and it should stop.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I want to thank my colleague for his comments.

This is so serious for children. But let me be clear. Clear. The U.S. Department of Agriculture nutrition programs do not fund anything related to school bathrooms or school sports. This is a rule about making sure all children have access to school meals. They are not discriminated against. The children aren't blocked from getting school meals if they are gay or nonbinary or transgender.

And it is true, there were 22 Republican attorneys general who took the Department of Agriculture to court. Do you know why? The case got thrown out. The case got thrown out, and the judge called it a political stunt.

The USDA has not threatened to withhold food from any child in school. In fact, the case that my friend talked about was a California statute, not USDA. The USDA has not threatened to withhold food from any child in school, period.

So I am committed to advancing real policies that make a difference to our children but not wasting the Senate's time on political stunts.

The PRESIDING OFFICER. The Senator's time is expired.

Ms. STABENOW. I urge my colleagues to vote no.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MARSHALL. I ask unanimous consent for 30 more seconds for one brief point.

The PRESIDING OFFICER. Is there objection?

Hearing none.

Mr. MARSHALL. The only player in this policy fight that wants to take away lunches from schoolchildren is the Biden administration. Since they are unaware this is already happening, here are the two court cases where schools have had to sue in order to feed children at their schools. The first one

is Grant Park Christian Academy v. Fried; the second, the Church of Compassion v. Johnson. The USDA was party to those.

I urge a "yes" vote.
I yield back.

VOTE ON S.J. RES. 42

The PRESIDING OFFICER. The clerk will read the bill by title for the third time.

The joint resolution was ordered to be engrossed for a third reading and was read the third time. The PRESIDING OFFICER. The joint resolution having been read the third time, Shall the joint resolution pass?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill 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 47, nays 50, as follows:

[Rollcall Vote No. 272 Leg.]

YEAS—47

Barrasso	Graham	Paul
Blackburn	Grassley	Ricketts
Boozman	Hagerty	Risch
Braun	Hawley	Romney
Britt	Hoeven	Rounds
Budd	Hyde-Smith	Rubio
Capito	Johnson	Schmitt
Cassidy	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—50

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

NOT VOTING—3

King	Padilla	Scott (SC)
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The joint resolution (S.J. Res. 42) was rejected.

(Mr. SCHATZ assumed the Chair.)

The PRESIDING OFFICER (Mr. BOOKER). The majority leader.

Mr. SCHUMER. Mr. President, before I begin, I want to note that I am wearing a dog tag given to me this morning by one of the families of the hostages held in Gaza. So we pray and hope for their release.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 306.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Matthew James Maddox, of Maryland, to be United States District Judge for the District of Maryland.

CLOTURE MOTION

Mr. SCHUMER. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 306, Matthew James Maddox, of Maryland, to be United States District Judge for the District of Maryland.

Charles E. Schumer, Richard J. Durbin, Tammy Duckworth, Mazie Hirono, Richard Blumenthal, Christopher A. Coons, Alex Padilla, Patty Murray, Sheldon Whitehouse, Debbie Stabenow, Tina Smith, Benjamin L. Cardin, Chris Van Hollen, Tim Kaine, Brian Schatz, Christopher Murphy, Peter Welch.

LEGISLATIVE SESSION

Mr. SCHUMER. Mr. President, I move to proceed to legislative session.

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

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 370.

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

The motion was agreed to.

The clerk will report the nomination. The senior assistant legislative clerk read the nomination of Jacob J. Lew, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Israel.

CLOTURE MOTION

Mr. SCHUMER. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 370, Jacob J. Lew, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Israel.

Charles E. Schumer, Benjamin L. Cardin, Debbie Stabenow, Tammy Duckworth, Mark Kelly, Tina Smith, Tammy Baldwin, Robert P. Casey, Jr., Elizabeth Warren, Christopher A. Coons, Tim Kaine, Christopher Murphy, Sheldon Whitehouse, Jeanne Shaheen, Richard Blumenthal, Chris Van Hollen, Richard J. Durbin.

Mr. SCHUMER. Finally, I ask unanimous consent that the mandatory quorum calls for the cloture motions filed today, October 26, be waived.

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

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

TRIBUTE TO SYDNEY BURGESS

Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Sydney for her hard work as an intern in my Washington, DC, office. I recognize her efforts and contributions to my office, as well as to the State of Wyoming.

Sydney is a native of Virginia. She is currently a junior at the Madeira School in McLean, VA. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Sydney for the dedication she has shown while working for me and my staff. It is a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her journey.

TRIBUTE TO SHAWN GREMP

Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Shawn for his hard work as an intern in my Washington, DC, office. I recognize his efforts and contributions to my office, as well as to the State of Wyoming.

Shawn is a native of Casper. He recently graduated from the University of Wyoming, with a degree in criminal justice and a minor in psychology. He has demonstrated a strong work ethic,