

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Iowa (Ms. ERNST) and the Senator from South Carolina (Mr. SCOTT).

The PRESIDING OFFICER (Ms. BALDWIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 301 Ex.]

#### YEAS—51

Baldwin	Heinrich	Reed
Bennet	Hickenlooper	Rosen
Blumenthal	Hirono	Sanders
Booker	Kaine	Schatz
Brown	Kelly	Schumer
Butler	King	Shaheen
Cantwell	Klobuchar	Sinema
Cardin	Lujan	Smith
Carper	Manchin	Stabenow
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

#### NAYS—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)
Collins	Lankford	Sullivan
Cornyn	Lee	Thune
Cotton	Lummis	Tillis
Cramer	Marshall	Tuberville
Crapo	McConnell	Vance
Cruz	Moran	Wicker
Daines	Mullin	Young
Fischer	Murkowski	

#### NOT VOTING—2

Ernst Scott (SC)

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

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. 310, Brandy R. McMillion, of Michigan, to be United States District Judge for the Eastern District of Michigan.

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.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Brandy R. McMillion, of Michigan, to be United States District Judge for the Eastern District of Michigan, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Iowa (Ms. ERNST) and the Senator from South Carolina (Mr. SCOTT).

The yeas and nays resulted—yeas 54, nays 44, as follows:

[Rollcall Vote No. 302 Ex.]

#### YEAS—54

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

#### NAYS—44

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

#### NOT VOTING—2

Ernst Scott (SC)

The PRESIDING OFFICER (Ms. BUTLER). On this vote, the yeas are 54, the nays are 44.

The motion is agreed to.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Brandy R. McMillion, of Michigan, to be United States District Judge for the Eastern District of Michigan.

#### LEGISLATIVE SESSION

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE FEDERAL HIGHWAY ADMINISTRATION RELATING TO "WAIVER OF BUY AMERICA REQUIREMENTS FOR ELECTRIC VEHICLE CHARGERS"

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session and proceed to the consideration of S.J. Res. 38, which the clerk will report.

The legislative clerk read as follows:

A Joint resolution (S.J. Res. 38) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Federal Highway Administration relating to "Waiver of Buy America Requirements for Electric Vehicle Chargers."

The PRESIDING OFFICER. The Senator from Michigan.

#### NOMINATION OF BRANDY R. MCMILLION

Ms. STABENOW. Madam President, first, I will speak more tomorrow about Brandy McMillion, whom we just forwarded to a final confirmation vote tomorrow. She is an extraordinary nominee for the district court in Michigan, and I so appreciate the bipartisan support today.

S.J. RES. 38

At this moment, Madam President, I rise in opposition to S.J. Res. 38.

The result of passing this resolution is actually the opposite of what the sponsor is going to say. It reminds me a lot of last week when we were debating school meals and when what was argued was exactly the opposite of what it would do. This is one of those similar kinds of situations. So let me just explain this.

Last Congress, we worked hard to pass the Infrastructure Investment and Jobs Act despite the opposition from the senior Senator from Florida, who is authoring this resolution, by the way. From fixing our roads and bridges and airports and railways to expanding high-speed internet and creating jobs, this was a great bill with a great bipartisan effort. We are now seeing the profound effects of this historic law in every corner of the country.

The Infrastructure Investment and Jobs Act included my Make It in America Act, which created, for the first time, a Made in America Office. This office is charged with reviewing waivers that have been around for a long time, toughening them up, requiring more transparency, in that any waiver be put on a website for businesses and workers and taxpayers to be able to see, and it ensured complying with other "Buy America" laws.

So, as we are going forward on electric vehicles and electric vehicle charging, we have the administration now looking at waivers. We have a long-standing waiver called the Manufactured Products General Waiver. This

blanket waiver has been in effect since 1983, and it has allowed foreign manufactured products to be used by the Federal Highway Administration.

Our administration, the Biden administration, doesn't want to see that continue. So it put in place a short-term waiver. It took EV chargers out of that and put in place a short-term waiver until next July and said: We will give you a little bit of time, but then you are going to have to have American companies that are making EV chargers if we are going to buy them with Federal taxpayer dollars.

So it was very significant in expanding "Buy America" policies. Now, you will somehow hear the opposite. This is expanding "Buy America" policies by basically saying: Instead of a permanent waiver, we will give you until July 1, 2024, to ensure that new chargers can meet "Buy America" requirements, and we can move forward with American-made products. So the key is temporary. This is temporary.

Therefore, this resolution would actually weaken "Buy America" requirements. The resolution would result in EV chargers not needing to meet any U.S. manufacturing or any "Buy America" content requirements far in the future. This would significantly set back American jobs and American manufacturing. If you want American taxpayer dollars to be required to purchase American-made products, including EV chargers, you need to vote no on this resolution, and I urge my colleagues to do that.

I am so pleased to be here with another wonderful champion on this issue, Senator TAMMY BALDWIN from Wisconsin, who has really championed this effort in a very, very effective way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Madam President, I rise today to speak on the resolution submitted by Senator RUBIO of Florida. I wanted to also start with sort of an explanation of where we find ourselves.

You hear the expression "Made in America" and "Buy America" policies. What are those? That is the simple proposition that when we are spending Federal tax dollars, your tax dollars, we want to see those ultimately benefit U.S. workers and U.S. small businesses and medium-size businesses. That is what "Make it in America" or "Buy America" policies accomplish.

But I want to start also with what this Congressional Review Act resolution would do. This resolution would prohibit the Federal Highway Administration's February 2023 rule, which, as you heard from Senator STABENOW, removes electric vehicle chargers from the Agency's blanket "Buy America" waiver from taking effect.

The Federal Highway Administration's rule implements what we would call a phase-in policy or an onramp policy that increases "Buy America" requirements for electric vehicle chargers.

By July 2024, all EV chargers purchased with Federal Highway Administration dollars, your taxpayer dollars, must be in full compliance with the "Build America," "Buy America" rules.

If you eliminate this rule, as the Rubio resolution would do, it would remove all "Buy America" restrictions for EV charger purchases, allowing Federal taxpayer dollars, your dollars, to buy chargers from China, which is rapidly scaling up their charger manufacturing in order to offer the lowest cost product.

Because of this FHA rule, manufacturers are locating their facilities in the United States. For example, Ingeteam, the European market leader, has built a facility in Milwaukee, WI, where hundreds of union workers will make half a million EV chargers. This is because this rule requires EV chargers to be assembled in the United States when they are funded with Federal taxpayer dollars.

Under the Rubio resolution, those requirements go away. They vanish. The requirements go away because chargers will once again become subject to the Federal Highway Administration's blanket waiver for manufactured products, which has been in place since 1983.

I am no fan of this blanket waiver. Since I got to the Senate, I have been pushing to get rid of it. Frustration with this waiver is one of the reasons I worked with my colleagues—Senators BROWN, PORTMAN, STABENOW, BRAUN, and PETERS—to get "Buy America" requirements into the infrastructure law. Because of our work, that law requires the Federal Highway Administration to request public notice and comment on its blanket waiver—something it did in May of this year.

If you are a Senator who opposes the Federal Highway Administration's blanket waiver, like me, you might, say, submit a comment during the open comment period—something I did—or ask the Secretary of Transportation to commit to rescinding the blanket waiver in a committee hearing—something I did—or maybe even vote for the legislation that requires the Agency to review the waiver—something I did, along with 19 of my Republican colleagues. But the sponsor of this resolution, Senator RUBIO, did not do any of the things I just mentioned. It makes me think and the resolution itself suggests that he is more interested in scoring political points rather than doing the hard work of increasing the number of products and the number of programs that are subject to "Buy America" requirements.

That is why United Steelworkers, who represent thousands of workers in Wisconsin and in Florida and who actually make things—that is why they oppose this resolution, and that is why I encourage my colleagues to do the same.

Am I fully satisfied with the job this administration has done to implement

"Buy America"? The answer is no, I am not. But this resolution makes things worse, not better. If we want to improve the administration's implementation of "Buy America," we need to give Agencies the resources they need to do outreach to industry.

I have supported "Buy America" for as long as I have been in the U.S. Congress. It used to be a lonely battle, and it has been at times. So I am very pleased that I have many new allies on the Republican side of the aisle who claim to support "Buy America."

Welcome to the team. I look forward to working with you and to getting this administration the resources it needs to successfully implement "Buy America" instead of supporting this resolution that would make things worse.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, good afternoon.

I rise to join my two colleagues who just spoke in opposition to S.J. Res. 38, a Congressional Review Act resolution to disapprove of the Biden administration's temporary waiver of the "Buy American" requirements for the electric vehicle charging infrastructure.

Why is this important? Why should Americans care about this issue? Well, we continue to see, on almost a daily basis, daily reminders that our planet is on fire. Scientists tell us that we are running out of time to reduce greenhouse gas emissions and to avoid the worst of the climate crisis. The rest of the world is looking at us. The rest of the world is looking at us, the United States, for leadership right now on this issue. Instead, we are voting on a resolution that President Biden will certainly veto. That means it will not go into effect.

Having said all of that, let me explain why I oppose the resolution offered by our colleague from Florida. The way this resolution works is more than a little bit confusing, so let's take a couple of minutes to try to make clear what it would actually do. My colleagues have already referred to this. To better understand that, it is important to understand how we got to this point.

As I mentioned, addressing the existential threat of climate change is one of the most challenging events we currently face as a planet. We also know that our transportation sector, including the cars, trucks, and vans on our roads, is the largest source of greenhouse gas emissions in the U.S. economy. In fact, the cars, trucks, and vans we drive create nearly 30 percent of our greenhouse gas emissions in America.

To that end, we included \$7.5 billion—billion with a "b"—in the bipartisan infrastructure law to help build out a national network of electric vehicle charging infrastructure, supporting our climate goals and creating jobs—lots of jobs—right here in America.

We are already seeing the impact of our investment. Since enacting the bipartisan infrastructure law nearly 2

years ago, the electric vehicle charging industry has announced investments of over \$500 million in more than 40 plants for assembling American-made EV chargers. Let me say that again. The electric vehicle charging industry has announced investments of over \$500 million in more than 40 plants for assembling American-made EV chargers. These plants in States like Michigan, Ohio, Pennsylvania, Illinois, and North Carolina are bringing more manufacturing jobs back to the United States—back to the United States. That means relying less on countries like China to enable our clean energy transition.

If enacted, Senator RUBIO's resolution would undermine this progress. His resolution would create greater uncertainty for our domestic EV charging industry, directly contradicting our goal of having this equipment made and assembled right here in the U.S. of A. That is why groups like the AFL-CIO and, as we have just heard, the United Steelworkers oppose the Rubio resolution. They oppose it. The reason why they oppose it is because its adoption would mean shipping jobs overseas instead of building our supply chain right here at home.

So, in reality, this resolution would actually weaken "Buy American" requirements. It would result in more EV charging products being built overseas, not here. It would undermine American workers and our Nation's ability to be global leaders in electric vehicles.

Put simply, a vote for this resolution is a vote against American manufacturing of EV chargers. That is why I oppose this resolution, and I urge my colleagues to do so as well.

With that, I yield the floor.

I am looking to see if there is anyone else to speak. I don't see anyone, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

REMEMBERING NESTOR R. WEIGAND, JR.

Mr. MORAN. Madam President, today, I join many who mourn the passing and I honor the life of a Kansan I had the privilege of knowing and working with: Nestor R. Weigand, Jr.

Mr. Weigand was a blessing to all who knew him, and he improved the lives of many around him each and every day of his life.

He was raised in Wichita. Nestor's family later moved to Minnesota, where he attended St. Thomas Academy school, and later graduated with a degree in finance from the University of Notre Dame in 1960. Nestor then went on to serve his country in the U.S. Army Reserve.

Following his time in the Reserve, Nestor devoted much of his adult life to the real estate business. It was a tremendous passion of his. It wasn't

just a job; it was something he enjoyed and loved doing, something he found satisfaction in, in putting a buyer and a seller together, in making a project work.

He originally joined the family real estate business in Kansas in 1961. His hard work led him to become the president and CEO of J.P. Weigand & Sons in 1983. Through this role, he succeeded in building one of Kansas's most respected businesses.

Continuing his passion for real estate, Nestor was elected to be the president of the Kansas Association of Realtors in 1978 and eventually became the president of the National Association of Realtors 10 years later. Nestor worked tirelessly in his role to improve the lives of Kansans and Americans by fighting for fair housing laws throughout the country.

Weigand real estate agent Alissa Unruh said:

One of the most impressive of his personal attributes was that Nestor would call every employee and agent on their birthday like clockwork. [He] never missed my birthday in 20 years.

Nestor cared about details, and he cared about people. In 1990, with no prior political experience, Nestor made the decision to run for Governor of the State of Kansas, and while he ended up, by a very small margin, on the short end, his expertise and knowledge was something I truly admired and have learned from during my time in public service. His race for Governor earned him an appreciation by many Kansans who might not otherwise have met him.

Before running for public office, one of the first people I sought out was Nestor Weigand, for some advice. I enjoyed conversations with Nestor over breakfast and lunch and greatly benefited from those conversations and his wisdom.

Often in Washington, DC, here in the Nation's Capital, or in my travels across the country and certainly across Kansas, when I would tell somebody outside the State of Kansas that I am from Kansas, they would say: Well, do you know Nestor Weigand?

He had many, many friends in many places. He was a giant in the real estate industry and made a huge difference in people's lives.

Not only was he an expert in real estate, but he was also a leader of the Wichita community and understood the people of the State of Kansas. Nestor was a booster for Wichita, for Sedgwick County, and for our State.

Nestor took his commitment to his community seriously. He sat on so many boards, including being a board member and chairman of Wesley Hospital for over 40 years.

Nestor's life truly reflected the love for business, for real estate, his passion for public service, and his dedication to people. He knew lots of people, but he knew them well, and they knew him and they respected him.

You meet Nestor Weigand, and you decided this was the real deal, a person

who cared about you and who wanted to see good things happen in your life.

His legacy will not be forgotten. He is already dearly missed. Robba joins me in our prayers for his children, his grandchildren, and the entire Weigand family.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST—S. 85

Mr. HAWLEY. Madam President, on October 7, Hamas terrorists crossed the border of Israel and committed atrocities, the full extent of which we are only just now coming to understand.

Thousands of innocent Israelis have lost their lives. Israeli babies were beheaded—literally beheaded—put into ovens, according to news reports. Innocent civilians were shot in their homes when they answered their front doors. Soldiers who were asleep in their beds were executed. And the terrorist attacks have continued.

Amazingly, in the United States—even as this terrible attack was unfolding in Israel—in the United States, hundreds and thousands of students and others took to America's campuses to express solidarity, not with innocent Israelis who had lost their lives but with Hamas, and to voice support for the genocidal campaign that Hamas has sought to carry out and continues to advance and advocate even as we stand here today.

Take a look at just some of the things that have been said by students on America's college campuses. Students at Harvard University said they held the Israeli regime "entirely responsible"—entirely responsible—"for all the unfolding violence." You had students at the University of North Carolina who said they believed it was their "moral obligation to be in solidarity with the dispossessed, no matter the pathway to liberation they choose to take. This includes violence."

Oh, and Hamas is violent. There is no doubt we have seen extraordinary violence, unbelievable violence, in the most brutal attack on Israel and the Jewish people in 50 years.

Students at New York University School of Law wrote that they expressed first and foremost their unwavering and absolute solidarity with Palestinians and their resistance against oppression toward liberation and self-determination. "Israel," they said, "bears full responsibility for this tremendous loss of life."

I could go on. And I am happy to say that this body has unanimously condemned these statements—this progenocidal rhetoric—by students in this country.

I wish that it had stopped at rhetoric, but it hasn't. We have seen the assaults

on Jewish students right on our campuses. We have seen Jews barricaded in university libraries, unable to leave, as pro-Hamas demonstrators shout and scream outside calling for the destruction of Israel. We have seen Jewish students physically assaulted—if you don't believe me, just go look on the internet—physically assaulted on American campuses by pro-Hamas demonstrators.

We have even seen it in high schools, where students are chanting:

From the river to the sea, Palestine must be free.

What does that mean? It is a call for the destruction of the State of Israel. It is a call for the execution of Jews in the Middle East, in this country, everywhere. That is the Hamas agenda.

And so many Americans, including me, have been absolutely stunned to see so many students and others echoing these claims. And it has raised the question: Where is this coming from? Where are these students and young people—teenagers—where are they hearing this? Where are they seeing it? Where are they being fed this propaganda? Because propaganda, it is.

At least one of the answers is, they are finding it on TikTok. Yes, TikTok, that Chinese-based, Chinese-owned social media app that is a back door for the Chinese Communist Party to track the movements, the key strokes, the whereabouts, the information of every American who has the app on their phone.

What we know now is that for many, many younger Americans—the so-called Generation Z; those in their teens and early twenties—so many of them—74 percent of them, in fact—use TikTok as a search engine. And, in fact, a majority of them prefer TikTok to Google as a principle search engine. So where are Americans and Generation Z increasingly getting their news? What are they using to search for information? They are using TikTok. They are getting their news from TikTok.

At the same time, this same cohort of young Americans, more than 50 percent of them—this is young Americans between the ages of 18 and 24—more than 50 percent of them say they believe Hamas's murder of civilians was justified. Let me repeat that. More than 50 percent of young Americans—Gen Z, between the ages of 18 and 24—believe Hamas's murder of civilians was justified.

These are the same people who are going on TikTok to get their news, to get their information, to be influenced. And they certainly are being influenced. Media reports have analyzed the prevalence of anti-Israel, anti-Semitic, pro-Hamas content on TikTok. It is really quite astounding.

Just take a look at the trending hashtags: “Stand with Palestine,” 285 million views, impressions, according to the news site Axios and their recent analysis. By contrast, “Stand With Israel” has far, far less—64 million.

This doesn't actually begin to tell the story because the truth is, there are other hashtags, other pro-Hamas, pro-Palestinian sources of information where the views are even larger. Take, for instance “Free Palestine.” That has received actually 917 million views, far outpacing even “Stand with Palestine” and dramatically outpacing the content that is actually supportive of the State of Israel.

Here is my point. TikTok has become a haven for anti-Semitic content, a haven for propaganda for genocide. Of course, TikTok denies this, as they deny any responsibility for anything they actually do.

They have tried to say, in fact, these numbers are skewed. But you can't change the facts. You can't deny the reality that their site is absolutely awash with this content. And we know that part of the problem, the danger of TikTok, is it gives the Chinese Communist Party enormous influence—enormous influence—to shape the news, the content of the information of the folks who look at it.

They have done this before. Back in 2019, the Chinese Communist Party used TikTok to suppress content that criticized the Chinese Government over their oppression and enslavement of the Uighurs in that country. They have a pattern of using this application to try and shape the narrative in the way they want it shaped. How they are shaping it now is pumping out the most virulent, toxic pro-Hamas propaganda.

Madam President, the time has come to take another look at TikTok. I will say this: As virulent and offensive as this content is, that is not a reason to ban them. The real reason to ban TikTok is that it is a spy app for the Chinese Communist government. Let's just look at what we have learned since I was last on this floor trying to pass legislation that would hold TikTok accountable and ban it from American phones.

On the 24th of this year, the New York Times reported that driver's licenses, addresses and photos—just to be clear, Americans' driver's licenses, addresses, and photos—were accessed by TikTok engineers based in China. What is extraordinary about this is TikTok has told us over and over and over again that this was impossible. They have come to this Congress, they testified before us and said this never happens. American data is absolutely sequestered. You can't access it in China. It is completely safe.

Yet we learned this year what, really, we already knew: That simply is not true. Let's not forget, the law of China—the People's Republic of China, a dictatorship—their law requires all major corporations, including, especially, data corporations, to make information available upon request to the Chinese Communist Party. That means your data. That means our personal information.

On May 30, Forbes magazine reported that TikTok creators—that means

American users'—financial information, Social Security numbers were, in fact, being stored in China. We had also been told this wasn't true. We have been told by TikTok: No, no, no, Americans' data is always stored in America. It can't be accessed anywhere but in America. There is a firewall between America and China.

Not true. Not true.

Americans don't realize that their data is being tracked. They are just on there to make their videos and put out their content. And what is happening? The Chinese Government is able to access it. Their personal information is being stored, not in this country, but in China, with full availability to the Chinese Communist Party.

On November 1, just a few days ago, Forbes further reported that a platform storing TikTok corporate secrets was inspected by the Chinese Government. Of course, it was. Chinese law requires it. It requires TikTok and its parent company ByteDance to make available all of this information to the Chinese Government.

We have confronted dangers like this before from China. Huawei is a prime example. Huawei, another Chinese-based corporation also subject to the laws of China requiring the sharing of personal information and data. And what did we do? We stood up a sanctions regime that sanctioned Huawei and prevented its use here in the United States. And we went further than that. We actually went to our allies and partners and said that we would not cooperate with them and offer them security assistance. We are talking about other countries right now. We would not cooperate with them or offer security assistance unless they took Huawei out of their 5G networks.

We should do the same with TikTok. We should protect the people of this Nation. We should be honest with them about what TikTok actually does. And we should protect them from the relentless spying and surveillance by a foreign government.

I want to be clear. I don't like a lot of what American Big Tech does. I doubt you will find a harsher critic of Big Tech than I am in this Chamber. But there is a big difference between an American company looking at Americans' data—accessing Americans' data—and a foreign government tracking Americans, building dossiers on Americans, and using it as a back door into the life of every American citizen who has that app on his or her phone.

It is time to put an end to this. We have already voted to do it. We voted to strip TikTok off of every government device just 10 months ago. States are doing it all across the country. It is time we took the step to protect the American people, to protect the integrity of Americans' personal information and their personal privacy.

Madam President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of

S. 85 and the Senate proceed to its immediate consideration. I further ask that the bill be considered read a third time and passed, and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER (Ms. CORTEZ MASTO). Is there objection?

The Senator from Kentucky.

Mr. PAUL. Madam President, reserving the right to object, we are here once again faced with the proposal to ban TikTok and to forbid millions of Americans from expressing their opinion.

This is not a subject that we should entertain lightly. If there is a better national strategy to permanently lose elections for a generation, I have not heard of it. Banning TikTok, a social media app used by 150 million Americans, primarily young Americans, is a recipe for electoral disaster for Republicans.

This GOP strategy comes just after an election year in which a national survey indicated that 71 percent of young women and 53 percent of young men voted for the Democrat candidate for Congress. Now, admittedly, many Democrats have also joined Republicans in calling for this ban, but like most issues, the blame tends to stick to Republicans more.

The banning TikTok strategy also comes while the GOP simultaneously complains of liberal U.S. social media companies canceling and censoring conservatives. So without a hint of irony, many of these same "conservatives" now agitate to censor viewpoints they don't like.

So on the one hand, Republicans complain about censorship, while with the other hand, these same Republicans advocate to censor social media apps that they worry are influenced by the Chinese. The concern over TikTok seems to be over what the social media app might do. Propagating hysteria and fear of subtle communist subversion from the People's Republic of China through a social media app in the 21st century, is similar or akin to basically McCarthyist paranoia.

Today, in a move that Chairman Mao himself would approve, the Senate considers banning a platform because it seems one Member doesn't approve of how it handled content about the war between Israel and Hamas.

Just this week, the Senator from Missouri wrote to Secretary Yellen:

While data security issues are paramount, less often discussed is TikTok's power to radically distort the world-picture that America's young people encounter.

The Senator from Missouri wants to censor TikTok users who are biased against Israel. The Senator from Missouri wants to ban the speech of young TikTok users he disagrees with. Sounds more like a Chinese solution than an American one.

The Chinese solution to combating speech those in power do not like is to ban it. In fact, TikTok is banned in China. So is YouTube, Twitter, and Facebook.

There is an app similar to TikTok called Douyin that operates in China, but it is heavily censored. Try to search for "Tiananmen 1989" on Douyin, and nothing will come up.

The American solution, with the high value that our country places on the free exchange of ideas, is to counter flawed ideas—flawed ideas—or falsities with more speech and better arguments that persuade and reveal the truth.

Do we really want to emulate China's speech bans? Do we really want to intrude into the lives of Americans and deprive them of their First Amendment right to receive and consider information?

The ham-fisted ban under consideration today empowers the government to determine what Americans are allowed to see, hear, and contemplate. The headline of an opinion piece recently by John Tamny says it all: "Nauseating Harassment of TikTok Presumes Americans Will Be Saved From Chinese Authoritarianism If U.S. Politicians Act Like Chinese Authoritarians."

A ban on TikTok is what they do in China. You are worried about Chinese communism and Chinese authoritarianism, and you want to ban speech in our country? It is inconsistent with our very American primary principles. TikTok must be banned, the censors say, because they are owned and controlled by the Chinese Communist Government. In actuality, TikTok is owned by international investors and two Chinese software engineers who designed the app.

Does TikTok do the Chinese Government's bidding? Well, go to the app and search for Falun Gong, the anti-communist religious sect that is persecuted in China. Go to TikTok and search for videos advocating Taiwan's independence, criticism of Chinese Premier Xi Jinping. These videos are all over TikTok that are critical of Chinese positions. That is why TikTok is banned in China.

TikTok is banned in China, but you want to ban it in the United States. We are going to become like the Chinese to prevent the Chinese from taking over our country?

As Drs. Mueller and Farhat of Georgia Tech write, "If nationalist fears about Chinese influence operations lead to a departure from American constitutional principles supporting free and open political discourse, we will have succeeded in undermining our [very] system of government more effectively than any Chinese propaganda could ever do."

We will be doing what the Chinese want. If you are worried about becoming Chinese communists, you will now be emulating them by banning speech. To those who were worried that the Chinese Government might somehow have access to millions of American teenagers' info, realize that all social media, regardless of whether their ownership is foreign or domestic, sucks up

all your personal data, and this is what people provide voluntarily.

And, people, if you don't want your information—don't join these groups. If you are going to ban TikTok, what is next? Arguably, several domestic apps censor conservatives more. I know because I have been censored and banned by American companies. I have got no love lost with any of these companies. I have a host of complaints about domestic social media platforms that cancel conservatives, but I am not in favor of banning them or forcing them to accept my opinion. They are private companies. They have speech rights. I have speech rights, but I don't have the right to force them or to ban them if they don't post my stuff.

If you don't like TikTok or Facebook or YouTube, don't use them. But don't think any interpretation of the Constitution gives you the right to ban them. The First Amendment isn't necessary to protect speech that everybody likes or everybody accepts. The First Amendment exists to protect speech that might be unpopular or might be controversial.

I hope saner minds will reflect on which is more dangerous, videos of teenagers dancing or the President of the U.S. Government banning speech. For me, it is an easy answer. I will defend the Bill of Rights against all comers, even, if need be, from Members of my own party.

I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Missouri.

Mr. HAWLEY. Madam President, let's just be clear about one thing. The Chinese Communist Government is not covered by the U.S. Bill of Rights.

The Chinese Communist Government does not have free speech rights, and we are not talking about free speech. We are not talking about speech at all. The sanctions that I am proposing have nothing to do with speech; they have everything to do with spying, for the same reasons that we have banned Huawei in this country.

If the Senator would like to have a debate about whether or not Huawei and its affiliates ought to be banned, whether it ought to be a sanctions regime for those that engage in espionage, I welcome it. That is the same debate we are having here.

I just say this. If all of those teenagers and other creators from around the world who are putting all of the pro-genocidal Hamas content onto TikTok want to go do it on other platforms, be my guest. I will be right here to criticize them and call them out for their moral atrocities wherever they do it.

But the reason to ban TikTok in this country is that it is a spying apparatus of the Chinese Communist Party. The facts simply cannot be disputed. ByteDance is subject to the laws of China, which make American data available to, accessible to, upon request for Chinese corporations and the Chinese Government.

I just lament that we cannot seem to move forward with a step that we have already taken with regard to Huawei, with sensible protection of Americans' privacy and their personal data.

But let me just close with this. With regard to the speech itself, while the content of the speech on TikTok is no reason to ban them, I just want to say, since we are here in this moment of great dispute, apparently, in some quarters of this country over whether it is right or wrong to call for the genocide of Jewish people, I want to say, clearly, it is wrong. And I want to say to those creators who are pumping out this content on TikTok: You may have a First Amendment right to do so, but you don't really have moral standing.

We need to be clear. There is a right. There is a wrong. There is good. There is evil. And calling for the genocide of Jewish people, whether it is in the Middle East, the State of Israel, or in this country is wrong. Whether you do it on TikTok or Meta or YouTube or just on the streets and plazas of your college campus, it is wrong.

And at this time, above all times, I think, we need to stand and make that clear.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Madam President, the bill before us to ban TikTok is clearly infringement of the First Amendment. It would ban 150 million people who regularly post on TikTok from expressing themselves.

It is without question speech. These folks, the 150 million users of TikTok, would have standing in court to sue over infringement of their speech.

This isn't about who was advocating for this or that in the Middle East or in Israel or in the Hamas situation. The Supreme Court has looked at speech over time, and there is some speech that is not protected.

But in Europe, they have gone one step further, in the sense that they ban all kinds of speech in Europe. You have certain opinions that can't be expressed. We have never done that in our country. You can have a foul, despicable opinion in our country, and we counter it with better ideas. We counter it with better speech. It is very, very dangerous to the primary principles of our founding, of our government, of our Bill of Rights, of the Bill of Right that is listed first, and that is freedom of speech. And my hope is that this will not be seen as a serious proposal and will be rejected.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Madam President, I ask unanimous consent to speak for up to 5 minutes prior to the scheduled rollcall vote.

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

S.J. RES. 38

Mr. RUBIO. So I think one of the things that has become increasingly accepted here is that

deindustrialization was a terrible mistake for America. No. 1, it hurt us and wiped out good-paying jobs that we relied on to build strong communities, and the other is it left us vulnerable in our supply chains.

And one of the things that is talked a lot about in terms of industries is these provisions called "Buy American." We have laws called "Buy American." I think it is especially important when we are spending taxpayer dollars on propping up an industry that it have strong provisions that do so.

What is called the infrastructure bill has \$5 billion of American taxpayer funds to build electric vehicle charging stations in the United States, and it has, in that bill embedded, very specific "Buy American" requirements that those funds may be used only so that all the iron, the steel, the manufactured products, the construction materials that are used are produced in the United States.

It is very simple. It is pretty straightforward. That is what the law reads, both a broader law that already exists and then the provisions of this bill.

The Biden administration, after passing this, however, didn't just fail to implement this provision—they were almost a year late in even issuing any findings on it, but they have now come out with this waiver. A waiver of that "Buy American" requirement that allows foreign-made EV chargers—translation, Chinese-made electric vehicle chargers—up until October of 2024.

But there is more. They actually give the Federal Highway Administrator the ability to extend that deadline by 5 years. And so we are now facing, under this waiver they are requesting, the real prospect that significant portions of the \$5 billion that is going to go to electric vehicle charging stations is going to be spent on Chinese companies—taxpayer dollars.

So we are either serious about restoring America's industrial capabilities or we are not. We should be especially serious about it when we are spending Federal funds on it.

Now, I have watched some of the debate, some of the things the administration is telling people about how somehow this is going to be the opposite effect. There is this 1983 general regulation that they have written or waiver that they have in place. Everyone knows here that specific statutory language, such as that that exists both in this bill and in other law, supersedes any of these. But the other is very simple. The administration, as they have done with a bunch of other regulations, can either amend it or get rid of it. But they are using that as a threat.

What they are basically telling people is, if you vote for this, if this thing passes, we will interpret that 1983 general provision to just do anything we want with regard to this.

So it is pretty straightforward. Get rid of it. Don't use it that way. Commit yourself to rebuilding American industry, American jobs.

The bottom line is this. You can play all the jiu-jitsu games you want with regard to language, the bottom line is this: If we are going to spend \$5 billion of taxpayer money to build electric vehicle charging stations in the United States, it should be made by Americans, in America, using American products.

And if you agree with me, I am going to give you a chance right now to vote for something that wipes out this waiver that the Biden administration wants to put in place that will guarantee that that may never happen and that most of this money—taxpayer money—will go into the hands of Chinese companies to build electric vehicle charging stations in the United States.

We shouldn't allow that to happen. I urge everyone to vote for this.

I yield the floor.

Ms. STABENOW. Madam President, I ask unanimous consent for up to 1 minute.

The PRESIDING OFFICER. Without objection.

The Senator from Michigan.

Ms. STABENOW. Madam President, I just want to make clear, as the person who authored the Make It in America Act in the infrastructure bill—which my colleague from Florida did not support—that we have a Made in America Office now, and I am so appreciative of what the Biden administration is doing to make sure that we are not giving waivers unless absolutely necessary.

We had a general manufacturing waiver for years—years and years and years. What they have done is taken the EV chargers out of that and said: OK, we will give you until July of next year. We will phase out any kind of a waiver because we want these American made. We want these American made.

And so the effect of voting for this resolution is to forever have EV chargers as part of the waiver, where they never have to be American made. They can always be Chinese made.

We want them American made, and I urge a "no" vote on this resolution.

The joint resolution was ordered to be engrossed for a third reading and was read a third time.

VOTE ON S.J. RES. 38

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. RUBIO. 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 legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Iowa (Ms. ERNST) and the Senator from South Carolina (Mr. SCOTT).

The result was announced—yeas 50, nays 48, as follows:



[Rollcall Vote No. 303 Leg.]

## YEAS—50

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

## NAYS—48

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

## NOT VOTING—2

Ernst Scott (SC)

The joint resolution (S.J. Res. 38) was passed as follows:

## S.J. RES. 38

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Federal Highway Administration relating to "Waiver of Buy America Requirements for Electric Vehicle Chargers" (88 Fed. Reg. 10619 (February 21, 2023)), and such rule shall have no force or effect.*

## EXECUTIVE SESSION

The PRESIDING OFFICER (Mr. OSSOFF). Under the previous order, the Senate will resume executive session.

## CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

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. 126, Monica Ramirez Almadani, of California, to be United States District Judge for the Central District of California.

Richard J. Durbin, Brian Schatz, John W. Hickenlooper, Margaret Wood Hassan, Gary C. Peters, Mark Kelly, Jack Reed, Tammy Duckworth, Christopher Murphy, Sheldon Whitehouse, Catherine Cortez Masto, Mazie Hirono, Benjamin L. Cardin, Jeanne Shaheen, Tammy Baldwin, Angus S. King, Jr., Alex Padilla, Robert Menendez, Michael F. Bennet.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Monica Ramirez Almadani, of California, to be United States District Judge for the Central District of California, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Iowa (Ms. ERNST) and the Senator from South Carolina (Mr. SCOTT).

The yeas and nays resulted—yeas 52, nays 46, as follows:

[Rollcall Vote No. 304 Ex.]

## YEAS—52

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

## NAYS—46

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

## NOT VOTING—2

Ernst Scott (SC)

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 46.

The motion was agreed to.

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Monica Ramirez Almadani, of California, to be United States District Judge for the Central District of California.

The PRESIDING OFFICER. The Senator from Rhode Island.

## ORDER OF BUSINESS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that all postcloture time on the Almadani nomination be considered expired and that a confirmation vote be at 11:30 a.m. tomorrow, Thursday, November 9.

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

## EXECUTIVE CALENDAR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Sen-

ate consider the following nominations en bloc: Calendar Nos. 267 and 276; 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; and that the President be immediately notified of the Senate's action.

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

The question is, Will the Senate advise and consent to the following nominations en bloc: Mark W. Libby, of Massachusetts, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Azerbaijan; and Edgard D. Kagan, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malaysia?

The nominations were confirmed en bloc.

## LEGISLATIVE SESSION

## MORNING BUSINESS

Mr. WHITEHOUSE. 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 DALE MONTGOMERY

Mr. SCHUMER. Mr. President, it is my honor to recognize an outstanding Senate Stationery Room employee, Dale Montgomery, who is retiring today after more than 50 years of service to the U.S. Senate.

For Dale, working in the Senate was more than just a calling; it is in his blood. Dale's father worked in the Senate Library for 35 years, and his grandfather worked with the Architect of the Capitol dating back to 1914. So, when the opportunity arose to follow in his family's footsteps, Dale couldn't refuse. Without ever even filling out an application, Dale accepted a job where he would spend the next half-century of his life.

Dale's first day in the Stationery Room was in 1973, in a different world and a very different Senate. He rose through the ranks, starting in the warehouse doing deliveries before moving to the Stationery Store as a clerk and then as a sales associate. No matter the title he held, Dale approached each task with a great level of care and attention to detail. His contributions to the day-to-day operations of the Senate are truly immeasurable.

Dale quickly became one of the Senate community's most beloved members. His affable nature and affinity for music attracted friends and strangers alike, people from all around the country. Dale was a sought-after DJ and