

ORDER FOR ADJOURNMENT

Mr. SCHUMER. Mr. President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order, following the remarks of my many Republican colleagues.

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

The Senator from Alaska.

UNANIMOUS CONSENT REQUESTS—EXECUTIVE CALENDAR

Mr. SULLIVAN. Mr. President, I am honored to be down here again with Senators GRAHAM, ERNST, and YOUNG. We were down on the floor 2 weeks ago, and at that time, we promised military members and their families that we had their back; that we would keep coming down to the Senate floor to try to move forward their nominations and confirmations that have been stalled.

By the way, after that session, 5 hours, we tried to move forward nominees who have nothing to do with the policy dispute that is at issue here—I think we are all in agreement on the policy dispute—we received hundreds of text messages, e-mails from military families, saying: Thank you for having our back. Somebody has our back. Somebody is speaking out for us.

So we have told them we are going to do that as we are moving into Thanksgiving. My colleagues and I, we are going to keep our word. We keep our word to our military.

Now, during that time in the last 2 weeks, we have all worked hard together. Senator TUBERVILLE is here. Senator LEE is on the floor. We are all working hard to try and resolve this. We have ideas. Senator GRAHAM is going to talk a little bit more about litigation, about switching the holds from the innocent members of the military to the civilians who are making the policy, that is the appropriate—to fighting this abortion policy of the Biden administration, DOD, and the NDAA.

So we are still working on that. I want to extend that to my colleagues, but the backlog grows. Right now, when Armed Services reports out the next batch of military officers, it will be 450, one-, two-, three-, and four-star generals—450. This is having a huge readiness challenge and a huge morale challenge while our troops are literally—literally—in combat, literally under fire. Some of these being held in the Middle East, in terms of their promotions, are in combat right now. The world is a very dangerous place.

Very quickly, my Democrat colleagues, the Biden administration, they seem to take a certain delight in what is happening here. I don't take a delight in this at all. I don't relish this at all. I like working with my Republican colleagues. I wish we could resolve this.

I am on the floor here more out of sadness and frustration than anger, and

I really do wish, with my colleague Senator TUBERVILLE, that we can find a way forward on this fast so we can turn to an even bigger readiness problem, and that is the Biden administration's lack of seriousness when it comes to the Department of Defense: cutting the budgets every year; the current budget shrinks the Army, Navy, Air Force, Marine Corps; the civilian woke focus of this administration. They are not serious on our national defense and military.

We need to get through that. Senator TUBERVILLE and I actually were the ones who made the majority leader bring forward the members of the Joint Chiefs of Staff. So on the other side of the aisle, there wasn't a lot of seriousness on moving people either.

So I hope we can resolve this issue and focus on even the bigger readiness issue that plagues this administration right now. But there is no doubt these blanket holds are creating readiness challenges not just for flag officers; we are starting to hear of colonels and lieutenant colonels who are being stuck. So this is impacting the entire military.

Mr. President, I ask unanimous consent that the letters from the Military Officers Association of America, the Veterans of Foreign Wars, and the American Legion—this represents millions of Americans all requesting that these blanket holds be lifted—be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MOAA.

Alexandria, VA, November 7, 2023.

DEAR MEMBERS OF THE U.S. SENATE: As President and CEO of the Military Officers Association of America (MOAA), one of the nation's largest military service organizations, I want to extend my appreciation for your chamber's recent work to end the promotion block facing more than 300 senior military officers—an ongoing threat to the future of the all-volunteer force and our national security.

As more positions become vacant, more families face hardships, and the strain on the readiness of our military continues, MOAA believes the time to end the promotion block has long passed. We strongly oppose Senator Tuberville's use of blanket nomination holds to protest Pentagon policies, and we urge the Senate to take advantage of your recent work and act now to end this destructive tactic before further damage is done to our military.

Talented officers on the path for future senior leadership roles are reevaluating their careers, some opting to leave uniform rather than subject their family to hardships and, frankly, insults from Senator Tuberville that demean and disrespect the sacrifices they make in defending our nation. Hearing the senator dismiss impacts to families and readiness that have been raised to him and his staff for many months is very disappointing. Future servicemembers are watching this display of political theater and are reconsidering their decision to serve. It's a potential loss of talent America cannot afford, but one our competitors love to see.

By interfering with an orderly and efficient confirmation process, Senator Tuberville is denying our military the lead-

ership it needs to accomplish its demanding mission. And as recent events highlight, the stakes could not be higher and the need for leadership could not be greater. MOAA respects and supports the Senate's responsibility to debate policy and conduct oversight of the Department of Defense. But his blockade tactic places his own objectives over the collective will of elected colleagues and it corrupts the most fundamental principles of our democratic process. Worst of all, it puts military families in the untenable position of having to question whether the hand they raised and the oaths they take are respected by elected leaders.

With multiple conflicts abroad and significant recruiting challenges at home, our military needs its full complement of qualified, capable men and women at the helm. It's clear some damage has already been done, but we urge the Senate to find a way to act now, end this tactic, and ensure it is never used again before permanent damage is done to our military members and families.

MOAA stands ready to support your work on behalf of all who serve, across all ranks and all uniformed services. We thank you for your continued efforts on behalf of the all-volunteer force and look forward to you taking immediate actions to help restore the important and necessary trust between the military community and our elected leaders.

Very Respectfully,

LT. GEN. BRIAN T. KELLY, USAF (RET).

MOAA President and CEO.

VFW.

Washington, DC, September 18, 2023.

Hon. TOMMY TUBERVILLE,
Washington, DC.

DEAR SENATOR TUBERVILLE: On behalf of the 1.5 million members of the Veterans of Foreign Wars of the United States (VFW) and its Auxiliary, I write to call on you to lift your hold on the routine promotion of U.S. military general and flag officers. One of the VFW's top national security priorities is preserving the all-volunteer force. At a time of military recruiting challenges, the instability caused by this hold will have far-reaching consequences for the brave Americans who volunteer to serve in today's military and those who may consider future military service. The VFW called on the Senate to resolve this matter earlier this summer and now we call on you directly to end this hold before we set the very dangerous precedent of harming American service members as leverage in Washington political battles.

The VFW recently conducted a survey in which our members, including veterans in Alabama, overwhelmingly voiced their opinions on this matter. VFW members were clear that political debates in Washington should be handled among civilian political leaders. Moreover, VFW members strongly conveyed that politicians should not be able to harm the troops over political disputes and that political decisions that harm the troops would affect the way they would vote in upcoming elections.

The VFW has already heard from current service members and military families on the far-reaching effects your hold has had on both the mission and the lives of those who choose military service as a career. Preservation of the all-volunteer force demands a non-partisan and apolitical uniformed military capable of closing with and destroying our nation's enemies at the direction of its duly elected and appointed civilian leaders. When policy disputes emerge among these civilian leaders, the VFW cannot allow politicians to set the precedent of harming uniformed service members to make a point.

The world is still a dangerous place and brave Americans remain stationed around

the world, intent on keeping these dangers far from our shores. This is why the VFW is calling on you to stop this dangerous game. Games may belong on the football field, but not in the halls of the U.S. Senate. Lift the hold so the Senate may do its job by promoting our uniformed military leaders.

Sincerely,

RYAN M. GALLUCCI,
Executive Director, VFW Washington Office.

THE AMERICAN LEGION,
Washington, DC, November 8, 2023.

Hon. CHUCK SCHUMER,
Washington, DC.

Hon. MITCH MCCONNELL,
Washington, DC.

DEAR SENATE LEADERSHIP: On behalf of our 1.6 million dues-paying members, The American Legion respectfully requests your timely attention to the hundreds of U.S. military vacancies awaiting confirmation. Your leadership and the resolve of your conferences to come together and end this blockade is vital to American national security and to preserving the lives of our men and women in uniform. Failure to find a bipartisan solution to the continued political chess risks the lives of our servicemembers and the safety of our nation.

Since 1919, The American Legion has emphasized the importance of a strong national defense. A well-funded, well-equipped, and well-trained military plays a vital role in safeguarding the principles our nation holds dear. As U.S. troops are targeted in the Middle East and global tensions are on the rise, it is imperative leadership vacancies within our military are filled now! Our allies and adversaries are watching closely; inaction risks innumerable consequences.

The personal toll of confirmation purgatory extends far beyond uniformed candidates with uncertain promotions. U.S. servicemembers may pay the ultimate price if the perception of chaos continues to create opportunity for our adversaries. As we've seen in the past month alone, the Pentagon has reported more than 38 attacks against U.S. troops in the Middle East. While politicians continue to play games and use our servicemembers as pawns, their lives remain in harm's way and could be left paying the ultimate price.

The American Legion urges both conferences to come together to end the inaction holding our armed forces hostage. Your leadership is vital to protect our servicemembers, national security, and our country.

For God & Country,

DANIEL J. SEEHAFFER,
National Commander.

Mr. SULLIVAN. Finally, tonight we are going to bring up some more members. I hope my colleagues don't object. When they are going to talk, I am sure they are going to talk about the Biden policy, which we all disagree with. Four Senators on the floor who were on the floor 2 weeks ago, we have a lot in common, but two big things are strongly pro-life and strongly pro-military because we are veterans. We have served. We know what sacrifice means, and we want to make sure we are protecting our military members and their families. That is a core principle, certainly, of Republicans, and we need to do that.

What I am hopeful for—hearing from my colleagues on the floor—also questions that we didn't hear from last week. My colleague from Alabama said many times that if you bring up nomi-

nees one by one, he would be fine with it. On September 6, he said: I am not holding up nominees from being approved. They can bring them to the floor one at a time, and I won't block them.

Well, that is what we are doing.

By the way, this is regular order. We did some research. There has only been two times in the last half century where there was a recorded vote on a brigadier general—twice. We are doing more than regular order here by moving these individually.

And, finally, this is the most important question I think we all think is imperative; it needs to be answered for our military members: Why punish patriotic military members over a policy dispute they have nothing to do with and can't fix? Why punish people who have seriously sacrificed for America—more than probably anyone else on the floor here, certainly—over a policy dispute they had nothing to do with? Why punish their families and the war heroes supporting these families you will hear about tonight who have served our country so faithfully, when they have nothing to do with the dispute on the floor? Why punish some of the most combat-experienced members of the military whom we need on the field now—one of the most dangerous times in the last 70 years—when they have nothing to do with this dispute?

So I was home Veterans Day in Alaska. My State has more veterans per capita than any other State in the country—very patriotic citizens. The events I went to, young Alaskans, old Alaskans really honor our veterans. Whenever I am at a ceremony and I am speaking, I always call out our Vietnam vets for special recognition because what happened to them should never happen again to any military members.

What happened to them? There were huge policy disputes over the Vietnam war at the Pentagon level, but people took it out on the troops. People took it out on the troops. They punished the troops over a policy dispute these troops had nothing to do with. They were serving honorably.

Americans always said, We will never do that again. Well, guess what? It is happening again. Troops are being punished. Families are being punished over something they have nothing to do with.

So my hope tonight is we get my colleague to lift the blanket hold and not object to these individual noms. But it is also important to understand what a blanket hold is. It is about individuals. Who are these heroes? Who is being punished? How have they served their country? How have they sacrificed?

We are going to hear a little bit about that, I hope. I think Americans who are watching will be proud when they hear about these great patriots—for those listening—but also might make you sad or frustrated or even angry that we are not keeping faith with these faithful patriots.

I am now going to turn the floor to my colleague Senator ERNST.

The PRESIDING OFFICER. The Senator from Iowa.

Ms. ERNST. Mr. President, I am privileged to be on the floor this evening in what in the military we would call a joint operation. So this evening, I am joining my marine colleagues, Senator SULLIVAN of Alaska and Senator YOUNG of Indiana, and my Air Force colleague from the great State of South Carolina. I, of course, served 23 years between the U.S. Army Reserve and the Iowa Army National Guard, deploying once for Operation Iraqi Freedom from 2003 to 2004, where I was the company commander of 150 soldiers that ran convoys from Kuwait up into Iraq, supporting our warriors to the north.

We are also joined in the chair this evening by another veteran, the Senator from Michigan in the chair, Mr. President, Naval reservist. So we truly are a joint operation under the color of purple. So thank you so much.

I am going to throw down just a little bit of how we got into this situation and a little bit more about who I am because I am pro-military, obviously, but I am also pro-life as well. I served in the Iowa State Senate. And during the time that I served in the State senate, I was a pro-life leader. I was the go-to gal for our pro-life issues in the Iowa State Senate, participating and leading in legislation to advance life, as well as participating in marches for life, in the great State of Iowa.

Coming into the U.S. Senate, then I became a member of the pro-life caucus. I have led on a number of efforts when it comes to life. Predominantly, though, one that our pro-life community has really appreciated is the effort to defund Planned Parenthood and redirect those dollars to eligible providers of women's healthcare, such as community health centers.

In February of 2023, we saw President Biden unveil his abortion travel agency plan. OK? What does this mean? It means that President Biden decided that he would send young women—whether they were family members, whether they were servicemembers—he would allow them to travel. He would send them to other States to receive abortions, that being supported by taxpayer dollars.

We feel this is wrong. It goes against the Hyde amendment. That is where President Biden put us.

Secretary Lloyd Austin implemented that plan in February, again, of 2023. And in March of 2023, then I led—I led—on the effort to overturn this policy. I introduced and led the legislation to reverse the DOD's travel abortion policy.

It was twice voted on in the Armed Services Committee during the National Defense Authorization Act process—twice voted on; twice defeated in the committee. Now, that is in the U.S. Senate.

So, again, I am pro-military, and I am pro-life. I also do not relish the fact

that I am standing on the floor this evening as we try and bring these nominations forward, but I understand the national security risks that are out there and the detriment to readiness as we continue to hold over 450 of the finest men and women that have served their Nation honorably under the flag of our Nation in our uniform.

So I will go through one by one. I have a binder full of nominees, and I do hope that our colleague from Alabama will allow us to bring them up one by one for a voice vote. Again, I have many biographies here—fabulous, incredible men and women.

And with that, I will yield to my colleague from South Carolina.

Mr. GRAHAM. Thank you very much, and thank you for your service and to everybody that served.

Next week is Thanksgiving. We are all going to go home here in a little bit and enjoy our families. God willing, we make it home safe. I mean that for everybody—Coach, everybody. There are a lot of people who won't be with their families next week because they are in some place doing things that are very difficult, risking their lives. This is where I am here tonight.

How do you right wrongs? You don't create another wrong. I want to right the wrong of having abortion paid for by public taxpayer dollars from the defense coffers that I think not only violates the Hyde amendments, it is just bad policy.

Count me in, Coach. I am with you on that, Mike. I am with you on that. You say it is illegal. I tend to agree with you. Go to court.

One way you right a wrong in America if you think the law is broken, you actually bring a lawsuit. I think we found a way—talking to Jay Sekulow—to bring a lawsuit challenging the Defense policy of President Biden using taxpayer dollars to pay for transportation costs from DOD funds to perform abortions. I think that is in violation of the Hyde amendment. The good news is I believe the Speaker of the House has standing to bring the lawsuit.

Generally speaking, in America, when you get in a legal dispute, you go to court. The DOD general counsel has a memo that it doesn't violate the Hyde amendment. I think they are wrong, but we are not a court of law here. There is a court of law available to resolve this dispute, and I would encourage us to seek that remedy.

Another remedy is to try to find a compromise between the House version and the Senate version of the NDAA. The House strips the policy; the Senate—because they are controlled by Democrats—we have the policy, and we will try to work out some way to reconcile that through the legislative process. That is one way to fix this problem.

What we have chosen to do—and every Senator has a lot of power. That is what makes the Senate different than the House. I have served in both

bodies. With power comes responsibility. The wrong we are creating here is to put our military at risk at a time of great need.

If you do not believe these holds are having an effect on the military, I don't question your sincerity; I question your judgment. If you ask anybody out in the field right now—there is one flag officer for the whole continent of Africa. This is like a car wreck on I-95. It keeps backing up. Last time we were talking, there were 300. We are up to 450. This is affecting the ability of the Nation to defend itself.

I will not tolerate being told something I know is wrong. The policy is wrong, but holding these officers who had nothing to do with this is wrong. They deserve better. They have done nothing to get us here in this spot. We have got a political difference between the Department of Defense and the Senate and the House, and the courtroom is available to resolve this. And I just ask my good friend from Alabama—I don't doubt your sincerity—but if this continues, this is one of the worst self-inflicted wounds I have seen in 20 years.

We pulled out of Afghanistan; that was a self-inflicted wound. We had a chance to deter Russia, and we chose not to by having pre-invasion sanctions; that was a self-inflicted wound done by the Biden administration. We have a broken border; that is self-inflicted. We will challenge all of those self-inflicted wounds. And as Republicans, it will be easy. What is hard is to challenge people of your own party at times.

When it comes to the military, I lay the party label down because I have seen what it takes to defend this Nation up close and personal.

It means you miss birthdays. You miss graduations. You miss babies born, and you lose your life. That is what it means to serve. And all the people, the 450 people, if you have got an individual problem with one of these folks, I will support your right to object, and we will hear your side of the story. But I don't believe that all 450 people are woke. So here is what I would say about the 450 people.

They have dedicated their adult lives to serving this country. They have given every ounce that they could give to get to where they are at to be promoted.

Do you know how hard it is to become a sergeant major in the enlisted corps? It is 1 percent of the enlisted force.

Do you know how hard it is to become a general officer, because you are competing with some of the best people on the planet? For every one that gets promoted, there are 10 that could be promoted or would do great in positions of responsibility.

We are taking the military and throwing it in the ditch in terms of command structure. There are people filling jobs today that are waiting to

go to their next assignment, and they can't get there because they can't get promoted. They are paying two house payments, not one. Their children don't know what school they are going to go to. They deserve better than this.

This is my promise. I will work with Senator TUBERVILLE and Senator LEE and anybody else and everybody else to find a solution that is acceptable to them to get us back on track and talk about the issues I just discussed. But I promise you this, this will be the last holiday this happens. If it takes me to vote to break loose these folks, I will.

I am not going to talk about me being pro-life. Just look at what I have done. To my pro-life friends, you are not advancing this cause. You are hurting this cause if the average American believe that the reason these people are getting blocked from promotion is because of some policy choice they didn't make. It is not fair to have people in uniform, who have to follow their civilian leadership, when the fundamental precept of American democracy is civilian control of the military—they have no choice. Don't punish them because in our system the civilians make the decisions.

Let's punish the civilians who make these choices. There are plenty of people we can hold and should hold. There are plenty of things we can do to fight to right this wrong. We can go to court. We can insist on change to the NDAA process. But this is not righting the wrong. This is creating another wrong. This is putting our Nation at risk.

And I would just say this. I have been here for 20 years now. I have never seen the world on fire like this. The only reason that an American soldier hasn't been killed in Iraq and Syria because of drone attacks by a Shi'ite militia controlled by Iran is they had a dud. They were just lucky as hell.

And what is going on in Israel, that could spread like wildfire. We could be in a shooting war with Iran tomorrow. So we need our best team on the field, and the best players we have are being blocked from serving. This needs to come to an end for the national security of this Nation.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. YOUNG. Mr. President, we are back here again on the floor of the U.S. Senate. It is early in the morning. Why are we down here?

We are down here to keep faith with those officers in the military, members of their families, and those who will follow them—that when members of our military spend their entire professional lives building up experiences—leadership experiences, experiences in battle—obtaining multiple degrees, making countless sacrifices back home, that their careers won't be interrupted by politics that they have got nothing at all to do with.

Let me go through five areas: first, areas of agreement with my good friend—and he is my good friend, Senator TUBERVILLE. I sit right next to

him, and I have a lot of respect for Senator TUBERVILLE. He and I share agreement on pro-life principles. We are both, in every respect—our policies, our convictions, our public statements, our past history—strongly pro-life. I don't think anyone questions that.

We also believe that the President's actions as it relates to these policies—the ones that he and I find objectionable—to transport our servicemembers out of State to obtain abortions using taxpayer money is patently illegal. We think it should be challenged.

Second point: We do have disagreements on this, but they are tactical disagreements, not grounded in principle—tactical disagreements that we are trying to find alternatives to. The reason I don't think this current approach is even constructive is because, as many of my colleagues have already stated, it punishes those brave servicemembers who didn't develop the policy and can't change it, and that, therefore, breeds a lot of frustration and even cynicism about our elected officials.

Fourth, this is a dangerous time, something I underscored last time I was down here to talk about this. It is a time of war. The United States blessedly is not involved in that war actively. We don't have boots on the ground, but we have been actively resourcing our friends and partners. It is a dangerous and precarious time for our friends. God forbid, some sort of escalation occurs. We don't want to get pulled into that. We have a porous southern border. We need our best team on the field.

And the last point I really want to emphasize tonight is that this is personal to me. This is personal to this U.S. Senator. I proudly represent the people of Indiana in this institution, but I have a history serving in other areas, serving with other individuals.

I proudly graduated from the U.S. Naval Academy in 1995, and, this evening, I will be calling to the floor from the Executive Calendar the names of seven individuals who have been nominated for the rank of rear admiral (lower half).

They were classmates of mine. Our class is really proud of these individuals. I think there is broad acknowledgment that they have earned this opportunity to lead at the highest level in the best military that ever was, and I want to do my part to give them that opportunity. I am asking Senator TUBERVILLE to do his part.

"Non sibi sed patriae." It is the motto of the class of 1995. "Not self, but country." "Non sibi sed patriae."

So I am asking an exception to be made for my classmates here, these seven individuals and seven patriots of whom I am quite proud.

So, Mr. President, with that in mind, I call to the floor Executive Calendar No. 104, CAPT Kurtis A. Mole, to the grade of Rear Admiral (lower half).

Captain Mole enlisted in the Navy in 1988, becoming a cryptologic technician

and attending the prestigious Defense Language Institute, or DLI, in Monterey. Captain Mole went on to attend the Naval Academy, earning a commission in 1995 as a surface warfare officer.

After his redesignation as a cryptologic warfare officer in 2000, he went on to serve in many positions, including the senior cryptologist for the USS Kittyhawk Strike Group, the information officer for the commander of the U.S. Seventh Fleet, the information warfare commander for USS Ronald Reagan Strike Group, and the commanding officer of NSA/CSS Hawaii.

Captain Mole has been deployed multiple times to the Arabian Gulf and the Western Pacific—an amazing career.

And we can confirm this nomination by voice vote right now.

And, therefore, I ask unanimous consent that the Senate proceed to executive session for the consideration of the following nomination: CAPT Kurtis A. Mole to be Rear Admiral (lower half) in the U.S. Navy, under Calendar No. 104; that the Senate vote on the nomination without intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

The Senator from Utah.

Mr. LEE. Mr. President, reserving the right to object, I have nothing but warm feelings, respect, and gratitude for the noble service that my colleagues from Alaska and Iowa and South Carolina and Indiana have demonstrated in their loyalty to their country, serving in their respective branches in the U.S. military, and nothing but respect for the service that they have dedicated to the United States as U.S. Senators.

I have nothing but respect for the brave men and women who have for two and a half centuries donned the uniform in defense of their fellow beings so that they might live in comfort and peace, while they offer up their last full measure of devotion, day after day.

I have nothing but respect for what they are trying to do in the sense that I know that they want the military to be all that it needs to be in order to protect the American people.

I certainly do share the concern that they express. But to the extent we ever put our armed services personnel in jeopardy because of political disputes, that is not ideal. We don't want to ever sacrifice military readiness because of a political battle, and it is because of that, and not in spite of it, that I am here tonight.

I want to be clear. The particular strategy deployed here is not mine. It is that of a dear friend and colleague who is here with me tonight. It is not my strategy. It is his. And it is because it is his that I am here to defend him in that, notwithstanding the fact that it is not the particular tactic that I

would have chosen. He has chosen a tactic that is legitimate and that he has every right to deploy under the rules of the Senate—rules that go back nearly two and a half centuries in order to protect the individual rights of each Senator.

These have deep meaning under our constitutional system. In the U.S. Senate, we operate differently than they do in the House.

First of all, we have this role. In the words of the minority leader, we are in the personnel business, in addition to being in the business of passing legislation. Being in the personnel business means that we have got to review people as they come up for Senate confirmation.

We are also different in that every State is represented equally. In fact, the only change that you cannot constitutionally make to the Constitution by means of a constitutional amendment is that principle. You cannot amend the Constitution to alter the principle of equal representation among the States. And it is that very principle that is reflected in these Senate rules and always has been. Why? Because it is important to make sure that every State does have full representation—that one isn't represented more than another.

The people of Alabama have elected my friend and colleague, the senior Senator from Alabama, to represent them. That is why they have these rights. That is why they are important to defend.

So notwithstanding the fact that any of us might have chosen a different tactic or different strategy to go about this, this is his right, and it is a right that I will defend to my last breath for the simple reason that it is his right to do it, and he is right to do it.

Let me explain what I mean by that.

The reason we are even here having this discussion is because we have some individuals who serve in the Pentagon, in the Department of Defense, who have lost sight of which is the branch of government in which they serve. We want them to be able, ready, willing at a moment's notice to do everything they need to do in order to defend this great Nation—the greatest civilization the world has ever known. To that end, their job is to serve in an executive capacity, not in a legislative capacity. These are not mere abstractions; these are fundamental, bedrock principles of our system of government.

Two independent provisions of the Constitution make this clear.

Article I, section I, clause 1—the very first operative provision of the entire Constitution—says that all legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.

Article I, section VII of the Constitution makes this point doubly clear: that you cannot, may not, will not, must not ever pass a law, change a law that is a Federal law in our system unless you have a few things happen. You

have to have passage in the House and passage in the Senate. Most of the time, it doesn't matter in which order; it just has to be the same legislative text. That text must then be transmitted to the President—or presented, as we call it—for signature, veto, or acquiescence. If the President signs it or acquiesces, it becomes law. If the President vetoes it, it is returned to our respective Chambers, and it will not become law unless two-thirds of the Members of both Houses of Congress choose to overturn that veto.

Here is why this matters: We have had in place since 1984 a set of laws—laws that had been amended in 1996 and then again in 2003—that today are codified in 10 U.S.C., section 1093. Those laws make clear that you cannot use Department of Defense funds or Department of Defense facilities or property for abortions. You cannot do that. You cannot do that in the absence of rape, incest, or when the life of the mother is in jeopardy unless the abortion happens.

This, in turn, reflects a very simple and very longlasting truth among the American people, which is the American people come at the abortion issue from a wide variety of perspectives. There are some who believe that life begins at conception and that anything from that moment forward cannot be justified. There are others who believe that, until the baby is actually born and takes its first breath, the baby has no legally cognizable, protectable rights. There are some who would take that even further. I find it difficult to accept that some feel that way, but some really do.

Even though Americans find themselves at very different positions along this ideological spectrum specifically related to the issue of abortion, there is one point that unites Americans overwhelmingly and I mean to the tune of three out of four. Something in the range of about 75 percent of Americans agree on one thing—one thing—when it comes to abortion: You should not, must not ever use Federal taxpayer funds for abortion.

Why? Well, pro-life Americans, I think, find this explanation obvious. They don't like abortion anyway, so they don't want government funding. But it appears that about half the people who are not pro-life, who believe in some policies that recognize that somebody ought to have the ability to get an abortion—about half of them, it turns out, believe that we still shouldn't use Federal funds to do that because a lot of Americans are uncomfortable with that, and it is with good reason.

These policies have been around for a really long time and with good reason. Even though overall preferences, strategies, beliefs, public opinions about abortion have changed from time to time, this one has remained overwhelmingly against the use of public funds.

So it was surprising and alarming to my friend Senator TUBERVILLE when,

about a year ago, he started hearing rumors—rumors to the effect that the Pentagon would begin using Federal funds to facilitate abortions. He went and did as any faithful member of the Senate Armed Services Committee would: He met with Secretary of Defense Lloyd Austin, and he said: Look, I don't know whether these rumors are true, but if they are true, I find them alarming, and if they turn out to be true, I will have no choice as a member of the Senate Armed Services Committee but to make sure that there are consequences to you if you take this lawless act.

He had good reason to point this out. Look, the only reason for that policy, the only fathomable reason, is to circumvent the plain purpose, intent, effect of 10 U.S.C., section 1093. That is the only reason it is there, and they have written it ever so craftily so as to be able to have a colorable argument. I think it is an argument that flies in the face of the stated purpose, intent, effect of this Federal statute, 10 U.S.C., section 1093. It is so that they could argue: Well, we are not using it to perform the abortion; we are just using it to fly people to get the abortion, and then we are using it to pay for 3 weeks of paid leave time for anyone who has gone to get the abortion. We are going to pay their travel, their room and board, and everything else. We will pay for everything else around the abortion, but because we are not paying for the abortion itself, we are in the clear.

Now, Senator TUBERVILLE recognized something very important: that the sole purpose of this policy would be to circumvent Federal law and to make it difficult to impossible to challenge it in a court of law. I will get back to that in a moment. So he did something right then and there—something that, whether you agree with the tactic used or not, you have to find admirable. He has taken the bull by the horns. He utilized the resources at his disposal, which is what any Division I champion football coach would do.

He did it, and he said: OK. If you do this, that is fine. I suppose—well, it is not fine, but, you know, it is your prerogative to do that. But if you do that, I am going to exercise my prerogatives as a Senator, and my prerogatives as a Senator are such that I can require you to take the long way, the long road, the long and more difficult path instead of the shorter path that we nearly always use when we are confirming flag officer military personnel—that is, generals and admirals as well as political appointees—within the Department of Defense.

Now, let's understand something about a “hold.” A “hold” is not an inexorable block. It is not damning these people to Senate confirmation hell. It doesn't have that power. That is above his pay grade—all of ours. What he is doing is saying: There is the fast path, and there is the slow path. We always use the fast path, but that requires the acquiescence, the agreement, the unan-

imous consent of all 100 of us. If you don't do that, I, Senator TUBERVILLE, will make you take the slow path.

Secretary Austin is a decorated war hero. Secretary Austin has been around for a long time. He knows the Senate. He knows the Pentagon well. He knew the risks. He chose to play chicken. He chose to look a U.S. Senator in the eye and say: Thank you. I will take that under advisement.

And, in a cowardly moment, he decided to arrogate to himself power that does not belong to him because the Constitution of the United States doesn't give it to him because you can't legislate from the E-ring of the Pentagon. No matter how strongly he feels, no matter how compelling his urge to facilitate the performance of abortion using Federal funds contrary to public opinion, contrary to Federal law, he does not have that power. Shame on him. It is to his everlasting shame that he would arrogate to himself that power and then have the audacity to blame Senator TUBERVILLE for the slowdown that he himself knowingly, willfully, shamefully created.

So we now get back to this point that is impacting military readiness, that is creating an inconvenience for the flag officers who have been nominated. We are hearing now that it is even affecting people at a level below the flag officers. Now, that is curious because Senator TUBERVILLE has never imposed holds—none of these holds have applied with regard to anybody below a flag officer level—general, admiral, one star, two star, three star, four star, or political appointee DOD-wide. Never. They haven't. So I really don't know where that argument is coming from. Perhaps they are saying it has a spillover effect downstream. Maybe that is the case. If that is the case, then I hope they will be clear in making that argument because otherwise that argument is just false; it is just not true. In any event, he is not stopping them. He is not stopping one of them. He is saying: You just have to take the slow path.

So let's be clear here. There are exactly two ways—two ways—that, regardless of Senator TUBERVILLE's holds, regardless of whether he ever budges an inch, we can take care of this. Approach 1 could happen tonight. I guess it is technically morning. What is it? It is 12:56 or so a.m., so we will say this morning.

Right now, President Biden, if you are watching TV, pay attention. I am going to give you a really easy recipe to follow. You can do this even at 1 a.m. President Biden, if you are not awake, you really should be watching this because this is compelling television.

If you are staffing President Biden tonight, you might go wake him up. I think he will really enjoy this. I think he will enjoy it a lot. It is much easier to do than riding a bike, and you are not going to fall over while doing it.

All you have to do is suspend your Godless, lawless abortion travel policy.

Just suspend it right now. If this is affecting military readiness, so be it. End it. End it tonight. You have a duty to do that.

Lloyd Austin, you can do it, too. Suspend your abortion travel policy.

Now, look, I know you guys feel really passionately about abortion. I know that for whatever reason, you have lost your freaking minds ever since that fateful day in June of 2022 when the Supreme Court of the United States ended a nearly half-century-long judicial hegemony over the issue of abortion. It ended that because, well, it turns out the Constitution doesn't say anything about abortion, and by saying nothing about abortion, it leaves the issue of abortion to elected lawmakers, not to nine lawyers dressed in robes. Most of the time, that means they leave the issue of abortion to State lawmakers, not Federal ones, because most of the time, it is not our role anyway.

I know, President Biden and Secretary Austin, you have been really upset about that. Why? Because, well, for a long time, the Supreme Court of the United States on this issue that is so important to you—why, I will never understand, but I understand that you are mad because the Supreme Court, for that long period of time, was acting as your superlegislature that was willing to do your bidding and that of your party's. Your infanticidal ambitions were facilitated by this superlegislature across the street.

The only problem is, they didn't have any authority to do that—none. It cannot be found. So when they abandoned it, the day they abandoned it, President Biden announced all sorts of ambitious, whole-of-government approaches to effectively nullify a ruling of the Supreme Court of the United States—a ruling of the Supreme Court of the United States that is legally, constitutionally unimpeachable.

From that moment forward, you declared your own little jihad on the Dobbs ruling and on the Supreme Court. You have been trying to delegitimize Justice Alito, Justice Thomas, Justice Barrett, Chief Justice Roberts, Justice Kavanaugh, and Justice Gorsuch ever since then. You have threatened, through members of your party and through your appointment of this silly Commission you created, to pack the Supreme Court of the United States notwithstanding the fact that you, President Biden, stood on this very Senate floor decades ago and said correctly that it was a boneheaded idea when Franklin D. Roosevelt last threatened to pack the Supreme Court of the United States in 1937. It is a boneheaded idea today. You have been doing that.

Meanwhile, you try to do everything you can to make the lives of those Justices hell.

You have completely ignored 18 U.S.C., section 1507—a law that has been violated again and again and again outside the homes of the six Supreme Court Justices who had the

courage and who had the appropriate jurisprudential temperament to recognize that abortion is not made theirs anywhere in the Constitution.

You have ignored the fact that people come to their homes to protest, that they come to the homes of these Justices to protest against them, disturbing them on vacation and when they are at home with their families; ignored the fact that people are showing up to the homes of these Justices not just to disturb their peace but to send a signal loudly and clearly, unmistakably, over and over and over again, that says: We know where you sleep. We know where your children lay their heads at night.

Yet, President Biden, you do nothing to enforce that.

Your Attorney General has instructed Federal law enforcement personnel, effectively, to stand down, ignore these violations. Shame on you, President Biden.

Look, I get that. Oh, that is in your little empire. You are the head of Article II. You are the head of the executive branch. If you don't want to enforce the law, we can't make you, just like we can't make you enforce the border as 8 million illegal immigrants have come across the border, carrying with them enough fentanyl to kill every man, woman, and child in America. And many of them have died, to the tune of hundreds of thousands. We can't make you enforce the law because you are the head of the executive branch. The head of the executive branch enforces the law—or it is supposed to. We can't make you do that.

But do you know what we can do? We can defend our own prerogative to make the law. Sure, once the law is made, you get to enforce it or decide not to. You shouldn't—and shame on you for not—but you get to decide that. You cannot make the law. You cannot rewrite the law. And shame on you, President Biden, for blaming this man. This man who is just trying to stand up for the law and for the unborn, you are blaming him for our supposed lack of military readiness.

I can't believe anybody buys this crap—I really can't—let alone anyone from the same party as Senator TUBERVILLE.

We have all been elected on pro-life stances. Now, I understand, not everybody is going to share the same strategy. Not every one of us would choose this same approach. I didn't. But you are blaming the wrong guy.

There is an empty chair here—two of them, in fact; two empty chairs occupied by two executive branch individuals: Secretary Lloyd Austin and President Joe Biden, who could end this tonight, but they refuse to do so. That is avenue No. 1 for which we could end this.

Avenue No. 2, we could do as Senator TUBERVILLE told Secretary Austin we would do from the very outset; that is, we could confirm them the slow way. We went 40 consecutive days and

nights—kind of Biblical, really, if you think about it—without a single vote in August. We are about to go 10 or 11 more consecutive days and nights without a single vote.

We have gone days even when we were in session, where we will cast maybe one or two votes, at the most, and sometimes none. There are ways in which you can tee these people up.

You know the rules, Senator SCHUMER. You know how to call these people up. You know how to tee these up for a vote. Yet we are down here tonight—all of us Republicans.

When we talk about military readiness, why on Earth are we not aiming our remarks at President Biden or at Secretary Austin? Why on Earth are we not directing them at Senator SCHUMER? They all have the ability to end this. With SCHUMER, it would take longer. It would require more of an investment of time on our part, sure. Why are we not directing our arrows at them? Why are they going to TUBERVILLE instead? I don't get it.

As to the suggestion made by one of my colleagues—my friend, distinguished colleague, the senior Senator from South Carolina—that this ought to be resolved in court; that courts of law are where we argue legal disputes; that most nearly all legal disputes should be resolved there, that is just wrong. That is just dead wrong.

The fact is, as any lawyer, any member of the bar, any officer of the court knows, most legal disputes never make it to court. There are a lot of reasons for this. Some of them involve expensive litigation. Some of them involve jurisprudential standards that don't always permit a legal challenge to be brought. Among other things, you have to establish what is called Article III standing. You have got to show an injury, in fact, squarely traceable to the conduct of the defendant that is capable of being redressed by a court of competent jurisdiction.

Many cases, many disputes arise in a context in which it would be difficult, if not impossible, to find someone with Article III standing who is even allowed to challenge these things in Federal court.

I, respectfully, submit that it is like a needle in a haystack, in a haystack on a distant planet, a really, really difficult case in which to even imagine, even fathom someone with Article III standing who could do it.

Senator GRAHAM referred to some legal experts, legal scholars whom I respect and admire, who have been looking into this. I have looked at their written work product, and it is excellent, but even they acknowledged it is not at all clear you could even find anyone with standing.

This is exactly the kind of case that needs to be argued, that needs to be settled not in the courts of law because it can't; it must be resolved here, here in the branch of government that is charged with making the law and that is also charged with overseeing the

branches of government that execute, implement, and enforce the law—the executive branch. That is our job. This is where it has to be done.

So, look, if you want to give the farm away, if you want to say we are just going to leave it alone, that is fine. But let's not kid ourselves. No court is coming to the rescue. It is not going to work. You are not going to find anyone with standing, I can almost guarantee you. And even if you can find somebody with standing, they have crafted this thing so deliberately, so maliciously, so carefully as to make it nearly impossible for anyone who even could establish standing—which they can't—to succeed on the merits because at the end of the day, they will look at them, and they will say: Gosh, shucks, we didn't do that. We didn't perform any abortions. All we did is we just, you know, drove the people to the State or flew the people to the State where they are going to get the abortion, and then we paid for their motel, their room, board, lodging, gave them 3 weeks of per diem in order to do it. No, we didn't do any of that.

So by a rigid, textual analysis, which probably would be the one that would prevail in a court of law, you would lose.

Even if you could find somebody with Article III standing—which you can't; you are not going to find that—what remedy is there?

If we are we are going to allow the laws that our branch of government has made, if we are going to allow that law or the law in general to be an ask, then, fine, let it go. But let's not kid ourselves. This isn't getting fixed in a court of law. We have got the remedy here.

Whether you agree with Senator TUBERVILLE's initial decision to do it this way or not, don't spit on me and tell me it is raining. Don't walk in here and tell me there is another solution. Don't walk in here and tell me that courts of law are where all legal disputes have to be resolved when you know darn well a lot of them can't, and this one sure as heck won't be.

It saddens me deeply that this many brave men and women have been delayed. It troubles me deeply to consider the many families whose lives have been disrupted by this. But I respectfully submit, with all the passion I am capable of communicating at 1:10 in the morning, at a bare minimum, you are wrong to just blame him. I don't think you should be blaming him at all.

Secretary Austin and President Biden, you set in motion a sequence of events that you knew darn well would culminate in this very thing. You knew darn well that you would use this as an opportunity for demagoguery. That is not cool.

I object.

The PRESIDING OFFICER (Mr. WELCH). The objection is heard.

The Senator from Indiana.

Mr. YOUNG. Mr. President, I do hope the President of the United States and

Secretary Austin heed the entreaties of my esteemed colleague representing the State of Utah.

With that, I call to the floor Executive Calendar No. 105, CAPT Thomas J. Dickinson to the grade of Rear Admiral.

Captain Dickinson was also a classmate of mine at the U.S. Naval Academy. He was commissioned in 1995 and became a surface warfare officer.

He has held numerous positions, most with a high level of expertise. These include his time as a weapons officer and combat systems officer aboard the USS *The Sullivans* and commanding officer aboard the USS *Barry*. Most notably, during his command tour of the USS *Barry*, he completed a 9-month ballistic missile defense deployment in the eastern Mediterranean Sea and earned the Battle Effectiveness Award, being recognized for its crew's high levels of sustained proficiency and readiness.

Captain Dickinson is currently serving as the commander of the Naval Surface Warfare Center and the Naval Undersea Warfare Center in an acting capacity until his promotion is processed.

We can confirm this nomination by voice vote tonight, right now. Therefore, I ask unanimous consent that the Senate proceed to executive session for the consideration of the following nomination: CAPT Thomas J. Dickinson to be Rear Admiral (lower half) in the U.S. Navy under Calendar No. 105; that the Senate vote on the nomination without intervening action or debate; that, if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

The Senator from Utah.

Mr. LEE. Mr. President, reserving the right to object, we live in a great country. It is a country that has thrived precisely because we have sought, since the moment of our founding, to live under the rule of law; that when we make a law, we do our best to follow it.

It doesn't always work that smoothly. I know the process of making law and enforcing law and interpreting the law can be messy. People have strong opinions about what the law ought to be, how it ought to be enforced, what the law means. But, you know, we have been at our best when we accept the fundamental premise that although the task may be difficult and although people might reach different conclusions regarding what the law should be, how the law ought to be enforced, and how it ought to be interpreted, that there is a right answer.

We might not all agree on what the right answer is, but if we agree that there is a right answer and it is our obligation to find it and then defend it once we have found it, we are going to be better off.

One of the things that differentiated our form of government from that of

our mother country is the twin set of structural protections in the Constitution that separate and divide power. Our Founding Fathers understood, through sad experience, that it is the nature and disposition of almost all men and women everywhere, as soon as they get a little authority, a little power, that they will begin to exercise what we call unrighteous dominion; that is, they have a tendency to abuse their power. They have a tendency to become tyrants, petty or grand. To that end, they understood something about human nature. They understood what Madison described in *Federalist* No. 51; that if men were angels, we would have no need of government. If we had access to angels to govern us, we wouldn't need rules, we wouldn't need constraints around government power. But, alas, we are not angels. We don't have access to angels. Angels are not to be found among us, certainly not in the E-Ring of the Pentagon, certainly not in the White House today. They are no angels, neither are we. But we have rules.

To that end, our Founding Fathers sought to subdivide power, to slice it and dice it. In short, they separated out power along two axes, establishing these two fundamental structural protections that really have helped foster the development of the greatest civilization the world has ever known.

The first of these structural protections operates on a vertical axis. We call that Federalism. It says that most power in our system of government doesn't belong in Washington, DC. It doesn't belong at the national level. It belongs at the State and local level where most of the power is reserved.

It says that only a few powers designated as Federal, as national, by the Constitution will be lodged within the Federal Government. Among those powers, just a few basic national authorities: the power to regulate trade or commerce between the States, with foreign nations, and with the Indian Tribes; the power to come up with a uniform system of weights and measures, a uniform system of immigration and nationality laws; the power to develop courts inferior to the Supreme Court of the United States, a system of bankruptcy laws and bankruptcy courts; the power to declare war, to establish an army and a navy and to regulate the militia, what we today call the National Guard.

And there is my favorite power, too often referred to as the power to grant letters of marque and reprisal. Marque, in this context, is spelled m-a-r-q-u-e. The letter of marque and reprisal, to put it succinctly, is basically a hall pass issued by Congress in the name of the United States that allows the person possessing it to engage in state-sponsored acts of piracy on the high seas. In short, you get to be a pirate.

Each of these powers are relatively minor. All of them together are still relatively minor compared to the bulk of the power reserved to the State and

local governments around the country. To the extent that we have respected those limits, those distinctions between State and Federal power, we have benefited materially as a country.

Tragically, over the last 86 years, we have deviated from that, and that has caused problems. It has spilled over and helped erode not just the vertical protection we call Federalism but also the horizontal protection we call separation of powers. And I will turn to that now.

Under the principle of separation of powers within the Federal Government, the Founding Fathers set up three distinct branches. One branch, the legislative branch headed by Congress, consisting of a House and Senate, would make the laws. Subdivided between these two branches, these two Chambers of the legislative branch—because they knew that it would be more difficult to abuse the power if you split it up more, so they did—another branch, the executive branch, headed by an elected President, whose job it is to enforce the laws—or it is, at least, supposed to be; and a third branch headed by the Supreme Court and including such inferior courts as Congress might choose to ordain and establish from time to time, whose job it is to interpret the laws.

Now, between these three powers—let's face it—they are not really equal branches. They are coordinate branches, but they are not equal in their power. By far, the most dangerous branch is the branch that we inhabit and is the branch in which we serve, in which we find ourselves this fine evening, because the power to make law is the most dangerous power in government. And it is for that very reason, Mr. President, the Founding Fathers wouldn't entrust that to anyone other than the branch of government most accountable to the people at the most regular intervals—because it is dangerous.

The other two branches, if you think about it, really exercise powers that are derivative of ours in one way or the other. The laws that the executive enforces must first be passed by us. The laws the judicial branch interprets must first be passed by us. That is why it is so important that we safeguard this, that we make sure that no one else from outside the legislative branch of government seizes that power. Why? Because they are not accountable to the people at the most regular intervals.

You can fire every Member of the House of Representatives every 2 years. Their voters have the chance to do that with all of them every 2 years. From the Speaker of the House to the most junior Member, they can all be fired by their constituents every 2 years.

A third of us in this Chamber can be fired every 2 years. My constituents opted not to do that last year. I had the chance, and they decided to keep me for another 6 years, and I am grateful for that.

But we are all accountable. That same accountability does not apply in the executive branch. It sure as heck doesn't apply in the judicial branch. It is one of many reasons why you can't legislate from the E-Ring of the Pentagon. You cannot make a new law, you cannot change existing law from the executive branch.

Now, I know. I know. I know. We have gotten lazy. We have gotten lazy because since April 12, 1937, a day which should live in infamy in American history but a day that is seldom even mentioned, much less studied in grade school, intermediate school, high school, college, even most law schools, is the day the Supreme Court messed it all up, really leading to the erosion of both the vertical protection we call Federalism and the horizontal protection we call separation of powers.

April 12, 1937—that was the day when the Supreme Court of the United States, by a vote of 5 to 4 in a case called *National Labor Relations Board v. Jones & Laughlin Steel Corporation*, reinterpreted one provision of the Constitution—article I, section 8, clause 3—the Commerce Clause, to mean something different, something different than it had ever meant. Ever. It had always meant, prior to that time, that Congress had the power to regulate a couple of things: No. 1, interstate commercial transactions.

Person A lives in Virginia, wants to sell tobacco to person B living in Maryland. That interstate commercial transaction can't adequately be covered by the laws of either Virginia or Maryland, so Federal law has the ability to cover it—interstate commercial transactions. Secondly, channels or instrumentalities of interstate commerce: interstate airways, airwaves, waterways, and so forth, because, there again, the laws of no State are sufficient to cover that interstate event—something carrying something else or someone else across interstate lines.

Prior to that time, that is all the Commerce Clause meant. On April 12, 1937, the Supreme Court amended the Constitution, amended it without going through the article V amendment process, a process that is deliberately difficult. Why? Well, because that is the whole darn point of having a Constitution, is to make it difficult to change. Some of our laws must not be easy to change.

So the Supreme Court amended the Constitution, gave themselves power that was not theirs to redefine it, to include any power that, when measured in the aggregate, though, carried out intrastate—not part of an interstate commercial transaction, not part of a channel or instrumentality of interstate commerce, in the aggregate, had a substantial effect on interstate commerce.

What does that mean? Well, that is all legalese for Congress can regulate just about anything it wants. If it can dream it, it can regulate it, as long as it uses the right words.

Since April 12, 1937, the Supreme Court has invalidated exactly two laws—only two laws—as outside Congress's Commerce Clause power—one involving provisions of the Gun-Free School Zones Act in a 1995 decision called *United States v. Lopez* and another case involving a few provisions of the Violence Against Women Act in the year 2000 in a case called *United States v. Morris*. There is a third case that arguably makes the list but, ultimately, gets cut from that list—*NFIB v. Sebelius*—which the Supreme Court decided in 2012, concluding that the *ObamaCare* individual mandate was, in fact, in violation of, in excess of Congress's Commerce Clause authority but then went on to rewrite the same statute—not once, but twice—in order to save it from an otherwise inevitable finding of unconstitutionality. So that one doesn't count.

So because since pretty much everything has been part of our legislative prerogative, Congress has choked on its own power. Members of Congress couldn't handle that much power. Members of Congress didn't want to go to all the work of all that power. So Members of Congress started delegating out the lawmaking powers to other branches of government. In short, we have gotten lazy, we have gotten sloppy; and it has inured to the everlasting detriment of the American people, who find themselves subject to a Byzantine labyrinth of Federal regulations that cost the American economy between \$2 and \$3 trillion a year to comply with.

Those compliance costs are borne not by big, wealthy, blue-chip corporations or some guy that you imagine wearing a double-breasted suit and a monocle like Mr. Peanut. No; they are borne by hard-working Americans who pay higher prices on goods and services and everything they buy, and they pay for it also with diminished wages, unemployment, and underemployment.

These things are not free, you see. You mess with Federalism, you destroy Federal separation of powers.

Incidentally, you know how this decision was arrived at? Well, Associate Justice Owen Roberts panicked. He got scared because President Franklin D. Roosevelt threatened to pack the Supreme Court of the United States with as many as 15 Justices. Justice Owen Roberts, looking outside the case, looking beyond the law, decided to just rewrite the Constitution rather than run the risk of Court packing. Shameful, really, but it led to where we are now.

I keep in my office two stacks of documents behind my desk. One stack is short. It is a few inches tall. It consists of the laws passed by Congress during the previous year. It is usually a few hundred to a few thousand pages long. It stands about that high. The other stack of documents, during any given year, will come to a mass of about a 13-foot-tall stack. I keep them in three adjacent bookcases. These are in bound

volumes, double-sided, very small print, very thin pages. Last year's Federal Register.

The current year's Federal Register—our current Federal Register, by the end of this year, will have reached about 100,000 pages. These pages contain law—new law, law that, if not complied with, can land you in prison, can get you fined, can get you banned from this or that Federal program. It can deprive you of life, liberty, property just the same as any law passed by Congress, only it is not a law passed by Congress.

It is reminiscent of Federalist No. 62 in which James Madison, rather eerily and with great prescience, warned it will be of little avail to the American people that their laws may be written by men of their own choosing if those laws be so voluminous, complex, and ever-changing that they can't be read and understood by the American people, if they can't know from one day to the next what the law is today and what it will be tomorrow.

Those words still echo in our ears today when we see not only are those laws so voluminous and ever-changing and complex that we can't read and understand the law, know what it means and says from one day to the next; they are not even written by men and women of our own choosing.

That is why it matters, that this document written back in 1787 still matters. We have all sworn an oath to uphold it. And what it means is you can't legislate from the E-Ring of the Pentagon. You can't make a law, you can't change an existing Federal law from the executive branch of government, unless you are the President of the United States and your sole role in lawmaking is signing, vetoing, or acquiescing to a law duly passed by the House and the Senate. You can't make a law; you can't change a law—not from the E-Ring of the Pentagon, not from the Oval Office, not from any quarter of any part of this town or this great land or this entire world outside of this Chamber and the Chamber just down the hall from us. That is why it matters.

So, yeah, this is about life. Yeah, this is also about the military. But we swore an oath to that Constitution. We swore an oath that we will make the law; we will not delegate that law to somebody else; we are not going to let somebody else make the law—especially a law that is destructive of life, liberty, and property, as that is, ultimately, the sole purpose of government: to protect life, liberty, and property.

Quite ironically, the bigger, the more out-of-control, the more unrestrained, the more unaccountable any government becomes, it is inevitably the consequence of that government that it becomes destructive of life, liberty, and property. That is how we got to where we are here, where a branch of government not entitled to make the law has made law and has made law to

facilitate the taking of unborn human life.

My colleagues who are here tonight, whom I love and respect, are blaming the wrong culprit. It is not TOMMY TUBERVILLE. It is Joe Biden, Lloyd Austin, and CHUCK SCHUMER. Let's keep that blame where it belongs. Let's not fool ourselves into thinking that this can be remedied in court. It can't. It won't. We all know that.

We are going to stand up for the unborn who cannot speak for themselves. We are going to have to do it. If we are going to prevent somebody else from making law when it is not their prerogative, it has to be us.

Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Indiana.

Mr. YOUNG. Mr. President, there are now tens—tens—of Americans watching us on C-SPAN2, captivated, I know, by the presentation this evening. I think they are perhaps divided. Some may look upon these proceedings and think: What a functional U.S. Senate. Every voice must be heard. Every perspective must be delivered. Every phrase must be uttered.

Others will say, perhaps, it is dysfunction, perhaps there is an effort to obfuscate.

I don't know what they will conclude, but I do know that I intend to continue reading through these brave patriots' class of 1995 U.S. Naval Academy graduates who have been nominated to the grade of Rear Admiral (lower half). And we are very proud of it. And I hope they can be confirmed later this evening.

So I will be proceeding and reading each of their biographies, fused together, indeed, in a strength, without any intervening parliamentary request which might be seized upon for C-SPAN viewership.

Navy CAPT Neil Koprowski to the grade of Rear Admiral. Captain Koprowski has served in the U.S. Navy since receiving his commission in 1995. Did I say it? 1995. He has held numerous operational assignments, including commanding officer post of the USS *San Antonio* and the USS *Kearsarge*. Captain Koprowski currently serves as the commander for U.S. Naval Forces Korea and U.S. Navy Region Korea, a posting that handles the highly competitive regional challenges we face today.

Captain Koprowski has also received many awards in his career, including the Legion of Merit, the Meritorious Service Medal, and the Joint Service Commendation Medal.

CAPT Lincoln M. Reifsteck to the grade of Rear Admiral. Captain Reifsteck has served his country since graduating from the Naval Academy in 1995.

Did I mention he and I were classmates?

He has held numerous assignments, including as the commanding officer of the USS *Hampton*, the division chief of

the Nuclear Operations Division for the Joint Staff, and commodore of Submarine Development Squadron 5.

Captain Reifsteck currently serves as the branch head of the Undersea Warfare Division in the Office of the Chief of Naval Operations.

CAPT Frank A. Rhodes IV has also been nominated to the grade of Rear Admiral. CAPT Frank Rhodes has been serving in the Navy since 1995. He graduated from the Naval Academy. We were classmates. He served in numerous positions, including commanding officer of Strike Fighter Squadron 81 and the air wing commander of Carrier Air Wing 3.

Captain Rhodes has been serving in the Office of the Chief of Naval Operations for over 4 years, where he has been the Carrier Strike Aircraft and Weapons branch head and the executive assistant to the Chief of Naval Operations.

Then we have CAPT Forrest O. Young, also nominated to the grade of Rear Admiral. Captain Young served in the Navy for almost 30 years. He graduated from the Naval Academy. We were, of course, classmates. And he thereafter became an accomplished fighter pilot. He held operational commands around the world, including time as commander of Strike Fighter Squadron 105, commander of Carrier Air Wing 5, and time as an instructor as a Navy Top Gun.

Captain Young most recently served as director of Aviation Officer Career Management and Distribution Division, Navy Personnel Command.

CAPT Craig T. Mattingly, also nominated to grade of Rear Admiral. Over Captain Mattingly's 28-year career, he has led squadrons on deployments supporting EUCOM, AFRICOM, and CENTCOM, areas of responsibility as commander of multiple task groups.

His major command tour was commander of Patrol and Reconnaissance Wing 11. During his tenure as commodore, CPRW-11 supported global initiatives to include the inaugural INDOPACOM deployments of the MQ-4C Triton Unmanned Aerial System and P-8A Poseidon Advanced Airborne Sensor, as well as the P-3C Littoral Surveillance Radar System.

Mattingly's most recent assignment was serving as senior military adviser of the Secretary of the Navy. He has accumulated more than 3,900 flight hours in the P-3 Orion and P-8 Poseidon aircraft and served on teams that have received various awards and recognition.

He, too, was a classmate of mine, class of 1995.

And I am most hopeful each of these individuals can, ultimately, be confirmed, as my good friend and respected colleague, with whom I share deep pro-life convictions, Senator TUBERVILLE contemplates a more constructive policy.

We have visited in that regard. He is working hard toward that end. I know he wants to accomplish that.

Having offered that thought, I am going to yield to Senator ERNST of Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Ms. ERNST. Thank you to my colleague from Indiana. I truly appreciate it.

I will now go through the biographies of the men and women who rightfully deserve to be promoted, to be moved into their next position of authority.

And I am going to start by continuing with MG Heidi J. Hoyle, Calendar No. 48, for the grade of Lieutenant General and deputy chief of staff for the U.S. Army. And I would like to highlight MG Heidi J. Hoyle, who is currently the director of operations for the Office of the Deputy Chief of Staff for Logistics.

Upon her graduation from Virginia in 2004, she was assigned as an instructor in the Department of Systems Engineering at West Point. She served as the 242nd Ordnance Battalion executive officer, with a deployment to Afghanistan and support of Operation Enduring Freedom.

In 2010, she was selected for command of the Special Troops Battalion of the Third Sustainment Brigade in Fort Stewart, GA. And while stationed there, she deployed in support of the Iraq war.

She has distinguished her career, having been awarded the Legion of Merit, folks, not just once, not twice, but three times. She has been awarded the Bronze Star Medal not once but twice.

This is an extraordinary woman. And I will point out that I enjoyed my service very much. I appreciated my time in service. But I also have a daughter who is serving now. And my daughter—to MG Heidi J. Hoyle, General Hoyle, I hope that my daughter is following in your footsteps. My daughter is assigned to the 3rd Sustainment Brigade in Fort Stewart, GA.

So to MG Heidi J. Hoyle, I bring you up this evening. I will not be asking for a live UC this evening because we know that it will be objected to and filibustered, and I think you deserve better than that, General Hoyle. You have given your entire adult life in service to our Nation, under extremely difficult circumstances, and you have been awarded, again, the Legion of Merit three times and the Bronze Star Medal twice.

I am proud to be a staunch advocate of the U.S. Army community and, once again, standing up for valiant individuals who have answered the selfless call to serve.

As more of our servicemembers are under attack by Iran-backed proxies, we must fight for our U.S. Army community and get them in the fight. And that is why I raise voice for MG Heidi J. Hoyle and her promotion to Lieutenant General because she cannot do it herself.

Next, I am going to move on to Col. Terence G. Taylor. I rise today to talk

about a few officers within Calendar No. 82, which contains Col. Terence G. Taylor for the grade to Brigadier General. That is a one-star General.

Col. Terence G. Taylor is currently the commander of the 380th Air Expeditionary Wing. Col. Terence G. Taylor is responsible for the wing's Armed Overwatch mission, encompassing intelligence, surveillance, and reconnaissance and command and control reporting center assets.

Colonel Taylor is also responsible for theater security cooperation and agile combat employment, dynamic force employment missions in direct support of the U.S. Air Force's central and the United States central command priorities.

Colonel Taylor earned his commission through the Reserve Officers' Training Corps Program at the University of Virginia in 1997.

Colonel Taylor's prior assignments include serving in the Department of State's Bureau of Counterterrorism, where he was responsible for directing political and operational responses to international terrorism and implementing America's global counterterrorism policies in coordination with numerous government departments and agencies.

Colonel Taylor has numerous degrees, including a master of arts in strategic studies at the Air War College and a master of arts in national security and strategic studies at the American Military University.

And this is why I am stepping forward tonight and not asking for a voice vote but sharing the biography of the admirable service of Col. Terence G. Taylor and his promotion to Brigadier General because as a member of the military, he is apolitical and cannot lobby Members of Congress. So while he has no voice, while Heidi Hoyle has no voice, I am giving them voice tonight.

I am moving on to another admirable individual who is being denied her promotion this evening. Again, I am directing my ire at President Joe Biden and at Secretary Lloyd Austin for the policy that they have put in place for the abortion travel agency plans. It is horrific. It is horrific. Our ire goes to them. But what we see is maybe the plan to reverse that is holding some of these individuals who rightly deserve to be promoted hostage.

So the individual I am addressing right now is COL Sara E. Dudley. She is an officer within Calendar No. 94, which contains a list of Army officers who have been selected for the grade of Brigadier General. Again, a one-star.

Specifically, COL Sara E. Dudley is a vital part of Special Operations Command. Colonel Dudley is a proud West Point graduate who took and embodied the skill sets and leadership tools that she learned there to be a lifelong learner, a lifelong participant in our U.S. military. She earned a Harvard MBA and a Yale University fellowship through the War College.

She has honorably served her country as a warfighter during Iraqi Freedom, where I had served. She also served during Operation Enduring Freedom and, most recently, during her third deployment overseas, in support of the Combined/Joint Forces Land Component Command during Operation Inherent Resolve.

She is a decorated warfighter, distinguished herself with honor, having been awarded for meritorious achievement several times throughout her career. I firmly believe that Colonel Dudley's qualifications, record, and character have earned her this promotion. Again, I am giving voice to her because she has no voice.

The next person I will address is for Rear Admiral (1h) Jeromy B. Williams. He is an officer within Calendar No. 102, which contains a list of Navy officers who have been selected for the grade of Rear Admiral. I will highlight Rear Admiral (1h) Jeromy B. Williams. He is the deputy director for special operations and counterterrorism in the J-3 of the Joint Staff.

Rear Admiral Williams is a native of Las Vegas, NV. And after graduating from the U.S. Naval Academy in 1993 with a degree in aerospace engineering, he immediately reported to seal training and graduated in January of 1994.

His operational assignments include two tours as assistant platoon commander, joint commissioned observer commander, assistant operations officer, platoon commander, troop commander, SEAL team operations officer, and executive officer. Later, he became a squadron commanding officer, then served as deputy major commander, and then as commodore. Most recently, he served as deputy commander, Special Operations Joint Task Force Iraq for Operation Inherent Resolve.

A distinguished graduate of the U.S. Naval War College, Rear Admiral Williams holds a master's in national security and strategic studies. He was further selected by the Chief of Naval Operations as a Navy military fellow, and he served on the Council on Foreign Relations.

So as a 23-year combat veteran and retired lieutenant colonel of our great U.S. Army and as an ardent supporter of our Special Operations community, I am proud to stand up for this valiant officer who has answered the selfless call to service and earned this promotion. I firmly believe that Rear Admiral Williams's qualifications, record, and character make him exceptionally eligible for this promotion. He has no voice on the floor of the U.S. Senate tonight. That is why I am giving him a voice.

The next individual is Brig. Gen. Justin R. Hoffman. I am rising today to talk about a few officers within Calendar No. 110, which contains a list of Air Force officers who have been selected for the grade of Major General. That is a two-star General.

First, I would like to begin with Brig. Gen. Justin R. Hoffman, who is a special assistant to the commander of Air

Force Special Operations Command. This command is the Air Force component of the U.S. Special Operations Command.

General Hoffman was born in Austin, TX, and earned his commission from the U.S. Air Force Academy in 1995. He spent most of his career in Special Operations aviation assignments, deploying extensively.

He is a command-rated pilot, having flown more than 5,500 hours, of which more than 1,800 are combat hours. He has flown the NC-130H and J models for the Commando II, which flies clandestine, low-visibility, infiltration and exfiltration of Special Operations forces, primarily flown at night to reduce visual acquisition and intercept by airborne threats in politically sensitive or hostile territories.

He also has flown the U-28A Draco, which is part of the U.S. Air Force Special Operations Command, and manned airborne intelligence, surveillance, and reconnaissance fleet. While commanding this aircraft, Brigadier General Hoffman supported humanitarian operations, search and rescue missions, and Special Operations missions.

I would also like to note that Brigadier General Hoffman dedicated a portion of his career to this esteemed body here in Congress, having served as the Director of Legislative Affairs for U.S. Special Operations Command.

It is officers like this that I am proud to be a staunch advocate of within the Special Operations community because, right now, folks, the world is on fire, and we need more Special Operations Command officers in the fight, not out of the fight. This is why I give voice tonight to Brig. Gen. Justin R. Hoffman and his promotion to Major General.

You can see, as I am moving through these biographies of these incredible men and women who are being denied their promotion on this very night by individual vote on the floor of the Senate—you can see that they have storied legacies in their contributions to these great United States of America. It is without having these men and women and those who came before them in our great United States of America that we would not have life, liberty, or the pursuit of happiness. Those things cannot be achieved without the men and women who protect our country and its values.

Next, Mr. President, I would like to continue with Calendar No. 110. Again, a list of Air Force officers who have been selected for the grade of Major General. I would like to highlight Brig. Gen. Rebecca J. Sonkiss, who is currently the deputy commander of the Air Force Special Operations Command, the deputy commander of the forces who execute worldwide deployments and assignments to unified combatant commanders, the deputy commander to approximately 20,800 Active-Duty Reserve, Air National Guard, and civilian professionals within the Special Operations community.

This is no slacker, folks. Brigadier General Sonkiss has had an incredible career, starting with her acceptance and subsequent graduation from the U.S. Air Force Academy in 1994. She commanded the 15th Airlift Squadron through two deployments, was the vice commander of the 455th Air Expeditionary Wing at Bagram Airfield in Afghanistan, and commanded the 62nd Airlift Wing at Joint Base Lewis-McChord and the 89th Airlift Wing at Joint Base Andrews.

She is a command pilot with more than 4,400 hours, including 1,377 combat hours in nine different Air Force-manned and remotely piloted aircraft, including the EC-130 Compass Call, which disrupts enemy command-and-control communication systems, and the RQ-1 Predator, which is an intelligence collection asset, capable of offensive air support against enemy targets.

She has distinguished her career, having been awarded the Defense Superior Service Medal, the Legion of Merit, and a Bronze Star. And, again, I am proud to be a staunch advocate of the Special Operations community and, once again, stand up for these valiant individuals who have answered the selfless call to serve.

As more of our servicemembers are under attack by Iran-backed proxies, we must fight for our Special Operations community and, once again, get them into the fight. That is why I am giving voice this evening to Brig. Gen. Rebecca J. Sonkiss and her promotion to Major General.

Again, I am going to say, these biographies are incredible. They are incredible. But that is why many people here on the floor—those that might be in opposition to the individual votes tonight on the floor—they don't want these read. They don't want these biographies read because we are putting the human element out there and showing the United States of America the valiant—the valiant—service of these men and women.

Again, every one of these individuals has given their entire adult life in service to our great United States of America—our great United States of America. We would not have the country we have if we didn't have men and women who were willing to sacrifice everything—everything—for this country.

Mr. President, the next one is Brig. Gen. Claude K. Tudor, Jr. Again, it is under Calendar No. 110, a list of Air Force officers who have been selected for the grade of Major General. Brigadier General Tudor is currently the director of operations in the J-3 for U.S. AFRICOM. As the director of operations, Brigadier General Tudor provides oversight and direction for all operations divisions at AFRICOM, including working with partners to counter transnational threats and malign actors, strengthening security forces, and responding to crises in order to advance U.S. national interests and promote regional security, stability, and prosperity.

Brigadier General Tudor was commissioned through the ROTC Program at Troy State University in Alabama and has spent the majority of his career in Special Operations ground combat assignments, deploying extensively.

Prior to AFRICOM, Brigadier General Tudor served as the commander for the Combined Special Operations Joint Task Force-Levant and chief of staff of Headquarters Pacific Air Forces.

He has several degrees, including a master's in business management from Troy State University, a master's in strategic intelligence from the Joint Military Intelligence College, and a master's in strategic studies from the U.S. Army War College. He has distinguished his career having been awarded the Defense Superior Service Medal, two Legion of Merits, and a Bronze Star.

He has also been the Air Force combat control officer of the year not once, not twice, but three times. We need officers like Brig. Gen. Claude K. Tudor, Jr., to stay in the fight, and I am giving him voice on the floor of the Senate this evening—actually, at 2 in the morning.

Mr. President, again, I am rising today to highlight the career of Maj. Gen. David A. Harris, Jr., U.S. Air Force, who is Calendar No. 186. Major General Harris has been selected for promotion to Lieutenant General—that is a three-star General—and to be the deputy chief of staff for Air Force Futures at Headquarters U.S. Air Force.

Major General Harris is currently the deputy commander of the Ninth Air Force, Air Force Central, and deputy, combined forces air component commander, of the U.S. Central Command in Southwest Asia.

As the deputy commander, he is responsible for the command and control of air operations in a 21-nation area of responsibility, covering Central and Southwest Asia.

He graduated from ROTC and received his commission from the University of Alabama in 1993. He is a master navigator and basic parachutist with more than 2,500 flying hours, having flown in support of Operations Deliberate Force, Allied Force, Enduring Freedom, Iraqi Freedom, Combined Joint Task Force-Horn of Africa, and Inherent Resolve.

He has a bachelor of science in aerospace engineering, a master of military art and science from the School of Advanced Military Studies at Fort Leavenworth, a master's from the National War College, and was a national security fellow at Syracuse University. Major General Harris has commanded the squadron group and wing level. He has served as vice superintendent of the U.S. Air Force Academy, deputy director of operations for Joint Special Operations Command, and the director of strategic plans, programs, and requirements for Air Force Special Operations Command.

Prior to the current position, Major General Harris was the director of integration and innovation and deputy chief of staff for strategy, integration, and requirements at Headquarters U.S. Air Force.

It is officers like this that I am proud to be a staunch advocate of in the Air Force community because, again, with the world on fire, we need more Air Force command officers in the fight, not out of the fight. That is why I am giving Maj. Gen. David A. Harris, Jr., tonight, a voice, because he cannot do so on the floor of the Senate.

Mr. President, now I would like to continue by highlighting MG David M. Hodne. He is Calendar No. 190, and he is selected for the grade of Lieutenant General. MG David M. Hodne is currently assigned as special assistant to the director of the Army staff with the office of the Chief of Staff of the Army.

Hodne attended the U.S. Military Academy at West Point, graduating in 1991 with a bachelor of science degree in aerospace engineering.

He later earned a master of arts in military studies in unconventional warfare from the American Military University. Hodne has command of the U.S. Army Infantry School and served as the Commanding General of the 4th Infantry Division in Fort Carson, CO, assuming command on August 19, 2021, and relinquishing it to David S. Doyle on June 13, 2023.

General Hodne was awarded the Defense Superior Service Medal; the Legion of Merit three times; the Bronze Star Medal not once, not twice, not three times, ladies and gentlemen, but four times; and a Purple Heart, which means he was injured in the line of duty.

Again, I am proud to be a staunch advocate of the U.S. Army community, and once again, I am standing up for valiant individuals who have answered the selfless call to serve.

That gentleman, again, was MG David M. Hodne for promotion to Lieutenant General.

Next, I rise today to talk about MG Karl H. Gingrich, Calendar No. 224, who is being selected for the grade of Lieutenant General to be deputy chief of staff of the U.S. Army.

MG Karl H. Gingrich became the director of program analysis and evaluation in the Office of the Deputy Chief of Staff at U.S. Army Headquarters. As the director of program analysis and evaluation, he is responsible for developing the program objective memorandum, which allocates resources in line with broader DOD guidance.

Prior to his current assignment, Major General Gingrich served as the director of capability and resource integration at USCYBERCOM, which included building the joint cyber warfighting architecture, which covers everything from data management to command and control at CYBERCOM.

Major General Gingrich's operational experience includes tours supporting Operation Enduring Freedom.

Major General Gingrich holds multiple graduate degrees from the University of Louisville, Air University, and the National Defense University.

So this evening, again, we will not be voting on MG Karl H. Gingrich, but he has earned this promotion, and I do hope we can resolve this very soon.

Next, I rise to talk about MG John B. Richardson IV, Calendar No. 233, who has been nominated to be Lieutenant General and commanding general of the First United States Army.

John B. Richardson IV was born in Baltimore, MD. He attended the United States Military Academy at West Point and graduated in 1991. In fact, he was the fifth member of his family to attend West Point, exemplifying a commitment to service.

Major General Richardson was commissioned as an armor officer in 1991 from West Point. He is a proud armored cavalry man. His first assignment was with the 1st Armored Division, serving as a tank platoon leader with 4th Battalion, 67th Armored Regiment, in Friedberg, Germany. He served in Iraq as the squadron operations officer in the 2nd Armored Cavalry Regiment, and again, a year later, he deployed as an aide-de-camp to the commanding general of Multi-National Security Transition Command.

I am so proud of General Richardson, and I am glad to be able to stand on the floor of the U.S. Senate tonight and voice his qualifications.

Again, MG John B. Richardson IV and his promotion to Lieutenant General and commanding general of First United States Army.

Next, I am going to rise on behalf of Maj. Gen. Michael G.—oh let me start over; this is a tough one, folks—Koscheski. OK. This gentleman has a tough name. He also has a tough job. We hope we can get him into that tough job.

So I apologize, General. I owe you a beer.

OK. Calendar No. 239. He is being nominated to be deputy commander, Air Combat Command. Maj. Gen. Michael G. Koscheski—I think I got it right that time—is the commander of 15th Air Force, Shaw Air Force Base, SC. Fifteenth Air Force organizes, trains, and equips its headquarters to prepare for and execute expeditionary tasking.

The General received his commission from the United States Air Force Academy in 1992. That is the same year I received my commission as well—only from Iowa State University. He has served as an F-15E instructor pilot, a weapons officer, and a flight examiner. He is a command pilot with more than 2,800 flying hours. He has flown more than 650 combat hours over Syria, Iraq, and Afghanistan.

He is a decorated officer, with awards to include the Defense Superior Service Medal, the Legion of Merit with two oak leaf clusters, the Defense Meritorious Service Medal, and the Air Force Achievement Medal.

Again, I am proud to be a staunch advocate of the Air Combat Command community. We need officers like this in the fight, not out of the fight, and that is why I am giving voice to them this evening.

Next, we move on to Lt. Gen. Donna D. Shipton. I am rising to talk about Lt. Gen. Donna D. Shipton. She is Calendar No. 240 for the grade of Lieutenant General and deputy commander of the Air Force Life Cycle Management Center with the Air Force Materiel Command.

Lieutenant General Shipton received her commission in 1991 as a distinguished graduate of the Air Force Reserve Officer Training Corps upon graduating from Clemson University. She also has a long list of graduate degrees, including a master's in national security strategy from the National War College, a master's in space systems from the Air Force Institute of Technology, and a master's of arts in organizational management from George Washington University.

She is currently the military deputy with the Office of Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics. Prior to her current position, Lieutenant General Shipton was the deputy director for the National Reconnaissance Office, NRO, where she assisted the director in managing the strategic and tactical operation of the NRO.

I truly believe we must stand up for the security and protection of our Nation, and I am proud to recognize this deserving officer who earned this promotion and highlight her selfless call to service. That is why I am voicing my support this evening for Lt. Gen. Donna D. Shipton and her promotion to Lieutenant General and deputy commander, Air Force Life Cycle Management Center, Air Force Materiel Command.

Next, I am rising to talk about an officer—Calendar No. 243—MG William J. Hartman. He has been nominated to be Lieutenant General and deputy commander of U.S. Cyber Command.

MG William J. Hartman is currently commander of Cyber National Mission Force. A native of Mobile, AL, Major General Hartman is a distinguished military graduate of the University of South Alabama, where he received his commission through the Reserve Officers' Training Corps as an infantry officer.

Major General Hartman served in multiple positions as an infantry, military intelligence, and cyberspace operations officer, with assignments in the United States, Italy, Germany, the Republic of Korea, Iraq, Afghanistan, and Turkey.

Major General Hartman has commanded a company battalion brigade and special mission unit and served as the senior intelligence officer at the battalion and the regimental level for the 75th Ranger Regiment—he is a bad mamba jamba—and multiple tours as a SOCOM Joint Task Force J-2.

He is a decorated officer, with awards to include the Legion of Merit with oak leaf cluster, the Bronze Star Medal with oak leaf clusters, the Meritorious Service Medal with oak leaf clusters, the Joint Commendation Medal, the Army Commendation Medal with oak leaf cluster, and the Army Achievement Medal with oak leaf clusters.

It is officers like this that I am very proud to represent on the floor of the U.S. Senate.

We need more folks operating within Cyber Command because we know that the world is on fire. We are in a new era. Cyber absolutely needs more officers like this in the fight, not out of the fight.

Again, this gentleman, hailing from the great State of Alabama, MG William J. Hartman and his promotion to Lieutenant General.

Next, we have LTG John S. Kolasheski. Oh my goodness. OK. I owe a lot of beers tonight. It is an Army thing, Air Force thing. You got it.

Calendar No. 244. He is being nominated to be Lieutenant General and deputy commanding general of U.S. Army Europe-Africa.

The Lieutenant General was commissioned as an armor officer and holds a bachelor of science in management from Bucknell University and a graduate's degree in engineering management from the University of Central Florida.

Lieutenant General Kolasheski has had a variety of command and staff assignments, to include deputy chief of staff, U.S. Army Forces Command at Fort Liberty, commandant of the United States Army Armor School, deputy commanding general for the 1st Infantry Division, the deputy chief of staff of strategic communications for NATO, and that is just to name a few.

He is a decorated officer, with awards to include the Distinguished Service Medal, the Defense Superior Service Medal, Legion—oh gosh; get this, Senator SULLIVAN—Legion of Merit with five oak leaf clusters.

Mr. SULLIVAN. Heroes.

Ms. ERNST. Heroes. And a Bronze Star Medal with three oak leaf clusters.

Mr. SULLIVAN. Heroes.

Ms. ERNST. It is officers like these whom I am proud to be a staunch advocate of because the Army community needs them. We need more Army command officers in the fight, not out of the fight. This is why I am standing up tonight in support of LG John S. Kolasheski and his promotion to deputy commanding general of the U.S. Army Europe-Africa.

Next, we have COL Jack J. Stumme. I am rising to talk about Jack J. Stumme. He is a Colonel under Calendar No. 284 for the grade of Brigadier General.

COL Jack J. Stumme is currently serving with the U.S. Army Europe-Africa as a command chaplain. Colonel Stumme has given years of service to our military and to his faith, serving

as command chaplain for United States AFRICOM, the 18th Airborne Corps, and a staff chaplain for the Office of the Chief of Chaplains.

I firmly believe that Colonel Stumme's qualifications, record, and character make him exceptionally eligible for this appointment, and I speak with experience here. Our chaplains truly do God's work for the men and women who serve. That is why I am providing a voice this evening for Chaplain Stumme and his promotion to Brigadier General.

Next, I rise in support of Col. Matthew S. Allen. Matthew S. Allen is an Air Force officer—Calendar No. 336—and he has been selected for the grade of Brigadier General.

I would like to highlight Col. Matthew S. Allen, whom many of us know because he works directly with Members of Congress. Colonel Allen is the director of the Office of Legislative Affairs for U.S. Special Operations Command, the position dedicated to maintaining the good relationship between U.S. Special Operations Command and Congress.

And you will notice that a number of these biographies that I read earlier this morning, they were those who served within Special Operations Command and Joint Special Operations Command.

He is the direct link on all legislative issues that deal with Special Operations resources, authorities, and oversight, collaborating directly with the House of Representatives and us here in the Senate to ensure full authorization of U.S. Special Operations Command's annual budget.

Colonel Allen grew up in a military family with assignments all across the globe. He graduated high school in Fairfax, VA, received his commission from the U.S. Air Force Academy, and was selected as a special tactics officer following graduation.

Prior to his current assignment, Colonel Allen was the commander of the 24th Special Operations Wing, where he prepared special tactics forces to conduct special operations against threats to the homeland and to protect U.S. interests abroad.

Colonel Allen has been privileged to command at the squadron group and wing levels and led joint operations for Special Operations task forces throughout the Middle East, the European theater, and the Indo-Pacific region.

He has served in Operations Enduring Freedom, Iraqi Freedom, and Inherent Resolve and was the recipient of the Air Force's 2006 Sijan Leadership Award. He has spent his career in Special Operations, the air staff joint operational assignments, as well as numerous combat and contingency deployments.

I personally know Colonel Allen. He is an incredible officer within the Special Operations community. He definitely is an officer we need in the fight.

I thank you and salute you, Colonel Allen, and I do hope that we are able to

move you on very soon to your well-deserved appointment to the grade of Brigadier General.

Next, I rise to highlight the career of Maj. Gen. Sean M. Farrell, U.S. Air Force, who is Calendar No. 339. Major General Farrell has been selected for the grade of Lieutenant General and has been appointed to the position of deputy commander of U.S. Special Operations Command.

Major General Farrell is currently the deputy commanding general of Joint Special Operations Command. In this role, he oversees the study of Special Operations requirements and techniques, ensuring joint interoperability and equipment standardization.

In addition, he prepares assigned, attached, and augmented forces to conduct special operations against threats to protect the homeland and U.S. interests abroad.

He was commissioned through the Reserve Officer Training Corps at Florida State University. He has a bachelor of science, a master of science from Wright State University, and a master of science in national resource strategy from the National Defense University.

He is a command pilot with over 3,500 flight hours in the AC-130H Spectre—that is bad; that is bad—AC-130W Stinger, AC-130U Spooky—we all know Spooky, Dan, right?—and C-130E Hercules aircraft, and has flown combat missions in Bosnia and Afghanistan.

He has commanded at the squadron group and wing levels, having commanded the 16th Special Operations Squadron, the 27th Special Operations Group, and the 1st Special Operations Wing.

He has distinguished his career, having been awarded the Defense Meritorious Service Medal, the Legion of Merit, and the Distinguished Flying Cross with valor device for acts of heroism above what is normally expected while engaged in direct combat with exposure to enemy hostilities and personal risk.

It is officers like this that I am proud to be a staunch advocate of within our Special Operations community. We need more Special Operations command officers in the fight, not out of the fight. And that is why I stand tonight and give voice to Maj. Gen. Sean M. Farrell on his promotion and his assumption of position at U.S. Special Operations Command.

Next, I rise in support of BG Lawrence G. Ferguson. He is Calendar No. 384, which contains a list of Army officers who have been selected for the grade of Major General. BG Lawrence G. Ferguson is the commanding general of 1st Special Forces Command (Airborne).

Brigadier General Ferguson is a graduate of the U.S. Air Force Academy, who cross-commissioned into the U.S. Army.

He attended the Army Ranger School, then served with the 101st Airborne "Screaming Eagles" Division. He earned a master's degree in American

history from Mississippi College, and he was an Army War College Fellow at Duke University Sanford School of Public Policy.

He served with the 7th Special Forces Group and has commanded at all levels from Captain through Colonel and served throughout Latin America and the Middle East. He has served in Operation Enduring Freedom, Iraqi Freedom, and Inherent Resolve in the Army's special missions unit.

His experience has included, more recently, deputy commander of operations, 82nd Airborne Division; chief of staff, U.S. Army Special Operations Command; commanding officer, 10th Special Forces Group (Airborne); and chief of staff, 1st Special Forces Command (Airborne).

And this evening, again, I am giving voice to those who cannot on the floor of the U.S. Senate this evening, BG Lawrence G. Ferguson on his promotion to Major General.

Next, I rise to talk about another officer within Calendar No. 384, and this officer has been selected for the grade of Major General. Now, this is BG Steven M. Marks, who is currently the deputy commanding general for 1st Special Forces Command (Airborne).

Are we seeing a pattern here? A pattern here? OK.

Brigadier General Marks was raised in Columbia, MO—State to my south—and earned his commission from the University of Missouri ROTC in 1982.

He served in a variety of tactical assignments in the Airborne Field Artillery Regiment and Special Operations units.

He is a graduate of the U.S. Naval War College and has a master's degree in defense analysis from the Naval Postgraduate School in Monterey, CA.

Brigadier General Marks has commanded in Afghanistan at every rank from Captain to Lieutenant Colonel and serving most recently as a commander of Special Operations Task Force Northeast.

He commanded the U.S. Army Garrison in Italy before returning to Joint Special Operations Command as the director of J5.

He is a decorated officer with awards to include the Defense Superior Service Medal, the Legion of Merit, the Bronze Star Medal, and the Meritorious Service Medal.

And, again, it is officers like this that I am proud to stand for on the floor of the U.S. Senate. I am a staunch advocate of those within our special operations community. We need more of these men and women in the fight, not out of the fight. And that is why I stand tonight for BG Steven M. Marks and his promotion to Major General.

So, folks, that does conclude the nominees that I had for this evening, and I want to reemphasize that it is the bad policy of the Biden administration that we are in opposition to. All of us here—I know all of us—are adamant supporters of life. We stand for life. But we also stand for other innocents and

the innocent men and women who are serving in uniform today and continue to serve without advancement in their career fields while their families are hanging in the balance.

My colleague from Utah mentioned earlier: We have so many executive orders. We see the executive branch running away, taking additional authorities—and I am paraphrasing. It is because Congress has gotten lazy and sloppy. Those were two of his words—lazy and sloppy. Members of Congress didn't want to do the work. But aren't we getting lazy and sloppy when we hold hostage innocent people?

I understand that we have the opportunity to do these holds, but sometimes we have to work very hard to overcome adversity, just as these men and women have.

So let's find a way. Let's lobby other Members here within this body because that is our job to do so, not hold these members hostage to ever-changing demands.

Now, we would have asked for individual voice votes tonight because that is what has been asked for in the past but, unfortunately, has not been honored.

So, again, I stand for life. I will be an ardent supporter of life, and I will continue combating that, but I will not do it at the expense of these individuals. I will work with other members to find a way to overturn this egregious policy which President Biden and Secretary Lloyd Austin have put into place. So let's find a way to overturn the policy and advance these men and women.

And with that, I yield to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I want to begin by thanking Senator ERNST, my good colleague—joint operations here—giving voice to these great Americans.

Now, look, if you are watching—I know it is almost 2:30 in the morning—but you are watching your American system. You have got to be proud. I am so proud. These are great Americans. These are the best of what we have. They are heroes, and their families are heroic.

And, look, a core principle as Republicans that distinguishes us, in my view, from the other side is our serious focus on national security, readiness, a strong military, and, yes, taking care of our military and their families. That is what we stand for. And it just makes me proud to listen to who we have up for confirmation to be a one-, two-, three-, or four-star General. We need them.

Senator GRAHAM said: Hey, we are coming on to the holidays. It is true. I had two Thanksgivings where I was deployed overseas, and it is not easy, right? You are missing your family. You are out there protecting your country. You don't think many people are even thinking of you when the rest of the country is celebrating and you are doing your duty.

So what we said 2 weeks ago is we are not—we will have your back. If you are a military member who is being held up right now, we will have your back. And that is what we are doing.

Like I said, I don't relish this. I didn't relish it 2 weeks ago. Kind of down here, as I mentioned, more in sadness and frustration than anger. But I also come from a State that is incredibly patriotic—Alaska—more veterans per capita than any State in the country. And they expect this of their Senators. Stand up for our men and women in uniform and don't punish the military for something they have nothing to do with.

Every one of those people Senator ERNST talked about who we were going to try to confirm tonight have nothing to do with the dispute that we are all in agreement—every Senator on the floor right now is in agreement.

I have been working with Senator TUBERVILLE for months together to try to reverse this policy of the Biden administration. I agree 100 percent it violates the Hyde amendment. It violates the rule of law. So I want to keep working with Senator TUBERVILLE and others on ways to reverse that.

But what we can't do, what we shouldn't do, but what is happening right now is we are punishing those who have nothing to do with it. And why punish patriotic military members over a dispute that they have no ability to fix and they didn't cause? Go after the civilians. Let's do it. I am taking them hostage in terms of holding them. They have the power. But why punish these war heroes who have served our country so faithfully? Why single out the Americans?

You know, we have all kinds of Federal workers, but there are very few Federal workers who sign a blank check with their life. That is all the people Senator ERNST read. They sign a blank check with their life, saying: All right.

You know, less than 1 percent of our great Nation's population does this—less than 1 percent. And nobody has told me—I mean, Senator LEE had a lot to say tonight. I agree with 99 percent of it, in terms of his talk about the Constitution and who has the ability to make laws. I couldn't agree more. But no one has come out and said: But here is why we are going to punish those people Senator ERNST just read about.

I don't think we should be doing that. I think we should be giving them a voice, and that is what we have been trying to do.

So, as I mentioned, one of my goals tonight that I mentioned in my remarks was to bring up these nominees one by one, try to get them cleared, as Senator TUBERVILLE mentioned. But it was—he had mentioned he was fine with a while ago.

By the way, this is regular order. We did some research. There have only been two Brigadier Generals confirmed by a recorded vote in the last half-century, OK? Twice that has happened in

the last half-century. So the regular order is actually—you do it by voice vote and en bloc.

What we are offering is, hey, we will do it by voice vote individually, every one. We will be down here for all 450. Senator ERNST and I would stay here all weekend to do that. But it is very clear from my colleagues that that is not going to happen.

Look, to be honest, if I were blocking all these military heroes, I wouldn't want their bios being read on the floor, but we are going to do that, because here is the other thing about this: There are a lot of emails and texts, and a lot of people are tweeting about this, but guess who can't go out and have a press conference on this. The military members. It is not their job.

Finally, one other issue—and then I am going to start talking about the people we are going to bring up—is that we really have to think about this issue as a strategic risk to the force. We have 450 officers, one-, two-, three-, and four-star Generals.

Yes, I know a little bit about the military, having served for 30 years. The system is kind of stymied, so even the ranks below one, two, and three star are starting to kind of get blocked. So I am not saying that Senator TUBERVILLE has a hold on those, but it is impacting those ranks as well.

Where I am very nervous, because I talk to a lot of my peers in the military, is that, you know, you work 30 years, you do deployments, you sacrifice—a big sacrifice for your families. These great men and women have options, and at a certain point, they time out in terms of their ability to move up or they have to get out. So if we start to lose a generation of our best, most combat-capable military officers over this, especially during this very dangerous time, that is going to be a huge strategic national security mistake.

So what I want to do, similar to Senator ERNST's focus, is bring to the floor and to the attention of the American people the people we were going to try to get confirmed tonight. I know they are going to be objected to, so, like Senator ERNST, I am going to talk about them because, again, I think the American people need to know this. The American people should take pride in these people because they are great patriots. And, remember, less than 1 percent join the military. I don't know what the percentage is that gets to flag officer rank, general officer or Admiral, but it is the best—not just the best in America but the best in the world, and we need them. We need them.

This dispute that is happening right now—again, I fully agree the Biden administration launched this. We are fighting it. But we need these people confirmed. Let's go after the confirmations of the civilians who actually are in charge of the policy. We have that option, too.

So one of the first nominees I was going to bring forward is on Calendar No. 95. That is Col. Robert Weiler. He is

being promoted to Brigadier General of the U.S. Marine Corps. He is a Colonel right now—28 years—command of the 5th Marine Regiment.

I used to be in that regiment. That is the most storied infantry regiment in the Marine Corps.

He has deployed, I think, seven times to Iraq and Afghanistan. Imagine that family's sacrifice. He received a Silver Star for bravery, gallantry, and intrepidity in action against the enemy while serving as a commanding officer of Weapons Company, 2nd Battalion, 4th Marines, 5th Marine Regiment.

I am going to read that citation. There are not many Silver Star recipients in America. Here is one right now who could be confirmed to Brigadier General. He has earned it. And he is no "woke" military member; he is a warrior.

Here is his citation for the Silver Star. It is one of the highest awards for combat valor that we have.

The President of the United States of America takes pleasure in presenting the Silver Star to Captain Robert S. Weiler, United States Marine Corps, for conspicuous gallantry and intrepidity in action against the enemy while serving as Commanding Officer, Weapons Company, Second Battalion, Fourth Marines, FIRST Marine Division, I Marine Expeditionary Force . . . in support of Operation IRAQI FREEDOM II from 6 to 10 April 2004. On 6 April, Captain Weiler led elements of Weapons Company against an enemy force that was attempting to isolate and destroy a squad-sized element of Echo Company.

Another unit, an adjacent Marine Corps unit.

As the column moved east along Route Nova, they were ambushed by enemy forces. Despite the barrage of intense enemy fire, Captain Weiler calmly directed the tactical employment of the unit, leading to the relief of the embattled squad.

OK. Saving American lives. Saving the lives of other marines. That is what this is. And then he led the destruction of the besieging enemy, so he killed the bad guys.

On 7 April, he led the company on a mission to reinforce [another Marine Corps] unit in contact. As they moved northeast along Route Apple, the column encountered heavy rocket-propelled grenade and automatic weapons fire. During the ensuing three-hour firefight—

Think about that, America. We have been on the floor for 3 hours. These guys were in an intense firefight for 3 hours—

he repeatedly exposed himself to enemy fire to direct [his] unit's counterattack, personally leading squads as they assaulted enemy firing positions. His courage and leadership were further displayed during Operation BUG HUNT. Heavily engaged by enemy forces over a four-hour period—

Four hours; combat—

Captain Weiler continued to fearlessly lead Marines as they destroyed a tenacious enemy. By his bold leadership, wise judgment, and complete dedication to duty, Captain Weiler reflected great credit upon himself and upheld the highest traditions of the Marine Corps and the United States Naval Service.

Mr. President, I ask unanimous consent to have this Silver Star citation printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SILVER STAR—AWARDED FOR ACTIONS DURING GLOBAL WAR ON TERROR

Service: Marine Corps
Battalion: 2d Battalion
Division: 1st Marine Division, I MEF
General Orders:
Citation:

The President of the United States of America takes pleasure in presenting the Silver Star to Captain Robert S. Weiler, United States Marine Corps, for conspicuous gallantry and intrepidity in action against the enemy while serving as Commanding Officer, Weapons Company, Second Battalion, Fourth Marines, FIRST Marine Division, I Marine Expeditionary Force, U.S. Marine Corps Forces, Central Command in support of Operation IRAQI FREEDOM II from 6 to 10 April 2004. On 6 April, Captain Weiler led elements of Weapons Company against an enemy force that was attempting to isolate and destroy a squad-sized element of Echo Company. As the column moved east along Route Nova, they were ambushed by enemy forces. Despite the barrage of intense enemy fire, Captain Weiler calmly directed the tactical employment of the unit, leading to relief of the embattled squad and the destruction of the besieging enemy. On 7th April, he led the company on a mission to reinforce a unit in contact. As they moved northeast along Route Apple, the column encountered heavy rocket-propelled grenade and automatic weapons fire. During the ensuing three-hour firefight, he repeatedly exposed himself to enemy fire to direct the unit's counterattack, personally leading squads as they assaulted enemy firing positions. His courage and leadership were further displayed during Operation BUG HUNT. Heavily engaged by enemy forces over a four-hour period, Captain Weiler continued to fearlessly lead Marines as they destroyed a tenacious enemy. By his bold leadership, wise judgment, and complete dedication to duty, Captain Weiler reflected great credit upon himself and upheld the highest traditions of the Marine Corps and the United States Naval Service.

Mr. SULLIVAN. It doesn't mention it here, but do you know what else he received during that firefight—two fire-fights? The Purple Heart. So he was wounded in action by the enemy. Then, later, several months later, he received a Navy and Marine Corps Commendation Medal with combat distinguishing device for heroic achievement in combat.

He took decisive action directing fires of his raid force, quickly gaining fire superiority and suppressing the enemy. Although dazed by a blast from a mortar round, he continued to lead and direct his team, which led to the capture of all five insurgents on the target raid list.

That is another combat medal he won.

So we were going to bring him up for promotion today to Brigadier General, a complete American war hero, but unfortunately Colonel Weiler's promotion to Brigadier General is being blocked.

By the way, he had nothing to do with the policy and dispute that we all agree on, that we have to overturn

that. Nothing to do with it. Nothing. When he gets promoted to Brigadier General, he won't have any ability to fix it. This is a war hero punished for an issue he has nothing to do with.

OK. Calendar No. 93. This is for Brigadier General Ronald Ragin—yes, that is how you pronounce it; it is not spelled that same way—to be Major General. He is in the U.S. Army. Like Senator ERNST, who is an expert in Special Operations forces, this General is an expert in Special Operations forces.

Most recently, he is serving as commanding general, 21st Theater Sustainment Command, U.S. Army Europe and Africa. His command assignments: troop commander, combat sports squadron, 11th Armored Cavalry Regiment; company commander, 225th Forward Support Battalion, 25th Infantry Division; battalion commander, Group Support Battalion, 3rd Special Forces Group-Airborne; squadron commander support, 1st Special Forces Operations Detachment, Delta Force. OK. You are not even supposed to say that, I don't think. Are you? OK. Delta Force, the most elite Special Operations force. It is not even supposed to be talked about. A Delta Force commander.

This guy is unbelievable, his record. So he is an expert in Special Operations forces, a Delta Force commander, brigade commander for Sustainment Brigade, numerous deployments to Afghanistan and Iraq, Airborne, 7th Special Forces Group, U.S. Special Operations Command, and we are trying to move him from a one-star to a two-star General.

He is an American hero who, by the way, has nothing to do with the dispute. He is being punished—not being promoted, being punished over something he has nothing to do with. That is a great American hero right there.

Let's look at another one here we are going to bring up, another U.S. Army Brigadier General to move to the grade of Major General. That is two-star. This is Brigadier General Lance G. Curtis. Again, another Airborne platoon; served at all levels of command—82nd Airborne, 101st Airborne; numerous deployments; executive officer; deputy commander for U.S. Forces Afghanistan in Kabul during Operation Enduring Freedom; battalion commander of the 87th Combat Sustainment Support Battalion, 3rd Infantry Division at Fort Stewart, GA, and at Camp Leatherneck, Afghanistan, during OEF; commander for Special Forces Command, United States Special Operations Command; and the executive officer of the commander of Army Personnel; finally, deputy director of headquarters in the U.S. Army, G-4.

Again, I mean, think about this. This is decades of service—decades. These are great patriots, and they are being punished over an issue they have nothing to do with and can't fix.

Mr. LEE. Will the Senator yield for a question?

Mr. SULLIVAN. No. I am getting through—this is really important for me to make sure the American people hear about these warriors, so I am prioritizing—

Mr. LEE. I have got a question relative to that. Will the gentleman yield for a question?

Mr. SULLIVAN. No, I won't.

Mr. President, the next hero that we are trying to confirm is BG Michelle Donahue to be Major General of the U.S. Army. With 26 years of service, currently, Michelle Donahue is a Brigadier General. She has served in the 1st Infantry Division in the U.S. Army Special Operations Command. Her combat tours include deployments to Jordan with the 528th Special Operations Support Battalion; a deployment to Iraq; a deployment in support of Operation Iraqi Freedom; a deployment to Afghanistan in 2014 as the squadron commander for the Regimental Support Squadron.

Brigadier General Donahue has served as special assistant to the 37th Chief of Staff of the Army and to the 18th Chairman of the Joint Chiefs, operational command and command at the highest levels with the Chief of Staff of the Army in terms of being a special assistant there and trying to get promoted from Brigadier General to Major General—that is a two-star General—and she is being blocked over something that she has nothing to do with. Again, we need these warriors on the field.

Speaking of warriors, this is another nominee who has made the grade of Major General, that is a two-star General. He is Brig. Gen. Thomas Harrell. He most recently served as the director for the Defense Health Network and as the commander of the 59th Medical Wing.

Now, this is also really important. You don't hear about this element of our military that much. The leaders who lead the medical units are so important. Brigadier General Harrell has commanded a squadron level, a DOD hospital, an Air Force medical center. He previously served as the commander of the Air Force Medical Readiness Agency, as the Defense Health Agency Headquarters' deputy director of medical operations of the Air Force, as the deputy director of medical services in the entire U.S. Air Force, and as the subunified Alaskan Command surgeon general at Joint Base Elmendorf-Richardson in Alaska. It is a really important job in my State.

He also received an Air Medal for valor. Let me read that:

Brig. Gen. Thomas W. Harrell contributed to national security objectives by flying missions in support of Operation Iraqi Freedom. These flights were accomplished in the face of enemy threats to include small-arms fire, anti-aircraft artillery, and surface-to-air missiles.

Think about that. That is a medical officer taking incoming enemy fire to go save lives. That is a hero.

His superior ability in the presence of perilous and dangerous conditions was mani-

fested in the performance of medical observers in addition to addressing the in-flight health needs of the crew and combatants, culminating in the safe and timely delivery of cargo and combat troops.

That is a war hero right there. Unfortunately, if we move to get that Brigadier General promoted to Major General tonight, it looks like it is probably not going to happen.

We are also looking at Brig. Gen. Jeannine Ryder to be a Major General in the U.S. Air Force. She is Calendar No. 106. Jeannine Ryder, again, is part of the Air Force medical agency units and chief of the Air Force Nurse Corps.

OK. Again, these are really, really important jobs that we need.

Again, this is somebody in a very competitive world who has moved all the way up the ranks from a one- to two-star General. She has been involved in the execution of medical readiness programs, expeditionary medical capabilities, and the direct support and implementation of policy, plans, and programs for healthcare operations of the Air Force Medical Service to more than 44,000 U.S. Air Force personnel at 76 military treatment facilities. That is unbelievable. Brigadier General Ryder has commanded at the flight, squadron, and group levels in both deployed and in garrison environments.

Prior to her most recent assignment, Brigadier General Ryder was the commander of the 59th Medical Wing, market director of the San Antonio Military Health System, Joint Base San Antonio, Lackland, TX.

She is very deserving of a promotion and can't be promoted over something she has nothing to do with—nothing. And if she got promoted, she wouldn't be involved in fixing it either.

You know, when we came down here 2 weeks ago, it kind of struck me because we have 450 officers right now, and we are standing with them. We are standing with them. We are pro-life Senators who are standing with them. I think we have emphasized that enough, but we will emphasize it again. One of the things that struck me 2 weeks ago was how many one- and two- and three-star Admirals with very significant deployment experience, particularly on submarines, are now being blocked.

As anyone who knows about our challenges in the Indo-Pacific theater, Xi Jinping, who was visiting America—I haven't gotten a read out of the President's meeting, but I am worried that they are weak on them and that they are weak on the military.

Again, what I want to do with my colleagues here on the floor is actually get through this issue and turn to the bigger readiness problem, which is the weakness of the Biden administration. But where we don't have weakness is in submarines. We need more submarines, but we have the best commanders in the world. Xi Jinping is scared to death of the American sub fleet—scared to death. They know if they try to invade Taiwan—and we have subs in the Taiwan Strait—we will take out their

whole invasion force. But we need good commanders.

And 2 weeks ago, there were six sub commanders who were objected to—six. As I mentioned then, I guarantee you the Chinese Communist Party's military apparatus is going, like: I can't believe our luck with the thing we are so frightened of.

And you can't produce a sub commander overnight. It takes 30, 40 years.

So we have some Navy officers here. This is Calendar No. 234, VADM Jeffrey Hughes. He is a two-star Admiral to be Vice Admiral. His naval career is unbelievable.

For 34 years, he served as a detachment officer in charge headed tours of a helicopter anti-submarine squadron where he deployed on the USS *Carr*, the USS *Elrod*, the USS *John Hancock*, supporting strike group deployments with the USS *America*, which is an aircraft carrier, and the USS *John F. Kennedy*, another aircraft carrier.

He is a pilot who hunts subs. As an MH-60 helo pilot, he was named the Pilot of the Year and was the co-recipient of the Commanding Officer's Helmsman Award for calendar year 1993—so the best of his class. He served as executive officer and the 14th commanding officer of the Fighting Vipers. He was the Helicopter Maritime Strike Wing commander, the U.S. Atlantic Fleet and a recipient of the Navy and Marine Corps Association—peer-selected—Leadership Award.

This is a great Navy aviator leader. As a flag officer, Admiral Hughes has served as commander of Navy Recruiting Command, commander of Expeditionary Strike Group Two, and, most recently, deputy chief of Naval Personnel/Commander, Navy Personnel Command. He is an incredible Navy leader.

We need more Navy officers confirmed. He is being blocked over an issue he has nothing to do with. We would like to move him on regular order tonight. Regular order would be an individual vote, and we are ready to take it. Unfortunately, it is going to be blocked. So that is not good for our national security. As I mentioned, the Biden administration's budget right now shrinks the Navy. That is horrible. But we, at least, need to get our great Navy officers on the ships in the command.

The next one we are looking at is a Brigadier General to be a Major General in the U.S. Air Force. He is a Brigadier General by the name of Curtis R. Bass. He was Calendar No. 110. Again, boy, look at this guy's resume. Unbelievable. He was the senior executive officer of the 22nd Air Force Chief of Staff, the commander of the E-8C Joint Surveillance Target Attack Radar System Combat Flying Squadron at Al Udeid Air Base in Qatar.

By the way, our military members in the Middle East right now are taking fire. They are in combat. Some of the officers who are being blocked—I have talked to some of them in the Middle

East, whose promotions are being blocked, are taking fire from the enemy. What? You don't think they are bitter right now? I know they are bitter. They are taking fire from the enemy. One-star Generals, Colonels—I know this; I have talked to them—are being blocked over something they have nothing to do with. They are risking their lives right now. Right now. That is a fact.

So he is another one of the Air Force aviation intel systems—one of the best—who just recently served as deputy commander of the U.S. Air Force Warfare Center at Nellis Air Force Base in Nevada. He is a tremendous operator who is being blocked over something he has nothing to do with and has no ability to fix.

These are apolitical members, right? By the way, of this blanket hold—we have done the research—we have never had a blanket hold for this long, of this duration, and with this many officers in the history of the United States of America.

The next officer we are going to bring forward is Air Force Brig. Gen. Jason T. Hinds to, again, be promoted to Major General, U.S. Air Force officer. Boy, oh, boy. Look at this guy's background. He has flown all kinds of positions, including First Fighter Wing, commander; F-22 Fighter Squadron, commander; F-22 instructor pilot and flight examiner; F-15C instructor and weapons officer. I think he has over 4,000–4,000—hours of flying. I mean, this is probably one of the best pilots in the world. He previously served as the director of Plans, Programs, and Analyses at the U.S. Air Force in Europe and Air Forces in Africa and at Ramstein Air Base, Germany.

He has been selected to be a two-star General from a one-star, which is really hard to do—really hard to do. Unfortunately, we can't get him confirmed despite the fact that he has nothing to do with the policy that we all want to fix. Everyone here wants to fix that policy, but he has nothing to do with it, and he is being punished for this.

There are a lot of Air Force officers. Boy, are these men and women impressive. This is Brig. Gen. Charles D. Bolton to be Major General of the U.S. Air Force. Brigadier General Bolton most recently served as the U.S. Transportation Command Global Operations Center chief at Scott Air Force Base. For 29 years, he has commanded in the U.S. Air Force, including, most recently, the 386th Expeditionary Operations Support Squadron in southwest Asia and the 386th Air Expeditionary Wing.

Prior to his current assignment, he was the deputy director of Operations, Strategic Deterrence and Nuclear Integration, Headquarters Air Mobility Command, Scott Air Force Base.

He is a master navigator with almost 3,000 hours in a C-130E and a C-130H. He is a distinguished graduate of the U.S. Air Force Weapons School, with multiple tours to Iraq, Afghanistan, Inher-

ent Resolve, Iraqi Freedom—multiple tours.

By the way, Senator ERNST and I are not even talking about it, but think about the families behind all of these officers and all of these deployments and their children and how much they have sacrificed. That is something else we need to think about. It is not just the men and women in the military wearing the uniform. It is their families, and this is really negatively impacting the families as well.

As Senator ERNST has said, they don't have a voice. We are trying to give them a voice. We are trying to say: We are remembering. We are remembering. We have your back. We are down here again. We told you we would be down here again, and we are down here again.

The next one is another Air Force one-star General to be Major General. This is John R. Edwards. He was on Calendar No. 110.

He most recently served as the director for strategic capabilities policy on the National Security Council. He has a 28-year military career. Get this, he has commanded the 28th Bomb Wing at Ellsworth Air Force Base in South Dakota, the 479th Flying Training Group at Pensacola Naval Air Station, and the 96th Bomb Squadron at Barksdale Air Force Base in Louisiana.

He has served on the joint staff at the J-8. Prior to his current assignment, he was the director of nuclear enterprise, Defense Threat Reduction Agency—just amazing experience.

He is a master combat systems officer with over 2,500 flight hours, including 237 combat hours in Operations Allied Force and Enduring Freedom.

He also has a Valor Award. Let me read that. It is an Air Medal for combat action at the onset of Operation Anaconda. That was the military operation in Afghanistan. His aircraft extended its alert interdiction time over the battlefield to support coalition ground units, providing crucial firepower for American troops in contact.

What does that mean? That means we had troops who were on the ground in combat, and he came in with air power to suppress the enemy, saving American lives. His crew then released 45 MK-82 gravity bombs, destroying the enemy troops that were threatening friendly American ground units.

During another mission, his attack aircraft struck nine targets using a complex combination of joint direct attack emissions, and all targets were destroyed, saving countless American ground forces.

That is an American hero right there. I just read his Air Medal combat citation—an American hero—and his career right now is being punished for something he had nothing to do with.

We have another one, a Brigadier General in the Air Force, Sean Choquette to be Major General. He has 33 years in the U.S. military, 2,800 hours flying, 300 deployed combat hours flying in terms of Uphold Democracy, Southern Watch, Iraqi Freedom,

Enduring Freedom, and Inherent Resolve.

He has commanded at the company squadron and wing levels. That is literally every level of command in the Air Force. This is a great leader, a great leader.

Again, he was awarded the Defense Superior Service Medal in terms of combat operations in Inherent Resolve, Deliberate Resolve, and Freedom's Sentinel. He enabled the United States and 17 coalition nations over the time he was in command to deliver 20,000 strike sorties, 39,000 flight hours, and employ and deliver over 8,000 weapons.

This is a warrior whom we need right now, who is on the bench. He can't get confirmed through no fault of his own on anything.

The next officer we were looking at trying to promote was Maj. Gen. Greg Masiello to be Lieutenant General—a three-star General. He was most recently the military deputy to the Under Secretary for Policy at the Pentagon. And, if confirmed, the Agency that he would lead focuses on operations all over the globe.

Prior to his current position, he was the executive officer for the Air Anti-Submarine Warfare, Assault and Special Missions Programs at Naval Air Systems Command, where he previously served as NAVAIR's commander for logistics and industrial operations.

He understands the systems in our Pentagon. He is to be promoted to three-star General. We are here talking about his service.

The next officer that we were going to try and promote through regular order, by the way, and by individual voice vote—I still haven't heard why that is not acceptable—was Rear Admiral Jeffrey Jablon to be a Vice Admiral, a three-star Admiral.

Again, when you look at Admiral Jablon's career, he is one of the ones that I was talking about recently with incredible experience as a submarine commander—incredible.

He was a fleet naval submarine warfare strategist at U.S. Special Operations Command, commander of the Submarine Development Squadron 12, deputy commander for training, Naval Submarine School, and prospective commanding officer instructor.

Remember, these are nuclear-powered subs, the most advanced warfighting machines in the world. The Chinese are scared to death of them. But you cannot just grab an Ensign or Lieutenant and say: Hey, go command a nuclear sub.

It takes decades—decades—to train somebody on a nuclear sub.

He has commanded at all levels in terms of the submarine force, and we are trying to get him promoted to three-star Admiral.

Again, this is a huge strategic advantage we have over China, our submarine force. Yet so many of these Admirals are being blocked. They are being blocked.

I have a few more—actually, we have a lot more. It is coming on 3 a.m. I really appreciate my colleagues being here. But we are trying to give voice—trying to give voice—to these heroes whom we need on the field of battle right now.

The next one we were trying to get confirmed tonight was VADM William J. Houston to be an Admiral, to be a four-star Admiral. He was on Calendar No. 202.

Again, this officer's submarine experience is unbelievable. He had many key positions, including division officer of the USS *Phoenix*, which is a sub; engineer officer aboard the USS *Hampton*, which is a submarine; the executive officer aboard the USS *Tennessee*, which is a strategic ballistic missile sub.

He has commanded and was commodore of Submarine Squadron 20, out of Kings Bay, GA. He also served as the flag lieutenant for the commander, Submarine Force U.S. Atlantic Fleet; Nuclear Propulsion Examining Board, special assistant to the Director of Naval Reactors; and the deputy commander for Sub Squadron 20, among other roles.

Again, this is a four-star Admiral. I think he has 35 years of experience with submarines—the weapons system that Xi Jinping has nightmares about—and we are keeping him on the bench over an issue he has nothing to do with—nothing. That is the whole thing.

We want to solve this issue. We are pro-life Senators. We are pro-military Senators. And these men and women—every American, I hope you are listening. I know it is 3 in the morning. We are here to give them voice. But if you are an American and you read about Admiral Houston's background, think about what his family has gone through. Think about the options he has in his world.

We don't want him to leave. We don't want any of these people to leave. We need them. This is the most combat-experienced group of general officers probably since World War II.

Let me turn to another branch, the U.S. Army. This is MG Anthony Hale to be Lieutenant General Hale.

Major General Hale is an expert in Army intelligence—Army intelligence. He has served at U.S. Special Operations Command. He currently is the deputy chief of staff of the G-2 for the entire U.S. Army. The G-2 is the group in the military in charge of intelligence.

His deployments, I think—I am reading his bio here—six or seven deployments in Iraq, Afghanistan. He has gone all the way up the chain in the U.S. military—Bosnia, Kosovo, Afghanistan, Iraq—several times. He is the top intel officer for the U.S. Army—top intel officer for the U.S. Army—and his career is on hold right now, like 450 others.

But, again, we could confirm them tonight. This is regular order, by the

way—regular order. This is, actually, more than regular order. The Senate has only done this twice—rollcall votes—in 50 years, for one- or two-star officers.

The next officer we were looking to promote is MG Thomas James. He is a two-star General to Lieutenant General. We were looking to move him forward. He is an expert in space. He was supposed to be the deputy commander of U.S. Space Command, and, boy, do we need that. That is a whole other warfare element that people don't talk about.

He also has a tremendous background in Special Forces and several deployments to Iraq and Afghanistan. His family sacrificed. He was the deputy commander for Joint Functional Component Command for Space, leader of the 20th Special Forces Group (Airborne)—Airborne—and a space expert.

Again, we are trying to make sure he knows—Major General James, of the U.S. Army, to be deputy commander of U.S. Space Command. We are thanking you, General, and your family. We are thanking you for your service, General, and your family. We are trying to move your promotion, which was hard to get, well-deserved. We are trying to move that forward.

We are trying to fix the policy that we all don't like here on the Hyde amendment issues. There are a lot of ways of trying to do that, but we think punishing General James and his family, in my view, doesn't make any sense.

Senator LEE mentioned Senator TUBERVILLE has the right to do it. I agree with that. He does. But I don't agree with the tactic.

Mr. President, the next officer we are looking to promote was Major General Spain, U.S. Air Force, to be Lieutenant General, three-star General. He is to be the Deputy Chief of Staff for Operations for the entire U.S. Air Force. That is a huge job.

He has got over 30 years of military service. He is a pilot. He has served as a weapons officer for the 58th Fighter Squadron. He led the Nation's first Operation Noble Eagle deployment to the National Capital Region. He has numerous deployments to Iraq, Afghanistan. He served as the 53rd Wing commander, the 380th Air Expeditionary Wing commander. He has led the operations for the J3—that is military operations—for U.S. European Command during Afghanistan and the J3 at USEUCOM in response to Russian aggression in support of Ukraine, up to and through the invasion.

He was a command pilot with more than 2,300 hours in multiple aircraft, primarily the F-15C and F-22. An incredible warrior there, incredible warrior. Combat sorties. Here is an Air Achievement Medal, Legion of Merit. Senator ERNST was talking a lot about Legion of Merit.

Skilled fleet. Led a rotation force of over 10,000 coalition personnel, 50 combat aircraft. His combat team executed

over 5,600 sorties in 52,000 flying hours, offloaded nearly 2 million pounds of fuel, collected intelligence on 172,000 targets, supported 3,800 strikes against the Islamic State and Syria in Iraq.

You don't think we need him now? We are bombing terrorist groups in Iraq and Syria as we speak. That is exactly the kind of officer we need in the field fighting, not on the bench.

Mr. President, the next one we are looking at was Col. Paul Sellars to be a Brigadier General. Colonel Sellars, like a lot of the people we have spoken about tonight, has a very significant background in Special Operations. He has deployed numerous times to Iraq, Afghanistan, Kuwait, with Special Forces operations. He has also conducted exercises in the INDOPACOM region, Philippines, Malaysia. And he has served with the J3 for Special Operations Detachment in the Pacific.

Again, Paul Sellars, Colonel, to be Brigadier General—incredible background—and, right now, he can't get promoted over something that he has no involvement with. So we are giving him voice.

The next one, Mr. President, is BG Jacqueline Brown to be the grade of Major General. Jacqueline Brown is currently serving as the Director of Operations, Networks, and Space and Information Systems—so the G-6, the group that is bringing in all the communications. Over 30 years of service in the U.S. Army. She served as executive officer, Army chief information officer, and the plans and strategy division chief of the Army G-6.

She, like everybody else, has deployed to Afghanistan, to Iraq. She has been a chief of operations and plans for the G-6 for the Army's 3rd Corps at Fort Hood and has served at different levels in her career, starting in the 6th Signal Battalion, Fort Richardson, AK, and later battalion signal officer in the 106th Military Intelligence Battalion.

I was talking about how medical units are so important, but so are the information systems, comms systems, space systems. And BG Jacqueline Brown is one who has an amazing career. We are trying to get her promoted to two-star, and I hope we can do that soon.

Just a couple more, Mr. President. This one should be known to everybody here: Col. Matthew Good, Col. Matthew Good. He is a great marine. Many of you know him because he served as the top marine liaison to the U.S. Senate recently, but he has an incredible bio. He knows many legislators. Going on 30 years as an infantry officer. He served as a faculty member at Marine Command and Staff; multiple deployments to Iraq, Afghanistan, and has moved up the chain in the Marine Corps like a good Marine infantry officer.

He served as a platoon commander, a rifle company commander, a weapons company executive officer, a rifle company commander, a company operations officer, and deployed, like I said,

numerous times to Iraq and Afghanistan. And everybody who knows him knows what a great leader he is—measured, great advice. I relied on Colonel Good's advice many, many times over the last several years when he was here as the lead Senate liaison. Just a fantastic guy, and so many of us know him; and, right now, he cannot get promoted to Brigadier General. He should be but can't be.

Mr. President, the next officer we were trying to promote tonight was BG Richard Appelhans, who recently served as commander of the U.S. Army Intelligence Center of Excellence at Fort Huachuca. So, again, this is a top army officer. He deployed several times: Korea, Kuwait, Germany, the Netherlands, Afghanistan, Bosnia, Iraq. Geez, that is like seven deployments right there. Think about his family.

He began his career as an armor officer, and then he transitioned to military intelligence. He has served in a variety of command and staff assignments and now is trying to get promoted to two-star General. We think he should be. He has nothing to do with the current dispute—nothing—and no ability to fix it.

I haven't heard one reason why putting a hold on 450 apolitical military officers who are being punished—I just—I don't understand it.

Mr. President, another marine Colonel to be promoted to Brigadier General—infantry officer who has led and served at the highest levels of every infantry unit he has commanded: forward observer, guns platoon commander, fire direction officer, artillery. He is actually an artillery officer. 26th MEU, Marine Expeditionary Unit. Deployed all over the world, extensive experience in the INDOPACOM region, serving with 12th Marines during Operation Enduring Freedom. The 12th Marines is a Marine artillery unit. Completed several deployments to Iraq, awarded the Combat Action Ribbon.

Again, a great marine, great hero, a Colonel to a Brigadier General. And his promotion is being stalled.

Let's do another Brigadier General. Colonel to Brigadier General, U.S. Marine Corps. This is Adolfo Garcia.

Same thing, Mr. President: Multiple deployments. Iraq, Afghanistan, 12th Marines. He is also an artillery officer. He served on the Joint Staff, so he has a lot of knowledge at the big level of the Pentagon and as a military secretary to the 38th Commandant of the Marine Corps. So really knows his combat issues and higher-level Marine Corps issues—exactly the kind of officer you want—going from Colonel to Brigadier General. He has earned it, 30 years in. Again, not involved in this dispute.

So my final one—we have a number more, but it is almost 3:30, and I think our attempts at trying to get these officers promoted were not successful. Hopefully, we can get through this. I am hoping—I don't think anyone in the Senate thinks it is good to punish 450

officers over something that they have no control over.

Mr. LEE. Will the gentleman yield for a question?

Mr. SULLIVAN. I am going to finish this final one, and then I will.

This is Col. Trevor Hall, 33 years in the Marine Corps. He served as both enlisted and—a military enlisted and officer. His command experience includes rifle and weapons platoon commander, 3rd Battalion 6th Marines; multiple deployments to Iraq and Afghanistan. He served with the 26th Marine Expeditionary Unit. He served in support of Operation Desert Thunder, Operation Iraqi Freedom, Operation Unified Protector—that is Libya. Combat marine moving from Colonel to Brigadier General.

That is one more that we would want to promote tonight. We have several others, Mr. President. It is 3:30. I am hoping that, my colleagues, we can continue to make progress. I am committed to continue to work with Senator TUBERVILLE and others on moving forward, but at the same time, we have got to keep faith with these military members. We have got to keep faith with them. Many of them are deployed right now. A number of them are in combat.

And we committed to come back down here and try to move these, and we are going to keep doing it. Hopefully, we can move forward with my colleagues here to, as I mentioned, focus on the big issues of national security and readiness, which I believe, with regard to the Biden administration, are legion. I have been fighting those in the Armed Services Committee.

The Biden budget shrinks the Army, shrinks the Navy, shrinks the Marine Corps right now. That is music to Xi Jinping and Putin's ears. Next year's budget will be below 3 percent of GDP. We have only been below 3 percent of GDP maybe four or five times in the last 70 years. So that is not a good number. We need a much more robust military. I want to work with my partners, including those on the floor here, to focus on those issues. But we need to get through this, and it is important. We need to fix the policy, the abortion policy, that we all disagree with here. There are a number of ways we can do it. Again, I have worked with Senator TUBERVILLE on ways to do that.

And I do agree with my colleagues here that this was started and provoked by the Biden administration. But punishing these 450 members and their families is not the best way—is not the way to go about doing that.

So, Mr. President—do you want to say anything else?

THE PRESIDING OFFICER. The Senator from Iowa.

Ms. ERNST. Mr. President, I do want to thank my colleagues for coming to the floor this evening and especially Senator DAN SULLIVAN of Alaska, a Colonel in the Marine Corps Reserve, a fine marine. He has deployed in service

to our Nation. And, as well, Senator LINDSEY GRAHAM of South Carolina and Senator TODD YOUNG of Indiana—all veterans, all have served in uniform, understand the significance, the importance of getting these nominees over the finish line. Again, all pro-life, my colleagues here as well—adamantly pro-life. We are pro-life.

There has got to be another way to overturn this policy, change the policy. That is our jobs. It is not the jobs of these nominees. It is our job to make sure the policy is right.

It is President Biden's fault we are in this situation. It is Lloyd Austin's fault that we are in this situation. It is CHUCK SCHUMER's fault that we are in this situation.

And I understand that a Senator has the prerogative, has the right, in this body to put blanket holds on nominees. But, folks, you know, my mom and dad always had a saying: Just because you can do it doesn't mean you should.

Yes, you can put blanket holds on these nominees, but what is that doing to our Nation right now? It is not solving the travel policy. That is our job. We have to figure this out. And it is not getting these men and women into the positions that are needed for our readiness and our national security.

So we, as pro-life Senators, need to figure this out, and we need to work with our House Members. We need to work with the majority here in the U.S. Senate and find a path forward. It is up to us to do that.

Again, thanks to my colleagues for coming down tonight for, one, supporting life—we all support life—but also supporting the military. We can have not just pro-life Senators and not just pro-military Senators; we can have both. And that is whom we are representing tonight.

Thank you, Senator SULLIVAN. I will yield back to the Senator from Alaska.

Mr. SULLIVAN. My colleague had a question.

Mr. President, I yield the floor.

By the way, Mr. President, I appreciate your staying late, 3:30. And it is important work.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, the late Associate Justice Oliver Wendell Holmes, Jr., used to say: There is a point of contact in every case. He defined that point of contact as the place where the boy got his finger caught in the machinery.

Secretary of Defense Lloyd Austin got his finger caught in the machinery. Hence, defining the point of contact in this case, in this dispute, when he decided to circumvent the plain intent and effect of 10 U.S.C. 1093, plainly prohibiting the use of DOD funds to perform abortions. He did that with clear intent to avoid the impact of the law while purporting to comply with it. He did so shamefully.

I appreciate my colleagues Senator ERNST and Senator SULLIVAN for their service to our country. Their service,

along with that of Senators GRAHAM and YOUNG, who were with us earlier tonight, is admirable, as is their service in the U.S. Senate.

The service to our country exhibited by Senator TUBERVILLE is no less to be commended, no less to be admired. I, frankly, resent the suggestion, to the extent anyone is making it, that he is any less qualified to make these arguments simply because of the fact that he hasn't worn that uniform. He has every bit the right to do that. I do appreciate the comments made by my colleague Senator ERNST moments ago to the effect that this is, in fact, President Biden's fault; this is, in fact, Secretary Lloyd Austin's fault; that this is, in fact, Senator CHUCK SCHUMER's fault. I appreciate that.

Nonetheless, the majority of the remarks that we have heard tonight, this morning, have not suggested in any way, shape, or form that the true call to action really is being directed to President Biden, to Secretary Austin, or to Senator SCHUMER.

We have been asked the question over and over again: Why punish the innocent? Indeed, why punish the innocent? Do you know who is innocent? Babies. Do you know who doesn't have a voice in the Senate? Babies. Do you know who can't speak for themselves? Babies.

You know, a baby doesn't have a name. A baby doesn't have a military rank. A baby doesn't have a professional career upon which to rely, upon which he or she can have people rallying around the baby in defense of that baby's life. It is one of the many reasons why Congress saw fit to adopt 10 U.S.C. section 1039: to make sure that the Federal Government didn't contribute to this. The U.S. Department of Defense is supposed to kill America's enemies, not her babies.

Regardless of how you feel about pro-life issues, you have got to accept the fact that Americans, by a margin of three out of four, are not willing to tolerate the expenditure of U.S. taxpayer funds for abortions. This isn't honorable; this isn't noble.

And, no, you cannot conflate this. You can't distract from it. You can't obfuscate the barbarism inherent in this policy simply by referring to the illustrious resumes, to the amazing job qualifications of one-, two-, three-, and four-star Generals.

It doesn't fix the problem, not even for an instant. It begs the question: How many future Generals, how many future Admirals are going to be aborted by this policy, by the Pentagon itself?

Who can't go out and hold a press conference? Well, we are told tonight it is the one-, two-, three-, four-star Admirals and Generals. Babies also can't do that.

My colleagues posited over and over again tonight in a way that I found, frankly, very offensive, that we are somehow afraid to have the credentials of these military men and women read

from the Senate floor. If they think that they read us wrong, 180 degrees wrong, we are not afraid of that, not for an instant. Our quarrel is not with them. Our quarrel is with those who would circumvent the law in order to kill children.

Any society that sacrifices babies for the convenience of adults is in for a rough ride. I resent, also, the fact that some on the Senate floor tonight have implicitly challenged our patriotism, our gratitude for our soldiers, sailors, airmen, or marines, even our national security, because we stand behind one man's effort to protect the unborn who can't speak for themselves, who can't fight for themselves, who don't have a name or a military rank to secure their position in life.

We have been told over and over again that these one-, two-, three-, and four-star Generals and Admirals are being punished for something they had nothing to do with. Here again, the same can be said of the babies whose will be snuffed out with the assistance of U.S. taxpayer dollars.

We are told over and over again about how pro-life these speakers are. And I don't doubt that they are, but one minute they are uttering those words, and the very next minute they are accusing Senator TUBERVILLE of jeopardizing our national security or not caring about the families of these individuals.

I am sorry. That is not fair, nor is it helpful for them to dismiss it or passively aggressively suggest: Well, we just have to deal with this. We just have to find a solution. Well, then find one.

Look, I get it. They don't love the tactic he has chosen. It is not the one I chose, not the one they chose. But it is what he has chosen. If they are going to passively aggressively tell him that he has to find another solution to protect the unborn, then they had darned well better direct him to one. But they haven't. The closest they have come is to suggest litigation.

Litigation is of no avail. There is not any plausible existing human who has article III standing to challenge this. And, moreover, even if we could find one—which we can't—this is the kind of insult to the law, the kind of violation of the law, the kind of effort to circumvent the law that is not likely to prevail in the courts. It is almost certainly doomed to it.

So, no, litigation doesn't solve the problem. That is, moreover, just punting to the judicial branch of government something that is a distinctively legislative task. That doesn't do it for me.

The fact that they say over and over again, "There has got to be a better way," if there is one, then help him find it. But don't just tell him he is wrong for standing up for this without giving him a plausible path in a different direction.

Let me outline just a couple of different paths that I think we could pursue—and I would like their help in getting them. I would like to know whether they would be willing to join with us. Why not have Republican Senators say, We are not going to pass the National Defense Authorization Act unless we fix this issue? Why not have them sign up and say, We as Republicans either aren't going to do that, we are not going to give another dime to nonmilitary aid to Ukraine or to Gaza or who knows whatever else, unless they fix this problem in statute or unless the Pentagon and the White House withdraw its abortion travel funding policy?

Those are just a couple of ideas. Those are actually productive ideas. And I would love to know whether they would be willing to join the fight in that, whether they would be willing to help us get 41 signatures on a letter committing to do one of those things. Did they offer that tonight? No. They just continue to pay lip service to the notion that this is Joe Biden's and Lloyd Austin's fault and CHUCK SCHUMER's fault, but all the time they are pointing the finger to TOMMY TUBERVILLE. That is not fair. We owe him better than that. We who campaign on the banner of pro-life owe TOMMY TUBERVILLE more than that. We

owe the unborn of this country more than that. We can do better. But to do better, we have to actually act.

I am glad that one man in this body is willing to stand up for the unborn, and it is an honor and privilege for me to stand with him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

MEASURE READ THE FIRST
TIME—S. 3343

Mr. LEE. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

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

The legislative clerk read as follows:

A bill (S. 3343) to provide that United States citizens evacuating Israel shall not be required to reimburse the U.S. Government, and for other purposes.

Mr. LEE. I now ask for a second reading, but in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive a second reading on the next legislative day.

Mr. LEE. I yield the floor.

ADJOURNMENT UNTIL FRIDAY,
NOVEMBER 17, AT 7:30 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 7:30 a.m. on Friday, November 17.

Thereupon, the Senate, at 3:43 a.m., adjourned until Friday, November 15, at 7:30 a.m.

NOMINATIONS

Executive nomination received by the Senate:

THE JUDICIARY

KIRK EDWARD SHERRIFF, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA, VICE ANA ISABEL DE ALBA, ELEVATED.

CONFIRMATION

Executive nomination confirmed by the Senate November 15, 2023:

DEPARTMENT OF STATE

ROGER F. NYHUS, OF WASHINGTON, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BARBADOS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERATION OF SAINT KITTS AND NEVIS, SAINT LUCIA, ANTIGUA AND BARBUDA, THE COMMONWEALTH OF DOMINICA, GRENADA, AND SAINT VINCENT AND THE GRENADINES.