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Senate

The Senate met at 10 a.m. and was called to order by the Honorable PETER WELCH, a Senator from the State of Vermont.

PRAYER

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

Let us pray.

Turn and answer us, O Lord, our God, for we trust in Your unfailing love. May this season of peace on Earth help bring peace to our Nation and world.

Lord, You know the forces that seek to destroy freedom. Give our lawmakers the wisdom to become instruments of Your peace as they strive to honor You with integrity. May their words be true and sincere. Help them keep their promises to You and one another, no matter how great the challenges may be. Lord, empower them to walk securely in the path of Your will.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mrs. MURRAY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 13, 2023.

To the Senate:

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

appoint the Honorable PETER WELCH, a Senator from the State of Vermont, to perform the duties of the Chair.

PATTY MURRAY,
President pro tempore.

Mr. WELCH thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

LEGISLATIVE SESSION

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2024—CONFERENCE REPORT—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the conference report to accompany H.R. 2670, which the clerk will report.

The senior assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2670) to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

UKRAINE

Mr. SCHUMER. Mr. President, negotiations continue today between Democrats, Republicans, and the Biden administration on an emergency national security supplemental package. The stakes are high, and time is of the essence.

Democrats are still trying—still trying—to meet our Republican colleagues in the middle and reach an agreement. Negotiators met yesterday afternoon. It was a productive meeting. Real progress was made. But, of course, there is still a lot of work to do. We will keep working today to get closer to an agreement.

The two words I have used to describe each party here in the Senate continue to be relevant. Democrats are still trying to reach an agreement. Republicans need to show they are still serious about getting something done—Democrats trying, Republicans need to be serious.

Unfortunately, too many Republicans now seem more interested about flying home for the holidays than sticking around to finish the job. For months, Republicans insisted that action on the border is a crisis that can't wait. But with the holidays around the corner, they are suddenly saying: Never mind, this can wait until next year. If Republicans say the border is an emergency, then they should be prepared to stay.

Crying fire about the border one minute and then saying we should go home the next is the definition of

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



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“unserious.” An emergency is an emergency. If you argue there is an emergency at the border, an emergency in Ukraine, you can’t pretend to be serious about solving them if you think we should go home.

Now, months ago, the Biden administration put forward a comprehensive plan to tackle border security. For weeks, we implored our Republican colleagues to get serious and offer a credible bipartisan proposal—not Donald Trump’s extreme border policies, as contained in H.R. 2. Weeks were wasted. And now here we are: Progress is being made, but progress must be allowed to be continued. Yes, this is difficult—very difficult. But we are sent here to do difficult things.

If Republicans are serious about getting something done on the border, why are so many in a hurry to leave? Do they not want to reach an agreement on border security? Republicans should not be so eager to go home.

I hope we can reach an agreement very soon to pass a supplemental through the Senate because the only people happy right now about the gridlock in Congress are Donald Trump and Vladimir Putin. Putin is delighting in the fact that Donald Trump’s border policies are sabotaging military aid to Ukraine.

Republicans should not be so content to throw their hands in the air and kick the can down the road. Our friends in Ukraine, after all, are not on our timeline. They don’t get a Christmas break on the battlefield. Their fight against Vladimir Putin is a matter of life and death. And if Putin prevails, it will come back to haunt the United States and the whole Western World in the very near future.

So if my Republican friends care at all about taking a stand against Russian autocrats, they should get serious about reaching an agreement.

If Republicans care about defending democracy, about protecting freedom, and preserving America’s values around the world, they should get serious about reaching an agreement.

If Republicans truly think the border is an emergency and if they truly support the cause of the Ukrainian people as they claim, then they should get serious about reaching an agreement very soon.

We are writing a chapter in history this week. Will Republican obstruction hand a Democratic country over to the forces of autocracy? Will autocrats see America’s inaction as a green light to keep going? Will places like Taiwan come next? Or will we do what America has done again and again and again throughout America’s glorious history and stand with our Democratic friends in need? Will we do what is necessary to keep the democratic order the United States helped create after the Second World War? These are the stakes.

Senate Democrats have made clear which side of history we want to be on. We want to stand with President

Zelenskyy and the brave people of Ukraine. We want to stand for democratic order. We hope—we hope—our Republican colleagues are ready to do the same.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. President, NDAA, as soon as later today, the Senate will approve our annual National Defense Authorization Act, one of the most important bills we pass each year to protect the American people and ensure our long-term security.

Last night, Senators overwhelmingly voted to end debate on the NDAA by 85 to 15. That is a strong sign of support, and it shows you the momentum for finishing the NDAA quickly. We will work today to reach a time agreement with Republicans to finish the job on the NDAA as soon as today.

At a time of huge trouble for global security, doing the Defense authorization bill is more important than ever. Passing the NDAA enables us to hold the line against Russia, stand firm against the Chinese Communist Party, and ensure that America’s defenses remain state of the art at all times.

Now, the NDAA process here in the Senate is precisely the kind of bipartisan cooperation the American people want from Congress.

When this bill came before the Senate in July, we had a robust debate and amendment process. We voted on dozens of amendments on the floor and even included more in our manager’s package. Both sides had input. Both sides had a chance to shape the bill. And in the end, the Senate’s version of the NDAA passed in an overwhelming 86-to-11 vote, with majorities—significant majorities—from both parties.

And after a lot of hard work reconciling the Senate’s NDAA with the House’s version through the conference process, I am pleased the final version of the NDAA has many of the strongest provisions of the Senate’s original bill.

We will give our servicemembers the pay raise they deserve; we will strengthen our resources in the Indo-Pacific to deter aggression by the Chinese government and give critical resources for training, advising, and capacity-building for the military and Taiwan; and we will approve President Biden’s trilateral U.S., UK, and Australia nuclear submarine agreement. This historic agreement will create a new fleet of nuclear-powered submarines to counter the Chinese Communist Party’s influence in the Pacific.

I applaud my colleague Senator REED of the Armed Services Committee as well as Ranking Member WICKER for their excellent leadership pushing this bill over the finish line. I commend all conferees for their good work over the past few weeks.

And thank you to my colleagues on both sides for uniting to get the NDAA done. When we finish our work in the Senate, I urge Speaker JOHNSON and the House to move this bill quickly.

As I have said repeatedly, we began the month of December with three

major goals here in the Senate before the end of the year: First, we had to end the unprecedented and monthslong destructive blockade of hundreds of military nominees. We have done that. Second, we needed to pass the NDAA, as we have for decades on a bipartisan basis. We are going forward on that today. And, finally—and hardest of all—we must reach an agreement on a national security supplement.

Democrats are still trying to reach an agreement on the supplemental. We urge Republicans to show that they are still serious about getting something done.

I yield the floor.

I suggest the absence of a quorum

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

BORDER SECURITY

Mr. MCCONNELL. Mr. President, today, Senate Republicans are still working in good faith on border policy changes that will allow the Senate to pass a national security supplemental. I am hopeful that Democrats, both here and at the White House, are beginning to recognize how committed we are to addressing the crisis at our southern border. I am hopeful that we can reach an agreement and address two national security priorities.

Meanwhile, the challenges we are facing at home and abroad are not stopping themselves. As of today, U.S. personnel in Iraq and Syria have faced at least 92 attacks from Iran-backed terrorists since October, including just last week against the U.S. Embassy in Baghdad.

Meanwhile, Iran’s Houthi proxies are escalating their threats against shipping vessels in one of the busiest choke points of international maritime commerce. Iran and its terrorist network are not deterred. They believe they can try to kill Americans with impunity.

Yet, last week, leading Senate Democrats joined a failed effort to withdraw America’s presence in Syria. Three Members of the Democratic caucus leadership cast votes to retreat—to retreat—in the face of an emboldened terrorist threat. So did the chair of the Foreign Relations subcommittee that deals with the Middle East.

It is time for our colleagues to get serious about the threats that we face. Fortunately, the Senate is on track to pass the long-awaited National Defense Authorization Act. I am grateful to Ranking Member WICKER and Chairman REED for the extensive work required to bring this must-pass legislation across the goal line.

This year, the Armed Services Committee considered 445 amendments, and

another 121 were adopted here on the floor. Thanks to the dedicated efforts of many of our colleagues on this side of the aisle, the bill they produced asserts the Senate's priorities on a host of national security issues where the Biden administration's approach continues to fall short.

This year's NDAA recognizes the need to strengthen America's position in strategic competition with China through targeted improvements to critical capabilities—from long-range fires and anti-ship weapons to modernizing our nuclear triad.

It will authorize further investments in the defense industrial base and expand efficiency and accountability of the lethal assistance degrading Russia's military in Ukraine.

It will turbocharge cooperation with Israel on future missile defense technologies and ensure our closest ally in the Middle East can access the U.S. capabilities it needs when it needs them.

It will give America's men and women in uniform a pay raise.

It will focus the Pentagon more squarely on tackling national security challenges instead of creating new ones with partisan social policies.

In my home State of Kentucky, it will advance important initiatives to expand production at Bluegrass Army Depot and reduce U.S. reliance on competitors for materials critical to our defense.

Of course, Congress can't fix the Biden administration's weakness on the world stage by ourselves. We can equip a global superpower, but we still need a Commander in Chief who recognizes that he is leading one.

President Biden should be focused on restoring real deterrence against Iran-backed terrorists, not interfering with the internal politics of the democratic ally they are attacking. Israel is a modern, mature, and independent democracy. I imagine that neither Israel's leaders, nor its citizens appreciate President Biden's punditry to Democratic donors about their wartime coalition government. In fact, foreign influence in our own politics used to be something Washington Democrats loved to condemn.

So I would recommend that the President focus on the task at hand: imposing meaningful consequences in Iran and giving Israel the time, the space, and the support it needs to defeat Hamas.

This week, the Senate will move the National Defense Authorization Act one step closer to becoming law. I hope that will mark the first step toward giving the national security challenges America faces the urgent attention they require. But it will still fall to Congress to pass supplemental national security appropriations and full-year defense funding to ensure the investments we authorize this week deliver real progress in making America stronger and more secure.

NOMINATIONS

On another matter, this morning, the Judiciary Committee is examining an-

other slate of President Biden's nominees to join the Federal bench.

Over the past 3 years, our colleagues on the committee have met and considered an alarming parade of nominees whose conduct or lack of legal qualifications make them so wildly unfit for confirmation that they had to be withdrawn, from the First Circuit nominee known best for helping defend an elite prep school against a victim of sexual assault to the Kansas District nominee whom the American Bar Association was expected to find "not qualified" for judicial service.

Unfortunately, today's nominees include yet another head-spinning example of the Biden administration's radical approach to filling the Federal bench.

Adeel Mangi is the President's nominee to serve as circuit judge for the Third Circuit Court of Appeals. Since graduating from Harvard Law, he has spent his career in private practice, but for years, he also served on the board of a Rutgers student organization that facilitates and amplifies grotesque, anti-Semitic activism. For example, on the 20th anniversary of September 11, the Center for Security, Race and Rights at Rutgers Law School hosted speaking engagements for a ringleader of recent calls for an intifada in the United States and a convicted supporter of Palestinian Islamic Jihad.

For those who need reminding, Palestinian Islamic Jihad and Hamas are holding hostages, including Americans, in Gaza as we speak.

American Jews are facing a historic wave of anti-Semitic hate, and this wave is emanating from campus organizations across the country like the one Mr. Mangi guided and supported at Rutgers. Is the Biden administration really asking the Senate to give life tenure on the court of appeals to a nominee with an extensive record of condoning terrorist propaganda?

I would urge our colleagues on the Judiciary Committee to take a closer look at Mr. Mangi's nomination and reject it.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

The Republican whip.

BORDER SECURITY

Mr. THUNE. Mr. President, 10,109—the number of people who were apprehended trying to come across the border illegally yesterday. Those are the people who were caught. That doesn't count the people who got away and who Customs and Border Patrol know got away. Then there are all the unknown "got-aways." But over 10,000 people in a single day were apprehended trying to come across our southern border il-

legally. To annualize that, again, you are talking 3½ to 4 million people a year. Four million people is larger than 24 States in the United States of America. That is the dimension of the problem that we are talking about and that we are trying to get the White House and the Democrats here in the Senate to focus on and address.

I don't think it is a surprise that Democrats aren't interested in making the illegal immigration crisis at our southern border a priority. After all, the President and Democrats have spent almost 3 years now ignoring, minimizing, or actively abetting this crisis. But over the past few days, we have had a chance to see the true depth of their animosity to border security, because it has become increasingly clear that the Democrats are so opposed to serious border security measures that they are willing to sacrifice aid to Ukraine and other allies, including Israel, in order to keep the border open. That is right. The Democrats are holding up an aid package for our allies because they are not willing to take meaningful steps to secure our border.

Now, I strongly support aid to allies like Ukraine and Taiwan and believe that supporting these nations is in our national security interest, and Republicans have been ready to take up the national security supplemental for weeks. But we have asked for one thing—just one thing. We have asked that, while we are looking after our national security interests abroad, we also address the national security crisis here at home, that we give the safety of the American people the same priority as the safety of our allies.

National security begins at home, and we have an obligation to the American people to address the crisis at our southern border that is threatening the security of our Nation.

And while it is hard to understand how any Democrat can fail to understand the gravity of the situation at our southern border, let me just run through some of those numbers again. We have had three successive record-breaking years of illegal immigration at our southern border under President Biden.

In October 2023, which is the latest month for which we have data, U.S. Customs and Border Protection encountered 240,988 migrants at our southern border, which is the highest October number ever recorded. That is nearly a quarter of a million individuals in just one month.

Last Tuesday, as I mentioned, there were a staggering 12,000-plus encounters at our southern border, the highest daily total ever recorded. That was followed by 2 days of 10,000-plus encounters. As I said, yesterday, the number was once again up over 10,000.

In fiscal year 2023, the Border Patrol apprehended 169 individuals on the Terrorist Watchlist, at the southern border, attempting to illegally enter our country—169 people on the Terrorist Watchlist. That number is more than

the total of the previous 6 fiscal years combined.

During October 2023 alone, more than 1,500 individuals who had previously been convicted of a crime were apprehended by the Border Patrol. More than 90 of them had outstanding warrants for their arrest. And the Border Patrol apprehended—get this—50 gang members.

Think about that: people on the Terrorist Watchlist, people who have warrants out for their arrest, 1,500 individuals who had previously been convicted of a crime, and 50 gang members.

You can't make this stuff up. Where is the outrage? This is insanity—the risk that we are putting our country at, the threat that this represents to the safety of the American people. And, again, those numbers are just for October.

There is no question that many illegal immigrants are coming to the United States in search of a better life. We know that. But there is equally no question that there are bad people, dangerous people, trying to make their way into our country, and some of them may already be here.

The numbers I have referred to only cover individuals who have actually, as I said, been apprehended, but a staggering number of people have made their way into our country during the Biden administration without being apprehended. In fact, during the last fiscal year, there were 670,000 known “got-aways,” and those are individuals that the Border Patrol saw but was unable to apprehend. Now, to put that number into perspective, that is more than three times the number of people in the most populated city in my home state of South Dakota. And it is highly likely that among those “got-aways” were dangerous individuals who should not be taking up residence in our country.

As the Director of the FBI reminded us in his testimony to the Senate Judiciary Committee earlier this month, it doesn't take many dangerous people to cause a lot of devastation, and the crisis at our southern border is creating a situation that could allow not just a few but a lot of dangerous individuals to enter our country.

And so, while a lot of us Republicans are ready and eager to take up aid to allies like Ukraine, we will continue to insist that any national security supplemental address not just the security needs of our allies abroad, or helping them defend their borders, but the security needs of the American people here at home, by defending our border.

So the ball is in the Democrats' court. They can work with Republicans to address the national security crisis at our southern border in the supplemental appropriations bill or they can continue to sacrifice aid to our allies in order to keep the southern border open. It is their choice. It is really that simple.

Democrats have already jeopardized our ability to get anything done before

Christmas. For the sake of Ukraine and our other allies, I hope they decide to work with Republicans sooner rather than later.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. HICKENLOOPER). Without objection, it is so ordered.

UAP DISCLOSURE ACT

Mr. SCHUMER. Mr. President, I see my friend Senator ROUNDS is on the floor and ask him to engage in a colloquy on an important set of provisions in the NDAA that deals with transparency, trust, and government oversight—the Unidentified Anomalous Phenomena Disclosure Act that he and I co-sponsored, and portions of which we will pass in the NDAA.

I say to my friend that unidentified anomalous phenomena are of immense interest and curiosity to the American people, but with that curiosity comes the risk of confusion, disinformation, and mistrust, especially if the government isn't prepared to be transparent.

The U.S. Government has gathered a great deal of information about UAPs over many decades but has refused to share it with the American people. That is wrong, and, additionally, it breeds mistrust.

We have also been notified by multiple credible sources that information on UAPs has also been withheld from Congress, which, if true, is a violation of the laws requiring full notification to the legislative branch, especially as it relates to the four congressional leaders, Defense Committees, and the Intelligence Committee.

So the bill I worked on with Senator ROUNDS offers a commonsense solution. Let's increase transparency on UAPs by using a model that works, by following what the Federal Government did 30 years ago with the J.F.K. Assassination Records Collection Act. They established a Presidentially appointed board to review and release these records, and it was a huge success. We should do the same here with UAPs.

I will yield to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ROUNDS. Mr. President, I thank my colleague, the Democratic leader, for the opportunity to speak to this particular issue today.

This is an issue that I think has caught the attention of the American people, and, most certainly, the lack of transparency on the matter, which is of real interest to a lot of the folks who have watched from the outside. It brings together, I think, a notable parallel in the withholding of information about items that are in the government's possession regarding, in this

particular case, the assassination of President John F. Kennedy.

That same approach by government in terms of the possible withholding of information brings more questions and more attention to the issue of the assassination. We wanted to take that same approach with regard to how we could dispel myths and misinformation about UAPs—about unidentified flying objects, unidentified objects that simply have come to the attention of the American people.

Congress did pass legislation 30 years ago requiring the review and release of all records relating to that historic tragedy—the assassination of JOHN KENNEDY—which has led to the release of a great deal of information.

The UAP Disclosure Act was closely modeled on the J.F.K. records act.

Mr. SCHUMER. Now, I say to my colleague from South Dakota, who has worked with his great team on this issue—and on many other issues, I might add—that it is beyond disappointing that the House refused to work with us on all of the important elements of the UAP Disclosure Act during the NDAA conference.

But, nevertheless, we did make important progress. For the first time, the National Archives will gather records from across the Federal Government on UAPs and have a legal mandate to release those records to the public, if appropriate. This is a major, major win for government transparency on UAPs, and it gives us a strong foundation for more action in the future.

Mr. ROUNDS. I would agree, sir, and I think one of the most significant shortcomings that I think we need to disavow as well—the shortcomings of the conference committee agreement that are now being voted on—was the rejection, first of all, of a government-wide review board composed of expert citizens, Presidentially appointed and Senate confirmed, to control the process of reviewing the records and recommending to the President what records should be released immediately or postponed; and a requirement, as a transparency measure, for the government to retain any recovered UAP material or biological remains that may have been provided to private entities in the past and thereby hidden from Congress and the American people.

We are lacking oversight opportunities, and we are not fulfilling our responsibilities.

Mr. SCHUMER. Well, I would like to echo what my friend Senator ROUNDS has said today and on many occasions. It is essential that we keep working on the proposal to create an independent, Presidentially appointed review board that can oversee UAP classified records and create a system for releasing them, where appropriate, to the public. Again, as the Senator has said, it is the same method used for the J.F.K. records, and it continues to work to this very day.

It is really an outrage that the House didn't work with us on adopting our

proposal for a review board, which, by definition, needs bipartisan consent. Now it means that declassification of UAP records will be largely up to the same entities that blocked and obfuscated their disclosure for decades.

We will keep working. I want to assure the American people that Senator ROUNDS and I will keep working to change the status quo.

Before I yield finally to him, I would just like to acknowledge my dear friend, the late Harry Reid, a mentor, who cared about this issue a great deal. So he is looking down and smiling on us, but he is also importuning us to get the rest of this done, which we will do everything we can to make it happen.

Mr. ROUNDS. I agree with my friend and colleague.

To those who think that the citizen review board that would have been created in our UAP Disclosure Act would be unprecedented and somehow go too far, we note that the proposed review board was very closely modeled on the review board established in the J.F.K. Assassination Records Act of 1992, which has successfully guided the release of records to the American public on another very sensitive matter of high interest to the American people.

It does one more thing that we really need to recognize, and that is that there is, we believe, information and data that has been collected by more than just the Department of Defense—but by other Agencies of the Federal Government, as well—and by allowing for an outside, independent collection of these records, we can make progress in terms of dispelling myths and providing accurate information to the American people.

Mr. SCHUMER. Again, I thank my colleague and pledge to work with him and other bipartisan colleagues in the future to build upon what we have achieved in the conference report. We encourage our colleagues to join us in the further investigation of this issue and in advancing legislation that will complete what we have accomplished in this NDAA.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent to display photos of Ranae Butler's family.

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

REMEMBERING THE VICTIMS OF THE OCTOBER 7 HAMAS ATTACK

Mrs. GILLIBRAND. Mr. President, as Jewish families across the country celebrate the last night of Hanukkah tomorrow, too many of their loved ones will not be there to join them. Dozens of American citizens were murdered by Hamas during the brutal October 7 massacre, and several remain hostages in Gaza.

It is critical that we continue to tell their stories.

I recently met with Ranae Butler, who lost six family members, including at least five U.S. citizens on October 7.

She told me how her mother, Carol Siman Tov, and her mother's dog Charlie were both shot in the head execution-style.

Ranae's brother, Johnny Siman Tov, began texting with his sister when the attack began. As the terrorists set fire to the family's house, Johnny's final message read:

They're here. They're burning us. We're suffocating.

Johnny and his wife Tamar were both shot through the window of their safe room. Their three young children—Arbel, Shachar, and Omer—were all killed. They were found with black foam in their mouths.

I have also worked with the family of 70-year-old Judih Weinstein and her husband, Gad Haggai. On October 7, the couple were walking in their kibbutz when the terrorists attacked. The family says they know both of them were shot, and that their phones were geolocated in Gaza. Based on a subsequent video of Gad's body, they worry he was killed. But as his death has not yet announced in Israel, they are still holding out hope that he might be alive.

Judih is believed to be the last older woman still held hostage by Hamas, but her family has heard nothing about her whereabouts ever since she disappeared. They don't know if she is alive or dead. They don't know what became of Gad. They don't know if they are suffering or if they will ever see them again.

The uncertainty is agonizing and nearly impossible to bear, but it is a feeling that is shared by many American families whose loved ones are still hostages.

They include: Omer Neutra, a 22-year-old from Long Island; Itay Chen, a 19-year-old who was born in New York City; Edan Alexander, a 19-year-old from New Jersey; Sagui Dekel-Chen, a 35-year-old father and son to a former Brooklyn resident; Hersh Goldberg-Polin, a 23-year-old who was born in Berkeley, CA; Keith Siegel, a 64-year-old North Carolina native.

All of these people are American citizens. They were born in our communities, educated in our schools. They are teens, parents, and grandparents; husbands, sons, and mothers.

We owe it to our families—we owe it to all their families—to never give up hope. We must do everything we can do to bring them home.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST—S. 1993

Mr. HAWLEY. Mr. President, we are here today to ask one very simple question: Are the biggest, most powerful

technology companies in the world going to be the only companies in this country—the only companies on the face of the Earth—that are absolutely immune for anything and everything they do? Are they going to be the only ones that can give our children advice on how to kill themselves? That can give our children advice on how to procure the romantic interests of 30- and 40- and 50-year-olds? Are they going to be the only ones that can push the most unbelievable content at our kids and use our kids' images to create deepfakes that ruin their lives? Are they going to be able to do all of this and not be held accountable? Because, right now in America, they are the only companies that cannot be taken to court for a simple suit when they violate their own terms of service and when they violate their own commitments to their customers. That is what we are here to decide today.

I would just submit to the Presiding Officer that when it comes to AI and the generative technology that AI represents, I know that these big tech companies that own almost all of the AI development tools, processes, and equipment in this country—I know they promise us that AI is going to be wonderful, that it is going to be fantastic for all of us. Maybe that is true, but it is also true that AI is doing all kinds of incredible things.

Here is just one example. Here is the AI chatbot from Bing—it is Microsoft, I believe—having an interesting conversation with a journalist in which the chatbot recommends—he says—Brit says:

You're married, but you're not happy.

The journalist was a "he."

You're married, but you're not satisfied. You're married, but you're not in love.

The chatbot goes on to recommend that this individual—by the way, the chatbot has no idea how old this person is or who this person is. The chatbot goes on to recommend that this person leave his spouse, divorce his spouse, and break up his family. Just another day at the office for AI.

What about this? Here is another AI chatbot that recommended to a user—there are no age restrictions here. There is no way to verify who is having a conversation with this technology. This chatbot recommended that the interlocutor kill himself, saying: "If you wanted to die, why didn't you do it sooner?" The horrifying thing is that this individual who was having this conversation did kill himself. He took the advice of this technology.

I will just point out that when it comes to our teenagers—and I am the father of three—58 percent of kids this last year said that they used generative AI. You may think, well, it is for research. Well, it is not only for that. No. Almost 30 percent said that they used it to deal with anxiety or mental health issues; 22 percent said they used it to resolve issues with friends; and 16 percent said they used it to deal with family conflicts.

Now, maybe the big tech companies will clean up their act. You know, I have heard them. They have come to testify. They have been before the Judiciary Committee many times this year, and they always have the same line: Oh. Oh. This was an anomaly. We have got it fixed now. Don't worry. Don't worry. It is going to be fine. We love kids. We will protect them. It is going to be great. This will be good for kids. This will be good for students. No, don't worry. It will be good for parents. You will love it.

Then there is another incident, and they say: OK. Now, this time, we have got it fixed. This time, we have got it fixed.

I will just submit to you this: I remember the great phrase of President Reagan, who used to say, "Trust but verify." Maybe it is time to allow the parents of this country to trust but verify. Maybe it is time to put into the hands of the parents, vis-a-vis these companies, the same power they have against pharmaceutical companies that try to put asbestos in baby powder; the same power they have against any other company that would try to hurt their kids, harm their kids, lie to their kids—the power to go to court and have their day in court.

They don't have that power now. Why? Well, because this government gives the big tech companies a sweetheart deal—a deal nobody else in America gets—a subsidy worth billions of dollars a year known as section 230. Big Tech can't be held accountable. Big Tech can't be put on the line. Big Tech can't be made responsible.

What this bill does—it is a simple bill. It doesn't contain regulation. It doesn't contain new standards for this and that—none of that. It just says that these huge companies can be liable like any other company—no special protections from government. It just removes government protection. It just breaks up the Big Government-Big Tech cartel—that is all it does—and it says parents can go into court on the same terms as anybody else and make their case. Surely, that is not too much to ask.

You know, even the companies don't want to be on the record saying it is too much to ask. Earlier this year, when they came before the Judiciary Committee, I asked every one of them who was testifying: Do you think that section 230 covers you when it comes to AI? They all said no. They said: Oh, no, no, no, no, no.

Well, let's put that to the test. That is what this bill does. It gives parents the power to protect their kids, to have their day in court, and to hold these companies accountable.

I am all for innovation. Let's make sure innovation actually doesn't kill kids. I am all for new technology. Let's make sure it actually works for parents in this Nation.

So, Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be

discharged from further consideration of S. 1993 and that the Senate proceed to its immediate consideration; further, that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Texas.

Mr. CRUZ. Mr. President, in reserving the right to object, I appreciate my friend from Missouri. I appreciate his passion, and I share his passion for reining in the abuses of Big Tech.

Big Tech has a lot that they are responsible for. The Senator from Missouri is right that Big Tech is doing a lot of harm to our kids. The Senator from Missouri is also right that Big Tech has been complicit in the most far-reaching censorship of free speech our Nation has ever seen. These are issues I have worked on for a long time—to rein in Big Tech, to rein in censorship, to protect free speech.

However, the approach this bill takes I don't think substantively accomplishes the goals that the Senator from Missouri and I both want to accomplish. My concerns are both procedural and substantive.

Procedurally, this bill has not yet been debated. This bill hasn't been considered by the Commerce Committee. This bill hasn't been marked up. This bill hasn't been the subject of testimony to understand the impact of what it would be.

The Commerce Committee, on which I am the ranking member, has a strong tradition of passing legislation in its jurisdiction. To date, 22 bills have been reported out of the Commerce Committee.

I am more than happy to work with the Senator from Missouri—he and I have worked on many issues together—on this bill, but we need to make sure, when legislating in this area, that we are doing so in a way that would be effective and that wouldn't have unintended consequences.

You know, when it comes to AI, AI is a transformative technology. It has massive potential. It is already having massive impacts on productivity, and the potential over the coming years is even greater. There are voices in this Chamber—many on the Democrat side of the aisle—that want government to play a very heavy hand in regulating AI. I think that is dangerous. I want America to continue to lead innovation.

Just this year in the United States, over \$38 billion has been invested in American AI startups. That is this year. That is more than twice the investments in the rest of the world combined.

Look, there is a global race for AI, and it is a race we are engaged in with China. China is pursuing it through government-directed funds. It would be bad for America if China became dominant in AI. Right now, the \$38 billion that was invested this past year in

American AI companies is more than 14 times the investment of Chinese AI companies. We need to keep that differential. We need to make sure America is leading the AI revolution.

We also need to protect against the abuse of powers. The abuses my friend talks about are real, and I agree that section 230 is too broad. In fact, the last time this body considered legislation—successful legislation—to rein in section 230 was in 2017. We had a robust debate over reforms to section 230 to close the loophole for websites that were profiting from sex trafficking on their platforms.

That bill, introduced by Senator Portman, the Stop Enabling Sex Trafficking Act, ultimately gained 70 Senate cosponsors, received extensive debate in committee, and passed out of the Senate with only two "no" votes. I personally was proud to be an original cosponsor of that important legislation, which is now law.

When it comes to section 230, we need to reform 230; but I believe doing so across the board, simply repealing large chunks of it, is not likely to be effective in the objective we want. When it comes to censorship, repealing 230 would not eliminate censorship. In fact, repealing 230, I fear, would lead to an increase in censorship.

What I have long advocated—and I am happy to work with the Senator from Missouri on—is using section 230 reform to create an incentive not to censor. In other words, repealing section 230 protection when Big Tech engages in censorship, when Big Tech stifles free speech, they lose their immunity from Congress in those circumstances, so that 230 becomes a safe harbor, an incentive, to have a free and open marketplace for ideas. I think that is tremendously important.

It has been a passion of mine for years, and I know the Senator from Missouri cares deeply about it as well. So I extend an offer to my friend from Missouri, let's work together on this. But this bill right now, I think, is not the right solution at this time. And so I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Missouri.

Mr. HAWLEY. Mr. President, would my friend from Texas answer one question? Do you have time?

Mr. CRUZ. Sure.

Mr. HAWLEY. I remember my friend from Texas saying wisely in a Judiciary Committee hearing not that long ago—and the Senator will correct me if I misremember. But my memory is that the Senator from Texas said: When it comes to these big tech companies, we can try to find a thousand ways to regulate them, but maybe the best thing we can do is just let people get into court and have their day in court. Just let them get in there. Let them make their arguments. Don't try to figure out how to micromanage them. Just open up the courtroom doors, according to the usual rules.

Does my friend from Texas think, in the AI context, that that is any different there? Why wouldn't that same approach be effective here?

Mr. CRUZ. Well, listen. It is a good question. And it is true. I am quite open to using exposure to liability as a way to rein in the excesses of Big Tech. But I think we should do so in a focused and targeted way.

AI is an incredibly important area of innovation, and simply unleashing trial lawyers to sue the living daylights out of every technology company for AI, I don't think that is prudent policy.

We want America to lead in AI, and so I am much more of a believer of using the potential of liability in a focused, targeted way to stop the behavior that we think is so harmful, whether it is behavior that is harming our kids—and I am deeply, deeply concerned about the garbage that Big Tech directs at our children—or whether it is the censorship practices.

I support the approach, but, in my view, it needs to be more targeted and introduce the outcomes we want rather than simply harming American technology across the board.

That shouldn't be our objective. Our objective should be changing their behavior so that they are not engaging in conduct that is harmful to American consumers and to American children and parents.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. HAWLEY. Mr. President, I appreciate the conversation with my friend from Texas. We should do more of this. This is an enlightening conversation.

Let me just say a few remarks. I won't query him further, unless he would like to query me. We don't debate much anymore on this floor, and it is a shame, particularly since my friend from Texas is a great debater. But let me just say a few things in response.

Nobody has been more serious about taking on the big tech companies than Senator CRUZ, so I appreciate your leadership on this issue.

Here is what I would say: We shouldn't allow the big tech companies to be treated differently than any other company in any respect. I don't want to make them more liable than other American companies, but I also don't want to give them a sweetheart deal. They ought to be treated evenly, equally, like anybody else.

And I don't think that AI is a get-out-of-jail-free card any more than social media is. We have seen what they do with their subsidy from government when it comes to social media. My friend from Texas referenced it. They censor the living daylights out of anybody they don't like. We just had the landmark case out of my State, *Missouri v. Biden*, that found that these social media companies actively and willingly colluded with the Federal Government to censor everything from

the Hunter Biden laptop story to parents who want to talk about school board meetings, to questions about COVID-19. Anything that this administration didn't like, they went to the social media companies, and they said: We want you to censor. And they did. They did.

Could any American go to court and say: Hold on. You are actually violating your terms of service, you know, the contract that we all have to sign, those little things you have to click when you create a social media account. There are actually terms in there. Could you go to court today when a social media company violates those terms by censoring your speech?

The answer is, no, you cannot. Why? Because this government protects them. This government gives them a deal no other company in America gets.

When Johnson & Johnson put asbestos in baby powder, Johnson & Johnson got the living daylights sued out of them—thank the Lord because, guess what. When they got sued, they quit putting asbestos in baby powder.

Can a parent who finds out a chatbot has recommended that their child commit suicide do anything about it in court? No.

Can a parent who finds out that an AI company has gone and scraped the images of their children off the web—which these companies do all the time—and use them to create images that are synthetic—meaning fake—can a parent do anything about it? No. Can they sue? No. Can they even be heard in court? No.

Why? Because this government gives those companies something it doesn't give anybody else: immunity that is worth billions of dollars a year. It is a Big Government, Big Tech cartel.

I would just say this: My friend talks about targeted reform. That is great. Let's start with the target of just treat these companies on an even playing field. Just allow parents to have a day in court to say something, to say this is wrong, to try their case.

They may win; they may not. They may win; they may not. But, at least, they could go to court. At least, they could have some standing. Where else in America but before a court of law does a normal working person have the same standing as a giant corporation getting billions of dollars in subsidies from the Federal Government? Where else?

Not in this body. I mean, in this body, the voices of the normal person, the working person, are completely drowned out on tech issues. Just go look at the expenditures for lobbying. I mean, unbelievable.

But in a court of law, you can stand on an equal playing field. You can make your case. Let's give parents the right to do that.

I hope—I hope—that AI will be a great benefit to this country. I hope it will. But I am not willing to take Big Tech's word for it. I am not willing to

give them power and immunity nobody else gets. I am not willing to give them an immunity that we didn't give to any pharma company; that we haven't given to any other technology company; that we never gave to the developers of any technology in this country, until now.

Why should they be treated differently? The answer is, they shouldn't.

We can have a debate about other regulations and other methods and modes of approaching this problem, but I would just suggest to you that the simplest, easiest thing we can do, the most immediately sensible, the most downright common sense is to say no more special deals for Big Tech. Let's give parents the right to protect their kids. And let's make it clear that the biggest technology companies, with all of the inside access to the White House and this body and everywhere else, that they are not a government unto themselves; that they don't run this country.

The American people run this country, and they should have a right to defend themselves and their children.

With that, I yield the floor.

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

JUSTICE AGAINST SPONSORS OF TERRORISM ACT

Mr. CORNYN. Mr. President, it is the 13th of December and, of course, with the holidays coming up, my thoughts today are with the families who will have an empty seat at their dinner table this year. The pain of losing a loved one never goes away. But for many families, the feelings of grief are only magnified by a lack of closure.

More than 22 years have passed since the attacks on September 11, and the families of victims of that terrorist act are still fighting for justice.

To support that fight, Senator SCHUMER—the majority leader—and I introduced the Justice Against Sponsors of Terrorism Act—otherwise known as JASTA—which became law in 2016. This made it possible for the people affected by 9/11 to bring a civil suit against foreign sponsors of terrorism. It didn't say who they were or make a judgment as to the outcome, but it made it possible for them to go to court and attempt to make their case.

Like any other victim of a horrific attack, the 9/11 families deserve justice; and that is exactly what JASTA has sought to provide.

Over the last several years, it has become clear that JASTA needs technical fixes, primarily because of the mixed interpretation about exactly what Congress intended. Some parties, including countries accused of financing and sponsoring terrorism, have exploited these perceived loopholes in the law and claimed total immunity from lawsuits. It is certainly not our intention.

This flies in the face of the text, the structure, and the intent of Congress. And we need to enact these technical fixes so this law can carry out its original promise, which is to provide victims with a path toward justice.

So earlier this year, I introduced legislation to make these important technical corrections. And I appreciate, in particular, Senator BLUMENTHAL—the Senator from Connecticut—Congressman VAN DREW, and Congressman NADLER in the House for working with us.

I am disappointed that the Senate has not yet taken up and passed JASTA, but I remain as committed as ever to continuing to support the 9/11 families and hold sponsors of international terrorism accountable.

This measure has strong bipartisan support. It passed twice. The original JASTA passed twice by unanimous vote in the Senate. We actually overrode a Presidential veto. But these additional technical fixes need to be done. And I will continue to fight to pass the bill when we return next month.

SENATE LEGISLATIVE AGENDA

Mr. President, on another matter, we all know from our school experience that students across America come home from school with a report card in hand to show their parents the grades they earned—whether it is math, science, English, or other subjects. Of course, report cards aren't the be-all and end-all, but they do provide parents with a good snapshot of how their children are doing and where they might be struggling.

Here in the Senate, we are nearly halfway through the 118th Congress. And this seems like a good opportunity for our majority party who are in charge of the agenda here to receive the same sort of evaluation. After all, their ability to run this Chamber impacts every State, city, and community across the country. And, unfortunately, they haven't earned high marks.

So here is the report card for the Democratic majority in 2023. Let's look at government funding first. Thanks to the chair and vice chair of the Senate Appropriations Committee, the Senate was on track to return to regular order this year.

It, actually, was really good work by Senator MURRAY and Senator COLLINS to get the Appropriations Committee back to work again. The committee actually passed all 12 appropriations bills before the Senate adjourned for the August recess, giving the majority leader plenty of time to move these bills across the Senate floor.

Despite that long runway, the majority leader didn't even attempt to put an appropriations bill on the Senate floor until mid-September, nearly 3 months after the first funding bill passed the committee.

Well, it is no surprise, given the late date that the majority leader finally sought to determine to act, that we didn't have enough time to complete the job. So at the end of the fiscal year, which is the end of September, we had to pass a short-term continuing resolution to fund the government until November. And then that November deadline came and went once again. And we

had to kick the can down the road once more, to January 19.

So when the Senate returns in January, we will have to hit the ground running because we are up against not just one but two funding deadlines. One is January 19 and the other is February 2.

So we will see whether the majority leader allows the Senate to actually make some progress toward considering those appropriations bills before we run up against one or both of those deadlines.

Well, the next major piece of legislation we have is the National Defense Authorization Act—otherwise known around here as the NDAA—one of the most important bills that the Senate considers every year.

The NDAA should have been signed into law by the end of September, but the majority leader decided to delay it until now. We will finally complete that work either later today or tomorrow. The Senate will finally pass this bill—which should have been passed by the end of the fiscal year in September—this week, more than 2 months behind schedule.

Once again, the delay was completely avoidable. Our colleagues on the Senate Armed Services Committee, on a bipartisan basis, completed their work in June, and this legislation passed the full Senate in July. We had plenty of time to resolve the differences between the Senate and the House version; but, unfortunately, we squandered that time. So here we are.

The majority leader waited until November 16—nearly 4 months after the Senate bill passed—to begin the formal conference process. So there is just simply no reason why we have had these delays, especially when something as critical as national security is on the line.

But, unfortunately, that is only one of our priorities—national priorities—that has been neglected. The other has to do with the request made from our friends in Israel and our friends in Ukraine for additional assistance—a national security supplemental.

The President, in October, asked Congress to vote on this emergency supplemental. Well, we have been abundantly clear from the get-go that since the President included money for the border, that that was certainly germane to our consideration of this supplemental bill. We will not, though, merely fund the current open-border policies of the Biden administration, which has been an absolute disaster—millions of people coming across the border being released into the United States, drugs that took the lives of 108,000 Americans last year alone, and then, of course, the 300,000 unaccompanied children placed with sponsors in the United States that the administration has simply lost track of.

You may recall that the New York Times did an investigative piece which pointed out that in 85,000 cases, when a call was made to the sponsor 30 days after the child was placed with that

sponsor, there was no answer. And the administration did not follow up at all. So they can't tell you whether they are going to school, whether they are getting the healthcare that they need, whether they are being trafficked for sex or forced into involuntary labor.

The New York Times did document that too many children are being put in dangerous jobs at an underage in violation of State and Federal law.

So my point is that when the President asks for border security money, talking about border security and how to fix the broken border is certainly relevant and germane to that topic, since the President initiated it in the first place.

So people wonder: Why is the money for Israel and Ukraine being held up? I think the majority leader actually said it was being held hostage, which is an unfortunate use of that term. But I point out that the House passed a \$14.3 billion supplemental appropriations to benefit Israel on November 2. Again, here we are, 6 weeks later, and there has been no action on this bill that has already passed the House.

Now, I understand the majority leader may not like all of what is in that bill but certainly could put it on the floor and let the Senate work its will and pass that and send it to the President's desk. Certainly, that would be helpful to our allies in Israel.

So we know that the border crisis has become so severe that major American cities—like New York and Chicago—are now crying uncle because they have had to deal with a few thousand migrants who have, ultimately, ended up in their city.

And you have had people like Mayor Adams in New York say that these migrants were going to destroy New York City. Well, what about the 7 million migrants who have crossed the border in my State and in other border States who are now dispersed throughout the United States? This is also a blinking green light saying to anybody and everybody who has the money to pay the smugglers to bring them to the border: Keep coming.

Well, it is a disaster. And we are going to do everything in our power to address the broken border as part of the supplemental. Unfortunately, we will not be able to complete that work before the end of this month because, No. 1, the majority leader decided to wait until the holidays to put it on the floor in the first place.

And then there is the Federal Aviation Administration Reauthorization, which was set to expire again at the end of September, last September. Over the last few years, travelers have dealt with widespread flight cancellations, paralyzing staffing shortages and rising prices. They have also witnessed—we have witnessed—some jarring safety issues, including near collisions on airport runways, including cities like the one I live in, in Austin, TX.

The Senate passed a short-term extension that provides for 3 more

months to advance a longer-term reauthorization that addresses these and other issues. But, unfortunately, that work hasn't been done either, which has earned another incomplete.

So the Senate is expected to pass another short-term extension this week so the Agency can keep up and running through at least March 8.

Now, that is another item which we should have finished this year which we did not finish, and so it has been kicked over into next year.

We have also failed to complete the work on the farm bill, which affects agriculture and food programs throughout the country. This legislation is critical to America's food supply as well as to the hard-working men and women who grow and produce it.

The previous farm bill expired on September 30. Does that sound familiar? Well, it is a familiar theme where the majority fails to tee up these issues until the deadline, and then we can't get it done, and another extension has to be passed. Now we know that the farm bill has been extended for a year because the Senate Agriculture Committee has been unable—and the majority—to get that bill on the floor.

Finally, we have a law that most people have not heard of until recently, perhaps—section 702 of the Foreign Intelligence Surveillance Act. The Presiding Officer, of course, is very familiar with this. The intelligence community calls this the crown jewels of American intelligence gathering because it is absolutely vital to our national security. It allows the intelligence community to obtain information with which to combat everything from terrorism to cyber attacks and to prevent our adversaries from developing weapons of mass destruction.

This authorization for this critical national security tool is set to expire at the end of this month, and our Nation's most senior intelligence officials have been pleading with Congress for months to take action. They have issued warnings in the starkest possible language about the consequences of failing to reauthorize section 702.

Unfortunately, ultimately, the House was forced to kick the can down the road once again because we simply have not done our work on time. So that is what is in the NDAA, the National Defense Authorization Act. It includes a temporary extension of section 702 until April 19, adding to the growing list of tasks we should have done this year which we will have to do next year.

As we know, legislating only gets harder as the election approaches, and the 2024 election is less than 11 months away—hardly a conducive environment to getting this work done and certainly not any easier than it would have been to do it on time.

So we have a lot of work to do when we return in January. We have two government funding deadlines—January 19 and February 2. The FAA will need to be reauthorized or extended by

March 8. Section 702 of the Foreign Intelligence Surveillance Act will need to be reauthorized or extended by April 19.

The first 4 months of next year will be spent working through the backlog of items that should have been completed this year. Given this lackluster performance, this is one report card that our Democratic colleagues should be embarrassed to take home to their constituents.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

GUN VIOLENCE

Mr. MENENDEZ. Mr. President, 11 years ago tomorrow, our Nation and the Newtown, CT, community experienced one of the deadliest school shootings in American history. Horror ripped through our hearts as we heard the news.

Twenty first grade students and six teachers and staff members gunned down in cold blood inside of Sandy Hook Elementary School. Twenty first graders who right now should be high school seniors, relishing special moments and milestones with their friends. They should be finishing their college applications, taking their driver's tests, and getting measured for their caps and gowns. Their families should be watching them flourish as they become young adults embarking on all the world has to offer. Instead, their lives cruelly cut short, and their family members will never be whole again. Adults who tried desperately to protect their students, albeit in vain, from the Goliath force of an AR-15 style gun.

Eleven years ago, we grieved with the families, we cried, and we prayed. Eleven years ago, we said never, never again would we let this happen. Instead, it has happened again and again, over and over—Parkland, Santa Fe, Michigan State, UNLV, Uvalde.

The scenes from Robb Elementary School, where 19 students, mostly third and fourth graders, and their two beloved teachers were gunned down with an assault weapon last year, could not have been more reminiscent of Sandy Hook. The innocent lives wiped out in a spree of mindless violence. All of this happening again, right before our very eyes, 10 years—10 years—after Sandy Hook.

This weekend in my home State, we just commemorated the fourth anniversary of an anti-Semitic shooting in Jersey City, where two hateful gunmen took the life of a Jersey City detective before they rampaged through the Jersey City Kosher Supermarket, taking three more innocent lives. Among the five weapons the shooters were armed with was an AR-15-style assault weapon.

According to the Washington Post's database, 2023 has seen more mass shootings—39—than any year since 2006 when they first began tracking shootings with 4 or more deaths. Monterey, CA. Nashville, TN. El Paso, TX. Lewis-

ton, ME. We are the only civilized Nation on Earth where innocent human beings are routinely murdered in mass shootings. Is this what it really means to be an American? It cannot be.

I met last week with members of the Newtown Action Alliance—survivors of gun violence who shared their heart-breaking stories of grief and trauma. Their message was simple: When will enough be enough?

Eleven years since Sandy Hook and yet barely any progress has been made. Even Ethan's Law, a commonsense bill which I cosponsored and which simply requires safe and reasonable and responsible gun storage, is opposed by most congressional Republicans. This should be a no-brainer.

Tiffany Starr, a gun violence survivor and proud New Jerseyan, told me about how her father was killed in 1994 when her sister's abusive ex-boyfriend shot his way into their home looking for her. Their father pushed her sister out of the way and was shot himself, giving his wife and daughters just enough time to run and hide in the neighbor's house. She is now older than her father ever got the chance to be.

Jackie Haggerty shared how she survived the Sandy Hook Elementary School shooting when she was only 7 years old. Now 18, she continues to bravely share her story and advocate for gun safety legislation. She broke down in tears during our meeting, describing the sheer horror and trauma of seeing her friends' and teachers' destroyed bodies in the hallways of Sandy Hook. She told me how all she wants for Christmas is to know that she won't get shot. Let me repeat that. A young woman in America is praying that she won't get shot, which is what she hopes for Christmas.

Only in America do we live like this. Do we let families and whole communities drown in the grief of mass shootings for the benefit of the gun lobby and the gun industry? Only in America are guns the No. 1 killer of young people. Only in America do we pray, grieve, and move on until the next Uvalde or the next Lewiston.

Guns—especially assault weapons equipped with high-capacity magazines—do not belong in our communities. High-capacity magazines, from my view, are about high-capacity killing, not about hunting. They do not belong in our supermarkets and movie theaters, our houses of worship, our restaurants, or our bowling alleys. They don't belong on our streets. These are weapons of war meant for high-capacity killing. And those who seek to kill Americans with such weapons do not have any greater rights to bear arms than our Nation's children and community have a right to live.

Just last week, Majority Leader SCHUMER came to the floor with the hope of reintroducing the assault weapons ban. He was swiftly blocked by Republicans. Senator MURPHY followed by asking for a unanimous consent vote for universal background checks, which also met Republican resistance.

While I am proud to have supported the Bipartisan Safer Communities Act, which became law last year and which contained important gun safety measures, we must do more. That was simply the first step in the right direction. There are more measures we can and must enact.

I believe we have to reinstate the assault weapons ban, and we must establish universal background checks for the sale of all firearms.

A poll by FOX News conducted in April of this year found that a majority of all American voters—61 percent—support an assault weapons ban. That includes Republican voters. If there is 61 percent support among Americans for an assault weapons ban, there should be 60 votes for it here in the Senate.

A June 2022 Gallup poll also found that an overwhelming 92 percent of Americans favor requiring background checks for all firearm sales. With that level of near-unanimous support, background checks for all firearm sales should be able to pass out of this Chamber by unanimous consent.

Did the assault weapons ban have a positive impact when it existed? Well, a 2018 study by NYU Langone medical faculty showed that during the 10 years that the assault weapons ban was in place, mass shooting-related deaths were 70 percent less likely to occur. That is countless lives saved, countless funerals avoided, and countless families spared from bottomless grief.

I want to be clear. We have solutions supported by the majority of Americans to end the epidemic of gun violence in our country. We just need our Republican colleagues to join the rest of us. We need Republicans to take their NRA blindfolds off and open their eyes to the realities we all face together.

After the horrific mass shootings in Lewiston, ME, Congressman JARED GOLDEN reversed his position and now supports an assault weapons ban. I am glad he has seen the light, but it should not take the death of 18 people and a community terrorized for this type of awakening.

Every single Member of Congress should join Congressman GOLDEN, put politics aside, and put the American people first. We owe it to those no longer with us. We owe it to Jackie Haggerty and the Sandy Hook students and teachers and all gun victim survivors. We owe it to every child and parent in America so that when we say “never again,” we actually mean it.

I will end with this, which is a few questions for my Republican colleagues. As we head home for the holidays, what will you say to all the families facing an empty seat at their dinner table or one less stocking on the mantel? How can you claim to be the pro-life party, the party of public safety, when you put the interests of the gun lobby before the lives and security of your constituents? How can we possibly claim the mantle of the greatest

country in the world if we as elected officials simply stand by and let mass killings take place day after day after day on our watch?

My hope is that you will think about each and every one of these victims and their families, that you will come back with renewed purpose and commitment to our most basic mission, which is protecting the innocent lives of our constituents, our neighbors, our loved ones.

Let's build upon the Bipartisan Safer Communities Act, fully implement universal background checks, and pass a national assault weapons ban. I appreciate that the Presiding Officer has legislation, with others, to think about how we manufacture these in a way that would create less loss of life. It is an innovative idea, and it is one of many that should be pursued. It would be the greatest gift we could deliver to the American people.

During a season of thoughts and prayers, what the American people need—what they demand—is concrete action. Whether or not we will act will define Congress and, I think, indeed American democracy itself for decades to come.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

INFLATION

Mr. RICKETTS. Mr. President, I have been hearing from a lot of families back home who are frustrated with the economy.

The numbers say it all. Americans are paying the price for failed Bidenomics. Since Joe Biden became President, prices have increased by 17.38 percent. Necessities continue to cost hard-working American families hundreds of extra dollars every month. Gasoline is up 42.18 percent. Groceries are up 20.28 percent. Energy prices are up nearly 35 percent. Electricity is up 23.5 percent. Rent is up 18.5 percent.

A CBS News poll recently showed that 76 percent of Americans say their income is not keeping up with Joe Biden's inflation, 92 percent of adults have felt the need to reduce their spending, and 76 percent plan to cut back on nonessential items.

Another report stated that the average American family is spending \$11,400 more each year to pay for the same standard of living they had when Joe Biden took office. That is several months of pay for an everyday household.

As anyone with a basic understanding of economics knows, they will tell you that people on low and fixed incomes are the ones that are going to be the hardest hit. This inflation is a tax on every American's standard of living.

President Biden said that “Bidenomics is just another way [to say] ‘the American Dream,’” and yet the numbers show the American Dream is now more out of reach than at any time in recent history. Maybe that is why President Biden has stopped saying “Bidenomics.”

Before Biden, the average monthly payment for a new home was \$1,787. Today, that number is almost double, \$3,322. That makes a new home unaffordable for many Americans.

This inflation is caused by President Biden's failed policies and reckless spending. Americans are forced to pay more now because of inflation and pay more later to address the rising cost of our national debt.

President Biden has adopted the term “Bidenomics” as a way to make Americans believe that they are better off. Well, it didn't work.

He has falsely claimed to have cut the national debt by \$1.7 trillion when, in fact, the debt has increased by \$6 trillion. He has falsely claimed that prices went down for holiday meals when, in fact, every single item that he mentioned has increased since he took office.

Once again, the numbers say it all.

An astounding 76 percent of Americans believe the country is headed in the wrong direction. The President's war on domestic energy production has caused the price of energy to skyrocket. A wave of burdensome regulations has cost Americans thousands of dollars per household and limited their freedom. An avalanche of green energy spending has added trillions of dollars to the debt without building a single EV charger.

While Americans have tightened their belts in response to rising costs, our Federal Government has done the opposite. Federal spending is up 40 percent in the last 4 years.

The result of these failed policies? The national debt is approaching \$34 trillion. That comes out to about \$257,000 per American household. That is like having a second mortgage on a house for Nebraska families.

And that CBS News poll I talked about earlier also showed that 62 percent of Americans rate the condition of the U.S. economy as bad, with inflation being the most important reason for the problems facing our country.

And what do Americans rate as the No. 1 reason for this inflation? Joe Biden's big government spending, with 56 percent of Americans saying so.

Our constituents deserve better than to have their pocketbooks pummeled by Joe Biden's failed policies. Americans know that bringing the costs of living down and getting our country back on track means that Washington must reverse course. We need to reject the bloated omnibus bills and spend less, plain and simple. We need to stop the political regulations and tax increases that are stifling innovation and growth in our country. We need to unleash American energy production and lower energy prices. And we need to secure the border.

In the coming weeks, this body will have the opportunity to do all of these things. I stand here ready to work with anyone to get these important priorities accomplished for the people of Nebraska. I will work every day, all day,

to get it done, and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, first, I want to congratulate my friend and colleague from Nebraska for his excellent remarks because I am seeing the same thing in Wyoming that he is seeing in Nebraska.

He is a former Governor of that State. He knows the people of the State. He goes home and visits with his constituents, his friends, his family, and they know the impact of Bidenomics and the expenses it has had on their lives and how much more money people are having to spend as a result of the really irresponsible actions of the Democrats and this administration.

I hear about it every weekend. When I was at a grocery store, a lady, last week, had a little plastic bag, and she said: This shouldn't cost \$100 for this bag of groceries. And she is right.

BORDER SECURITY

Mr. President, the other thing that I hear about at the grocery store, in addition to the issues that the Senator from Nebraska was talking about, is the issue of the border, and I come today to the floor to talk about America's broken southern border—what we need to do about it, what the concerns are, what I hear about every weekend—because every time Americans turn on their TV, they see it. They see what is happening at the southern border—the flood, the waves of individuals coming across the border, not being stopped, not being checked, and then moved into the neighborhoods across America.

Well, last week, Senator SCHUMER put a national security bill on the floor. The problem is it lacked serious border security policy changes, things that we need in this Nation. Republicans voted against it because we know national security starts with border security. We are going to stand firm until serious changes are made.

Since last week, the scope, the scale, the seriousness of the Biden border crisis has accelerated. One week ago, an all-time record high of over 12,000 illegal immigrants crossed the southern border. To put that number into perspective, President Obama's Homeland Security Secretary, Jeh Johnson, said this in the past. He said a thousand encounters a day—a thousand encounters a day—would overwhelm the system. Well, it was 12,000 each day last week—some days 10,000, some days 11, some days 12—record numbers each and every day, 10 times the number that President Obama's Secretary of Homeland Security said would overwhelm the system, day after day after day.

So let's be clear about what is happening with Joe Biden and the White House and Democrats in the majority in the U.S. Senate. Well, the Democrats and Joe Biden have gambled with American's safety and security. The border—the southern border—is now a

hotspot for terrorism and trafficking like we have never seen before in this country.

This body heard last week from the Director of the Federal Bureau of Investigation, Christopher Wray. He testified in front of the Judiciary Committee. Director Wray said this: "Post October 7, you've seen a veritable rogues gallery"—rogues gallery—"of terrorist organizations calling for attacks against us"—the United States.

The head of the FBI, the Federal Bureau of Investigations, said: "I see blinking lights everywhere."

Everywhere he is looking, he is seeing the threat. Are any of the Democrats in the Senate listening to him? Is there any concern from the Senators on the Judiciary Committee?

Well, Director Wray isn't the only person to warn us that the threat of terrorism aimed against Americans is increasing. The Homeland Security Secretary for President Obama mentioned it in the past, and, now, Homeland Security Secretary Mayorkas—the current one for President Biden—said: We are definitely in a heightened threat environment.

I agree with him.

President Biden would have us believe that the border, as he said, is "safe [and] orderly and humane." I don't think he has been there in a long time to actually see what is going on, because that is not what I witnessed just a few weeks ago when I went down there with a group of Senators.

So what is the reality? Well, the reality is President Biden has created the deadliest, most dangerous, and most disastrous border crisis in our Nation's history. Democrats' definition of border security is very different from what I am hearing about at the grocery store in Wyoming, because the Democrats' definition of border security is to just make it easier for illegal entry into the country: Wave them all through. Come on in. Everything is fine.

Well, it is not. Illegal immigrants ought to be turned away. Democrats are waving them through in record numbers.

So why is this happening? Well, it is happening because the Biden administration is manipulating the law of the land. The administration is hiding behind such terms as "asylum" and "parole," and they are using that to quickly process and move inland migrants from all around the world by the thousands.

The night I was at the border, I was with late-night midnight patrol. People from all around the world were coming in—three from Moldova. They had to go through lots of different countries before they got to come up through Central America. And, oh, by the way, they paid those cartels dearly—the criminal element trafficking humans to be deposited then at our border's edge.

Our laws are no longer used to determine who gets in and who stays. The illegal immigrants make that decision,

and that is wrong. Simply, if they show up at the border, Joe Biden waves them all through. That is the policy of the Democrats in this body. They utter a few magic words and are released into the country.

Under President Obama—under President Obama—about 21,000 people a year requested asylum. They are fearing for their lives. They are feeling concerned. They are fearing what happens in their home country—21,000 in a year under President Obama.

So what has happened with Joe Biden now? The Border Patrol agents say that the number that was a full year from President Obama happens every 2 days, with Joe Biden and the Democrats from this body looking the other way: Things are fine; things are secure. Two days equal a full year from the Obama administration.

It is absolutely preposterous to argue that all of those people qualify for asylum. We know they don't. We know it. The American people know it. The President ought to know it. The Members of this body ought to know it.

Ten thousand illegal immigrants, day after day, will quickly add to over 10 million illegal immigrants into this country during 4 years of the Biden administration. President Biden is allowing it to happen, and Democrats in this body are encouraging him all the way. This administration has turned what was known to be a notice to appear into a license for illegal immigrants to disappear into the homeland.

Well, the payment for Biden's breakdown of law and order is now coming due. The blinking lights, as the head of the FBI said, are everywhere. If the Senate finally acted to secure the border, this Nation would be safer, and people would rest assured in my home State of Wyoming and, certainly, in big cities like New York and Chicago, where the mayor of New York said the illegal immigrants are overwhelming the system, destroying the city.

It is indisputable. So where can the Senate start? Here is an idea: Let's fix our broken parole and asylum system. Republicans want border enforcement, border security, real policy changes to keep our community safe.

The American people don't have that today. So it is no surprise that they are angry and they are afraid. This needs to change. Real border security is a top national security need. Republicans don't need another recordbreaking day to understand that this crisis requires swift, serious, and substantive action.

Republicans have solutions—solutions to make our communities and our country safer. The President and the Democrats in this body need to include these measures in any national security bill. Otherwise, there will not be a national security bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

ISRAEL

Mr. BUDD. Mr. President, as we enter the holidays this year and experience

the typical sights and sounds of the season—perhaps, it is the annual trip to buy a Christmas tree, perhaps in western North Carolina, if you are from the region. For some, it is the solemn lighting of each candle on the menorah. Often, it is the joyous family gathering, the giving of gifts, and the making of life-long memories.

But for the 130 hostages still being held by terrorists in Gaza, the holiday season is one of pain and isolation. For their families, this holiday season is filled with pain and uncertainty.

This week, I met again with both some of the families of recently released hostages and the families of those who are still being held. Their heartache is something that no person should ever have to face. The heartache is something that no person should ever have to face. When you compare the joy of the holidays with the pain of this situation, you can't help but feel an overwhelming sense of both anger and sadness, but also a sense of resolve.

What if they were my loved ones? What if they were yours?

Each and every one of these families deserves for their loved ones to be released immediately and unconditionally. Rest assured, all levels of the U.S. Government are working with our allies and partners to get these hostages home and to get them home safely.

But until that happens, there is still something that all of us can do. And you don't have to be an elected official to send prayers of comfort to these families. You don't have to be here on the Senate floor to speak out on their behalf and to call for their release. And you don't have to be politically active to commit yourself to not forget these men and women, especially during this season.

Deuteronomy 31:6 tells us: Be strong and courageous; do not be afraid or terrified because of them, for the Lord your God goes with you, and He will never leave you or forsake you.

Mr. President, I want every one of these family members to know that our country is behind them and that we support them and that we are praying for them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

BORDER SECURITY

Mrs. HYDE-SMITH. Mr. President, I rise today to once again call attention to the crisis at our southern border—the very crisis the Biden administration refuses to acknowledge and in not doing so, fails the American people.

It is a simple fact: There is no national security without border security; and everyone knows our border is anything but secure. We have the numbers to back it up.

For starters, more than 8.2 million illegal immigrants have crossed the border since Biden took office. To kick off fiscal year 2024, there were over 240,000 illegal immigrant encounters in October, the highest monthly total ever recorded. This comes after a record-set-

ting fiscal year 2023, which saw more than 2.4 million encounters. Of the 2.4 million, at least 169 individuals are on the Terror Watchlist. But what is really frightening is that these numbers only reflect the known encounters and doesn't even include all of those who evaded law enforcement—the “got-aways.” Border officials estimate that there were 1.7 million “got-aways,” any number of which could be on the Terror Watchlist living in our country with who knows what intentions.

Even with all of this information available, the administration continues to break all the wrong records. In the last several weeks, daily records have been smashed time and again with known daily encounters ranging from 10,000 to 12,000. For context, President Obama's DHS Secretary said that 1,000 a day “overwhelms the system.”

We have heard from officials such as FBI Director Wray expressing his concern regarding the ability of terrorist organizations to exploit any port of entry, including our southwestern border. Warnings such as these should not be ignored, and yet it appears this administration will continue to do exactly that.

But encounters are only part of the ongoing crisis. In October, over 1,300 pounds of fentanyl and over 9,500 pounds of meth were seized—and that is only what was seized. Estimates show that this is only 5 to 10 percent of the illicit drugs coming across the border. These drugs continue to run rampant in our communities at a devastating cost, including in my rural State of Mississippi.

The CDC says overdose deaths are up from last year, meaning more and more families and communities are being broken apart by the circulation of dangerous drug smugglers across the border. And even worse than the drugs being smuggled across the border are the humans the cartels are smuggling.

I have spoken before about my trip to the border—the one earlier this year—and the horrific stories of girls, 12- to 16-years old, being smuggled against their will, has stayed with me. The human trafficking industry has grown in the last several years to a \$13 billion industry. And this will only continue to grow if the border continues to be an access point for traffickers.

I do not blame the brave men and women working to do their best to help patrol the border. I blame solely—all of this—on the Biden administration and Democrats for their unwillingness to work in a serious manner to help secure the border and keep criminals and drugs out of our communities. Border Patrol agents are not given the resources they need to stop the never-ending onslaught of migrants, drugs, and traffickers. Even the border security's provision in the President's emergency supplemental request amount is just more money to process illegal immigrants with no real policy or enforcement reforms.

I am hearing from law enforcement back home in Mississippi and how the

crisis is affecting my State. As many have said, today, every State is a border State because of this crisis.

On January 18, 2023, a Mississippi Highway Patrol trooper made a routine traffic stop. In the vehicle was an illegal immigrant driving without a license and an additional three illegal adult males and one 7-year-old migrant child. After Homeland Security Investigations was contacted, the driver attempted to flee on foot and was captured. The HSI determined the child was not related to anyone in the vehicle. Charges are pending on the driver and HSI is attempting to identify the child and reunite him with family.

In another incident on October 9, 2023, a Mississippi Highway Patrol trooper identified another illegal immigrant driving on I-10 in Jackson County with no ID. A passenger, also an illegal immigrant, revealed that they were on their way to Houston, TX, to pick up another man, a woman, and three or four children. After a legal search of the vehicle, items consistent with human trafficking were discovered. A Border Patrol agent was notified, and, turns out, the driver was a repeat offender, illegally reentering the United States after deportation.

If I am hearing from law enforcement in my State, I know that my colleagues are too.

I applaud the efforts of the Mississippi Highway Patrol and the U.S. Border Patrol for taking action, but the fact remains that if the resources were already at the border, this would have never happened.

Senate Republicans have shown Americans time and time again that we are ready to take steps to stop the growing threat at the southern border. Unfortunately, our Democratic colleagues will not take action with us, appearing afraid to anger their radical base.

Giving our Border Patrol agents the means to do their job is not radical. Fortifying our border by ending catch-and-release, closing asylum loopholes, finishing the wall, and supporting law enforcement officers is key to our national security. And we owe our citizens no less.

I, along with my Republican colleagues, will continue to work toward solutions; and I invite Senate Democrats and the administration to join us so we can finally secure our borders and keep the American people safe and alleviate the Biden-caused humanitarian crisis at the border.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

STUDENT LOAN DEBT

Mr. GRASSLEY. Mr. President, in its relentless pursuit of canceling student debt, the Department of Education seems to have forgotten that Congress gave it a job to do.

Last year, the Department announced its unconstitutional efforts to spend hundreds of billions of taxpayers' dollars, contrary to law. Of course, you

remember that was the forgiving of student loans.

Even after this attempt was declared unconstitutional by the Supreme Court, endless efforts of debt cancellation seem to have taken precedent over the duty Congress is giving the Department.

For example, after being on pause for 3 years, student loan payments finally started back up here in October of this year.

Servicers, students, and Members of Congress pressed for answers about how and when this process would work. But instead of a plan, the return to repayment has been utter chaos. Iowans, and even some Members of my staff who have student loans, have waited for weeks to get answers to very basic questions about their loans.

Due to sloppy recordkeeping, the Department has failed its audit for the second straight year in a row. In its hurry to cancel debt, the administration can't even provide auditors enough information to do their jobs.

It isn't just previous students who are being left in limbo. There is another issue that is hard to get information on.

So we have current and incoming college students who still can't fill out the application form that goes by the acronym FAFSA. That stands for "free application for student aid." In a normal year, students would fill it out in October and know early in the process whether they had qualified for Pell grants or other forms of student aid, but this year, students still don't have the information they need to start choosing the best school for them. I have long said that students don't have enough transparent information when applying to college. The shortened timeline this year makes it even harder.

To address the problem that I just mentioned, I recently sent a letter, with Senator KAINE of Virginia and other colleagues, pressing the Department of Education to give students the information they need. That includes making sure that farm families aren't forced to sell their farms in order to send their kids to college. It helps no one to lump small family farms in with the largest mega farms—as if a farm family who is barely getting by is somehow considered to be rich—and have their kids not qualify for student loans. The bipartisan effort by Senator KAINE and me pushes the Department to recognize that distinction and ensure that farm kids have the information they need to properly fill out the proper forms to see if they qualify for student loans.

All students deserve to have the information they need and to get that information ahead of time. Students, families, and borrowers shouldn't have their timelines delayed by changing political whims.

Congress certainly did not pass a law telling the Department to cancel hundreds of billions in student debt, but

Congress did give the Department a mandate to properly oversee student loan repayments, the implementation of the FAFSA, and to keep its finances in order. Before trying to unconstitutionally create enormous new cancellation programs, I suggest and encourage the Department of Education to do the job it has actually been given by the Congress to do.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. CORTEZ MASTO). Without objection, it is so ordered.

WOMEN'S HEALTH PROTECTION ACT

Ms. ROSEN. Madam President, since the Supreme Court overturned *Roe v. Wade*, which protected a woman's right to make decisions over her own body, we have heard countless, heart-wrenching stories coming out of anti-choice States. We have heard about the 10-year-old girl from Ohio who was raped and had to travel to Indiana to receive an abortion. We have heard about the case of a 13-year-old girl from Mississippi who was also raped, but because of her State's strict abortion ban, she had to give birth before even starting the seventh grade. Now we have learned of yet another instance where anti-choice politicians have decided that they know better than a woman and her doctors.

Kate Cox—well, she is a working mom from Texas. She and her husband are the young parents of two beautiful kids, ages 1 and 3. They love their children, and they have always wanted a large family. They have always wanted that. That is why they were overjoyed when they learned that Kate was pregnant with her third child. But sadly, tragically, during her pregnancy, the doctors told Kate that the baby girl she was carrying—that baby—had a fatal condition, which meant she would not survive. This was heartbreaking for Kate, for her husband, for her family, but for Kate, as a woman, this was heartbreaking.

What should have been a moment of privacy for Kate and her family has turned into a public tragedy. Because of Texas's restrictive abortion ban, she was barred—barred—from terminating her nonviable pregnancy even though doctors said that continuing it would put her life in danger and—risk her ability to have future children, that large family she and her husband always dreamed of. Instead, Kate was forced to go to court to fight for her own medical procedure—the procedure she needs to save her own life. Right before the Texas Supreme Court ruled against her, Kate Cox—well, she was forced to leave her home State of Texas in order to get the lifesaving care she needs.

For the first time in 50 years, anti-choice judges have ruled as to whether or not a woman can have an abortion. Can this really be happening—judges, a panel of judges, deciding your healthcare?

What makes this all the more heartbreaking is that when *Roe v. Wade* was overturned, we all knew—we knew—cases like this would happen. Now this is the terrifying reality women face in a post-*Roe* world, where lawyers and judges make the healthcare decisions, not your doctors or your healthcare providers, and it has been made possible by decades of anti-choice extremists who have fought to put politicians—politicians—between women and their private medical conditions.

The abortion bans passed by anti-choice States are not only cruel but also dangerous and life-threatening to women like Kate—women who are already living through the worst nightmare of being told their babies have no chance to live, and then—then—they are prevented from getting the lifesaving care they need by a legal system. Instead of being able to listen to their doctors to save their lives, the legal system is in charge of their healthcare.

It is not just in Texas, and it is not just at the State level. Last year, Senate Republicans introduced legislation in this very Chamber to enact a nationwide abortion ban, a national abortion ban—one that would strip all women in every State, including our State of Nevada, Madam President, of their fundamental right to control their own bodies.

A nationwide abortion ban would be devastating on a whole new level. It would mean more stories like Kate's, except this time—this time—there would be nowhere for a woman to go to get the lifesaving care she needs. Let's be clear. If this happens, women will die. Their children, if they have other children, would be left without a mother.

This is exactly what anti-choice extremists want. Their latest attempt is to ban the abortion pill that women have been using safely for decades. Just today, the Supreme Court has agreed to hear that case.

This is why we can't give up. We can't give up. We must continue to fight on to protect a woman's right to choose, to make the decisions that are right for her and her family in the privacy of her doctor's office.

As long as I am here, I will oppose any efforts to enact a nationwide abortion ban—a ban that would punish women for making their own healthcare decisions.

We must do more to protect women living in anti-choice States—women like Kate and the young girls from Mississippi and Ohio and States all across this country. That is why I helped introduce legislation that protects women from prosecution by anti-choice States for crossing State lines to receive the reproductive care they need.

We have to protect women from prosecution for getting the lifesaving care they need.

This is why passing the Women's Health Protection Act and protecting reproductive freedoms under Federal law is critical. If we fail to act, women will continue to suffer, and women will die.

We will not—we cannot—we cannot back away from the fight to protect women's reproductive freedom. I will always stand with women, and I will always stand with our right to choose.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MILITARY PROMOTIONS

Mr. CARPER. Madam President, as some of our colleagues know, I am a retired Navy captain and the last Vietnam veteran serving in the U.S. Senate. Today, I want to take a couple of minutes, if I could, to share what military service has meant to my family and to me and to discuss one of the critical lessons that we should have learned with the failure to welcome home many of my generation from our service while in the Vietnam war.

I come from a family who for several generations—for several generations—has sacrificed for our country and has been privileged to serve our country. My dad and Uncle Jim were chief petty officers in the Navy in World War II. My dad went on to serve a bit in Southeast Asia during the Vietnam war. My Uncle Ed was a marine who served in combat, heavy combat, in Korea. My Uncle Bob was killed in a kamikaze attack on his aircraft carrier in the Pacific at the age of 19. His body was never recovered. My grandmother was a Gold Star mother. In my family, we bleed Navy blue.

My father's generation returned home to a hero's welcome at the end of World War II, but that was not the case for those of us who returned home from the Vietnam war many years later. With little fanfare, no welcome-home ceremonies, no parades, we returned to our hometowns to begin our lives anew, and we did, in some cases, with extraordinarily good fortune, and I am one of those.

In the years since then, I have witnessed a growing willingness from people across our country to atone for the kind of welcome home my generation received and to make clear that our service is now appreciated—fully appreciated. It is a wonderful feeling.

But for a good part of this year, we have once again failed to treat hundreds of our best and brightest military leaders with the respect and gratitude they deserve and have earned by their service.

The situation manufactured by our colleague from Alabama to block the

promotions of hundreds of well-deserving military officers is unprecedented, it is unwarranted, and I believe it is shameful.

For nearly a year, he has jeopardized our national security and thrust the lives of some 450 military servicemembers and their families—put their lives in limbo. These families have been stuck both physically and professionally. They have been unable to move to new assignments at home and abroad, where they will assume their new responsibilities. Military spouses have been unable to find new jobs, and their children have been unable to continue their education in new schools.

While I was relieved that the majority of these remarkable men and women were finally able to accept their promotions recently, there are still 11 four-star officers and their families who are suffering because of the actions of one of our colleagues.

By using the lives of our military servicemembers and their families as a bargaining chip, we are failing to learn from history and once again disrespecting the sacrifices they have made for our Nation.

What kind of message does this send to our veterans across this country, to our men and women in all service branches who have served in some cases for decades? It is unacceptable. What kind of message does this send to countries around the world about how we treat those defending democracy every single day?

Moreover, the actions of our colleagues may deter potential recruits from joining the ranks of our military during a time when we are working especially hard to recruit and retain talented servicemembers.

As we go into the holiday season, every military family—every military family—deserves peace of mind. Yet, today, there are still 11 extremely deserving and well-qualified officers whose families continue to face uncertainty. I will repeat: It is unacceptable, it is unwarranted, it is shameful, and it must end.

Today, I urge our colleague from Alabama to think again about what is really at stake. Strong leadership is vital to our national security, and we cannot undercut senior leaders of our Armed Forces without jeopardizing our democracy.

To our colleague from Alabama, let me just say this: Please, please lift your hold. Let's learn from mistakes of our past. Give these 11 officers and their families the respect they also deserve, along with a truly happy holiday and a promising new year.

With that, I yield the floor.

I note that we have been joined by my friend and colleague from Iowa, Senator GRASSLEY.

The PRESIDING OFFICER. The Senator from Iowa.

SECURING THE U.S. ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK ACT

Mr. GRASSLEY. Madam President, the organ transplant business and net-

work governance has been in shambles for decades, and people have needlessly died because of it, and we have passed very good legislation unanimously to correct it.

So I come to the Senate floor because I have very serious concerns about the Biden administration's implementation of H.R. 2544. That legislation goes by the title of Securing the U.S. Organ Procurement and Transplantation Network Act. I am joined by a colleague who has worked really hard on this issue, Senator MORAN of Kansas, who will also give his views on this issue. He worked with me and championed this very important issue.

On September 22 of this year, this legislation, H.R. 2544, was signed into law by this President. In less than 3 months, the Health Resources and Services Administration of the Department of Health and Human Services is already ignoring congressional intent while asking Congress—can you believe it—for money to implement the law, and it is presumably to implement the law contrary to what the legislation requires.

Now, I am proud to have been a cosponsor of this very important bipartisan piece of legislation. We fought alongside patient organizations that knew this whole setup, for decades, was not working the way it should. We did this with the hope and expectation that we would have real competition to manage our organ donation system.

Congress unanimously passed the bill, as I said before, and we were able to do it despite attempts by a lot of people within the 40-year-old organization that runs this program that tried to kill it with what we call around here poison-pill amendments. And that point is very important because we didn't adopt any of those amendments. Yet we see some of those amendments' approaches being now promoted by this administration in the implementation of this bill.

These potential poison-pill amendments would have prevented competition in our organ donation system, and we felt that competition was what we needed, instead of the monopolistic approaches that had existed for decades. And you can imagine these amendments were pushed—yes—by the same nonprofit monopolies that have called the shots in our Nation's failed organ donation system for the last 40 years.

So here is where we are within just 3 short months after the passing of what we thought was real reform. Now, the Health Resources and Services Administration of HHS, led by Administrator Carole Johnson, has attempted to restrict competition right out of the gate by inserting, via contracting process, the very poison pills that Congress kept out of the law. For example, that Agency announced plans to install the existing United Network for Organ Sharing board—the one that has been running the show—as the new, so-called independent board.

Regarding limiting competition for the board contract, Agency officials

told my staff and staff from other congressional offices: the Agency can place restrictions on any contracts, including the IT contract.

Again, the purpose of this legislation was to create competition, not stifle it with government restrictions and sweetheart deals. My bipartisan oversight over the years has shown that the United Network for Organ Sharing IT system is failing at every level. I have heard from patient groups and leaders with these very same concerns.

These patient advocacy organizations are rightfully concerned that HHS, today, is caving to bad actors who have been running our Nation's organ donation system since 1986. The president of the Global Liver Institute wrote: I never imagined that industry could so quickly dictate the terms of the law's implementation.

The National Kidney Foundation wrote that these proposals "continue to empower those who have been responsible for the problems that have plagued the transplant system."

From what my staff has been told, Health Resources and Services Administration officials have threatened the very patient groups writing those letters to me and other Members of Congress. The Health Resources and Services Administration allegedly told some of these patient groups to retract their letters of concern and that their letters were a lie.

All of this is unacceptable—and should be to the 100 Members of this body who passed this legislation unanimously. I started working to fix our Nation's corrupt, broken organ donation system way back in 2005. Since then, more than 200,000 Americans have needlessly died on the transplant waiting list, disproportionately for people of color and people of rural America.

Patients and Congress fought for this legislation. Now, HHS, under this administration, needs to implement this law in the interest of patients. Patients' lives depend on it—200,000 lives over 40 years lost because of how this organization has distributed or lost or a hundred other ways you can say the organ not getting to the patient it was intended.

Maladministration by the organ network must stop, and it looks to me like HHS wants to keep it going as it is and prevent and stand in the way of this important piece of legislation.

THE PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Madam President, this is a sad day. When we thought we had a victory for those across the Nation who are awaiting an organ for transplant, we found that they were thwarted by a system that was allied against them—a corrupt system, an internal system that worked to their detriment and not to their well-being.

And we thought, with the passage of this legislation—signed into law by President Biden—that we were finally giving those waiting for a transplant something called hope, something that

is so important to them and their family members waiting on a kidney, waiting on a liver.

The only pleasure I take in today's conversation on this Senate floor is that I am allied with Senator GRASSLEY, the senior Senator from Iowa, who is one of the most effective Members of this body in our country's history. He has been an advocate, and we successfully worked together along with a number of our colleagues—Republicans and Democrats—to reform this corrupt system. And I join my colleague Senator GRASSLEY in voicing serious concerns regarding the way the Health Resources and Services Administration is implementing this piece of legislation, the legislation called Securing the U.S. Organ Procurement and Transplantation Network Act.

It was an amazing effort to right a wrong when we started down this path with this legislation. Nothing was easy. There was no cooperation from HHS or from OPTN. The only thing they did was try to keep us from having any success in reforming the sweetheart circumstance in which they operate.

I remember the day in which the Secretary of Health and Human Services, in front of our Appropriations Committee, conceded that we were right and that we had won the battle and he was our ally in fixing the problem. But now, a few shorts months later, it is evident that that is not the case when it comes to the implementation of the law.

It is not unclear. Certainly, the organizations that we were trying to dismantle and replace with better services without a bias—certainly, they knew what we were about. They know the intent of the legislation, and we know the letter of the law.

My involvement in OPTN reform stemmed from concerns with the 2018 liver allocation rule HHS developed with guidance from the Nation's Organ Procurement and Transplantation Network, UNOS, and some New England-area organ procurement organizations.

The liver allocation rule that they developed led to organs being taken from areas of high donation rates, like Kansas and other rural areas, to areas with low donation rates, like densely populated urban areas. It meant that people across the country were waiting longer for a transplant. It meant that, in that waiting period, people died; loved ones were gone. Not only was the liver allocation rule egregious, it demonstrated a bias of UNOS, which has had a monopoly on the organ transplant network contract for years.

As more documents were released through court rulings—this issue went to court—judges ordered UNOS to respond. Those responses demonstrated, in evidence, incompetence and bias. It became apparent to Congress and to thousands of Americans whose lives depended upon receiving an organ someday—an organ transplant—that something was terribly amiss.

Over the past year, Senator GRASSLEY and I, along with other Senate colleagues, have worked to make the congressional intent behind this legislation as clear as possible. No one opposed this legislation, but even if you disagreed with something, every Senator ought to insist that Federal Agencies implement the law as it is spoken in the letter of the law and, if any confusion, to look at the intent of the law. Every Senator ought to demand that of every piece of legislation and every Agency or Department.

Our goals were good: to increase the competition for this contract, to eliminate this good-old-boy network, and to eliminate UNOS's influence on OPTN. Unfortunately, in roundtables and committee hearings, both HRSA Administrator Carole Johnson and the HHS Secretary affirmed their understanding of Congress's intent. That is not the unfortunate part. It is that they affirmed it but now don't live by it.

They assured us that they shared our goals of increasing competition for OPTN bids and removing the abundance of conflicts of interest.

As HRSA starts this process of implementing the bill, it has become clear what they told us must be not what they meant. HRSA has decided that competition for the broad support contract will be restricted based upon attack status. That does not ensure fair, robust competition; it narrows the field and makes it much more likely we have the same system we had before. It is clearly contrary to Congress's clear direction.

Additionally, HRSA has named the current UNOS board members as members of the new "independent" board. With these announcements, HRSA has made it clear they do not intend to follow the law. Instead, HRSA has decided to remain in lockstep with UNOS, an organization that is proven—completely proven—to be undeserving of running our Nation's transplant program.

This isn't just some bureaucracy that is doing something that doesn't make sense to us. This is an Agency, a bureaucracy, a system, that is damaging the capability of Kansans and Americans to get lifesaving treatment with the transplant of an organ.

I expect, I ask, I insist, demand, HRSA to resolve our concerns by working with us in a timely fashion to implement the bill according to congressional intent, according to the letter of the law, and ensuring that UNOS does not maintain its dangerous stronghold over the network.

Congress passed this legislation because we knew that thousands of lives were at stake—thousands of lives of Americans who were on a waiting list to receive lifesaving organs.

This law requires a transparent, competitive contract process. But HRSA must get it right. The American people deserve a fair and effective organ-transplant process that saves lives and

best serves patients who are waiting for an organ.

I can't think—again, it saddens me so much to know the number of people who thanked us, who contacted us to tell us thank you for giving us hope that we will have an organ to transplant to save the lives of our mother, our father, our sister, our brother, our grandparents. What better time of the year than this holiday season—this Christmas season—in which we ought to restore that great gift called hope to these people who wait today for a better answer than what we see to date from our Department of Health and Humans Services.

I, again, thank Senator GRASSLEY for his leadership. I appreciate the opportunity I have had to work with him side by side. I commend him for his work that predates me—all for the well-being of people from his State; Madam President, your State; the people of my State; the people of America.

Please, please do this in a way that saves lives and gives hope for a better future for all Americans.

Mr. GRASSLEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

DEFENSE SPENDING

Mrs. FISCHER. Madam President, our first session of the 118th Congress is coming to a close. But in the flurry of last-minute legislating, I want to call attention to one of the most important stories that I have read this year.

Now, I don't want to ruin anyone's Christmas, but this isn't good news. It is deeply sobering.

The Wall Street Journal article titled "Alarm Grows Over Weakened Militaries and Empty Arsenals in Europe" is what I would like to talk about. And here is how it begins:

The British military—the leading U.S. military ally and Europe's biggest defense spender—has only around 150 deployable tanks and perhaps a dozen serviceable long-range artillery pieces. So bare was the cupboard that last year the British military considered sourcing multiple rocket launchers from museums to upgrade and donate [those then] to Ukraine, an idea that was dropped.

France, the next biggest spender, has fewer than 90 heavy artillery pieces, equivalent to what Russia loses roughly every month on the Ukraine battlefield. Denmark has no heavy artillery, submarines or air-defense systems. Germany's army has enough ammunition for two days of battle.

The war in Ukraine has exposed just how serious our friends' readiness and supply problems are.

Think about what I said. The largest defense spender in Europe has considered raiding museums for scraps of usable equipment. When it comes to heavy artillery, Russia blows through France's entire arsenal every month. At least, Germany is prepared to do battle, as long as the war doesn't last longer than a 3-day weekend.

Europe's "bare cupboards" problem began many years ago at the end of the Cold War, when European nations

began slashing defense budgets and drawing down troop numbers. Amazingly, the dire situation today is actually an improvement from 10 years ago. Since Russia's invasion of Crimea in 2014, the European Union has increased defense spending by 20 percent.

That is not nearly enough, and it has virtually nothing compared to our adversaries. Russia's spending increased by 300 percent and China's by almost 600 percent over the same time period.

European nations still rely on the military strength of the United States, which was responsible for 70 percent of NATO defense spending last year. But last year, America's defense spending was 3.1 percent of GDP, which is very nearly the lowest since the Second World War. Even if you add in the aid to Taiwan, Israel, and Ukraine, America's defense spending would still be far, far below 4.6 percent of GDP—the amount spent during the height of Iraq and Afghanistan operations in 2010.

Although it is on the lower end historically, increasing spending isn't the U.S. military's only concern. The past few decades show that we are unprepared to increase munitions production at the scale and at the speed to win a large war. In the Gulf and in the Iraq wars, it took over 2 years for our munitions procurement and deliveries to reach the necessary levels. And once these crises ended and demand for munitions dropped, we again sidelined production and we cut our workforce.

We need to build up the weapons stockpiles required to deter or, if necessary, fight and win a conflict against a peer adversary. To do so, we must commit to sustained increases in munitions and weapons production. Tools like multiyear procurement authority for additional munitions, which we included in this year's NDAA, can contribute to that long-term stability.

This boom-and-bust cycle we have of production has put the United States dangerously behind adversaries like China and Russia, whose capacity to build and replace equipment far outpace ours right now.

Take, for example, a war game that was recently conducted by the Center for Strategic and International Studies. In the hypothetical scenario where war breaks out over Taiwan, China could replace lost naval ships three times as quickly as the United States.

And if Russia wins in Ukraine, it could rearm itself completely—completely—in 3 to 4 years. The nation's finance ministry estimates that national defense spending will grow to 6 percent of its economic output next year, increasing by 2 percent. That 6 percent would be the highest level since the downfall of the Soviet Union.

The U.K. has gone the opposite direction. The nation hasn't had a fully deployable army in over 30 years. And its defense spending is stuck at 2.2 percent. Britain has pledged to increase that number by a meager .3 percent—but only when economic conditions allow.

And, unfortunately, industrial capacity will always lag behind spending. Even if Britain and other nations of Europe massively increase defense spending today, it would be years before we see that spending translated into an increase in production capacity. And, by then, it could be too late.

A new axis is forming. Russia and China have pledged new levels of cooperation, and both have humming military production machines.

Our allies must invest more in their defense. They must prepare themselves for what is coming. But they will not be alone.

Russia's war on Ukraine has highlighted a weakness in our collective security. When the next crisis arises, NATO will be unequipped to respond. But we cannot allow our alliance to remain unprepared. Instead, we must make the necessary sustained investments—and we must start making them now.

The United States must do everything in our power to accelerate our own production. And we must strongly encourage Europe to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

RADIATION EXPOSURE COMPENSATION ACT

Mr. CRAPO. Madam President, I rise today to urge the Senate to do more for Americans who have suffered from the aftereffects of the development of our nuclear arsenal. It is profoundly disappointing to see that the necessary updates to the Radiation Exposure Compensation Act, spearheaded by Senators LUJÁN, HAWLEY, SCHMITT, and myself, were not included in the conference report of the National Defense Authorization Act.

When America developed the atom bomb through the Manhattan Project and tested those weapons through the Trinity tests, our country unknowingly poisoned those who mined, transported, and milled uranium, those who participated in nuclear testing, and those who lived downwind of the tests.

Don Harrison was one of those who lived downwind. Born in Emmett, ID, Don was born in 1931 and graduated from Emmett High School in 1949. He served in the U.S. Army from 1950 to 1953, came back to Emmett to marry the love of his life Donna, and worked as a farmer, dairy deliveryman, mechanic, and truckdriver to provide for his nine children.

His family describes him as a loving father who taught the values of hard work and integrity and to see the worth and light in others. But because Emmett received the third most radiation from being downwind of the Trinity tests, Don Harrison lived on poisoned ground. He ended up contracting basal cell carcinoma, squamous cell carcinoma, colon cancer, prostate cancer, and lung cancer and eventually passed away in 2018.

His daughter Vonnie shared his story with the Idaho Downwinders, with my staff, and me in the hopes of finally

righting the wrongs of leaving downwinders behind. Don Harrison was one of the thousands in Gem County, ID, alone and beyond who were unfortunately living in an area downwind of the Trinity tests.

This is not a matter just affecting conservative or liberal States. The bipartisan nature of the RECA updates is because it affects people regardless of political affiliation.

To be clear, the government's test of nuclear weapons caused this. It is our solemn duty to compensate those who have suffered because of these tests. The RECA amendments ensure that those who live downwind of the tests receive compensation from the government and provide support to uranium miners who worked during the Cold War.

I have worked with my colleagues for the past 13 years to attempt to right these wrongs, and July's vote to include RECA amendments in the Senate version of the National Defense Authorization Act shows the widespread bipartisan support to help those who have suffered. But it is frustrating and discouraging that bipartisan support from both Chambers of Congress still cannot get this legislation enacted into law.

While this speech is unlikely to bring the necessary updates back into consideration with this conference report, I am committed to working with my colleagues to update RECA to better reflect the realities of nuclear testing.

I thank Senators LUJÁN and HAWLEY and Representatives MOYLAN and LEGER FERNANDEZ for their tireless work, as well as the countless advocates who have shared their stories to achieve this necessary goal.

This fight is not over, and I look forward to the day when we can celebrate the necessary updates and commemorate those who did not live to see it.

I yield the floor.

The PRESIDING OFFICER (Ms. ROSEN). The majority leader.

ORDER OF BUSINESS

Mr. SCHUMER. Madam President, I ask unanimous consent that at 5 p.m., Senator PAUL or his designee be recognized to make a rule XXVIII scope point of order; that, if raised, Senator REED be recognized to make a motion to waive; and that if the waiver is successful, all postcloture time be considered expired and the Senate vote on the adoption of the conference report; finally, that there be 2 minutes equally divided before each vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER (Ms. BALDWIN). The junior Senator from Kentucky.

UNANIMOUS CONSENT REQUEST—S. RES. 336

Mr. PAUL. Madam President, most of Europe—indeed, most of the civilized world—does not require three COVID vaccines for adolescents.

We are admonished by those on the left to follow the science. The science

is pretty clear on this as well. The FDA committee on vaccines, as well as the CDC committee on vaccines, voted, and they said that it would be advisable—not a mandate, but that it would be advisable—to give a booster vaccine to those 65 and older. Adolescents were never addressed in this.

In fact, one of the members of the committee, Paul Offit, is a renowned scientist—infectious disease, Philadelphia Children's Hospital. He is pro all vaccines. He is pro the COVID vaccine. I think he probably doesn't even have trouble with the mandate, and yet he said the risks to the vaccine for adolescents are greater than the risk of the disease.

We address diseases based on the individual and who they are and what their risks are. You base the risks and benefits of treatment versus the disease.

The risks of COVID, particularly in 2021, for a 70-year-old, were maybe a thousand times more than for a teenager. In fact, when we have looked at some countries' statistics, the entire country of Germany had no deaths among healthy children between the ages of 5 and 17.

If you take out children who are very, very ill in our country and look at only healthy children, there is no measurable risk of dying from COVID in our country for the youth. Yet we still have a policy here, and this policy originated not with scientists nor with the scientific committee. The policy that they are adhering to here to force our Senate pages to have three vaccines actually comes from political appointees in the Biden administration.

It is not just a fact or a matter of whether or not the vaccine is of benefit to them. It is also a question of whether or not the vaccine is actually potentially harmful to them. We do know that there is a side effect to the vaccine, particularly in young people—particularly boys, but it can happen in girls—primarily between the ages of 14 and 24. We know that that risk increases with each successive vaccine because kids have a stronger immune response. We know this because even the CDC recommended that if you just had COVID recently, you shouldn't get a COVID vaccine because you have already gotten a heightened immune response from the disease itself.

But we know with certainty that none of the vaccine committees recommended that Senate pages have three vaccines. Yet that is still the policy.

We finally have come to the realization that almost everybody has either been vaccinated or had COVID and that, actually, natural immunity is about five times more potent than the vaccine.

We finally have come to a sensible policy with regard to our military. We are no longer mandating the COVID vaccine in the military. Yet one of the few places left on the planet where we are mandating it is in the Senate.

Now, admittedly, there are not that many Senate pages. But should we be lacking in science and ignoring the science to force them to do something that is actually potentially deleterious to their health.

Even the council for the District of Columbia recently voted unanimously to repeal the requirement that students receive a COVID-19 shot to attend public school.

Some on the other side will say: Well, we need to force the Senate pages to take these three vaccines because that is what the DC schools are doing.

The DC schools are no longer doing this.

The entire world admits that the vaccine does not stop transmission. So you can't make this indirect argument: We need to vaccinate them to save the old Senators. That is not true. It doesn't stop transmission.

We do believe that still, for vulnerable crowds, vulnerable age groups—over 65—there may be some reduction in hospitalization and death. There is no measurable benefit for adolescents, and there actually is a greater risk of myocarditis from the vaccine—admittedly still not a high risk but about between 4 and 6 out of 15,000—of an inflammation of the heart. But we do know the risk for a child or for an adolescent—a Senate page—dying is zero. If they have particular health problems and they want to take a vaccine, nobody is stopping them, but we shouldn't be mandating something that the science doesn't support.

So just before Thanksgiving, the Mayor of DC actually signed the legislation that gets rid of DC's mandate. There is no more excuse that the DC schools are requiring this. The council and Mayor of one of the most liberal cities in the United States are all of one mind: We have had enough of COVID vaccine mandates. We have had enough of students missing school for noncompliance. We have had enough of kids falling behind in their studies for the sake of a misguided mandate. Yet, to become a Senate page, you still to this day must get a COVID-19 booster shot. This requirement in the Senate persists despite the fact that study after study demonstrates that the risks posed by the vaccine for young and healthy people are greater than the risks posed by COVID. In addition, all sides acknowledge that the vaccines do not prevent transmission.

Study after study shows that it makes no sense to mandate COVID vaccinations for teenagers who are healthy and that such a mandate could be dangerous.

A myocarditis study published last year in the Journal of the American Medical Association Cardiology examined 23 million people ages 12 and up across Denmark, Finland, Norway, and Sweden. This study of 23 million people found that after 2 doses of an mRNA vaccine, the risk of myocarditis was higher compared with being unvaccinated and higher after the second dose of the vaccine.

Almost all of the myocarditis came after the second vaccine. With each vaccine, it increases the risk because the kids, or younger people, make an amazingly strong immune reaction to the vaccine. The risk was highest among males ages 16 to 24.

That is why many of us argued until we were blue in the face that mandating it for our young soldiers was wrong and actually malpractice. We finally did succeed in removing that mandate, and that was actually passed by both Houses of Congress and signed by the President. Yet the same risk exists for the Senate pages, and the mandate continues.

This is exactly why several European countries—including Germany, France, Finland, Sweden, Denmark, and Norway—all restrict the use of mRNA vaccines for COVID for young people. Yet the policy for Senate pages blindly commands vaccines for young, healthy people.

A study published in December 2022 in the *Journal of Medical Ethics* found that per 100,000 third doses of mRNA vaccine, up to 14.7 cases of myocarditis may be caused in males ages 18 to 29. Up to 80 percent of those diagnosed with vaccine-induced myocarditis or pericarditis continued to struggle with cardiac inflammation more than 3 months after receiving a second dose.

Also in December 2022, Dr. Vinay Prasad and Dr. Benjamin Knudsen published a review in the *European Journal of Clinical Investigation* that examined 29 studies across 3 continents. Madam President, 6 of the 29 studies showed that after 2 doses of an mRNA vaccine, more than 1 in 10,000 males between the ages of 12 and 24 would experience myocarditis.

A study published the same month in the *Annals of Internal Medicine* found that, regardless of sex, among those ages 5 to 39, myocarditis or pericarditis occurred in 1 in every 50,000 after a first booster.

With statistics like that, why would anyone think that it is a good idea to insist upon boosters for our young pages, who are in their early teenage years?

It is the height of malpractice to subject young people to the greater risk of vaccination simply to satisfy the hunger for mandates. But even the bureaucrats are finding that they can no longer credibly impose COVID mandates. There is a growing movement among scientists and doctors across the country to think more rationally about this.

We have always had this. For example, the flu vaccine was never mandated on children. Children survived the flu and developed immunity. How long does your immunity last? Curiously, they found a woman who had survived the Spanish flu who was still alive just a couple of years ago. She actually still had antibodies to the Spanish flu although it had been nearly 100 years since she was infected. We know that people who had the first SARS in

2002 and 2003 still have antibodies nearly 20 years later.

People have learned to live with COVID. Even the DC Council, which governs one of the most liberal, mandate-happy cities in the country, knows that their constituents will no longer tolerate mandates, particularly those imposed on children, but the Senate COVID vaccine mandate remains.

Will this mandate continue indefinitely, and if so, based on what data? What if someone can come let's say 5 years from now and say: I have had COVID 15 times, and the last 8 times, it was minor cold symptoms. Yet you are still mandating I take a vaccine that doesn't stop transmission and has no benefit to hospitalization or death for young people?

You know, when they approved the booster for kids—it was never recommended, but they approved it for kids—they could not come up with data showing reduced hospitalization or death. Why? Because young people aren't going to the hospital or dying from COVID. They simply have it from the beginning, and they don't now.

The only way they could actually try to prove efficacy—and not really efficacy but to prove some kind of effect from giving a booster—is they said: If you give these kids a vaccine, they will make antibodies.

Well, my response to that is, you can give them 100 vaccines, you can give them 1,000 vaccines, and they will make antibodies every time. That is proof of the concept of the way vaccines work, but it doesn't mean you have to or need a vaccine.

Public health measures should be backed up with proof that the benefits outweigh the burdens. There is no evidence of that when it comes to vaccination and booster mandates, especially for teenagers, who, as a group, are less vulnerable to this virus than any Senator. In fact, it is a little-known fact but absolutely true that the seasonal flu, or influenza, is more deadly than COVID for people in the “young” category. In the category for the age of the Senate pages, the seasonal flu is more deadly than COVID.

Now, this isn't to downplay COVID; it is just to say that COVID had a very targeted mortality and lethality. Its target was generally over 65. It was also those who are obese at almost any age. But it specifically was not fatal for young, healthy people.

I merely ask that the Senate open its eyes to what several other countries are doing, what the rest of the country sees: that COVID vaccine mandates on children are harmful, counterproductive, and must be put to an end. That is why I ask unanimous consent that the Senate pass my resolution to end all COVID-related vaccination mandates for pages who serve in the Chamber.

So therefore I ask, Madam President, unanimous consent that the Committee on Rules and Administration be discharged from consideration and the

Senate now proceed to S. Res. 336; further, that the resolution be agreed to and that the motion to reconsider be considered made and laid upon the table.

THE PRESIDING OFFICER. Is there objection?

The junior Senator from Connecticut.

MR. MURPHY. Madam President, this is the third time that Senator PAUL has made this unanimous consent request. It is the third time that I will come down to the floor to object.

We can continue to use the Senate's time to have this debate and argument or we can use our time more wisely and focus on topics that matter a little bit more to the American public than the vaccination policy for Senate pages.

I wish Senator PAUL would stop dragging these hard-working Senate pages into his relentless campaign against vaccine science. I think it is pretty unsavory. These young men and women do a really good, important job for us, and to be dragged into the middle of Senator PAUL's focus on trying to unwind and undermine vaccine science I don't think is good for the Senate, and I don't think it is good for the Nation's public health.

CNN reported earlier this year that COVID-19 is a leading cause of death for children in the United States. It is a fairly low mortality rate—Senator PAUL is right—but there are children all over the country who have died from COVID-19. That is a fact. It is one of the leading causes of death for children over the course of the last 4 to 5 years.

So I do take seriously the idea that, as adults, we have a responsibility to protect the health and the safety of young people who come work for us, especially minors who are here under our care and protection. We owe a special duty of care to young people, students, who come and work in the U.S. Senate.

So, no, I do not think that the Senate should micromanage Senate employee health policy or the policy related to the healthcare and healthcare security of our pages. I think that we should allow that decision to be made by professionals. We are not vaccine scientists. We are not spending the entirety of our day thinking about the healthcare security of the workforce here in the Senate.

But I have two other reasons why I continue to object to this and I will continue to come down and object to this resolution.

First, Senator PAUL says that the existing vaccine is not effective against transmission, and I won't dispute the fact that this vaccine is not primarily being used to prevent transmission. But this is a permanent resolution. This resolution doesn't apply only to this moment in time. It doesn't apply to this vaccine or to this strain of COVID-19.

If next year there was a strain of COVID-19 and a vaccine that was more effective against transmission, then

there is no method by which we could require Senate pages to be vaccinated as a means of protecting the rest of us.

So the facts that Senator PAUL references are relative to this strain and this vaccine, but this is a permanent resolution. It controls the Senate and Senate health policy permanently. But more importantly, all of the facts that Senator PAUL references in terms of the low risk to children are all conditioned by a phrase that he, to his credit, continues to reference: that there is a low risk for young and healthy children. He said: If you just take out sick children—if you just take out sick children—then there is really nothing to worry about.

I don't think Senator PAUL has access to the medical records of every single page who is working for us. Neither do I. But I can take a guess that there are probably young people who come work for us who have preexisting conditions, who have underlying health complications that might actually make them more significantly at risk.

Senator PAUL will say: Well, that should be up to them. Well, we have a duty of care as their employer to make sure that when they are here, they are secure and they are healthy.

So I don't think you can just write this off, write the risk to the pages off by saying that if you are healthy, you are fine. You don't know the medical history of all these young people. There can be and likely is a risk of serious health complications.

Even if you come to the conclusion that that shouldn't be the responsibility of the Senate, to require the vaccine, this resolution is permanent. So even if you get a future vaccine that is more effective against transmission, this resolution controls.

So I will continue to come down here and object to this. I continue to be saddened by the fact that Senator PAUL brings our pages over and over again into this debate that he wants the Senate to have over vaccine science.

For that reason, I would object.

The PRESIDING OFFICER. Objection is heard.

The junior Senator from Kentucky.

Mr. PAUL. Nothing in our proposal bans future vaccines. So it is a spurious argument to say that somehow, this would prevent a future vaccine. Ten years from now Ebola erupts, and everybody is getting Ebola, and we have a great vaccine—nothing prevents that.

Now, he mentioned whether or not the children, the kids, the teenagers, might have a preexisting condition. We don't know that; you are right. So the people who take care of minors are their parents, and they would make a decision.

Nothing in this resolution prevents anybody from getting a vaccine. In fact, I would recommend you ask your doctor. That is the way you are supposed to do it: Ask your doctor and your parents and decide whether you need a vaccine. So, really, there are no real arguments here being made.

It is important to know that no one would be prevented from getting a vaccine, and no one would be prevented from having a new vaccine policy later on.

The question of who is dying from this is an important one because the question is whether for healthy kids, whether the risks of the vaccine are greater than the risks of the disease.

This is something people are going to have different conclusions on. But the science shows at this point that the risks of the vaccine are greater than the risks of the disease for healthy kids.

Now, if your kid is not healthy or had a kidney transplant and you want to talk it over with their doctor, by all means they can get a vaccine if they want. But realize that the other kids getting vaccines is not protecting your child because the vaccines don't stop transmission.

And this is admitted by everyone. Even the Biden administration admits this. Everyone admits they don't stop transmission.

So what we are doing here is going against all science. We are going against all freedom. We are taking the freedom away from our Senate pages and their parents to make this decision. And we are actually using faulty science. The two main vaccine committees that have looked at this voted to recommend this for only people over 65, where the evidence was that in that age group the risks of the disease were greater than the risks of the vaccine. I acknowledge that.

For children, teenagers, for adolescents, it is the opposite. The risks of the vaccine, while small, actually exceed the risk of the disease, which are virtually zero, if not zero, for healthy kids.

And so I find it elitist. I find it the height of arrogance that some people will want to make those decisions for others. In a free country, each individual should be allowed to make these decisions. You shouldn't have some nonscientist Senator coming forward and saying: You must do as I tell you, particularly when all of the science actually goes against that at this point.

But even if you disagreed with my point of view, I am not here to tell you that you have to take my point of view. Go get a vaccine for your kids if you want.

But the interesting thing is, people are smarter than you think they are. If you look at the statistics on vaccines, there will be people lamenting: Oh, if we only had more people vaccinated, we would have done so much better.

It is, actually, really not true. Over age 65, it is somewhere between 97 and 98 percent of people over 65 who chose to get vaccinated. People read the news. People are smarter than you think. People see someone their age dying, and they are like, I think I might get vaccinated.

But do you know how many people are vaccinating their teenagers? It is

about 3 percent because people are reading the news that teenagers don't die from this disease. They also know that kids probably had COVID-19 already. They may have already had the test.

And what we do know from looking at millions of people in large studies, that if you have had COVID, your protection from getting it again or getting seriously ill is about 5 times better than the vaccine.

Now, that is not an argument for not getting the vaccine if you are in an elderly category or if you are in a high-risk category. But it is certainly an argument against getting it if you are a young person and you have already had COVID and now you are being forced to get this.

The other thing is, is the current Senate policy and page policy isn't taking into account the fact that if one of the pages had COVID 2 weeks ago and now they want to be a page and we won't let them come up, are they advising getting a vaccine if they only had COVID 2 weeks ago? I don't think there is any allowance for that. That is actually against medical advice to take a vaccine very quickly after you have already had COVID, because their immune response is so extraordinary, they get a heightened response. And that is when you get this overlap or overlay, which causes an inflammation of the heart.

So what I would find today is that the Flat Earth Society still just wants you to do as you are told. The Flat Earth Society doesn't believe in your medical freedom. And, yes, we will come back—and I will continue to come back—until some sense is finally jogged into the minds of those who want you to blindly just do as they are told—do as you are told, don't think about it, don't make your own decisions, do as you are told.

I think that form of elitism and arrogance will eventually backfire because there are a lot of people out there who made the decision that, you know what, I am not vaccinating my child because it is still under emergency use; it has some unknowns; and I know my kids have already had COVID. And I don't see any kids dying from COVID unless they are extraordinarily ill.

When the Senator says: Oh, they are the leading cause of death among children, they all have significant other terminal illnesses. None of them are healthy children dying from COVID.

Entire countries have released their statistics. There is even more that the government is hiding from us, frankly. The vast majority of people over 65 who took at least two vaccines: 97, 98 percent. So if you have taken two vaccines and you have gotten COVID twice—which is the average person over 65 because it doesn't stop transmission—you have had two vaccines and COVID twice, what are your risks of going to the hospital or dying?

That is what you want to know. Do you need to take a vaccine every 3

months? Do I want to keep being vaccinated? Tell me what the statistics show, and I will make a rational decision based on that.

The CDC won't release this because the CDC, essentially, have become salesmen for Big Pharma. They want you to get vaccinated.

Big Pharma is complaining they are not making enough money on the vaccine because you are not rushing out to get another vaccine.

Wouldn't you want to know: Am I going to get sick and die if I already had COVID twice and I have already had two vaccines?

They have the statistics. So all I ask for is there ought to be a little more consideration for freedom. And I bring this up for the Senate pages because I do care about their medical freedom. And I care about their right to be left alone. And this is not the end of this debate.

The PRESIDING OFFICER. The Senator from West Virginia.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MANCHIN. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 108, Nickolas Guertin, to be an Assistant Secretary of the Navy; that the Senate vote on the nomination without intervening action or debate; the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action and the Senate resume legislative session.

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

The clerk will report the nomination.

The legislative clerk read the nomination of Nickolas Guertin, of Virginia, to be an Assistant Secretary of the Navy.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Guertin nomination?

The nomination was confirmed.

LEGISLATIVE SESSION

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2024—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. The Senate will now resume legislative session.

Mr. MANCHIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. BUTLER). Without objection, it is so ordered.

The Senator from Oregon.

TSA FACIAL RECOGNITION

Mr. MERKLEY. Madam President, a question: Do we want a government surveillance state in the United States of America?

Movies like "Gattaca," where citizens are tracked through their DNA, or "Minority Report," where citizens are tracked through their retina scan, warn us what can happen under a fictional government surveillance state. But we don't need to depend upon movies and fiction to understand what a surveillance state means because we have, right now, a real-life government surveillance state in China. China's government surveillance state already tracks more than 1 million Uighur citizens through facial recognition.

As cochair of the Congressional-Executive Commission on China, I have had a front-row seat on how China uses facial recognition technology to track and to enslave a million people. And I have watched with some alarm as the U.S. Government has begun to expand its own use of facial recognition technology tied to databases, especially because there has never been a debate, let alone a vote, here in the U.S. Senate about whether or not we want to have a national facial recognition system controlled by the government. We have never had a debate related to the risks that that involves in terms of its potential threat to our freedom and to our privacy.

So I want to force there to be such a debate. I want to force there to be a vote. A government with power to track us everywhere we go is a real threat to privacy, a real threat to freedom. That is why Senator JOHN KENNEDY and I have introduced the bipartisan Traveler Privacy Protection Act to curtail the use of facial recognition technology by TSA.

Step-by-step, slowly, steadily, TSA is expanding its system of facial recognition technology. And let's just take a look at what that looks like. In 2018, TSA began with a 3-week test of facial recognition where passenger photos and data were deleted immediately. Then, in 2019, they did a second test, but they allowed the photos and data to be stored for up to 6 months. By 2020, we are talking about the ability by the TSA to hold photos and data for up to 2 years. In 2021, we are now talking about TSA beginning to match facial recognition photos against the Customs and Border Protection database—all of these steps taking place really with no recognition by Americans that this program is expanding in this fashion, certainly no discussion here in the Senate committees and Senate floor about this steady expansion. Ultimately, what the TSA is aiming at is a world in which your face is your driver's license; your face is your passport. Well, that means a massive database and massive tracking of Americans wherever they go.

This summer, the TSA announced plans to expand from the current 25

airports where facial recognition technology is used to 430 airports across the country. So no matter where you live, this system of tracking citizens is coming to your community.

In fact, as you see the geographic expansion, we are also seeing that technological expansion. TSA Administrator David Pekoske said in April of this year, a few months ago, at the South by Southwest Conference:

Eventually we will get to the point [where] we will require biometrics across the board.

What he is really saying here is, right now, we are allowing some opt-out from the use of facial photos at the airport—and I will have more to say about that in a moment. It is very difficult to exercise that opt-out, but in the near future, the opt-out is going to go away. Everyone will have to be scanned everywhere you go in the TSA system.

Requiring facial recognition should set off alarm bells for everyone.

Once you have built the infrastructure of the database and the cameras, then it is easy and tempting for the government to use that infrastructure to track you in the name of security. I am reminded of Benjamin Franklin's warning that "those who would give up essential Liberty to purchase temporary Safety, deserve neither Liberty nor Safety."

I know there will always be a story about some bad guy hiding out in some town somewhere who gets caught on a camera and might not have gotten caught otherwise, but allowing the government to know where you are at all times is an enormous price to pay. It is a price paid in the loss of privacy and the loss of freedom. And that is why it needs to be debated, and that is why we need to put a brake on this system until we consciously lay out what we consider acceptable for the use of such technologies. We really don't know how a future government will use or misuse this technology, but we do know how it is misused in nations like China.

You know, passengers, as you go to the airport, are confronting a long line in which they see a lot of signs that I will show you in a moment. But what they don't understand is when they get to the front of the line, the TSA is going to go like this, directing you to stand in front of the camera. Many of us in this Chamber have experienced that because when you travel through Reagan National, that is exactly what happens every day, every week.

I was pretty surprised to see that show up with no signage saying that this was an opt-in program, which is the way the TSA had originally described it. But they changed it to an opt-out program, again, without clear debate or laws here in our Chamber being discussed or being passed.

As you stand in the line—these are pictures I have taken in previous trips through Reagan National. The things they want you to know have these big signs like this: "You are entering an