

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

The question is, Will the Senate advise and consent to the Gallagher nomination?

Mrs. CAPITO. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. SCHUMER. I announce that the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN), and the Senator from Pennsylvania (Mr. FETTERMAN) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Kentucky (Mr. MCCONNELL).

The result was announced—yeas 53, nays 43, as follows:

[Rollcall Vote No. 64 Ex.]

YEAS—53

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

NAYS—43

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

NOT VOTING—4

Durbin	Fetterman
Feinstein	McConnell

The nomination was confirmed.

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

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. ROSEN).

LEGISLATIVE SESSION

REPEALING THE AUTHORIZATIONS FOR USE OF MILITARY FORCE AGAINST IRAQ—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session and the consideration of S. 316, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (S. 316) to repeal the authorizations for use of military force against Iraq.

Pending:

Schumer Amendment No. 15, to add an effective date.

The PRESIDING OFFICER. The Senator from Massachusetts.

CHILDREN'S ONLINE PRIVACY PROTECTION ACT

Mr. MARKEY. Madam President, over the past several weeks, I have heard my colleagues on both sides of the aisle voice concerns about an issue I have been raising for years—protecting children and teens from online dangers. Recently, much of that conversation has focused on the social media app TikTok.

I want to be clear. TikTok poses serious and specific privacy problems. We are talking about a company that could expose American users', including young users', personal and sensitive information to the Chinese Government. The intelligence community has raised grave concerns that Beijing could potentially influence millions of American TikTok users with the platform's algorithms, spread malware to our smartphones, force the company to amass troves of data on users, and then demand that the information be handed over to the Chinese Communist Party.

In other words, TikTok could collect your personal data without your consent and then target you with information that the Chinese Government wants you to see or potentially, even worse, monitor where you go and what you do.

We already know that TikTok is currently on privacy probation with a Federal Trade Commission consent decree. They had to pay a \$5 million fine for violating the Children's Online Privacy Protection Act. That is my law. We should listen to those warnings, and we should do our job to legislate and regulate in response to these warnings.

I am pleased to hear so much concern for the experiences of our young people online. This is the kind of formidable bipartisan movement to rein in the overreach of Big Tech that we needed in this Chamber 3 months ago when lobbyists flooded to the Capitol to kill my Children and Teens' Online Privacy and Protection Act—COPPA 2.0—to raise protections up to age 16 for young people in our country in terms of the protection of their privacy.

Here is the reality: Asserting that TikTok stands alone as the one plat-

form that poses a serious surveillance threat to our Nation's young people is deliberately missing the Big Tech forest for the TikTok trees.

It is in this dark, dank forest where even more dangers lurk. TikTok needs to be regulated immediately—we can agree on that—but it is absolutely not the only digital danger kids face today. There is no justification for starting and stopping there, because do you know who else is on privacy probation with the Federal Trade Commission in addition to TikTok? YouTube. Google's video platform also violated my law. The Federal Trade Commission fined it \$170 million for invading kids under the age of 12 and their privacy. That is just a slap on the wrist to Google, \$170 million. Oh, and Facebook too. The Federal Trade Commission fined Facebook \$5 billion for violating users' privacy protections. Remember, TikTok was fined \$5 million. Facebook has been fined \$5 billion for violating privacy in our country.

So, yes, we do have to address the TikTok threat, but what we really need to do is to take on all of Big Tech with a set of commonsense protections to stop the tsunami of privacy invasions kids face today online.

America's children and teens are literally dying because of the impacts of social media platforms, and we must save them from drowning. In other words, I agree with my colleagues. Let's make sure kids are protected from Chinese surveillance; but at the end of the day, our moral obligation is to protect our youngest people from an entire industry that poses a direct and existential threat to their generation's well-being.

The Centers for Disease Control and Prevention just announced that 1 in 3 high school girls in the United States of America had seriously considered suicide in the last year—1 in 3 teenage girls seriously considered suicide in the last year. And over half of all teenage girls say that they are "persistently sad or hopeless." Banning TikTok will not solve that problem.

At least 1 in 10 girls in the United States attempted suicide in the past year. Can I say that again? At least 1 in 10 girls in the United States attempted suicide last year. Among LGBTQ+ youth, the number was 1 in 5 who attempted suicide in the past year. Banning TikTok will not solve that problem.

Thirty-two percent of teen girls said that when they felt bad about their bodies, Instagram made them feel even worse. Banning TikTok will not solve that problem.

And do you know where that latest statistic comes from? Instagram's parent company, Facebook. Just remember, about 22 million teens log into Instagram each and every day in America.

Our children and our teenagers—they are sick, and Big Tech is the parasite preying upon them every single day in our country. These aren't Republican

children. These aren't Democratic children. These are America's children.

The truth is that a myopic focus on a single app is a major missed opportunity. Why would we act on only one company when we should and can act on all of these companies that are preying upon the children and teenagers in our country as we debate here on the Senate floor?

Taking on TikTok alone will not solve the sinister surveillance that kids and teens face online every single day. Here is an example.

Let's say Congress does ban TikTok in the United States or, perhaps, the Federal Government simply forces the app's Chinese parent company to sell or to divest. Would that stop China from tracking teens online? No, it wouldn't. We would still have no rules and no laws stopping the Chinese Government from simply buying sensitive information about young users, which data brokers already traffic during their normal course of business in the United States of America, because, right now, a 14-year-old girl with bulimia or anorexia in our country has zero privacy rights online. Are we going to do something about that? Do we want to let that young girl continue to be made vulnerable by unscrupulous American or Chinese companies?

If we are going to debate this issue, let's talk about it. Let's get right down to what this whole thing should be about: Big Tech should not control the agenda in terms of our protections for young teenage girls or boys in our Nation.

She, that 14-year-old girl, cannot tell Instagram or Snapchat or YouTube: You may not collect, share, or sell my personal information. By the way, her parents can't tell those companies either. Banning TikTok will not change that. Banning TikTok does not stop the Chinese Government or its partners from simply buying the data we are afraid the company will hand over willingly.

Is this threat somehow lessened if it is a transaction as opposed to part of a takeover? Of course not.

Here is the truth: Right now, an entire generation is growing up with some of the most powerful companies in history that are tracking, targeting, and traumatizing them every single day in our country. Big Tech is knowingly and willfully fueling a youth mental health crisis in our Nation.

You don't have to take my word for it. Listen to the President of the United States. Listen to the Surgeon General of the United States. Listen to the American Academy of Pediatrics in our country. Experts all over our Nation are drawing a straight line from Big Tech's business model to the devastating impacts on young Americans' well-being.

Do you know what will help solve this problem? Data privacy protections for children and teenagers in our country if we want to really deal with the threat to our Nation when one in three

teenage girls considered suicide last year. That is a threat to our Nation. When 1 in 10 teenage girls actually attempted suicide last year, that is a danger to our Nation. A lot of it is as a result of social media.

Let's get down to this issue. Let's debate TikTok. Let's debate all of it in terms of threats to our country, because the data these tech companies collect about young users is the raw material—the inputs—for powerful artificial intelligence systems. These algorithms take information about kids and teens and use it to push toxic content to those young people that they know will grab their attention and keep them scrolling on the app so they can sell more ads and make more money, and banning TikTok will not solve that problem.

On the topic of algorithms, if we are worried about the Chinese Government using TikTok's algorithm to influence our elections and our democracy, we should also be worrying about how China uses Facebook and Twitter and Instagram and YouTube, as well, to undermine our democracy.

Let's get at this. If we are going to debate all of this, let's put it out here finally. Let's just get Big Tech out of this debate and have 100 Senators talk about the real threats to teenagers and to our democracy. Let's have that debate. We already saw Russia manipulate Facebook in 2016. If we want to protect democracy, let's do it for every single social media platform in our country.

Young people are particularly vulnerable to Big Tech's algorithmic practices. That is why, for more than a decade, I have been introducing legislation that would solve that problem. My update to the Children's Online Privacy Protection Act for kids under 12 and their parents online would give them a bill of rights for kids 16 and under in our Nation. The parents could just tell those companies: Stop tracking my child. Stop tracking my 14-year-old girl. Stop tracking my 15-year-old girl. If she goes online because she has bulimia or anorexia to get more information, you can't sell that information now to companies so that they can target that girl with more products or information when the parents are only talking to the family's physician.

Let's give those families some rights. Let's stand up for those families against these tech companies that are monetizing the mental health of the children in our country. Let's stop those companies from putting profits over people, over teenagers.

We came very close to passing key provisions from that legislation at the end of last year. My bill almost made it. Unfortunately, industry lobbyists—they stood in our way. They made it impossible for it to pass, because it destroys their business model of preying upon, making money off of, young people in our Nation. But we just can't be deterred.

We have to be more determined than ever to get this done on behalf of the

parents, the pediatricians, and young people who are demanding action. I know we can do it, and there are leaders in the House, in the Senate, in both parties, who want to get this done.

So, yes, we must be clear-eyed about threats of Chinese surveillance. Yes, we must be clear-eyed about TikTok's national security risks. And, yes, we must be clear-eyed about the unique threats to young people in our country who are on that app.

I would urge my colleagues: Lift your gaze. Take off your blinders. Be honest about what legislative proposals to ban TikTok can and cannot accomplish on behalf of our youngest and most vulnerable in our country.

Our obligation, in this moment, is to end the sinister surveillance across all of the big tech behemoths that are fueling a youth mental health crisis in this country.

TikTok poses a serious and unique problem, but we know the problem is much bigger and much more pernicious than just one single app, as bad as it is.

We have a responsibility to take action, and I call on my colleagues to join, in a bipartisan fashion. As we debate TikTok, let's debate all of it. Let's pass the bill that protects the imminent threat to the mental health of the children and teenagers in our country every single day.

We want to talk about TikTok and its longer term threats? Let's talk about the threat right now. Let's talk about how young people are being harmed.

Let's pass that legislation at the same time. That is going to be my goal as this debate unfolds. It is to have votes on the floor of the Senate on the protection of the children and teenagers in our country from Chinese and American companies that are exploiting them every single day.

I close with that number that I started with: One in three teenage girls in the United States contemplated suicide last year. One in 10 teenage girls attempted suicide last year. We all know the role social media is playing in this. This is our moment to take on this entire industry globally to make sure that we protect the most precious resource we have, to protect the future of our country, and that is young people. They may be only 20 percent of our population, but they are 100 percent of our future. And, right now, they are being exploited by a single industry. Let's take on that industry.

Madam President, I yield the floor.

THE PRESIDING OFFICER (Ms. CORTEZ MASTO). The Senator from North Carolina.

BORDER SECURITY

Mr. TILLIS. Madam President, I come to the floor today to talk about the situation at the border and to lend my voice to other Members who are going to speak about a border that needs to be secured.

About 3 years ago, we had about one-half million illegal crossings. Two years ago, we had 2 million illegal

crossings. Now, we are hearing that, in another 12 months—or in the last 12 months—almost 3 million illegal crossings. And it is likely to be that number or go higher.

We have lost control of the border. Now, when you think, well, what does it mean? Because that is a great comment for somebody from some political stripe to make, but what does that really mean?

When you get to that level of illegal crossings, you are inviting some of the worst crossings that could possibly happen.

Now, let's keep in mind that there are a number of people who are escaping dangerous situations in their country of origin. There are people who probably, rightfully, should be in the United States or some safe third country because they are fleeing a dangerous situation in their country. Think Nicaragua. Think Ukraine.

But we have reached a point to where we actually have a debate on the Senate floor about whether or not we need borders at all. Or we have other people who just say: Build a wall. Frankly, I think they are both wrong.

I am not here to talk about building a wall that is over 1,000 miles long, that goes from the Pacific Ocean to the gulf. What I am talking about is securing the border. If you go down to the border, as I have, you would understand why. There are simply certain sections that you need to secure. You need to secure it so Border Patrol, which has primary responsibility for securing the border and orderly entry, can have control over the situation. They can't today.

As a matter of fact, if they were all back on the line today and we haven't put together a viable border security strategy, they still couldn't do their job. But, now, with the numbers that we have coming across the border, they are not on the frontline. They are not interdicting cartels. They are not arresting and detaining what they call the Sinaloa air force. This is something amazing. We have engaged the Border Patrol officers in so many things that have nothing to do with securing the border that the cartel—one of the biggest ones, Sinaloa—has what the Border Patrol call their air force. They have literally seen them get in ultra-light planes with six or seven people flying drugs into the United States, dropping the payload, and going back. They said that that has become a thing. It is not just an anecdote but another device that the Sinaloa cartel is using.

How could they pay for the ultra-lights or their air force? They are making over \$800 million a year in human trafficking. You don't cross the southern border without paying a toll, and that toll is paid to really a whole global network of people that find someone who wants to go to the United States. They say: You are from this country of origin, and this is what it is going to take to get you here.

They even advertise in certain countries that they will get you to the United States illegally if you pay a toll. That toll could be \$5,000, if you are from a Central American country, to \$50,000 or \$60,000 if you are from China. And we have had thousands even from China at the latest report—and a huge increase.

So the lack of border security, the lack of controlling the border, is paying the very same cartels that are pumping our Nation full of poison that we call fentanyl. It is very likely that that air force I talked about was dropping some sort of an opioid, and even more likely, statistically—since 80,000 people a year are dying from fentanyl overdoses—that it was that poison. So we are allowing an unsecured border to enrich the cartel so they can poison Americans—80,000 a year. That is not a number that is in dispute.

So we have to secure the border. And I have said it is not a 1,000-mile-long wall. I mean, if you go to the border, as I have several times, it makes no sense to put a 30-foot wall on top of a 500-foot cliff. Right? If they have made it that 500 feet, they are probably going to make it the additional 30. But maybe—maybe—you need technology there to know that people are going through that path. It is highly unlikely.

But there are other areas, and the last visit to Arizona was to an area called the Yuma Sector. It is in the western part of Arizona, headed to California. There is a gate there. It is only about 12 feet wide—a little bit less wide than the dais down there—that 3 years ago had 8,000 illegal crossings. Two years ago, it had 200,000 illegal crossings through a gate like that—not through a big, wide expanse of 7 miles that is near that gate, but through a gate like that. Last year, there were 300,000 crossings.

Thousands of people from Russia, thousands of people from China, and from a number of other countries are paying a toll to be delivered across the border. Many of them fly into Mexico City, get a transfer flight down to Mexicali, take a cab down to the border, and come across the border as long as they pay the cartel a toll.

We have lost control of the border. We have Border Patrol law enforcement officers who are in the babysitting and bus business right now. We have less than half of the people who are sworn to protect our southern border doing jobs that have nothing to do with what they swore an oath for.

We are turning a blind eye to the death and the destruction that is happening here in the United States and to all the people who are paying a toll and making the dangerous trek here to begin with.

So, Madam President, you can't fix a problem until you know you have it, and our colleagues here in the Senate need to recognize that the border is a problem. And people like me—I don't come out here and do a fire-and-brimstone speech on "I am a Republican

and they are a Democrat; we are good, they are bad."

I have worked on several bipartisan bills, if people can agree with the nature of the problem and solve it. And this is a problem that is having deadly consequences. And this administration—President Biden—has rolled back policies in his 2 years here that are making the problem worse. It is solvable, but the Members of the Senate need to recognize that we have a problem, and the Members of the Senate, on a bipartisan basis, need to come up with a solution.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Madam President, I rise today to join my esteemed colleague from the State of North Carolina to discuss the situation at the border. This is an ongoing crisis, and it needs to be addressed.

Our Nation continues to face an unprecedented crisis at the U.S.-Mexico border, and one that is due to the Biden administration's policies, pure and simple. It is a function of the Biden administration policies.

It is amazing that we have had DHS Secretary Mayorkas in front of our committees, and we asked him: What are you doing to stem the flow of illegal immigration at the border?

He sits there, and he tells us: Oh, we have operational control.

That is absolutely ridiculous. It is absolutely wrong.

For fiscal year 2022, U.S. Customs and Border Protection, CBP, encountered almost 2.4 million individuals attempting to illegally cross the southern border. That is 2.4 million crossing illegally. That is operational control?

And for him to sit there and look at us and say: Oh, yeah, we have control.

And 2.4 million last year were crossing illegally. This is an increase of 37 percent from fiscal year 2021 and a 419-percent increase—four times as many—as in 2020.

Additionally, since October, CBP has reported that over 1 million individuals from more than 140 different countries—from more than 140 different countries—have been encountered attempting to illegally cross the southern border.

Just last week, Border Patrol Chief Raul Ortiz told a House committee that the administration does not—repeat: does not—have operational control of the border. Border Patrol Chief Raul Ortiz said that the administration does not have operational control of the border.

We have to hold this administration accountable. On both sides of the aisle, we have to hold this administration accountable for this border crisis.

I have been down to the southern border on numerous occasions and have witnessed the crisis firsthand. I visited Del Rio, and Eagle Pass, as well as El Paso. I have been in McAllen, in the Rio Grande Valley, and I have seen this, both during the day and at night.

It is just not human trafficking. It is drug trafficking that affects every State, that affects everybody in our country.

Our dedicated CBP officers and Border Patrol agents continue to work tirelessly to fulfil their mission of securing the border, with the additional responsibility of trying to address this humanitarian crisis.

While the officers and agents on the frontlines do the best job that they can with the way they are hamstrung, they face an impossible task given the Biden administration's actions to continue to allow this crisis to go on. And it is their policies that are allowing the crisis to continue.

As a Senator representing a northern border State, I am also concerned about the impact that this situation on the southern border has on our northern border, as well, in terms of security.

The ongoing crisis at the southern border is creating significant challenges for northern border operations in the security of our country. Northern border personnel and resources continue to be exhausted because of the southern border crisis and pulling resources from the northern border to try to help with the southern border, and that is unacceptable.

We need to address the ongoing crisis at our southern border, and we need to make sure that our northern border is secure as well. We need to not only have the resources there; we need to have a policy that actually works. We have great professionals, but they can't secure the border if the Biden administration won't let them.

Border security is vital to our national security, and we need to secure our borders. President Biden's actions have incentivized migrants to take the dangerous journey to the U.S. border, like I say, from 140 plus different countries.

To address our Nation's immigration crisis, we need to secure the border and that means finishing the border wall, and reinstate key immigration policies—reinstate key immigration policies—that were working to stop illegal immigration and move toward a merit-based immigration system.

The administration needs to enforce our Nation's immigration laws. They have the laws. They need to enforce them, resume construction of the border wall, and ensure we have in place the necessary infrastructure, personnel, and technology to secure the border. It is their job. It is their job to protect this Nation, and you have to secure our border to protect this Nation.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. RICKETTS. Madam President, my colleagues and I are here today to raise the alarm once again about the ongoing crisis at our southern border. This is an issue that is incredibly important to my constituents, and it

should be a priority here in the U.S. Senate.

As I said when I visited the border as a Governor and then again last month as a Senator, every State is a border State. It is not just me saying that; it is my colleagues, both as Governors and as U.S. Senators, saying that. That is because the States across the country, including my own State of Nebraska, are dealing with the consequences of this administration failing to secure our border.

This crisis is a threat to all Americans for many reasons. Americans are being killed today because of what is going on at the border. The leading cause of death of Americans age 18 to 45 in 2020 and 2021 was fentanyl overdose. A majority of those drugs are coming to this country from overseas.

Taryn Lee Griffith was a 24-year-old single mom who died in Nebraska. She died of a fentanyl overdose. She was out with friends and took a pill she thought was Percocet. It was laced with fentanyl, and that is what killed her. Taryn's youngest daughter was only 6 months old when this happened. Now her two daughters are going to have to learn about their mom from pictures and from stories from family.

I think we can all agree that fentanyl is a scourge on this country. From 2014 to 2019, fentanyl mostly entered this country from overseas, being shipped internationally from the People's Republic of China. Now it is being shipped from the PRC to Mexico. There, it is manufactured in illegal labs and smuggled across our border.

The Chinese Communist Party and the Mexican drug cartels are taking advantage of the fact that we have a weak border to surge a flow of illegal drugs—especially fentanyl—across our U.S. border. They have the blood of the Americans who have died on their hands because of this, and we must hold them accountable.

With border agents and local law enforcement overwhelmed by the surge of illegal immigration, it is easier than ever for these cartels to be able to bring fentanyl into the United States.

Because of this failed administration's policy, State law enforcement has been forced to step up. In my last 2 years as Governor when I was in Nebraska, we saw what happened compared to 2020. The State patrol confiscated 2 times as much methamphetamine, 3 times as much fentanyl, and 10 times as much cocaine. Last year alone, the DEA's Omaha Division seized 4.7 million doses of fentanyl.

This administration's abandonment of its responsibility is an outrage. It is endangering American lives each and every day. Yet the President has not shown he is serious about tackling this problem. His budget requested \$535 million for border security technology. Yet he wants to spend seven times that much—a whopping \$3.9 billion—on the Department of Homeland Security's climate resilience program. These are misplaced priorities. I want to take

care of the environment. We all do. I want us to be more resilient. But Americans are dying right now because of fentanyl coming across our border.

Now, the President may not be serious about securing our border, but my colleagues and I are. When I was Governor, I worked with my fellow Governors to propose real solutions to this administration, and I am eager to work with my colleagues here in the U.S. Senate to do the same.

If addressing this crisis isn't our job in the U.S. Senate, I don't know what is. Americans and Nebraskans are on the line. We need to give the Border Patrol what they need to fully enforce our laws and stop this influx of deadly drugs. Our constituents are counting on us. We need to take action. I urge all my colleagues to work with our conference to pass serious solutions to tackle this problem.

With that, I yield the floor.

(Mr. WARNOCK assumed the Chair.)

The PRESIDING OFFICER (Ms. WARREN). The Senator from Indiana.

Mr. YOUNG. Madam President, thousands of miles separate Warsaw, IN, from America's southern border. That distance doesn't mean events on our southern border don't affect Hoosiers in Warsaw and communities across our State.

Last month, I met with local law enforcement officials in the Warsaw area, and they shared some heart-wrenching stories with me. I heard about police arriving at a family's home. Both parents had overdosed, and one was unconscious—these terrible experiences right in front of their kids. They told me about emergency calls, the voice on the other end crying that a child had gone into cardiac arrest.

In these situations and too many others, they suspected the same source: fentanyl. The fentanyl entering the United States through our southern border is hitting this northern Indiana community hard. It is hitting all of our communities.

The opioid epidemic—and it is that—is the worst drug crisis in America's history. In the decade between 1999 and 2020, it killed over 564,000 of our country men and women. The number of lives lost is so great, it brought America's life expectancy down to a 25-year low.

Now, because of fentanyl, this crisis is growing worse. Two milligrams of this synthetic opioid are enough to kill, and it is killing more young Americans than cancer, more than car accidents, more than COVID. There is enough of it reaching our country to kill every single American many times over. Its point of origin is Mexico, and its point of entry into America is our southern border—the same border that 4.9 million illegal immigrants have crossed since President Biden took office.

His administration argues that because large quantities of fentanyl have been seized at our official ports of entry, the overdose epidemic is somehow unrelated to the broken border.

But if we don't know who is crossing our border, how do we know what they are bringing across it?

The tragedy is not just taking place on our side of that border; President Biden's lax immigration policies send out a deadly "welcome" sign to migrants in search of opportunity. Drawn to it, they fall in with or place their children in the hands of merciless human smugglers. They are packed into and suffocate in trucks. They attempt a treacherous crossing of the Rio Grande and end up swept away by its currents.

The bodies of 890 migrants were discovered last year along the southern border. Police on the American side are diverted from law enforcement while recovering the bodies. Funeral homes in Mexico don't have enough refrigerators to store them in.

America is a welcoming country. It is also a country of laws. The two are not incompatible. And what good is a country without a border? It has been said many times by many people, but I will say it again: A nation that cannot control its borders is not a nation. We can secure our border. We can demand to know who and what is crossing it while also welcoming those who seek to start better lives in America legally.

Americans in places like Warsaw, IN, are looking at this chaos on our southern border in anger, and they are looking to us right here in the U.S. Senate for help. They are asking us to stop the flow of drugs poisoning our people; to enforce our immigration laws; to build a border barrier; to reinstate the "Remain in Mexico" policy; to do whatever it takes to end this crisis; to do what the President and too many in his party will not. Too much time and too many lives have been lost. So let's not let the American people down. Let's secure the border.

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

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

S. 316

Ms. DUCKWORTH. Madam President, most people run from battle, but our servicemembers run toward it. They watch their brothers and sisters get wounded. They miss births and funerals, school plays and college graduations. Then they come home bearing the wounds of war—both visible and otherwise.

They will always do their job defending our country no matter the sacrifice. So they deserve to know that they have the moral support and legal backing of this great Nation.

But for more than 20 years, Washington has failed to give them that. One of Congress's most solemn duties is deciding when and how we send

Americans into combat by debating and passing the authorization for use of military force, documents that set the legal framework for military action that are supposed to define the mission of our Americans whom we send downrange.

But, lately, too many in these Halls have shrugged off that duty, hiding behind outrageously outdated AUMFs that were used to launch the Gulf and Iraq wars, all the way back in 1991 and 2002.

Scared of the political risks that come with bringing these wars back into the spotlight, staring down upcoming election days, Congress has shirked its responsibility to our troops, stretching, skewing the original intent of these documents.

In doing so, we have left our troops without a clearly defined mission. And now they face an increasing risk that a future Commander in Chief may improperly interpret the law to send them into armed conflicts that these AUMFs were never intended to authorize. Our troops deserve better than that.

If we choose to send our finest into battle, then we here in these Halls need to debate and vote to do so based on current conditions.

Enough of being more worried about the political consequences than about our troops in harm's way. And until we muster up the courage to ask and answer the tough questions that will actually tell our servicemembers what they are fighting for, we won't be living up to their sacrifices.

Instead, we will be leaving them in an endless loop, refusing to even look for an off ramp.

Look, I know guys and gals, buddies whom I served with in Iraq who did six, seven rotations between Iraq and Afghanistan. They went in knowing that they would probably be back in a couple of years, living the hardships of combat deployments over and over again, risking the unimaginable, sunup and sundown, year in and year out, tour after tour, all because their country said that it needed them to.

They deserve more from us than to be forced to wonder whether the same outdated AUMF that has already sent them overseas half a dozen times will be misused once again to put them in harm's way without Members of Congress even having a conversation to decide whether such sacrifice is warranted.

This shouldn't be hard. Anyone who claims the mantle of patriotism can't keep demanding such sacrifices from our servicemembers or refusing to step up to our obligation, our responsibility, to have a public debate and vote when we ask our troops to go into combat.

Are their lives not worth a vote? not even worth a discussion?

To me, part of the problem lies in the growing disconnect between those who serve overseas and those who serve on the Hill.

Right now in Washington, we just don't have as many Members of Congress with combat experience the way we did in the years after Vietnam—the era when those returning from war would put down their rucks, hang up their uniforms, and head to the Capitol Building to serve their country in a different kind of way; the era when John McCain and John Kerry would reach across the aisle to solve some of our Nation's biggest problems because both of them were more concerned with doing right by the troops who protected us than brandishing partisan labels.

But now, far fewer veterans come to Washington, and the divide has sharpened, with those sitting in hallowed houses of power ever more removed from those sent off to battle.

Well, I can tell you this: It is a whole lot easier to cover your eyes and avoid taking tough votes if you have never shed blood in the dust and grit and horror of a war zone, if you have never held your family close before heading off on yet another tour, kissing your loved ones for what you know could be the last time.

But today, there are just a handful of us in the Senate who have been in combat. The same is true for our country at large, as the same families keep volunteering to serve generation after generation.

In Vietnam, because of the draft, a boy from rural Missouri could have ended up in a fighting position next to someone from the upper echelons of New York society. Of course, the rich could get out of service then too. Our former President's bone spurs proved that. But in that bygone era, service touched nearly every corner of this country, regardless of tax bracket or race or education.

Now, it falls onto the shoulders of the same families to volunteer time and again or it gets foisted upon those who have fallen on hard times: service as a means of escaping poverty.

So the gap widens, with the vast majority of Americans never having served and having little idea what it is like, other than what they see from Hollywood.

And so the disconnect yawns, with it becoming even easier for most of us to live our lives blissfully detached from the nightmarish reality of war.

We have to do more to bridge this divide. True patriotism isn't measured by how long of a standing ovation one gives our military on a single day in November each and every year. Real, lasting, meaningful patriotism requires doing the hard work necessary to actually change our country, to make it a better, fairer place, where sacrifices aren't borne by just a few but instead carried by all.

Our troops are willing to sacrifice anything—everything—for their country. They fought for us time after time, tour after tour after tour. It is time that we fight for them too.

It is time that we repeal these decades-old AUMFs and start honoring our

heroes in the way that they deserve, showing just an ounce of the courage that they show over and over again.

God bless our troops in harm's way; God bless our veterans; and always, God bless the United States of America.

I yield the floor.

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

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

The Senator from Missouri.

UNANIMOUS CONSENT REQUEST—S. 416

Mr. HAWLEY. Madam President, I am here today to talk about the kids and parents of Jana Elementary School and to talk about the measure of justice they deserve for the ordeal they are facing now, for the ordeal they have been put through for months, and, frankly, for the ordeal they have suffered through years and years and years of lies from the Federal Government, of misdirection from the Federal Government, and, frankly, of outright falsehoods this community has had to endure.

Jana Elementary School is a small school in the Hazelwood School District in Florissant, MO. That is the St. Louis area. In October of this last year, Jana Elementary was closed. Why? Because they woke up to find out their school was contaminated with radioactive material.

Imagine being a parent and waking up to this headline: "Missouri elementary school to close after report finds radioactive contamination."

Where was the radioactive contamination? you may ask. Well, it was on the playground. It was in the kitchen of the school. It was in the air ducts. And where did it come from? How did radioactive material get into an elementary school in the St. Louis area? Well, the answer is, it came from the Federal Government.

Let me tell you a little story about the Hazelwood School District and about Florissant and about St. Louis, and it dates back to the 1940s when the Federal Government used a site in St. Louis as one of the processing centers for the Manhattan Project. Well, when that project wrapped up in the late 1940s, the Federal Government collected the radioactive waste and transferred it. Out of the area? No. Just to the site of the St. Louis Airport, and there it sat for decades. By "sat," I mean it leached into the air. It leached into the soil. It leached into the groundwater.

So what happened? Over the course of 25 years and more, this radioactive material got into the water of a creek called Coldwater Creek. It has been tested many times. Radioactive material has been found there numerous times. And where does that creek go?

Well, all along the St. Louis area through numerous communities but also right by Jana Elementary School, right along the school grounds, right along the playground—a creek that is known to the U.S. Government to be contaminated with radioactive material that the U.S. Government allowed to be put into the water.

This last fall, the school board quite reasonably took the step of saying: Hold on. We know it is in the water. We know this creek goes right by the playground of this school, within 1,000 feet of the building itself. Maybe we ought to test the building just to see if our kids are safe.

So they did. Now, the U.S. Government wouldn't do it, I would just like to point out. No, it wasn't the Government that tested the building. The school board paid for it itself. The parents had to demand it. They went and got a third party to go and test the building, and what did they find? That this radioactive contamination wasn't just in the water. It wasn't just by the playground. It wasn't just within 1,000 feet of the school. No. It was inside the building. It was in the dust that is in the building that these schoolchildren, elementary kids, are going to and playing in, the air they are breathing in every single day.

So the school board didn't have any choice. I mean, they found radioactive contamination in their kids' building, so they shut down the school, and, you know, they told the parents: Guess what. There is radioactive contamination in the building. What are we going to do? We are going to shut down the school.

I would just like to point out that these are working people. These people are not sitting around all day. They are out there working jobs—some of them, multiple jobs. Some of them are raising their kids on their own. So what do they hear in October? We are going to close the school. We are going to send your kids online for virtual learning.

I remember one mother saying: There is no such thing as virtual learning. That just means they are not learning. That means they are home with me.

What are the parents supposed to do? They are working. They are trying to provide for their family. Now you have the kids at home not learning. You have the parents unable to work. What was the solution after that? To bus the kids to different schools all over the area. Now they can't go to the school in their own neighborhood.

And what has happened to the Jana Elementary building? Well, it just sits there because what is the Federal Government, which caused this contamination, doing about all of this? Nothing. No, nothing. The parents have gotten the runaround for months now from the Federal Government.

When the reports came out that the building was contaminated, the parents and the school board asked the U.S. Army Corps of Engineers, which is sup-

posed to be in charge of cleaning up the site—they said: Would you test the building inside and see if you can verify these results?

But the Army Corps said: No, we can't. We don't have any authorization. We can't do any further testing.

So then the parents and the school board asked the Department of Energy. They said: Would you test this site? Would you see if you can verify the results? Would you do something about it?

And the Department of Energy said, you guessed it: Oh, no, that is the Army Corps' problem.

Now, I kid you not. The parents and the school board have written to the Army Corps, and they have written to the Department of Energy, and both of them have just pointed the finger at the other. It is not just the parents. I have done the same. I sat at a hearing just a few weeks ago with the Department of Energy's Deputy Secretary.

I said to him: Sir, do you know about Jana Elementary in St. Louis, MO?

He said he did.

I said: You know it is closed, don't you?

He said he did.

I said: Will you authorize the testing and cleanup for this school?

And his comment to me was: That is really a matter for the Army Corps.

I said: The Army Corps says it is your problem.

And he said: Well, I don't really understand their position on this.

I don't understand this administration's position on any of it. So I am on this floor here today, on behalf of the parents and the kids of the school district, saying it is time to fix it.

Now, I have written to the President about this. I wrote to President Biden after the Energy Secretary gave me the runaround. I said: Listen, it is time for this administration to step up. The Army Corps and the Department of Energy both work for the President. Fix this. Direct them to get their act together. Finish the testing, and clean up this school site.

That was 2 months ago. I haven't heard a thing. The parents haven't heard a thing. The school board hasn't heard a thing. What they are told is: Just wait a little longer, just a little longer. We will get it together. Just wait a little more.

Do you know that the residents of St. Louis have been told to wait a little longer for four and five decades now? Do you know what has happened in that time? They have seen their friends get cancer in their thirties and forties. They have seen an explosion of autoimmune diseases. Why do you think that is? Do you think maybe it has something to do with radioactive contamination in the water and in the soil and in the air, put there by the negligence of the U.S. Government? Do you think maybe that is why it is?

Do you think that these people should have to wait any longer? I don't. I have introduced legislation that is

very simple. We are not trying to rewrite the United States Code here. It is very simple. It gets justice for these kids. It would order the Federal Government to clean up the school—clean it up. If it can't be cleaned up, build a new one. It is just that simple—not complicated, not onerous, not overburdened with regulation. It gives relief. If the President won't act, we should act. Congress should act.

Now, let's just tell the truth here. These parents—these working people in this region of St. Louis—they are not high-rolling donors. They don't give major money to the political parties. That doesn't mean they can be forgotten. You and I both know, if this had been Silicon Valley Bank—for heaven's sake—the President would have flown overnight personally to be there to do something about it. While the Silicon Valley billionaires get bailouts that will cost this country billions and billions and billions of dollars, the children and parents of Jana Elementary can't even get their school tested. They can't get a dime in remediation. That is wrong. That is unjust, and we can do something about it.

We can send the message that no matter who you are, no matter where you work, no matter how poor you may be, the U.S. Senate will get something done for you. We ought to send that message today. We ought to send the message that we will not stand by while these kids are consigned to a second- and third-rate experience of education, while these parents are told to just wait a little longer, while their school is infested with radioactive contamination. We should send a message that we are going to do something about it.

I will tell you this, and it is what I told the President, until he does something about it and until this body acts to get justice for these kids, I am going to hold every nomination to the Department of Energy—every single one of them—until we can get some justice done at Jana Elementary. I will come to this floor as long as it takes until we get relief for these kids and for these parents at Jana Elementary. I will not allow their situation to be forgotten, and I will not be told on their behalf to just wait another 50 years. They deserve justice today.

Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of S. 418 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 (Mr. MURPHY). Is there an objection?

The Senator from Delaware.

Mr. CARPER. Mr. President, in reserving the right to object, I am interested in this, and Senator HAWLEY and I discussed this issue just today. This is the first I have learned of it—in the

last 24 hours—and I was pleased to have had a chance to have discussed it with him.

Coincidentally, we are facing this at the Dover Air Force Base, which may be the finest Air Force base in the country. We have literally thousands of people—uniformed personnel and probably another 1,000 civilian employees and a bunch of children—who are involved in a school that is being rebuilt and replaced on the base.

I explained to Senator HAWLEY that we are facing something a little different from the one he is explaining, but it is one that reminds me that there are children's lives and health at stake, and their future is maybe not in the balance, but it is a matter of concern.

We are facing, as I said, a situation that reminds me a little bit of this in Delaware in realtime. Our school construction issue at the Dover Air Force Base and the safety issues there that are related to it have led my staff—my Delaware staff—and me to work with the Army Corps of Engineers in order to make sure that the issues that are particular to the Dover Air Force Base and to our school at that base—it is actually a replacement school—are addressed. So, again, I am more than just a little bit interested and concerned about the issues that are outlined here.

My concern, in not spending like more than a few minutes in the last 8 hours in trying to learn a little bit more about the issue here, is that I have learned that the drafting of Senator HAWLEY's bill, however, to some is confusing and raises some serious implementation concerns based on the initial feedback we have received from both the Army Corps of Engineers and the U.S. Department of Energy as well as from the initial read of the legislation from members of my staff.

Just a couple of points.

First, the bill appears to overlap a number of authorities between these two Agencies, and the drafting of the text is not clear as to which Agency should be responsible for the remediation or the construction of a new school.

Second, the Army Corps of Engineers is telling my staff that, from all of the testing done, the Agency determined the school to be safe, and the results have been corroborated by an independent third testing party.

In having not been steeped in this for days or weeks but really for minutes, I need some time, and I think my staff would appreciate some more time to work with the Army Corps of Engineers and the Department of Energy to understand how we can help Senator HAWLEY's constituents, including the very young ones who are involved in this.

With that, I am going to object at this time to Senator HAWLEY's unanimous consent request in order to provide us with the time to work with the Army Corps of Engineers and the Department of Energy on a solution for

this problem that will lead to its resolution.

With that, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Missouri.

Mr. HAWLEY. Mr. President, I appreciate Senator CARPER's conversation with me earlier today when he committed to me that he wanted to work to get this issue resolved and get this situation for these parents and kids remedied so that they get the justice that they deserve.

I just want to point out that Senator CARPER may be the first person in the Federal Government whom I have talked to in months on this issue and who has actually said: Do you know what? I think we can do something about it.

So I hope that we can, Senator.

I would just say to the Army Corps, to the Department of Energy, to others in the Federal Government, and to the administration that would say, "Delay, delay, delay. The school is safe. The grounds are OK. Take our word for it," the people of St. Louis have taken your word for it for 50 years. This is where we are now. These kids deserve relief. No child should be told: It is all right. There is a contaminated stream near your elementary school. It is OK. Go ahead. Go out and play there.

No way.

And I will say again, just because these kids and parents aren't rich and wealthy and well connected does not mean that they can be ignored. So I will continue to come to this floor and to insist on votes on nominees until we can get something done.

I appreciate the good will of Senator CARPER, and I look forward to working with him on this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

BANK FAILURES

Mr. CORNYN. Mr. President, families and businesses across the country are worried about the safety and stability of our banking system.

Two weeks ago, Silicon Valley Bank—a bank that many people had never heard of—rocketed from relative obscurity to infamy when it suddenly and unexpectedly collapsed. The bank, which reported \$212 billion in assets last quarter, is now known as the biggest bank failure since the 2008 financial crisis. It is the second largest bank failure in American history.

The American people quickly learned that Silicon Valley Bank had made some pretty risky investment decisions. When interest rates were low, it purchased long-term Treasury bonds and mortgage-backed securities. As the Federal Reserve raised interest rates to fight record inflation, the value of those investments tumbled. SVB attempted to stop the bleeding by selling \$21 billion worth of assets at a loss of nearly \$2 billion. Well, it didn't take long for this entire house of cards to come tumbling down. When customers

learned about its financial troubles, it caused a run on deposits. And, of course, no bank can withstand a run on its deposits where people demand to get paid back immediately when many of the investments that were made are longer term investments.

Shortly after the Silicon Valley Bank implosion, Signature Bank, a regional bank in New York, collapsed as well. And, now, major banks have pledged to help rescue First Republic Bank from potentially succumbing to the same fate. My assumption is this isn't done out of the goodness of their hearts; but they realize if this contagion continues to spread across the country, it could imperil our entire economy.

Given the potential implications of this situation, the administration and Federal regulators quickly jumped into damage-control mode. The Federal Deposit Insurance Corporation, otherwise known as FDIC, quickly announced that depositors at Silicon Valley Bank and Signature Bank would have full access to their funds, even above the insured deposits.

Of course, under existing law, FDIC insures deposits only up to \$250,000; but FDIC quickly announced that that cap on insurance would be lifted.

President Biden also attempted to assure the American people that the banking system was safe. Secretary Yellen did the same. In a speech yesterday, she said the U.S. banking system "remains sound." But the truth of the matter is that it is impossible to make guarantees when you are dealing with something as uncertain as human behavior and the wildfire-like spread of information across social media and elsewhere where people can, with a click of their phones, withdraw all their deposits from an institution. So while these are hopeful statements by the President and Secretary Yellen, it doesn't guarantee anything.

The health of the banking system doesn't just depend on objective measures of financial health, but also on public perception and public confidence. Even a bank with a rock-solid financial ground wouldn't be able to withstand a run on deposits. That is not how the banking system is designed to operate. They have to keep a certain amount of reserves so they can respond quickly to a demand for deposits, but no bank is prepared to pay all depositors 100 percent of what they have deposited on demand.

Fears of contagion are very real in the banking industry, which is why everyone is eager to understand what went wrong. When it comes to Silicon Valley Bank, which as one of my constituents described it, he said: Oh, that is Mark Zuckerberg's bank. Of course, it was guaranteed deposits above the insured amount.

We need to make sure there is not cherry-picking when it comes to the policies that apply here, lest people think there is a double standard. For example, if you were a bank in Mid-

land, TX, lending primarily to the oil and gas industry, do you think the FDIC and the Biden administration would step up and guarantee those deposits above the \$250,000 mark? Well, that is an unanswered question, but there shouldn't be a double standard.

The problem really is, it looks like there were multiple points of failure at Silicon Valley Bank. First is with the bank's management. Making these long-term investments in the face of rising interest rates because of the Federal Reserve's efforts to combat inflation, it is clear they failed to adjust their investment strategy to take into account the depreciation of the value of those longer term bonds. They either didn't recognize the impact that rates had on its assets or they simply were negligent or willfully ignored the reality. I am not sure what it was, but none of it was good. Given the fact that the bank was without a chief risk officer for more than a year, it seems clear that risk management was not Silicon Valley Bank's top priority.

In addition to the bank's failures, there were also major regulatory failures. Reports indicate that the Federal Reserve raised concerns about Silicon Valley Bank's risk management multiple times over the past few years. The first red flag was raised in January of 2019, more than 4 years ago. Once that happens, the Fed is supposed to monitor the bank and ensure these problems are being addressed. We simply don't have information to confirm whether or not that happened; but based on where things stand now, it seems like it did not happen.

While SVB executives and regulators carry some of the blame for the current banking system chaos, we cannot ignore the role played by the administration and by some of the policies that have been promoted by our colleagues on the Democratic side of the aisle. As our country battled the pandemic and the ensuing economic crisis, our Democratic colleagues alone, without any Republican votes, appropriated about 2.6 trillion more dollars, using a budget resolution that did not require any Republican votes. It wasn't a bipartisan effort. This was strictly a spending spree by our Democratic colleagues under the benign headings of the American Rescue Plan and the Inflation Reduction Act—\$2.6 trillion. That was like gasoline on the inflation fire.

Republicans warned our colleagues that this kind of spending would lead to more problems than solutions. There were a lot of warnings about what impact this kind of spending would have after dealing with the COVID crisis, what the impact would be on the economy, particularly with constrained supply chains and a smaller workforce. Putting that kind of financial stimulus into our economy was guaranteed to fan the flames of inflation.

Well, as I said, the first round was a \$1.9 trillion so-called American Rescue Plan, which our colleagues tried to brand as pandemic relief. But as the

American people learned, less than 10 percent of that legislation was even remotely related to the pandemic, and the rest was exactly the type of things you would expect to see in a bill that was supported only by our Democratic colleagues—everything from funding for climate justice to backdoor money for Planned Parenthood.

Leading economists warned at the time that this was not a recipe for economic recovery. Even Larry Summers cautioned that that package could "set off inflationary pressures of a kind we have not seen in a generation."

Still, our colleagues couldn't be convinced to change course, show a little self-restraint, a little bit of prudence, a little bit of caution. They abused the rules of the Senate to pass the partisan spending bill that, again, only depended on Democratic votes. And, lo and behold, this is where we landed.

Our country has experienced inflation at a level we have not seen in 40 years. Prices have skyrocketed for gas, groceries, housing, and just about everything else. For some reason, our colleagues did not connect the dots between this reckless spending spree and the growing strain on our economy or its impact on the price of groceries or the price at the pump you pay for gasoline or diesel. So rather than tap the brakes, they opted to put the pedal to the metal.

Well, the second bill was even more absurdly named the Inflation Reduction Act, which all the outside studies showed would not reduce inflation any time in the near term. Our colleagues wanted the American people to forget the fact that unchecked spending would help usher in this terrible inflationary pressure. And somehow, counterintuitively, they seemed to think that even more spending would solve the problem.

Our colleagues' solution to inflation included handouts for wealthy people buying electric vehicles. Why in the world would you pay rich people to buy an electric vehicle when most working families couldn't afford one? They are handing out tax subsidies to rich people. And then there was the \$80 billion supersizing of the IRS so it can squeeze every penny possible from working middle-class families and small businesses. You know this, to me, is just malpractice.

We had the new IRS Commissioner in front of the Finance Committee, and we said, you know, when can we expect your plan on how to spend the \$80 billion and this plan to hire 87,000 new IRS agents? And he said: Oh, it is coming.

But our Democratic friends got it backward. Instead of saying: Here is the plan and how much does it cost to implement the plan, they said: Here is the money, you come up with a plan. Only in Washington, DC, does the world operate that way.

But between those two bills, our colleagues spent roughly \$2.6 trillion on a partisan spending spree, just as some

economists, including Democratic economists like Larry Summers—just like they predicted, these bills did nothing to reduce inflation; they made it worse.

Of course, we know that the Federal Reserve has the responsibility to try to address inflation; and one of their few tools is to raise interest rates, to slow the economy down to increase unemployment in order to bring that inflation down.

Higher borrowing costs slow down the economy and curb demand, but they also—it requires the United States to pay our bondholders who purchase our debt even more money for the debt we incur—now roughly around a trillion dollars in interest on a \$31 trillion national debt.

So over the last year, in order to combat inflation, the Federal Reserve has hiked interest rates nine times—nine times. We have witnessed the fastest series of rate increases since the early 1980s, but it still hasn't been enough to cool the red-hot inflation contributed to by our colleagues' reckless spending.

While I appreciate the administration's effort to stop the contagion from spreading, I would like to see our colleagues acknowledge the circumstances that led us here. Despite warnings that trillions of dollars in spending would lead to record inflation, our colleagues seemed to just run through that red light anyway. As a result, this is something that, to be blunt, they own. It has driven up the cost of everything from basic expenses, like groceries and electricity.

Then, of course, there are the subsequent interest rate hikes which have made it more expensive to buy a house or borrow money to buy a car, for example, or to finance your small business. That is a direct result of the inflationary pressures caused by excessive Washington spending. Again, it is like pouring gasoline on the fire.

Now we know this same inflation has contributed to the failure of banks like Silicon Valley Bank. Admittedly, it is due, in part, to the mismanagement by the bank and the lack of appropriate supervision by regulators, but the reason why Silicon Valley Bank got in trouble in the first place is because the value of their Treasury bonds where they had invested some of their reserves kept going down because it is inversely proportionate to interest rates.

Democrats kicked off an economic crisis, and now everybody is paying the price. I would like to know, as they look back on it now, whether they think it was worth it?

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

BUDGET

Mr. KENNEDY. Mr. President, I just came from an Appropriations subcommittee hearing, and our witness today was Secretary Janet Yellen. I always love when Secretary Yellen testifies because I learn so much from her.

Today, among other subjects, we talked about the President's proposed budget, and I want to tell you some of the things I learned today from Secretary Yellen about the President's proposed budget.

The President's proposed budget is \$6.9 trillion. That is up from \$6.4 trillion. So it is a proposed half-a-trillion-dollar increase.

I learned that, since 2019 until today, and not including the President's new spending—I learned that since 2019 until today, the population in the United States has grown 1.8 percent.

Do you know how much our budget has increased? Fifty-five percent, and that doesn't even count the additional half-a-trillion dollars' worth of spending that the President has just proposed.

I also learned that the President is proposing \$4.7 trillion—not billion, \$4.7 trillion—in new taxes. It takes my breath away—\$4.7 trillion. We are going to run out of digits.

And I also learned something else. You know, the President—and I say this gently and with respect—the President has been running all over hell and half of Georgia saying: My proposed budget decreases the deficit by \$3 trillion.

You probably heard him say that. I heard him say it the day before yesterday: My proposed budget will cut debt by \$3 trillion.

You know what I learned today about the President's proposed budget? Under his proposed budget, gross debt—that is all of America's debt, not just debt held by the public, but gross debt—all of our debt will rise under President Biden's budget from \$32.7 trillion at the close of this year to \$51 trillion by 2033. Only in Washington, DC—only in la-la land—can you go around and say: My budget reduces the deficit and debt by \$3 trillion, when it really increases it by \$18 trillion—\$18 trillion.

I have also learned a lot this week about Silicon Valley Bank. I think I spoke—I don't know—a week, maybe 10 days ago—gosh, we learned a lot in a week. One of the things that we have learned is that the failure of Silicon Valley Bank and President Biden's bailout of Silicon Valley Bank was the result of bad management by the bank officials but also by bad supervision.

I talked a week or two ago about the risk that the management of SVB took. This is what I learned this week. I want to talk about the mistakes that were made by the Federal Government in supervising this bank.

Fact No. 1, it is a fact that in January of 2019, the Federal Reserve, which is one of the banking regulators in charge of supervising the bank, issued a warning to the bank—this is 4 years ago—over its risk management systems. Four years ago, the Fed told Silicon Valley Bank that its system to control risk was not up to snuff.

Fact No. 2, last fall, short sellers and private bank analysts said the same thing. What? Five months ago, 6 months ago?

Fact No. 3, some of my colleagues have said: You know, we didn't have sufficient regulation.

I don't know how you regulate greed. I don't know how you regulate stupidity. I am referring now to the management of the Silicon Valley Bank.

But it wasn't a failure of regulation that caused Silicon Valley Bank to go under. It was the failure to enforce the rules that we already have.

Here is the article from the Wall Street Journal. The Federal Reserve, one of the banking regulators in charge of Silicon Valley Bank, knew in January of 2019 that the bank was criticized for its risk control practices. And they were supposed to correct those risk control practices. Why didn't the Federal Reserve follow up?

Now, I also learned that some of my colleagues are saying: Well, you know, this is all the fault of Congress. It is the fault of Congress because Silicon Valley Bank was not subject to a stress test.

We, as you know—Democrats and Republicans—supported an amendment to Dodd-Frank back in 2018 that some say prevented the bank from being stress tested. That is not true. The bill that we passed in 2018 said, categorically and unequivocally—look at title 12, chapter II, subchapter A, part 252, subpart A, section 252.3. It said in our legislation that the Federal Reserve and the other banking regulators had the authority at any time to stress test Silicon Valley Bank. And they chose not to do it.

Now, the other point being made by some of my colleagues is that, well, they weren't big enough to stress test. They had to be \$100 billion or more. That is not true. They were an over-hundred-billion-dollar bank at the end of 2021. So they did qualify to be stress tested in 2022.

One of the other things we learned is that in 2022 the Federal Reserve stress tested 34 banks. Silicon Valley Bank was not one of them, as I said. They could have been. Under the rules, they qualified. They were supposed to be. They were over \$100 billion. And even if they had not been over \$100 billion, the Federal Reserve could have said: We are going to stress test them anyway under our legislation because, back in January of 2019, we were worried about their risk control. But, for whatever reason—we are going to find out—the Federal Reserve chose not to stress test them.

The Federal Reserve issued a report on its stress tests from 2022. Here it is. If the Federal Reserve had stress tested Silicon Valley Bank, Silicon Valley Bank would have passed. It would have passed. Do you know why? Because the Federal Reserve in its stress testing in 2022 didn't stress test interest rate risk. They just stress tested credit risk. I just find that extraordinary.

In 2022, we were experiencing raging inflation. The Fed was raising interest rates. The Fed understands that, when you hold a long government bond or a

long treasury, its value decreases as interest rates go up. You would think that the first thing the Federal Reserve would stress test for was interest rate risk and duration risk. But it didn't. It didn't, and I am at a loss to understand.

The Federal Reserve has announced—I think the Vice Chairman of the Federal Reserve, Mr. Barr, has announced that he is going to be in charge of finding out what went wrong. And Mr. Barr is a fine person, and nothing I say today should be construed to suggest that he is not. But Mr. Barr has a conflict of interest. His own Agency contributed to the downfall of Silicon Valley Bank. It wasn't a question of something that Congress did or didn't do. Under the regulations we passed, we put the Federal Reserve in charge of checking these banks for duration or interest rate risk, and the Federal Reserve chose not to do so. Silicon Valley Bank is not the only one out there.

And here is the problem with Silicon Valley Bank. It took in a whole bunch of deposits from a bunch of venture capitalists and paid them—let's call it an *x* amount of interest—and then Silicon Valley Bank took that money and invested the money in long-term government bonds and treasuries, as the Federal Reserve encouraged them to. Go read all the Federal Reserve rules. They tell you: The safest assets if you are a bank are long-term securities issued by the Federal Government, treasuries and mortgage-backed securities.

Silicon Valley Bank did that. But as the Federal Reserve is also supposed to know, as is the management of the bank, these long-term bonds—government or otherwise—as interest rates rise, fall in value. I mean, that is like banking 101. That is like Econ 101.

And that is what happened to Silicon Valley Bank. They took all the deposits, paid *x* amount of interest, and bought treasuries and long-term government bonds, making more interest. They were taking the profit, but they didn't account for interest rate risk. And, sure enough, when the Federal Reserve, which is supposed to be supervising the bank, raised interest rates, the value of those bonds and the value of those treasuries went down.

And so, when all these depositors in Silicon Valley decided to take their money out, they panicked, and they all started talking to each other on social media, and they started taking their money out. Because of the decrease in the value of those long treasuries and mortgage-backed securities, Silicon Valley Bank didn't have the money to pay them.

Let me end like I began. President Biden's bailout was necessitated by two things: the greed and/or the stupidity of the management of this bank to buy long-term bonds—government-backed or otherwise—and not hedge against interest rate risks. And, No. 2, the bank's failure was the result of inadequate supervision by the Federal

Reserve and the other banking regulators and the Biden administration. Congress had nothing to do with it. Our amendments to Dodd-Frank, which were approved by both Republicans and Democrats, had nothing to do with it.

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.

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

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

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Mrs. MURRAY. Mr. President, this past Sunday marked the 20-year anniversary of the war in Iraq. I could not be prouder of our servicemembers who bravely have served our Nation overseas. I am deeply grateful for their service and their sacrifice, and I am committed to making sure we live up to our obligations to each and every one of them.

As I have said many times, this is a war I never thought we should have started, and it is one we clearly should have ended long ago.

I come to the floor today to urge my colleagues to commemorate the anniversary of this war by officially ending this badly outdated war authorization at long last. I urge them to join me in taking the long-overdue step of reasserting Congress's authority in decisions about war and peace by voting to repeal the 1991 and 2002 authorizations for use of military force because when we send people to war, it should be a decision, not a status quo.

The decision about whether or not to go to war and put the servicemembers' lives at risk is the most serious and most consequential issue we can debate here in the U.S. Senate. American lives, American security, and America's future are all at stake when our country decides questions of war and peace.

When we first deliberated on whether to take action in Iraq, I wanted to know with absolute confidence we had done our due diligence before moving forward with the weighty decision to send our men and women into a dangerous conflict. That is why all those years ago I came to the floor to debate the very resolution that gave President Bush the authority he wanted to wage war in Iraq. I wanted to know what our goals were, what our plan was, what a victory and an exit strategy looked like, and what evidence we had that this was necessary.

I will tell you, after hearing all the sides on whether to engage our military, one thing I still was not hearing was clear answers. I determined I could not support sending our men and women into harm's way on an ill-defined mission—a mission which ultimately cost us dearly in lives most importantly but also in dollars and in our standing around the world.

Twenty years later, the mission in Iraq is over. Our troops have returned

home, and Iraq's Government has evolved into a diplomatic partner. But those outdated legal authorizations remain on the books, leaving an open-ended basis for Presidents to misuse our military power for political gain.

We have already seen how leaders can use them as a free pass to recklessly push for the misuse of military force. Just 3 years ago, without consulting Congress, former President Trump ordered missile strikes in Iraq against an Iranian military leader, which, among many things, jeopardized our relationships with key allies, risked the safety of U.S. servicemembers and civilians, and brought us perilously close to war. That is not how this should work. That is not how the Constitution says it should work. Our servicemembers deserve better than that.

When and whether to engage in war is a choice that explicitly belongs to Congress and to the American people. If we don't assert that power, we risk leaving behind a dangerous precedent for the future. That is why I am voting to repeal these authorizations. Taking this step will make sure we are doing our part here in Congress to give questions of war the full consideration they deserve and make sure we are exhausting every diplomatic avenue before jumping into a full-blown war effort and putting servicemembers in harm's way. I saw the scars, physical and mental, that veterans like my dad took home from World War II, that veterans like my peers took home from Vietnam, and that veterans today have taken home from Iraq.

This is one of the most important votes we can make, so let's act like it. Let's ensure every decision made to authorize the use of military force is responsible, is appropriate, and is constitutional.

I hope that by repealing these outdated AUMFs, we will return to a place where Congress and, by extension, the American people can have a serious debate and ultimately decide whether or not we go to war. It is long past time for Congress to reassert its authority and oversight responsibility here.

I urge my colleagues to join me and Senators KAINE and YOUNG in getting this done.

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. LEE. 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—H.R. 185

Mr. LEE. Mr. President, the song "Free Bird" by Lynyrd Skynyrd became an anthem for those consumed by wanderlust. The music speaks to freedom, the right to explore and experience the world, and a simple truth that we are all connected.

However, on October 25, 2021, the right to explore and experience the

world was put on hold for many when the White House issued a proclamation suspending and limiting air travel by unvaccinated foreign travelers.

This mandate levies a particularly heavy cost on State and local economies and American relationships. Continuing this mandate at a time when President Biden himself declared that the pandemic is over is unjustified, and it ignores the new risk calculus that is affording Americans a renewed sense of normalcy. You see, Americans are ready to move on. In fact, in many instances, they are moving on. Yet many are kept from doing so because of this policy and others like it.

Right now, foreign travelers, including family members, friends, business relationships, and even international sports stars, are being kept off U.S. soil due to this draconian vaccine mandate.

Mr. President, there are too many places we have got to see, but if we stay here with this vaccine mandate, things just couldn't be the same.

So in the spirit of freedom, in the spirit of self-determination and sanity, I am here today to try to pass this—to try to seek to pass by unanimous consent the FREEBIRD Act, which will restore the right to explore and experience the world by allowing non-immigrant, noncitizen travelers to be vaccinated only if they choose to do so, because this policy has separated loved ones for too long.

It is time to end the COVID-19 vaccine requirement for foreign visitors, prohibit using Federal funds to carry out this requirement, and prevent the CDC from ordering future COVID-19 vaccine mandates for foreign travelers. This is just costing too much.

In 2021 alone, Utah visitors spent nearly \$11 billion visiting our great State, generating over 130,000 jobs and almost \$2 billion in State and local tax revenue alone. A significant portion of that involves foreign travel. But international visitation rates are still lagging. By lifting this vaccine mandate, Utah and the United States stand to benefit from increased international travel.

Our travel and tourism industry in the State of Utah dipped substantially after the pandemic hit us and hit us hard. Fortunately, it has recovered very nicely, but it has never recovered in the international travel sector to where it should be now, due in significant part to this particular mandate. It is not right. And it is not just costing us tourism; it is costing us meaningful connections that enrich and promote our shared humanity.

Right now, 22-time Grand Slam champion and top tennis competitor Novak Djokovic is missing the ongoing Miami Open due to the foreign traveler vaccine mandate still in effect, regrettably, in the United States. He recently missed the Masters tournament in Indian Wells, CA, for the same reason.

The U.S. Tennis Association, which does not impose COVID-19 restrictions

of its own, expressed its hope that the policy will end.

This is an excellent example of how the United States and Americans in general miss out on relationships, business, and recreational opportunities. The United States is missing the action while Djokovic continues to play in countries that have ended their vaccine mandates, including in Monaco, Bosnia, and France. It is affecting his standing in world tennis competition. Just as importantly, it is affecting America's standing with the rest of the world.

Perhaps some think that the joke is on Djokovic. The joke is not on Djokovic; the joke is on us, the United States of America, if we leave this senseless, meaningless policy in place that does no good. It accomplishes nothing, but it inflicts great harm at the same time.

Right now, we have the opportunity—a great opportunity, a prime opportunity—to reverse course. Today, we can join the rest of the world, restore our personal and business relationships, boost our tourism, and re-engage in the competitive spirit that brings nations together.

It is time to end this mandate. It is time to be free as a bird. So I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 14, H.R. 185; further, that the Lee substitute amendment at the desk be considered and agreed to, that the bill as amended be considered read a third time and passed, and that the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Vermont.

Mr. WELCH. Reserving the right to object, Mr. President, first of all, I am largely sympathetic to the intent of this. I think all of us are exhausted by COVID. Fortunately, we are really coming out of it. It has been exhausting, so I am ultimately hopeful that the administration—when this public health emergency is ended, which we expect will be very, very soon, that the vaccine mandate will go with it.

Secondly, I am a big fan of Lynyrd Skynyrd's, so that is a pretty persuasive argument, but I don't regard him as infallible.

Third, Vermont is a tourist State as well. Our skiing is a little tougher for, you know, tougher folks. You have that soft powder out there in Utah. But tourism really matters to us.

So the concerns the Senator from Utah is expressing—I am sympathetic. Let me state the reason for my objection.

This public health emergency is going to end. The administration is actively, day in and day out, in the process of taking the steps that are going to unwind this.

My view is that this is an area where Executive responsibility has to be carried out in an orderly way, not just to address this question of ending the vac-

cine mandate, but there are other matters that are affected if this public health emergency is abruptly ended that may do harm to Vermont.

Let me just be very specific. The telehealth provisions that were in legislation that allowed us to get access to healthcare should not end when the public health emergency ends. The necessity of trying to make some adjustment for premium assistance for folks who were able to get access to healthcare—it has really made a difference for people in Vermont. I don't want them to just go off the cliff.

So these are all separate and distinct issues. But if we have a process where each legislator picks out an area within the public health emergency that he or she believes should be taken out, you are taking away the capacity for an orderly transition from the public health emergency to the post-COVID non-public health emergency.

So, as sympathetic as I am to the points that the Senator from Utah makes, including about the vaccine at this point, because of my concern about the collateral consequences of stripping the administration, in effect, of the capacity to have that orderly unwinding, I object.

The PRESIDING OFFICER (Ms. CORTEZ MASTO). The objection is heard.

The Senator from Utah.

Mr. LEE. Madam President, I appreciate the thoughtful words from my friend and colleague, the Senator from Vermont. I have enjoyed working with him on the Judiciary Committee, and I always appreciate his insights and the thoughtful, respectful manner in which he communicates his message. I do think it is significant to point out a couple things in response to those arguments.

I think it is unfortunate. We had an opportunity to end this today, and by ending it, we could open up travel and tourism in a way that we haven't been. We could join the ranks of civilized nations of the world that have seen what a barbaric piece of nonsense this sort of restriction is, and we can do it right now.

Now, my friend and colleague from Vermont points out that it is important to remember that the public health emergency associated with the COVID-19 pandemic is set to come to an end. I assume he is referring to the May 11 deadline on which we are expecting for it to come to an end. I welcome that, and I look forward to that coming to an end. It is right for it to come to an end. One must ask, however, why must we wait until then to bring it to an end? President Biden has now long acknowledged that the emergent nature of the pandemic is itself over, is itself passed.

I understand and respect concerns about not wanting to do things too abruptly that might affect, for example, telehealth. That is very important. That is why it is very important for me to point out here that there is absolutely nothing in this bill that would

affect in any way the practice of telehealth—not directly, not indirectly, nothing, nada. There is zero language in this amendment that would in any way affect telehealth. Is there anything in here that would affect the other programs—any of them—that he mentioned? Not one thing. This is laser-focused on a single point-of-entry restriction on foreign visitors to the United States. That is it. Nothing else is affected by it.

So if what we are saying is that we can't end any of this before we end all of the public health emergency, that makes no sense. It also makes no sense because, as far as we can tell, there is absolutely nothing about the international traveler restriction attached to this particular mandate that is tied to the public health emergency for the COVID-19 pandemic—nothing. They are not tied together. So there is no reason at all for us to not pass this today, right now, at this moment.

Look, this has passed the House of Representatives. We could make this law. We could make this the law of the land by the end of the day today. The American people would be much better off for it.

Who will be better off as a result of keeping it? It is a legitimate question to ask. Who benefits from this? I struggle to imagine who really benefits from it. Now, maybe one or two Federal bureaucrats save face over it because they put it in place. Perhaps they have some pride of authorship with it; they don't want it to end. Well, I hate to break it to them: They are not lawmakers. They don't have the job of making law. We do.

So if this stays on the book, again, the joke is on us. The joke is not on Djokovic; it is on us.

So I really am trying to understand why we would want to wait until May 11 or any other date on which the Federal pandemic emergency would come to an end. It makes no sense.

To the degree that this involves an argument that I have heard time and time again when addressing COVID issues from several of our colleagues that we have to defer to the experts, defer to the science used by the experts in our Federal executive branch Agencies, I would ask this: Do you mean the same experts who told us that this virus came from bats? I am told that anyone who doubted the idea that it came from bats, that they were horrible people aimed at genocide or something.

Do you mean the same experts who told the American people they couldn't let their little kids go to school?

Do you mean the same experts who told America they had to mask their 2-year-olds, apparently unaware of the fact that 2-year-olds don't respond fairly well to that? It makes me wonder whether any of those people have ever raised or even been around an actual 2-year-old.

Do you mean the same experts who told us that masks would make all the

difference and that if you were masked, you would live, and if you were unmasked, you would die?

Do you mean the same experts who told us that if we got the vaccine, we would not get or be able to spread COVID-19? I can speak from personal experience. Having had COVID, then got vaccinated, then got it again, it didn't have that effect. And I know there are millions and millions of people like me who are in the same boat.

Do you mean the same experts who continue to this day to insist that everyone else follow the restrictions imposed by those experts who were not elected by the American people and are not accountable to anyone who is elected by the American people?

We have reached an epidemic in this country, an epidemic in which we have government being run by experts. Experts are great. I am glad we have access to them. They are not lawmakers. My copy of the Constitution, in the very first operative provision—the first article, the first section, the first clause of the Constitution says: “All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives,” making clear that if you want to make a Federal law, you must go through Congress, not through an expert in some executive branch Agency.

Article 1, section 7 makes clear how that happens. You can make a Federal law only if you pass something through the House and the same language through the Senate and then present it to the President for signature, veto or acquiescence. If you don't follow that formula, you don't have a Federal law.

Tragically, since the mid-1930s, we have been on a bad trajectory, a bad course, a bad idea conceived in hell by the Devil himself in which we started delegating our lawmaking power. We hereby declare that we shall have good law in area X, and we hereby commit and delegate to commission Y the power to make and interpret and enforce and adjudicate laws, rules carrying the force of generally applicable Federal law. Make it so.

The power to make laws, to be a lawmaker, is distinct from the power to make lawmakers. We are given by the Constitution and the people who elected us the power to do the former, not the latter. We make laws, not lawmakers.

The only way these things were put in force to begin with was because we have excessively delegated our lawmaking power. Shame on us for doing that. It has remained in effect because the Federal court system, in my view, while occasionally stepping in, has been a little too lax, a little too reluctant to push back when we delegate our lawmaking power, which is itself a nondelegable duty. Shame on them for doing that, but shame on us again for the fact that when we act, we delegate to somebody. Somebody puts in place a ridiculous, indefensible set of policies—

policies that would never pass this body, never become law here or in the House of Representatives. Why? Because they are stupid. They are silly. They are ridiculous. They are counterproductive. A policy that we would never enact, and if we were stupid enough to enact it, we would promptly repeal it.

When it gets put in place by an unelected, unaccountable bureaucrat using a stretched, distorted version of statutory text delegating them some other power, we have to sit here and take it. The American people, whom we serve, who hired us to make laws, have to sit there and take it. And we pretend: Sorry, there is nothing we can do. We have to wait until the experts end this problem that they themselves created.

This has to stop. I am not going away. This issue isn't going away. I don't want to wait until May 11. I don't want to wait until those bureaucrats pull their heads out of wherever their heads happen to be at the moment.

This is not going away, and I will be back.

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

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

S. 316

Mr. GRAHAM. Madam President, so I don't know where we are headed in terms of votes tonight, but let me tell you where we are headed in terms of the bill before the Senate.

I understand Saddam is gone and the authorization to use military force directed at him in 2002—it makes sense to me, quite frankly, believe it or not, to revisit that, but what we need to make sure we do is not leave our troops exposed that are in the fight today. This is 2023.

So Senator SCHUMER keeps talking about Bush lied, people died. Here is what I would say to my Democratic colleagues and my Republican colleagues: In the last 2 years, we have, I think, a little over 2,000 American forces in Iraq, there to make sure ISIS doesn't come back, keep the place stable. After Obama pulled out of Iraq, the JV team became the varsity. ISIS basically took over most of Syria, destroyed Mosul, wiped out the Yazidi Community, raped, murdered, and pillaged, and we finally regained control of Iraq. We put troops back in—they should never have been taken out—and we need those troops to stay in Iraq, make sure ISIS doesn't come back.

When they had a foothold in Raqqa, Syria, as well as Iraq, ISIS directed attacks at the United States and our allies in Europe, and all hell broke loose.

So what I would want the body to understand—in 2023, Americans are serving in Iraq, and we owe it to them to

make sure that we can use whatever military force necessary to protect them against Shiite militias operating in Iraq at the direction of Iran.

Fifty-six attacks against American forces in the last 2 years under President Biden. They are trying to drive us out of Iraq. The Shiite militias are operating all over the country. I appreciate the partnership we have with the Government of Iraq, but we don't have a status of forces agreement.

So I have an amendment that is very simple. It would replace the 2002 AUMF with the following: An authorization to use military force to protect Americans stationed in Iraq against attacks by Shiite militias in Iraq. That is an ongoing problem. Let's not expose our troops to being attacked. Let's don't continue the narrative that we are pulling out of the Middle East, because you do so at your own peril.

After the debacle in Afghanistan, everybody is wondering about America's resolve. So to all the people who talk about repealing the 2002 AUMF because Saddam is gone, I actually understand that to a point, but what I hope you will understand is that the way you have written this, the people in Iraq today, the Americans serving, we don't have their backs, and we owe it to them to have their backs.

We need to let the Iranian militias know, and others: If you attack Americans in Iraq, we are coming after you.

And to those who say the AUMF needs to be repealed because it confers too much power on a President, we need to take that authority back as Congress, well, then, here is what I would say to you: Do we owe it to those serving in Iraq to provide authority from Congress that we will have your back if you are attacked by Shiite militias that are operating in Iraq?

This is about Iraq. It is not about Iran.

And I can't believe this body would not support an authorization to use military force to protect Americans stationed in Iraq who have been attacked over 56 times in the last 2 years by Shiite militias operating in Iraq.

If we do that, shame on us.

And to those who say: Well, the President has article II authority, he can do this on his own—you can't have it both ways. Is the goal to pull back power from the President, or is the goal to say the President has whatever power he needs in Iraq?

What I want to do is be crystal clear. If the 2002 AUMF is repealed, we have a hole in our defense. We do not have congressional response or statement about what to do to protect over 2,000 Americans serving in Iraq who have been attacked 56 times.

I have got a solution to that problem. If you repeal the 2002 AUMF, let's replace it with one tailored to the situation involving American forces being attacked by Shiite militias in Iraq, to be unequivocal to the Shiite militias and others: You attack Americans at your own peril.

If we do not do that, you have tremendously exposed our troops. In your effort to wind down one war, you have created a threat to those who are fighting the war we are in now.

And if you think al-Qaida has been defeated, you think they are not a threat to us and our partners in the Middle East, in Europe, you are really not following the news.

General Kurilla, the CENTCOM commander, said last week that ISIS-K, the ISIS organization in Afghanistan, has regenerated to the point, within the next 6 months, they would have the ability to attack the United States without warning.

And there are some amendments here to basically do away with the 2001 AUMF that dealt with the attack on our Nation.

So whatever political point you are trying to make about repealing the 2002 AUMF, here is what I want you to understand: The way you are doing it is putting American lives at risk in Iraq.

If you can't muster the courage—the Congress can't—to say to Shiite militias: You attack our troops at your own peril, we have let those serving down. And I am very, very intent, using my voice in the Senate, to say that those who are in Iraq that have been attacked continuously by Shiite militias, I recognize the threat you face, and I am willing to do something about it.

Not to pass this amendment exposes those in theater, in Iraq, to continual attack. It will embolden the Shiite militia because they think we pulled the plug on the place. It will continue a narrative that America is in retreat in the war on terrorism. It will make every problem in Afghanistan worse. And we have a chance to do something about it. Please take that opportunity.

If we pass this amendment, we can at least say the following: To those in Iraq, we did not abandon you; we did not forget about you. We said clearly as a Congress that we have your back, and we made an unequivocal statement to the Shiite militias that are roaming around in Iraq: You attack our people, we are coming after you.

And if we don't do that, we are sending a terrible message to our enemies and we are letting those who are serving in Iraq down.

Iraq is moving toward democracy slowly but surely, inefficient, ugly at times. But 20 years later, there have been elections in Iraq; we have a government working with us that is surrounded in a very dangerous neighborhood.

So to those who are wanting to repeal this AUMF, you have ignored a major threat. You are creating a problem to troops in the field. I am here to point it out to you, and I would love to work in a bipartisan fashion to make sure that those who are left in Iraq, that are serving there to make sure ISIS doesn't come back and to protect our interests in Iraq, that they will have the voice of Congress behind

them. There will be an authorization to use military force to protect them against Shiite militias, and it is very specific, in Iraq, who have had a pattern of attacking our troops. And if we don't do this, we are sending the worst possible signal to our enemies. We are letting our troops down. And if there are further attacks, I told you so, because I know it is coming.

Let's live in the real world. Al-Qaida is not defeated. ISIS is not defeated. They have been dealt a punishing blow in certain places, but if we take our eye off the ball, they are coming back here; and the easiest targets of all are those Americans in Syria and Iraq who are on the frontlines—a virtual wall between us and radical Islam that would kill us all if they could. I think we owe it to those that we send to Iraq—and the administration is right to keep them there. You are right to keep that residual force in Iraq as an insurance policy against the rise of ISIS, but you are wrong not having your voice lent to the cause that an authorization to use military force against Shiite militias—that needs to be the law of the land. We owe it to those in Iraq. It is not a hypothetical problem—56 attacks in the last 2 years. And if we pull the plug on the AUMF in Iraq without dealing with the Shiite militia threat, we will send a horrible signal at the worst possible time.

So I urge a "yes" vote for this amendment to replace the 2002 AUMF with a specific authorization to use military force against Shiite militias that are attacking Americans continuously in the last 2 years, to protect those that are on the frontlines of this fight. I urge a "yes" vote.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Kentucky.

MR. PAUL. Madam President, today, the Senate debates removing the authority of the President to wage war in Iraq. Momentous as such debate might be, it is largely rendered symbolic by the fact that the war in Iraq has been over for more than a decade.

Were this body serious about debating the authority of the President to wage war across Africa and the Middle East, we would today be repealing the 2001 Authorization for the Use of Military Force.

Presidential administrations of both parties have used the 9/11 authorization to justify war in over 20 countries, from Afghanistan to Libya to Syria to Somalia to Yemen. In fact, both parties have essentially argued that the 9/11 AUMF has no temporal or geographic limits at all.

Repealing the Iraq war authorization will end no wars and save no lives.

The bill before us ignores the pervasive, seemingly limitless 9/11 proclamation, and it seeks, instead, to repeal the 1991 and 2002 authorizations to make war against Saddam Hussein's Iraq—a regime that no longer exists.

So we are missing the point here. We are going to repeal the one authorization they no longer use and leave the

one in place that authorizes war everywhere, all the time.

The public is told to celebrate the boldness of a Senate that will today end a war that has been over for over a decade, while ignoring an authorization of war that is really the only pertinent current authorization.

Now, it is true that some unreconstructed neoconservatives still advocate for the 2002 authorization to make war against Saddam Hussein's Iraq, but no serious scholars believe that the Iraq war resolution has any bearing at all in a world where the current Government of Iraq is an ally, at least ostensibly, of the United States.

Even more insensibly, some of these neocon throwbacks argue that a 20-year-old authorization to counter Saddam Hussein's Iraq somehow has something to do with authorizing military force against Iran. It is nonsensical. The very argument is so strained that ordinarily one wouldn't even bother countering such a frivolous case except for the fact that many Senators insist on making it.

We voted to go to war against Saddam Hussein's Iraq. He is dead and gone. His government is gone. The new government is an ally. The authorization means absolutely nothing. But yet some people argue on the floor: Oh, we have to have this in case we want to attack Iran.

Have they ever heard of coming back here and asking for permission?

Have they ever heard of saying we hold this power given to us by the Constitution and that we should be the ones to bestow the declaration of war to the President?

The 2002 AUMF doesn't mention Iran. President Bush's March 2003 speech to the Nation announcing his decision to invade Iraq does not mention Iran, and Iran and Iraq were enemies for over two decades prior to the invasion. In fact, the House report accompanying the 2002 AUMF refers to Iran but only as a victim of Saddam Hussein's aggression. Nothing—absolutely nothing—in the Iraq war authorization justifies hostilities against Iran.

One would think that these brave "armchair" generals would relish the thought of actually debating a war and putting their vote, their imprimatur, their stamp of approval on their very own war. And yet they want to leave it to a previous generation and have no debate should we decide that we need to go to war with Iran. Instead, this plucky crowd of war advocates want a permanent authorization of war on the books so as not to be troubled with the tedium of debating new wars or waiting possibly 24 hours for the consent of Congress.

It wasn't always so. While Henry Clay was not always the greatest opponent of war, he did find his voice when his son Henry Junior, was killed in the unnecessary Mexican-American War. In the spring of 1844, after hearing of Henry Junior's death at the battle of Buena Vista, Henry Clay put into

words what every Founding Father had previously explained. He spoke these words in Lexington, KY:

A declaration of war is the highest and most awful exercise of sovereignty. The Convention, which framed our federal constitution, had learned from the pages of history that it had been often and greatly abused. It had seen that war had often been commenced upon the most trifling of pretexts . . . that such a vast and tremendous power ought not to be confided to the perilous exercise of one single man. The Convention, therefore, resolved to guard the war-making power against these great abuses. . . . Whenever called upon to determine upon the solemn question of peace and war, Congress must consider and deliberate and decide upon the motives, objects and causes of the war.

That was Henry Clay in 1844.

And yet, today, the best the present Congress can muster is to propose to end a war that ended long ago. In fact, we are told precisely that it is OK to repeal this particular authorization because the President isn't really using it.

If you ask President Biden if we take away the 9/11 authorization, he would say: Oh, no, no. We are still using that one in about 20 different countries.

So we are going to repeal the one authorization he no longer cares about, and we are going to leave into place one that virtually—Presidents of both parties have virtually said is unlimited in scope.

It wasn't intended to be. If you read the authorization from 9/11, you will find that it is very specific.

But today don't worry that we actually might rein in Presidential authority for war. Don't worry that today's repeal will actually end any current war anywhere. Don't worry. Don't worry about continuing to send our soldiers to the Middle East. Don't worry about continuing to send our soldiers to Somalia and Syria and Iraq.

The argument for repeal is that, like most debates in Congress, the victory will be Pyrrhic and ignored and war will go on. The armament industry spread throughout the United States will continue to prosper.

Don't worry. The vote today is easy. The vote today is mere symbolism.

I will support that symbolism, but I will not pretend that it is brave or meaningful or that one American soldier's life will be saved. I will support the symbolism because that is all the bravery that this particular Senate considers to be possible. But I won't celebrate today's vote as anything more than symbolism.

If there exists any desire to end America's forever wars, Congress should today strike a blow for peace by repealing the 2001 authorization for war. After all, the 9/11 AUMF never intended to authorize worldwide war, all the time, everywhere, forever.

The wording of the 9/11 AUMF was debated in 2001, a generation ago, and was precisely worded to authorize the President to make war on those who attacked us on 9/11 and those who harbored them—not a word about making

war on associated forces, not a word about making war on their descendants, not a word about making worldwide war on religious extremism. But that is exactly what the 9/11 2001 AUMF has become—a catchall for a permanent war, everywhere, all the time.

So if anyone in the Senate is really serious about regaining the power to declare war, about informing Presidents of both parties that the Constitution exclusively gave the power to declare war to Congress, I offer an amendment today that might actually bring an American soldier home, an amendment that might actually save an American soldier's life, an amendment that sends an actual signal to the President that congressional authority and resolve actually lives and breathes and will resist Presidential aggrandizement.

Some Senators will argue that a vote to repeal the 9/11 military force proclamation for war—but they say: Well, we could do it, but only if we simultaneously replace it with another sweeping transfer of war-making power to future Presidents.

Really? Is there not one defender of Congress's exclusive power to declare war?

Is there no one else who will reject the abdication of Congress to constitutional responsibilities?

Is there not anyone who will defend the notion that absenting perpetual authorization for war, we could survive on just the Constitution alone?

For most of American history, for 225 years, we lived without a perpetual authorization of war. We addressed it as it arose and Congress voted—not a generation ago's Congress, the people currently elected would debate on one of the most important debates we ever have, whether to go to war. But most people here will say, no, we need to keep a proclamation from 9/11 that has nothing to do with the world today and nothing to do with the attack on 9/11. We need to keep it in place just in case so we could have troops everywhere.

For most of our history, we survived without such a perpetual authorization. The Republic survived under the notion that America is reticent to make war; that we are a merchant nation conscious of the great prosperity economic freedom has brought us in the world and also conscious of the devastation and famine and brutality and the despair of war but also quite outspoken in our history that America won't be trifled with; that once awakened, once attacked, America can and will bring that mighty economic engine to life—the engine that defeated Hitler, the engine that defeated the Japanese Empire, and the engine that after 9/11 showed that America will not countenance, for any reason, an attack on our people.

Couldn't we live under the Constitution again? Couldn't we show the confidence in our people, in our Congress, in our own individual self-worth to let

the world know that we don't want perpetual war; we don't want to be the policemen of the world; we don't want our Army stationed across the globe. But provoke us, attack us, and you will discover that we cherish our freedom, and we will fight for it; that our fight will be a constitutional one.

When America was attacked at Pearl Harbor, the Congress reacted constitutionally within days to declare war. When America was attacked on 9/11, once again, Congress acted in a nearly unanimous fashion to declare war. Couldn't we obey the Constitution and declare war when necessary and not keep on the books a perpetual authorization of war?

Only by eliminating these perpetual authorizations for war will Congress regain its constitutional prerogative to declare war. One generation should not bind another generation to war. The Congress that voted for the war in 2001 is no longer constituted, and many of those Members are no longer even living. Many of our soldiers were not even born when Congress authorized that war.

So, today, I will offer the U.S. Senate a chance to repeal the 9/11/2001 authorization for war, to reclaim our constitutional power, and send a message to the world that we are a nation of peace; that when provoked to war, the gentle giant that is America will respond lawfully according to the Constitution; that when war is absolutely necessary, America will obey the Constitution, which requires us to debate and vote upon war and not hide beneath another generation's deliberations.

Today, we should rise above symbolism and repeal the 9/11 authorization for war and show our respect for the Constitution, our fealty to the rule of law, and our sincere desire that peace, not perpetual war, be our legacy.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I rise to speak to the amendments that we are considering on the effort to repeal the 1991 and 2002 authorization for the use of military force.

As I have previously said, I welcome a broader discussion on the 2001 authorization for the use of military force, but that is not before us today.

Following repeal of the 1991 and 2002 AUMF, I hope that we can engage in what will likely be a robust debate about what authorities the administration does need and what the scope, potentially, of a replacement AUMF would be, but as yet we have not had that substantive discussion, and I don't believe it would be wise to repeal the 2001 AUMF without engaging in that debate first, without having a hearing to understand what is the authority the administration needs to continue to protect America.

The details matter here. We just finished a hearing at the Senate Foreign Relations Committee with the Sec-

retary of State. He testified before the Senate Foreign Relations Committee that the 2001 AUMF is still a vital authority that is being relied on. So we may disagree with how the 2001 AUMF has been maybe stretched by other executive branches and concerned as to how we will continue to use it, but an outright repeal, with nothing to replace it—nothing to replace it—is not a sound response that ensures our military has what it needs to execute missions of defense of U.S. interests.

So I support a debate to replace the 2001 AUMF and to develop what should be the specifics of that replacement. But absent a framework to replace it with a new authority, how do we repeal it outright and leave the country naked? So I urge my colleagues to oppose the Paul amendment. I want to speak to Senator GRAHAM's amendment.

I share and appreciate Senator GRAHAM's concern about the Iranian regime. Indeed, he and I have worked very closely on the issue of Iranian threats. I have spent the better part of my career addressing Iranian threats—its nuclear program, its support for global terrorism, its destabilizing its neighborhood through proxies and interference, and the threat that it poses to its own citizens. Yet the question before us is not whether Iran poses a threat to U.S. interests but whether the 2002 AUMF is necessary to counter those threats and if there is already sufficient legal authority to respond to any such threat. And the answer is pretty clear.

The President is clear in his view—one shared by every recent administration—that he has sufficient authority under article II to defend U.S. interests and personnel against Iranian-backed militias. Indeed, the administration has actually taken military action a number of times to protect and defend our personnel against attacks from these groups and to deter future attacks.

The fact is, the 2002 AUMF that we have been debating is superfluous to today's military efforts in the Middle East. The administration has the authorities it needs to address Iranian threats to our people and our interests.

Now, I thought this debate was about ending the authorization for use of force that already exists, that no longer needs to exist, and that should be closed. Just as Congress has the power and the responsibility to declare and to give the authorization for use of military force, it should also end it. That is what this discussion is about. That is what this debate is about. That is what these votes are about—not to create a new authorization for force. That is what Senator GRAHAM's amendment would do. I think that would be a lot more robust debate as to how and when and in what way we would give such authority.

So I would urge my colleagues—as someone who has fought for the better part of these 25 years against Iran, I

would take a back seat to no one as it relates to that fight—to, in fact, oppose that amendment.

With that, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Madam President, first let me salute our chair of the Senate Foreign Relations Committee and our Member of the committee, the Senator from Virginia, for the great work they have done.

We are trying to be very fair in the amendment process. We are trying to allow amendments to occur, but we want to try to move the bill along as well and not just do things for dilatory or extraneous purposes. So I am very glad we have agreed on these three amendments and hope we can agree on a few more and get things done.

ORDER OF BUSINESS

Madam President, I ask unanimous consent that it be in order to consider the following amendments: Paul No. 2, Graham No. 14, Lee No. 22; that if offered, the Senate vote in relation to the Paul and Graham amendments at 5:50 p.m. today, with 2 minutes for debate equally divided between votes; further, that the Senate vote in relation to the Lee amendment at a time to be determined by the majority leader, following consultation with the Republican leader, with 60 affirmative votes required for the adoption of the Paul and Lee amendments, all without intervening action or debate.

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.

The Senator from Virginia.

Mr. Kaine. Madam President, very briefly, as I know we are about to begin the vote, the Paul amendment is just one that is based on a sentiment that I think many of us agree with—that the 2001 authorization needs revision. He proposes to repeal it but not for 6 months, giving us time to do the revision. I would vote against it but would look forward to working with him and others and the administration to find out what an appropriate revision should be. I don't think we should leave a gap.

With respect to the Graham amendment—a colleague who is a good friend—the President has the ability to take action against Iranian-backed militias in Iraq. The President is doing that every day, not based on the 2002 authorization.

I agree with my colleague from New Jersey in that this is a debate about ending a war authorization that has gone on for 20 years, not on the floor, without committee action, coming up with a new authorization against a new enemy. If we need to do that, we can discuss it in committee.

The good news is that the President has article II power to defend against Iranian-backed militias in Iraq and is doing it every day.

With that, I would urge a “no” vote on both the Graham and Paul amendments.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 2

Mr. PAUL. Madam President, I call up my amendment No. 2, and I ask that it be reported by number.

The PRESIDING OFFICER. Without objection, the amendment will be reported by number.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 2.

The amendment is as follows:

At the end, add the following:

SEC. 3. REPEAL OF 2001 AUTHORIZATION FOR USE OF MILITARY FORCE.

The Authorization for Use of Military Force (Public Law 107-40; 115 Stat. 224; 50 U.S.C. 1541 note) is repealed effective 180 days after the date of the enactment of this Act.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 14

Mr. GRAHAM. Madam President, I would like to call up my amendment No. 14, and I ask that it be reported by number.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment by number.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM] proposes an amendment numbered 14.

The amendment is as follows:

(Purpose: To provide for more targeted authority under the Authorization for Use of Military Force Against Iraq Resolution of 2002)

Strike section 2 and insert the following:

SEC. 2. REDUCED AUTHORITY UNDER THE AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002.

The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243; 116 Stat. 1498; 50 U.S.C. 1541 note) is amended—

- (1) by striking the preamble;
- (2) in section 1, by striking "Against Iraq Resolution of 2002" and inserting "Against Iranian backed Militias Operating in Iraq";
- (3) by striking section 2;
- (4) by redesignating sections 3 and 4 as sections 2 and 3, respectively;
- (5) in section 2, as redesignated by paragraph (4)—

(A) in subsection (a), by striking "necessary and appropriate in order to" and all that follows through the period at the end and inserting "necessary and appropriate to defend the national security of the United States against Iranian-backed militias operating in Iraq"; and

(B) in subsection (b)—

(i) in paragraph (1), by striking "alone either" and all that follows through "regarding Iraq" and inserting "alone will not adequately protect the national security of the United States against the continuing threat posed by Iranian backed militias operating in Iraq"; and

(ii) in paragraph (2), by striking "including" and all that follows through "September 11, 2001"; and

(6) in section 3, as so redesignated—

(A) in subsection (a)—

(i) by striking "section 3" and inserting "section 2"; and

(ii) by striking "including" and all that follows through "(Public Law 105-338)"; and

(B) by striking subsection (c).

VOTE ON AMENDMENT NO. 2

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the Paul amendment.

Mr. SCHATZ. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. SCHUMER. I announce that the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN), the Senator from Pennsylvania (Mr. FETTERMAN), and the Senator from New Mexico (Mr. HEINRICH) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Kentucky (Mr. MCCONNELL).

The yeas and nays resulted—yeas 9, nays 86, as follows:

[Rollcall Vote No. 65 Leg.]

YEAS—9

Baldwin	Lee	Sanders
Braun	Markey	Vance
Cardin	Paul	Warren

NAYS—86

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

NOT VOTING—5

Durbin	Fetterman	McConnell
Feinstein	Heinrich	

The PRESIDING OFFICER (Mr. OSSOFF). On this vote, the yeas are 9, the nays are 86.

Under the previous order requiring 60 votes for this amendment, the amendment is not agreed to.

The amendment (No. 2) was rejected.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 14

Mr. GRAHAM. Colleagues, this is, to me, very important; I hope to you.

There have been 56 attacks against soldiers stationed in Iraq—about 2,000—by Shiite militias in Iraq. I can understand repealing the AUMF because Saddam is dead, but those in Iraq—American soldiers—are being attacked routinely by Shiite militias in Iraq.

I am asking the Congress to tell the Shiite militias: You come after our troops, we are coming after you.

Article II power exists nebulously. The strongest we can be as a nation is when the Congress and the President speak with a single voice. Speak with this voice to those who will kill Americans in Iraq: Shiite militias, we are coming after you.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINE. Mr. President, I rise in opposition to this amendment.

This amendment is to create a new AUMF that does not currently exist. The President has article II powers, and we are defending against Iranian-backed militias in Iraq every day under article II.

We do not need this. This is why both the American Legion and the Concerned Veterans for America oppose Graham 14.

I urge a "no" vote. Let's repeal the Iraq war authorization, not pass a new one.

VOTE ON AMENDMENT NO. 14

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

Mr. GRAHAM. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. SCHUMER. I announce that the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN), and the Senator from Pennsylvania (Mr. FETTERMAN) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Kentucky (Mr. MCCONNELL).

The result was announced—yeas 36, nays 60, as follows:

[Rollcall Vote No. 66 Leg.]

YEAS—36

Barrasso	Ernst	Risch
Blackburn	Fischer	Romney
Boozman	Graham	Rosen
Braun	Hagerty	Rounds
Britt	Hoeven	Rubio
Capito	Hyde-Smith	Scott (FL)
Cassidy	Johnson	Scott (SC)
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Cramer	Manchin	Tillis
Crapo	Mullin	Tuberville
Cruz	Ricketts	Wicker

NAYS—60

Baldwin	Hickenlooper	Peters
Bennet	Hirono	Reed
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schmitt
Budd	Klobuchar	Schumer
Cantwell	Lee	Shaheen
Cardin	Lujan	Sinema
Carper	Lummis	Smith
Casey	Markey	Stabenow
Collins	Marshall	Tester
Coons	Menendez	Van Hollen
Cortez Masto	Merkley	Vance
Daines	Moran	Warner
Duckworth	Murkowski	Warnock
Gillibrand	Murphy	Warren
Grassley	Murray	Welch
Hassan	Ossoff	Whitehouse
Hawley	Padilla	Wyden
Heinrich	Paul	Young

NOT VOTING—4

Durbin
Feinstein

Fetterman
McConnell

The amendment (No. 14) was rejected.
The PRESIDING OFFICER (Ms. HASSAN). The Senator from Minnesota.

S. 316

Ms. KLOBUCHAR. Madam President, I rise in support of the legislation repealing the 1991 and 2002 authorizations for use of military force against Iraq. I am pleased about the vote.

I want to thank Senator TIM KAINE and Senator TODD YOUNG for leading this bipartisan legislation as well as Chair BOB MENENDEZ for moving it through the Senate Foreign Relations Committee.

With this bill, we are asserting Congress's constitutional power to determine when to begin and end wars. These AUMFs were passed 32 and 21 years ago respectively. The Gulf war ended in a matter of months, and the Iraq war that began more than a decade later has been over for 12 years. It is time for Congress to act.

Open-ended AUMFs serve no strategic purpose and undermine Congress's authority to determine if and when to send our troops into battle, which is a major decision that we should make.

On top of that, they come with great risk. It is far too easy for a Presidential administration to treat an AUMF as blanket permission to enter into or to stoke conflicts abroad. It doesn't matter which party is in the White House—our Constitution grants war powers to Congress.

We also must recognize that the situation on the ground has changed. Iraq is now a sovereign democracy and America's strategic partner in the Middle East. If we want to work with them to advance stability in the region—and we should—what kind of signal does it send to have our laws identify Iraq as an enemy nation?

Repealing the AUMFs will not halt our military's strategic operations in Iraq, and it will not harm our national defense; but it will offer a measure of closure to the veterans and service-members who sacrificed so much on the battlefield.

I will not soon forget when I went to Baghdad and Fallujah and saw firsthand the bravery and commitment of our troops. The Minnesota soldiers I met over there—as, I am sure, the Presiding Officer met with New Hampshire soldiers—never once complained about their missions. Instead, they asked me to call their moms and dads at home to tell them they were OK.

And not a day goes by that I don't think of that afternoon at the Baghdad Airport. By circumstance, we were getting on a plane. I saw a group standing, and I went over there. They were members of the Duluth National Guard, whom I have met many times since. They were there, saluting, as six caskets, draped in American flags, were loaded onto a plane to be flown home.

Our troops did their jobs and more. Let's do ours. It is time to bring an end to the AUMFs and the war.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

MORNING BUSINESS

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

CONFIRMATION OF GORDON P. GALLAGHER

• Mr. DURBIN. Madam President, today, the Senate voted to confirm Judge Gordon Gallagher, nominated to the U.S. District Court for the District of Colorado.

Judge Gallagher earned his B.A. from Macalester College and his J.D. from the University of Denver College of Law. After graduating from law school, he began a litigation career focused on criminal work. He spent a year with Underhill & Underhill, P.C., and then joined the Mesa County District Attorney's Office, where he prosecuted a wide range of felonies and misdemeanors. Judge Gallagher later entered solo legal practice, focusing on criminal defense work. During this time, he served as a contract attorney with Alternate Defense Counsel, which provides representation to indigent defendants when the local public defender is conflicted out of a matter. In total, he has tried approximately 275 cases to verdict, including 250 jury trials.

While remaining a practicing attorney, Judge Gallagher also serves as a part-time Federal magistrate judge for the District of Colorado, a position he has held since 2012. In this role, Judge Gallagher has presided over approximately a dozen criminal misdemeanor and petty offense bench trials. He also supervises the District's pro se intake division, helping to expedite consideration and resolution of pro se matters. Judge Gallagher was unanimously rated "well qualified" by the ABA and received a bipartisan vote in committee. He has the strong support of his home State Senators—Mr. BENNET and Mr. HICKENLOOPER—and the Colorado legal and law enforcement community.

Given his significant trial experience and deep knowledge of Western Colorado, I strongly support the nomination of Judge Gallagher and am glad to see him confirmed. •

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

• Mr. DURBIN. Madam President; I was necessarily absent for rollcall vote No. 63, motion to proceed to S.316, a bill to repeal the authorizations for use of military force against Iraq. Had I been present for the vote, I would have voted yea.

I was necessarily absent for rollcall vote No. 64, Confirmation of the nomination of Gordon Gallagher to be U.S. District Judge for the District of Colorado. Had I been present for the vote, I would have voted yea.

I was necessarily absent for rollcall vote No. 65, on the Paul Amendment No. 2, to repeal the 2001 Authorization for Use of Military Force. Had I been present for the vote, I would have voted nay.

I was necessarily absent for rollcall vote No. 66, on the Graham Amendment No. 14 to provide for more targeted authority under the Authorizations for Use of Military Force Against Iraq Resolution of 2002. Had I been present for the vote, I would have voted nay. •

GOVERNMENT ACCOUNTABILITY OFFICE LEGAL OPINION

Mr. CASSIDY. Madam President, I ask unanimous consent that the following letter from the Government Accountability Office be printed in the RECORD.

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

DECISION

Matter of: U.S. Department of Education—Applicability of the Congressional Review Act to the Department of Education's Student Loan Debt Relief Website and Accompanying Federal Register Publication.

File: B-334644.

Date: March 17, 2023.

DIGEST

The U.S. Department of Education (ED) announced actions to extend a pause on federal student loan repayment and to cancel certain loan debts on a website titled "One-Time Federal Student Loan Debt Relief." ED also publicized these actions in a Federal Register document titled Federal Student Aid Programs (Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program). GAO received a request for a decision as to whether ED's actions announced on its website and in the Federal Register (collectively ED's "Waivers and Modifications") are a rule for purposes of the Congressional Review Act (CRA). CRA incorporates the Administrative Procedure Act's (APA) definition of a rule and requires that before a rule can take effect, an agency must submit the rule to both the House of Representatives and the Senate, as well as to the Comptroller General. ED did not submit a CRA report to Congress or the Comptroller General on its Waivers and Modifications.

We conclude that ED's Waivers and Modifications meet the definition of a rule under CRA and that no exception applies. Therefore, ED's Waivers and Modifications are subject to the requirement that they be submitted to Congress. If ED finds for good cause that normal delays in the effective date of the rule are impracticable, unnecessary, or contrary to the public interest, then its rule may take effect at such time as the agency determines, consistent with CRA.

DECISION

On August 24, 2022, President Biden announced that the U.S. Department of Education (ED) would take action to extend a then-current "pause on federal student loan