

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Moshe Z. Marvit, of Pennsylvania, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2028.

RECESS

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

Thereupon, the Senate, at 1:20 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. ROSEN).

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I ask unanimous consent that there be up to 20 minutes of debate between Senators MURRAY, BRAUN, LEE, and JOHNSON prior to the scheduled vote.

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

The Senator from Utah.

UNANIMOUS CONSENT REQUESTS—H.R. 4366

Mr. LEE. Madam President, I have come to the floor today to talk about some of the spending requests—known as earmarks—that are placed in this legislation. Earmarks have long been used by Members of Congress as “sweeteners,” as things that make the bill package go down more smoothly, more easily, than perhaps it would otherwise—special interests give-outs, handouts to business entities, non-profit entities, or otherwise that individual Members request, sometimes successfully.

One of them involves a significant sum of \$850,000—just shy of a million dollars—to a leftwing organization known for publicly calling for the granting of citizenship to illegal immigrants, persons who have entered our country, whose common characteristic that they hold in common—that unites them—is the fact that they entered the country unlawfully, in violation of our laws.

This arises during a significant period of time; one in which we are experiencing the worst immigration crisis that we have ever known. And Congress wants to send \$850,000 to an organization that is interested in enabling and inflaming it.

Why, exactly—even if you agree with the objectives of this organization called the New Immigrant Community Empowerment organization—or NICE—even if you agree with that entity, which many Americans don’t, why exactly is it that we are going to take money away from U.S. taxpayers and use that to fund this organization that actively assists in helping illegal aliens get American jobs?

NICE’s LinkedIn page says as follows:

At NICE we envision a world where all people, regardless of immigration status, live and work with dignity and justice.

And “dignity” and “justice” are nice things. They are things that the American people aspire to; and they are the very things that cause immigrants worldwide to want to come to the United States of America.

For this to work, for us to continue to be a nation of immigrants, we need to be a nation that also honors our own laws and enforces them.

So if you support this bill—the Schumer minibus bill—with this earmark, then you are voting, in one way or another, to fund this organization to the tune of \$850,000, which, in turn, goes to help perpetuate, inflame, and extend the immigration crisis—the border security crisis.

So to that end, Madam President, I ask unanimous consent to reprint the joint explanatory statement to accompany H.R. 4366, the Consolidated Appropriations Act, 2024, that was printed in yesterday’s RECORD with the following changes and that this amended version be considered the joint explanatory statement to accompany H.R. 4366:

[T]he removal of a House CDF project that would give \$850,000 to the New Immigrant Community Empowerment organization in T-HUD.

The PRESIDING OFFICER. Is there objection?

The Senator from Washington.

Mrs. MURRAY. Madam President, reserving the right to object, last Congress, Senate and House Appropriations Committee leaders reinstated the practice of congressionally directed spending—or CDS—with bipartisan support.

CDS is one very important way for lawmakers to advocate for the communities they represent; and they know best.

At the beginning of this Congress, the senior Senator from Maine and I laid out a very robust process alongside our counterparts in the House to accept CDS requests for fiscal year 2024. The process includes important guardrails and requirements to, among other things, ensure transparency, ensure Members do not have financial stakes in the project they seek to fund, ensure projects are eligible to be funded, and that for-profit entities do not receive funding, and more.

If a project meets those requirements, it is eligible for funding. This is a Member-driven process, and we respect the eligible projects Members choose to request or to withdraw support for.

All four corners worked in a bipartisan way to make sure these bills could reflect the input and priorities of every Member. And that includes funding for eligible projects they have sponsored.

But what the Senator from Utah is offering would undo all that hard work and overrule Members about the projects they have secured funding for in this package. That is not how this process can or should work.

We have a process here that is driven by the rules we have in place and by Members’ requests. And that process cannot be upended now at the 11th hour by a single lawmaker. Doing so would overrule other lawmakers and deny funding for projects they have secured for their constituents. That cannot happen now. I will not let it happen.

I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Utah.

Mr. LEE. Madam President, first of all, with regard to the last unanimous consent request, it is important to remember a couple of things: First of all, we saw that the whole bill together, with the congressionally directed spending elements, for the first time in just the last 48 hours or so. So it is not as though this has been through a public process with debate back and forth. An essential element of any legislative body is that there is an opportunity to amend, to discuss, and debate. In fact, that has been taken advantage of within the last 24 hours as another measure—a measure to remove something that has been characterized online as providing a million dollars to fund BDSM sex parties. That was removed. So if that can be removed, I don’t know why this one can’t.

In any event, to say that this cake is baked—that this legislation must be treated as now passed when it is not passed is folly. And it doesn’t bode well for this institution, which has long heralded itself and held itself out to the world as the world’s greatest deliberative legislative body.

Let’s go to another one: Georgetown University. We have got nearly \$1 million also going to Georgetown University—\$963,000—nearly a million—to Georgetown University for something called the Prison Justice Initiative.

Now, I don’t know a whole lot about exactly what this will accomplish. It may well have good elements to it. But the point is this: Georgetown University is not only one of the wealthiest universities on planet Earth, it is one of the wealthiest entities of any kind on planet Earth.

Indeed, it has an endowment. Its endowment alone is valued at over \$3.2 billion. And this begs the question: Why does it need to be subsidized to the tune of nearly a million dollars by U.S. taxpayers?

To that end, Madam President, I ask unanimous consent to reprint the joint explanatory statement to accompany H.R. 4366, the Consolidated Appropriations Act, 2024—it was printed in yesterday’s RECORD with the following changes—and that this amended version be considered the joint explanatory statement to accompany H.R. 4366:

[T]he removal of a House project that would provide \$963,000 to Georgetown University for the Georgetown University Prison Justice Initiative, in CJS.

The PRESIDING OFFICER. Is there objection?

The Senator from Washington.

Mrs. MURRAY. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Utah.

Mr. LEE. Madam President, here again, this is unfortunate. We have a small handful of people who have negotiated this thing behind closed doors. They have agreed to what they have agreed to. They have taken out things that they themselves have found controversial.

So, apparently, it is not the hermetically sealed chamber that it is purported to be and has been purported to be just moments ago by my friend and distinguished colleague, the Senator from Washington. And yet we are told that the cake is sufficiently baked, and not for their purposes but for ours. When we want to make a change to it, when we even want to have a debate about it, we are shut down. We are told: Sorry, no dice. That cannot happen.

That is unacceptable.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Madam President, there is also a measure in this legislation—a measure calling for \$2.5 million to be set aside for outdoor recreation purposes—funding kayaking and slalom facilities in Franklin, NH.

These sound like fun activities. They are fun activities. I mean, who doesn't like those kinds of activities? I think most of us could agree this is completely inappropriate. And it is an unnecessary use of Federal taxpayer dollars. This ought to be funded solely at the State and local level or with private funding and not here.

To that end, Madam President, I ask unanimous consent to reprint the joint explanatory statement to accompany H.R. 4366, the Consolidated Appropriations Act, 2024, that was printed in yesterday's RECORD with the following changes and that this amended version be considered the joint explanatory statement to accompany H.R. 4366:

[T]he removal of a Senate Community Development Fund project that would provide \$2,500,000 to the city of Franklin, NH for outdoor recreation, in THUD.

The PRESIDING OFFICER. Is there objection?

The Senator from Washington.

Mrs. MURRAY. Madam President, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. LEE. I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BRAUN. Madam President, here today, since I have been in the Senate, which has been a little over 5 years, I think I have been the most steadfast voice in terms of, whatever we want to do here, we shouldn't be borrowing it from our kids and our grandkids.

Any of you up there listening, it is a sad state of affairs in the sense that, just a little over 5 years ago, we were

\$18 trillion in debt, borrowing at the tune of about a trillion dollars a year to backfill for all the things we want to do here, and ask you and your kids to pay for it. To me, that is a bad business plan.

Sadly, it gets even worse. Over these 5 years, instead of a trillion dollars annually, it is now a trillion dollars every 6 months. For those of you who are good at math, take current interest rates and apply that to \$34 trillion—soon to be \$35 trillion, if it has not already crossed that threshold. That is a big figure with a lot of zeroes behind it. To put it in perspective, the interest on that alone is going to be about what we spend on defense in the next year or the discretionary side of our budget.

How we have ever gotten there, I don't know.

We are going to be considering another package tomorrow or Friday that takes the whole process of doing budgets, asking: Do you really need it? Aren't there some places that we could surely get back to where we don't spend more than we take in, because when we don't, we are borrowing every penny of it. And, on every dollar that we spend here, 5 years ago, it was about 20 cents of that dollar that we had to borrow. Now it is 30 cents. The arithmetic—the numbers—don't just go away.

It will be the single biggest thing all of you—this country—has to deal with over the next 5 to 10 years, and it is just starting to get to the point where it is going to, literally, break the back of the American public. Sooner or later, you won't have people lending us that money. Sooner or later, it is going to crowd out almost everything we do here, and it is shameful, in my mind.

I want to focus on one, actually, small part of it, but what is symbolic of what shouldn't be happening here: earmarks. Earmarks are justified because we ought to be able to maybe do it better here and should have input in it, and not let the executive branch do that. But to me, that would be valid if, in fact, we were balancing our budget in the first place.

Until we get total fiscal reform here and at least start to turn it around to where the deficits get smaller, the debt is never going to get smaller because, in general, if you take out a loan, imagine if you told your banker: I just want to pay interest only for as long as I have that loan.

They would laugh you out of the office.

So when it comes to earmarks, this bill is filled with them. It wasn't too many years ago that we got rid of them. Then the House started doing them again—both sides of the aisle. We are elective here, if you want to do it or not. But to me, that is fine, but not in the context that it is new money. For every earmark, you have to lend us the money or maybe somebody overseas. Who knows who will do it down the road?

It has a lot of other stuff in it that you are not going to like in terms of

policy that goes along with the spending. It is no wonder to me that Americans say: What is going on here?

How are we going to change it? We are not going to change it until you demand it. Two simple things: term limits and a balanced budget amendment. Then it would run like your households and most other governments around our own country.

Madam President, I ask unanimous consent to strike the joint explanatory statement to accompany H.R. 4366, the Consolidated Appropriations Act, 2024, that was printed in yesterday's RECORD.

The PRESIDING OFFICER. Is there objection?

The Senator from Washington.

Mrs. MURRAY. I object.

The PRESIDING OFFICER. Objection is heard.

NOMINATION OF MOSHE Z. MARVIT

Mr. SANDERS. Madam President, I support the nomination of Moshe Marvit to be a Member of the Federal Mine Safety and Health Review Commission.

Mr. Marvit is currently a supervisory attorney-advisor in the Commission's Pittsburgh field office, where he has served since 2012. In this role, he writes decisions for administrative law judges and mediates cases between mine operators and the Mine Safety and Health Administration.

Prior to working at the Commission, Mr. Marvit was in private practice where he represented the United Steelworkers and employees in pension and discrimination matters. Mr. Marvit has written extensively on labor law, including co-authoring a book titled "Why Labor Organizing Should Be a Civil Right," which explains the historical importance of the American labor movement, provides data on how current law fails to deter employer abuses, and compares U.S. labor protections to those of other developed nations.

Mr. Marvit has a B.A. in philosophy from the Pennsylvania State University, an M.A. in political science from the University of Chicago, an M.A. in history from Carnegie Mellon University, and a J.D. from the Chicago-Kent College of Law.

Mr. Marvit is a well-qualified nominee strongly supported by the United Mine Workers of America and the United Steelworkers, and I urge my colleagues to support his nomination.

VOTE ON MARVIT NOMINATION

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

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

The PRESIDING OFFICER. The yeas and nays have been requested.

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. THUNE. The following Senator is necessarily absent: the Senator from Alabama (Mrs. BRITT).