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## Senate

The Senate met at 10 a.m. and was called to order by the Honorable RAPHAEL G. WARNOCK, a Senator from the State of Georgia.

### PRAYER

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

Let us pray. Eternal God, who shall abide in Your tabernacle? Who shall dwell in Your holy hills? You have given us the answers. Those who walk upright and work righteousness, who speak the truth in their hearts, will abide in Your presence.

Today, prepare the men and women of this body to dwell with You. Lord, give them the integrity to be true to their duties, always striving to please You. Fix their hearts on You, O God, that everything they think, say, and do will be under Your Lordship. Send Your light and truth into this Chamber as You guide our Senators in these challenging times.

We pray in Your wonderful Name. Amen.

### PLEDGE OF ALLEGIANCE

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

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The senior assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 16, 2024.

To the Senate:

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

appoint the Honorable RAPHAEL G. WARNOCK, a Senator from the State of Georgia, to perform the duties of the Chair.

PATTY MURRAY,  
President pro tempore.

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

### RESERVATION OF LEADER TIME

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

### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

### LEGISLATIVE SESSION

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE SECURITIES AND EXCHANGE COMMISSION RELATING TO "STAFF ACCOUNTING BULLETIN NO. 121"

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.J. Res. 109, which the clerk will report the joint resolution.

The senior assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 109) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Securities and Exchange Commission relating to "Staff Accounting Bulletin No. 121".

### RECOGNITION OF THE MAJORITY LEADER

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

### BORDER SECURITY

Mr. SCHUMER. Mr. President, tomorrow will be 100 days since Senate

Republicans blocked the strongest border security bill we have seen in a generation.

For the last 2 weeks, I have come to the floor with my Democratic colleagues calling on both sides to set partisanship aside and work together to fix the problems on our southern border.

America is proudly a nation of immigrants. We always have been, and we always will be. Most Americans know our country is made stronger because of immigration, but they also know the current condition of border security is simply not acceptable.

It is a problem going back many years, going back many administrations. After decades of neglect, our border security needs an update. Our immigration rules need reform to provide more opportunity and fairness and humane treatment to those who seek opportunity in America. And the only way we fix the border long term is through bipartisan legislation.

Let me say it again: The only way we fix the border long term is through bipartisan legislation like the one we had in the Senate 3 months ago.

The bipartisan Border Act was precisely the kind of proposal Republicans and Democrats have been trying to produce for years. It contained the strongest border security provisions in a generation. It would have overhauled our asylum laws, hired thousands of new border agents, invested in cutting-edge technology to stop the flow of fentanyl, and given the President new authorities to close the border.

Now, of course, our bipartisan border bill wasn't perfect—not every Democrat supported this bill—but unlike other border bills, it was designed to pass both Chambers in divided government.

If our border security bill was good enough to win the support of the actual Border Patrol agents, shouldn't it have been enough to win the support of Senate Republicans?

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



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And speaking candidly, when our bill was first released, many of our Republican colleagues were surprised at how strong it was, even if only in private. I dare say, a significant percentage of the Republican caucus would have supported it.

If both Chambers would have voted on our bill without outside interference, I am confident it would have passed and reached the President's desk. But as we all know, Donald Trump swooped in and told his MAGA supporters to kill the bill.

In fact, he was proud to kill it. "Please, blame it on me," he said. Those were Trump's words after our bill went down, and I certainly don't think it is smart of him to brag about killing an issue most people want to see fixed. Donald Trump treats this like a game, but most Americans just want to see the border fixed regardless of who does it.

Democrats have not walked away from trying to get something done on the border. We want to work with our Republican colleagues on border security, just as we showed we were serious when we worked with them earlier this year.

But our Republican colleagues must show they are ready to match their border rhetoric with real action. If Republicans are going to call the border an emergency, they can't suddenly kick the can down the road and say we can deal with this later. They can't put up a partisan bill that they know has no chance of passing.

Americans don't want just talk, talk, on the border. Americans want actions. Americans want bipartisanship. Americans want to pass the border security bill like the one we released 3 months ago.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

#### INFLATION

Mr. MCCONNELL. Mr. President, twice in the last week, President Biden has suggested that inflation was 9 percent when he took office and claimed credit for bringing it down. The Washington Post gave him a rating of four Pinocchios for that very tall tale. In reality, inflation in January of 2021 was 1.4 percent. As of this month, prices have increased 20 percent since then. By one estimate—listen to this—the average U.S. household has to spend an additional \$1,074 every month to keep up the same standard of living they had when President Biden took office.

The numbers don't lie, and neither do the American people. They know non-sense when they hear it.

A 32-year-old engineer from Nevada who voted for the President in 2020 told reporters he is frustrated with the way the White House frames the economy. Here is what he had to say:

It is concerning to me when I keep seeing press come out of the White House where they keep saying the economy is good. That is really weird because I am paying more on taxes and more on groceries and more on housing and more on fuel. So that doesn't feel good.

Small business owners in particular have been hard hit by increased prices. They have smaller margins to absorb the increased cost for materials, labor, and other operating expenses, and they risk losing customers every time they raise their prices.

One small business owner in New York, a fourth-generation roofer, reported:

We've increased more in the last four years than we had in 10. . . . We don't have a choice.

The owner of a small printing company in Washington State described painful price hikes as "death by a thousand paper cuts." He went on to say:

People are tired of price increases. . . . We are tired of price increases.

That is that. The American people are tired of price increases, they are tired of lies about it, and it is safe to say they are tired of Bidenomics.

#### CHINA

Mr. President, on another matter, this week, Putin is in Beijing attending what Russia and China have called a "friendship without limits," but last week, it was President Xi who took to the road, and, notably, his warmest welcome was in Budapest, Hungary.

The visit from PRC's leader came as more of our European NATO allies are waking up not only to the harsh reality of Russian aggression but also to the linked threats facing Western security and prosperity, to the urgent requirements of defense production, and to the particular challenge the PRC poses as a systemic rival.

But Hungary? Not so much. Viktor Orban's government has cultivated the PRC as its top trading partner outside the EU.

It has given Beijing sweeping law enforcement authorities to hunt dissidents on Hungarian soil.

It was the first European country to join Beijing's Belt and Road Initiative, which other European governments—for example, like Prime Minister Meloni's in Italy—have wisely decided to leave.

Hungary has doubled down on Huawei. After the previous U.S. administration went to great lengths to encourage Europe to reject it, Hungary has let the PRC communications giant bake Chinese technology into the country's 5G expansion. Even as other European nations are paying vast sums to extract Huawei from their communica-

tions infrastructure, Hungary is now home to Huawei's European regional logistics hub—a veritable gateway to the West.

Last week, Prime Minister Orban's government signed 19 more agreements with the PRC, from transportation infrastructure to potential nuclear cooperation.

A joint statement described the two countries' relationship as "an all-weather comprehensive strategic partnership" that is between Hungary and the PRC.

But the details of China's growing influence in Budapest should raise red flags for anyone seriously concerned about strategic competition with China.

From across the Atlantic, there is good reason to appreciate a European government that is willing to question EU orthodoxy on things like short-sighted climate change policy or swim upstream in defense of conservative values. But here in Washington, we are obliged to evaluate whether allies and partners share our interests, not just our values. And whatever their pluck in dealings with EU bureaucrats in Brussels, Hungary's leaders have cozied up to America's greatest strategic adversary.

Now, it is one thing that a latter-day Walter Duranty who shills for Putin on Twitter might also admire the only NATO member whose leader flies to Moscow to pay obeisance to the Russian dictator, but Hungary's willingness to serve as China's doormat to Europe—that part is tougher to square with the position of folks in Washington for whom singular focus on China has recently become an article of faith.

The Democratic Party's increasing willingness to abandon Israel cries out for frequent and heavy doses of reality and harsh criticism. Unfortunately, so does this increasingly muddled logic on the threats facing the West from Russia and China.

A NATO government that fawns over a Russian neo-Soviet imperialist, a European nation that rolls out the red carpet for greater predation, coercion, and espionage from a communist regime—this isn't where America should be taking our foreign policy cues.

How about sending a high-profile diplomat and trade missions to Tehran? Hungary's voluntary legitimization of the world's most active state sponsor of terrorism? I don't think conservatives had any time for those who suck up to Iran. Maybe aligning with autocrats is in Hungary's interest, but let's return from Budapest and discuss what is in America's interest.

America has an interest in strong allies who are willing to pull more of the weight of collective defense in the face of threats from Russia, Iran, and China. We could have welcomed two more such allies to our ranks much sooner if not for Orban's obstruction of Sweden and Finland's accession to NATO. Not only do these countries

## NATIONAL POLICE WEEK

have robust defense industries and capable militaries, they also each have companies that offer safer alternatives to Chinese 5G technology.

And while many of us in Washington were urging the EU to do more to support Ukraine, Hungary—Hungary—was blocking the greater EU burden-sharing. Frankly, Hungary stands at the crossroads of three powers bent on undermining our security and prosperity. And the Orban government is modeling what not to do in the face of these challenges.

My message to America's European allies has been the same, no matter their politics or their culture: Russia, China, Iran, and North Korea are working together to undermine us. And we need to move faster to rebuild the hard power we need to deter and defeat aggression and hold one another accountable to share the burden of collective defense. There is plenty of work left to do on this front.

## ANTI-SEMITISM

Mr. President, now, one final matter, earlier this week, I discussed the growing problem of BDS; that is "Bibi derangement syndrome." Of course, there is an older and similarly noxious form of BDS: the "Boycott, divest, and sanction" movement. This other BDS has been incubating on college campuses for the last decade, and right now, it is making news at Harvard.

This is unfortunate, but at this point, it shouldn't surprise anyone. Remember, Cambridge, MA, was ground zero for the current wave of anti-Semitism sweeping so-called elite education.

Not to be outdone by the "restorative justice" being meted out by their rival to the south, Princeton, Harvard leaders have announced their own sort of amnesty for the Hamas-supporting radicals who have harassed and intimidated fellow students in recent months.

In exchange for dispersing from Harvard Yard, the interim president and the dean will be meeting with the Crimson Red Guards "to hear their perspectives on academic matters relating to longstanding conflicts in the Middle East."

The interim president also acknowledges "the profound grief" people feel over "the effects of the ongoing war." And the campus' Hamas sympathizers will also receive a meeting with a top official from the Harvard Corporation to address questions about the university's endowment.

"Boycott, divest, sanction"—BDS. It seems that the lesson at our country's oldest university is this: Lawless radicalism works. Perhaps it is time for the American people to boycott, divest, and sanction the Ivy League.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. THUNE. Mr. President, this week is Police Week—a week to honor our Nation's law enforcement officers. These men and women have had a challenging few years. Unsurprisingly, calls to defund the police and attacks on the vital work that they do left a lot of officers discouraged and demoralized—even as they were asked to shoulder the same burdens with less support.

Fortunately, I think time has started to provide a corrective. As we have watched crime take a toll on American cities, I think governments and individuals are more and more remembering just how much we need the men and women who bring order and safety to America's streets.

And I hope and pray that we are coming to this week with a greater appreciation for the essential work that these men and women perform.

I said "essential," and they are. But let's remember something else as well. Police officers aren't just necessary, they are noble. They sign up for a heroic line of work, for a job that asks them to get up in the morning and go out and put themselves in danger to keep the rest of us out of it and that asks them to do that day after day, week after week, month after month, and year after year. And they do it willingly, gladly.

When they aren't doing the big things—the hard, heroic work of confronting dangerous situations and individuals—you can frequently find police officers doing the little things as well: speaking to a school class, helping out a stranded motorist, buying shoes for a child in need. Police officers don't just defend our communities; they play a vital role in building them up.

I am particularly grateful for our law enforcement officers in South Dakota who work so hard in communities across our State. They have shared challenges faced by other police departments across the country over the past few years, including dealing with deadly drugs like fentanyl coming over the border and making their way around the United States. And they face some specific South Dakota challenges.

I am also deeply grateful for the Capitol Police here in Washington, DC, who spend their days ensuring Members of Congress, their staffs, and the many visitors to the U.S. Capitol Building can go about their days in safety. And I am grateful to their families. Having a husband or a wife, a dad or a mom who is a police officer is not always an easy thing. Knowing that your parent or spouse may not come home from work one day is a difficult burden to carry.

In this Police Week, as we contemplate the service and sacrifice of our Nation's police officers, it is important to remember the service and sacrifice of their families as well.

Before I close, I want to mention the heroic service of Moody County's Chief Deputy Ken Prorok of South Dakota,

who was killed in the line of duty in February of this year. I just want to read a couple of lines from the Officer Down Memorial Page on Chief Deputy Prorok's actions:

Chief Deputy Sheriff Ken Prorok was struck and killed by the driver of a vehicle being pursued by the Madison Police Department at 4:12 p.m. Chief Deputy Prorok responded to the call for assistance and was deploying spike strips at South Dakota Highway 34 and 472nd Avenue in Colman. The driver intentionally swerved toward Chief Deputy Prorok, killing him.

The line that stands out for me the most in that memorial is this:

Chief Deputy Prorok responded to the call for assistance.

He heard a call for help, and he went to answer it, knowing full well that he could be placing himself in danger, up to and including the loss of his life, but he went anyway.

That is the heroism of Chief Deputy Prorok, and it is the heroism of all the men and women across our country who serve in our Nation's police forces and who, when they hear a call for help, go out to answer it.

May God richly bless all the men and women who serve our Nation as police officers, and may He protect them as they stand on guard for us.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LUJÁN). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

## H.J. RES. 109

Ms. WARREN. Mr. President, we are about to hold a vote under the Congressional Review Act.

The CRA was passed in 1994 to give Congress a 6-month window of 60 legislative days to review an Agency rule and, if Congress doesn't like that rule, 60 days to overturn it. However, our vote today is not a vote on a notice and comment rule. In fact, our vote today is on something that doesn't even have the force of law. Our vote today is on a Staff Accounting Bulletin issued by the SEC back in the spring of 2022.

Now, the SEC has issued these bulletins—they are called SABs—for nearly 50 years without anyone ever suggesting that they were subject to the CRA. The CRA has a time limit for a reason—so that settled law is settled law, something that everyone can count on—and the CRA is limited to Agency rules so that a single Member of Congress can't tie up Agencies and Congress with expedited procedures under the CRA by raking over the details of every Agency action.

Today's vote—coming more than 2 years after the SEC wrote the bulletin and applying to a staff bulletin rather than a rule—is far outside the scope of the CRA. We should not be holding this vote. All by itself, that is a good

enough reason to vote no, but let's talk about the substance of this SAB for just a minute.

The fairness of our markets depends on transparency. Investors in pension funds and 401(k)s and workers who are trying to save for retirement all have a right to know what they are investing in. The Securities and Exchange Commission is the guardian of those financial disclosures that give investors information about a company's business plan, about its leadership, and about the risks that it faces in the market.

So to help public companies disclose information about their businesses in a consistent way, from one business to another to another so that investors can make comparisons, the SEC issues Staff Accounting Bulletins—these SABs—to clarify guidance about emerging issues in the accounting industry: how to tell people about this business. SAB No. 121 was published to provide accounting guidance to companies that hold customers' digital assets. It says that, because of some of the unique technological and legal risks associated with digital assets, public companies that safeguard cryptoassets for their customers should make the risks associated with holding those assets visible to investors.

One way that this risk shows up is that if a company safeguards property for someone—if just an ordinary company is holding property for someone, like stocks or bonds or jewelry—the company bears the risk that the property could be stolen. That is why companies that hold property for others carry insurance, and it is why they have really big safes.

But if the company safeguards crypto, there is a special risk that is not there with other kinds of property. Crypto can get hacked. In fact, there have been some pretty major crypto hacks in which assets just vanish. The risk isn't theoretical; it is real—FTX, \$600 million—poof; Binance, \$586 million—poof; Ronin Network, \$625 million—poof; and Poly Network, \$611 million—poof—all in just the last 3 years. We have seen multiple hacks of crypto platforms. The unique risks of crypto can create liabilities that seriously impact a company's financial condition. SAB 121 simply clarifies how companies should account for those risks in their financial disclosures. That is all it is doing.

Now, there is a second kind of problem with crypto, and that is, if a company safeguards property for someone—stocks, bonds, jewelry, like we talked about earlier—if the company doing the safeguarding goes bankrupt, the true owner of the stocks or the bonds or the jewelry can get their property back, but if the company that goes bankrupt is holding crypto, the peculiarities of crypto ownership and possession mean that the creditors of the bankrupt company could keep the crypto. The true owner may just be out of luck. Once again, SAB 121 simply clarifies how companies should make clear those risks in their disclosures.

So let's talk for just a minute about what SAB 121 doesn't do. It doesn't bring customers' cryptoassets onto a crypto platform's balance sheet or make the platform the owner of a customer's digital assets. Instead, SAB 121 requires the disclosure of what other substantive laws, including bankruptcy laws, are already doing.

This effort to reverse the SEC's accounting guidance would deprive investors of accurate information on the risks of holding cryptoassets and corrode public trust in our financial system and our institutions.

The vote today is about ensuring that the SEC is able to issue guidance that will help companies of all sizes produce strong, consistent, timely, and meaningful accounting disclosures. It is about protecting critical informational tools that investors and companies have relied on for half a century, and it is about maintaining the integrity of our markets, which rely on a clear, consistent accounting rule book.

Democrats should stand with President Biden against this effort to attack the SEC's authority. I urge my colleagues to oppose this bill.

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.

The PRESIDING OFFICER. The Senator from Wyoming.

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

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

Ms. LUMMIS. Mr. President, I ask unanimous consent that I be permitted to speak for up to 10 minutes prior to the scheduled rollcall vote.

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

H.J. RES. 109

Ms. LUMMIS. Mr. President, I rise today to speak in favor of my Congressional Review Act resolution, S.J. Res. 59, and its House companion, H.J. Res. 109, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Securities and Exchange Commission relating to "Staff Accounting Bulletin No. 121."

Staff Accounting Bulletin 121, or SAB 121, is a rule under the Administrative Procedure Act disguised as an accounting guidance. It was published by the SEC staff without the approval of the majority of the Commission.

Accounting guidance is not something that normally would catch the attention of Congress, but, in this case, a bipartisan group in the Senate and House has uncovered serious concerns with SAB 121 and the actions of the Securities and Exchange Commission.

Nearly 2 years ago, I started this process by sending a request for a legal opinion on SAB 121 to the Government Accountability Office. That office found that SAB 121 is, in fact, a rule

and subject to the Congressional Review Office.

Shortly after this finding, I introduced the Senate resolution to overturn this guidance in the Senate, and Congressmen MIKE FLOOD and WILEY NICKEL introduced the House companion. I congratulate them and House Financial Services Chair PATRICK MCHEENRY on the strong bipartisan passage of this resolution in the House.

Staff Accounting Bulletin 121 puts consumers at risk. By requiring a covered institution to place consumer assets on its balance sheet, it gives creditors a way to claim those assets in the event of a bankruptcy.

We have seen how this plays out for consumers. Their assets are frozen for months or even years while the bankruptcy plays out. In some cases, they lose their assets entirely. They have entrusted these assets to the custodian. It is the custodian that is in bankruptcy, and yet their assets are the assets that are at risk. So this does not protect consumers at all.

Under SAB 121, the ownership of more than \$100 trillion in assets placed for safekeeping with America's custodians are in jeopardy. The safest place for digital assets is in a self-hosted wallet, but not everyone can custody their own digital assets, including institutional investors that the SEC requires to use a qualified custodian.

Regardless of what each Senator thinks about digital assets, they should want consumers and institutional investors to have the option of placing their assets in the safekeeping of prudentially regulated institutions.

Unfortunately, Staff Accounting Bulletin 121 prevents this. By placing customer assets on the balance sheet of the custodian, SAB 121 also means that capital requirements apply. Banks would have to hold as much as \$1 of capital for every dollar of customer assets.

As much as the SEC would have you believe otherwise, the bank regulators have no discretion on this point. Banks must follow U.S. generally accepted accounting principles when calculating capital requirements.

Finally, SAB 121 demonstrates how the SEC will push forward its regulatory agenda at the cost of transparency and the stakeholder input that is required by law.

The Senate could have avoided this if SEC Chair Gary Gensler was willing to direct staff to revise Accounting Bulletin 121 to keep customer digital assets off the balance sheets of custodians and engage in a transparent process.

Refusing to revisit this policy after bipartisan criticism is odd. The majority of the SEC Staff Accounting Bulletins from the last 30 years have been revisions and rescissions of prior guidance. Revisiting and fixing accounting standards, especially when there is a new technology, is warranted and encouraged. Guidance is meant to be

flexible. It is not meant to set policy, which would require notice and comment by those who would be regulated pursuant to that regulatory process.

But, apparently, Chairman Gensler would rather politicize accounting standards to achieve policy goals in the banking industry—an industry, I would like to remind him, he does not regulate—rather than conduct a transparent policymaking process.

Maybe it is because Chairman Gensler knows that putting customer assets on the balance sheet is bad policy that would not garner enough support to finalize a rule. Maybe it is because he is committed to an ill-informed and unworkable fight against the digital asset industry at any cost.

Unfortunately, SAB 121 does nothing to protect consumers—nothing to protect consumers. It hurts them.

I hope that all of my colleagues will recognize this and join me in voting in support of H.J. Res. 109.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the joint resolution is considered read a third time.

The joint resolution was ordered to a third reading and was read the third time.

#### VOTE ON H.J. RES. 109

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

Ms. LUMMIS. Mr. 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 assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey, (Mr. MENENDEZ) is necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Missouri (Mr. HAWLEY).

The result was announced—yeas 60, nays 38, as follows:

[Rollcall Vote No. 169 Leg.]

#### YEAS—60

Barrasso	Graham	Ricketts
Blackburn	Grassley	Risch
Booker	Hagerty	Romney
Boozman	Hickenlooper	Rosen
Braun	Hoeven	Rounds
Britt	Hyde-Smith	Rubio
Budd	Johnson	Schmitt
Capito	Kelly	Schumer
Casey	Kennedy	Scott (FL)
Cassidy	Lankford	Scott (SC)
Collins	Lee	Sinema
Cornyn	Lujan	Sullivan
Cotton	Lummis	Tester
Cramer	Marshall	Thune
Crapo	McConnell	Tillis
Cruz	Moran	Tuberville
Daines	Mullin	Vance
Ernst	Murkowski	Wicker
Fischer	Paul	Wyden
Gillibrand	Peters	Young

#### NAYS—38

Baldwin	Butler	Coons
Bennet	Cantwell	Cortez Masto
Blumenthal	Cardin	Duckworth
Brown	Carper	Durbin

Fetterman	Merkley	Smith
Hassan	Murphy	Stabenow
Heinrich	Murray	Van Hollen
Hirono	Ossoff	Warner
Kaine	Padilla	Warnock
King	Reed	Warren
Klobuchar	Sanders	Welch
Manchin	Schatz	Whitehouse
Markey	Shaheen	

#### NOT VOTING—2

Hawley	Menendez
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The joint resolution (H.J. Res. 109) was passed.

### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER (Mr. KING). Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of **Camela C. Theeler**, of South Dakota, to be United States District Judge for the District of South Dakota.

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided.

#### NOMINATION OF CAMELA C. THEELER

Mr. DURBIN. Mr. President, today, the Senate will vote to confirm Judge Camela Theeler to the U.S. District Court for District of South Dakota.

Judge Theeler's deep ties to South Dakota and her experience in the courtroom—as a litigator and on the bench—have prepared her to serve as a U.S. District Judge. After receiving her B.A. and J.D. from the University of South Dakota, Judge Theeler began her legal career in private practice before clerking for the judges of the First Judicial Circuit of the South Dakota Unified Judicial System. Thereafter, Judge Theeler returned to private practice, working on a range of cases, including personal injury/worker's compensation, business litigation, employment law, and criminal defense work. From 2012 to 2018, Judge Theeler served as an assistant U.S. attorney in the U.S. Attorney's Office for the District of South Dakota, becoming deputy civil chief in 2016.

Over the course of her legal career, Judge Theeler tried eight cases to verdict, judgment, or final decision. Since 2018, she has served as a circuit court judge for the State of South Dakota, located in the Second Judicial District. Judge Theeler has presided over 57 trials that have gone to verdict or judgment.

Judge Theeler has the strong support from her home State Senators, Mr. THUNE and Mr. ROUNDS. In addition, she was unanimously rated “well qualified” by the American Bar Association. I urge my colleagues to support Judge Theeler's nomination.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I rise today, along with Senator ROUNDS, in support of the nomination of a distin-

guished South Dakotan, Judge Camela Theeler, who has been nominated to fill a vacancy at the U.S. District Court for the District of South Dakota.

Judge Theeler is a South Dakota native and graduate of the University of South Dakota School of Law. She has been a judge for the South Dakota Second Judicial Circuit since 2018.

Prior to her current role, she served as an assistant U.S. attorney in the U.S. Attorney's Office for the District of South Dakota from 2012 to 2018; and before that, she spent time at two South Dakota law firms.

When she is not trying cases, she often welcomes students to the courthouse, where she gives tours and conducts mock trials to help teach them about the legal system.

I believe that Judge Theeler's experience and record will make her an excellent district judge. And, most importantly, I believe that she has the character and impartiality to serve a lifetime appointment on the Federal bench.

I am proud to support her nomination, and I encourage my colleagues to confirm her as a judge for the U.S. district court of South Dakota.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ROUNDS. Mr. President, I am pleased to join Senator THUNE today in supporting the confirmation of Judge Cammy Theeler.

Ms. Theeler is a native of my home community, Pierre, SD, and has an impressive list of career experiences, spanning from the U.S. Attorney's Office to teaching at Dakota Wesleyan University, to her work now as a State circuit court judge.

It is because of her commitment to upholding the law, along with her commitment to public service, that she received the South Dakota Young Lawyer of the Year award in 2009.

She will undoubtedly exercise judicial restraint and apply the law as written.

I also want to congratulate Eric Schulte on his Senate confirmation yesterday for the U.S. District of South Dakota. He is a well-qualified attorney who will serve Americans well as a district judge.

I encourage my colleagues to join today in supporting Judge Cammy Theeler for U.S. district judge for the District of South Dakota.

#### VOTE ON THEELER NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Theeler nomination?

Mr. THUNE. 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. DURBIN. I announce that the Senator from Illinois (Ms. DUCKWORTH),