

their union brethren and said: We don't care about you anymore. We are chasing the money.

That is why groups like the National Federation of Independent Business, which represents 300,000 small businesses across the country, strongly support this CRA.

Perhaps it should come as no surprise that the Biden administration is being sued for this illegal rule. The law that empowers the Department of Energy to set efficiency standards was passed during the energy scarcity of the 1970s, but the law also contains a prohibition against weaponizing efficiency standards to eliminate entire product categories like this rule seeks to do.

The American people are required to comply with Joe Biden's rule effectively banning affordable gas furnaces on December 18, 2028. Congress should come together and vote for the resolution to stop this rule. Doing so would save American families and American seniors thousands and thousands of dollars as well as save American jobs. We should do this without delay.

#### PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE DEPARTMENT OF ENERGY RELATING TO "ENERGY CONSERVATION PROGRAM: ENERGY CONSERVATION STANDARDS FOR CONSUMER FURNACES"

Mr. CRUZ. Mr. President, I move to proceed to Calendar No. 399, S.J. Res. 58.

The PRESIDING OFFICER (Mr. MARKEY). Under the previous order, the motion to proceed is agreed to.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the joint resolution.

The senior assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 58) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Energy relating to "Energy Conservation Program: Energy Conservation Standards for Consumer Furnaces".

VOTE ON S.J. RES. 58

The ACTING PRESIDENT pro tempore. Under the previous order, the joint resolution is considered read the third time.

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

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

Mr. CRUZ. 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 New Jersey (Mr. MENENDEZ) and the Senator from Montana (Mr. TESTER) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mr. HAGERTY), the Senator from Missouri (Mr. HAWLEY), and the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting: the Senator from North Carolina (Mr. TILLIS) would have voted "yea."

The result was announced—yeas 50, nays 45, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—50

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

NAYS—45

Baldwin	Heinrich	Reed
Bennet	Hickenlooper	Rosen
Blumenthal	Hirono	Sanders
Booker	Kaine	Schatz
Butler	Kelly	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Smith
Carper	Lujan	Stabenow
Coons	Markey	Van Hollen
Cortez Masto	Merkley	Warner
Duckworth	Murphy	Warnock
Durbin	Murray	Warren
Fetterman	Ossoff	Welch
Gillibrand	Padilla	Whitehouse
Hassan	Peters	Wyden

NOT VOTING—5

Hagerty	Menendez	Tillis
Hawley	Tester	

The joint resolution (S.J. Res. 58) was passed as follows:

S.J. RES. 58

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That Congress disapproves the rule submitted by the Department of Energy relating to "Energy Conservation Program: Energy Conservation Standards for Consumer Furnaces" (88 Fed. Reg. 87502 (December 18, 2023)), and such rule shall have no force or effect.

#### APPOINTMENT

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the Vice President, pursuant to the provisions of S. Con. Res. 34 (118th Congress), appoints the following Senators to the Joint Congressional Committee on Inaugural Ceremonies: the Honorable CHARLES E. SCHUMER of New York; the Honorable AMY KLOBUCHAR of Minnesota; and the Honorable DEB FISCHER of Nebraska.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

#### MEASURE READ THE FIRST TIME—S. 4381

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

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the first time.

The senior assistant legislative clerk read as follows:

A bill (S. 4381) to protect an individual's ability to access contraceptives and to engage in contraception and to protect a health care provider's ability to provide contraceptives, contraception, and information related to contraception.

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

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be read for the second time on the next legislative day.

#### ORDERS FOR WEDNESDAY, MAY 22, 2024

Ms. HASSAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. on Wednesday, May 22; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate proceed to executive session to resume consideration of the Martinez nomination, postcloture; further, that if cloture has been invoked on the Coggins nomination, all time be considered expired at 3:15 p.m.; further, that if any nominations are confirmed during Wednesday's session, the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

#### ORDER FOR ADJOURNMENT

Ms. HASSAN. Mr. President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order following the remarks of Senators LANKFORD and SANDERS.

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

The PRESIDING OFFICER (Mr. KELLY). The Senator from Oklahoma.

#### BORDER ACT

Mr. LANKFORD. Mr. President, so far this year, 1,624,790 people have illegally crossed our southwest border—1,624,790 so far. We have at least 1.6

million people who have also been designated “got-aways” in the last 3 years; that is, they crossed our southwest border, and the Border Patrol could see them, but they couldn’t get to them.

Let me give you some context on that. As this body knows well, because we have talked about it over and over and over again, in the first 3 years of this administration, we have had more illegal crossings on our southwest border than in the previous 12 years combined—more in the last 3 years than we had in the previous 12 years combined.

If you want to just drill down, 1 year under President Biden has as many illegal crossings as we had under 4 years of President Trump. Yesterday, we had more than 5,000 people illegally cross our southwest border—yesterday. That has been true every day, I believe, but 3, in the last 3 months, that we have had more than 5,000 people a day.

Now, the national news media has looked away from the southwest border, but those who live on the southwest border can’t look away. They are still facing it every single day. And in cities and communities across the entire country, it is still happening every single day, day after day, as this President has looked away from what is happening on our southern border.

As I have said to this Department of Homeland Security multiple times, if they would enforce the border the same as President Obama enforced the border, we would be in a very different place. But they don’t enforce the border like President Trump did, and they don’t enforce it like President Obama did. They just fail to enforce it.

The same law—the same law—existed under President Obama, when we had less than half a million people cross illegally in a year, that exists under President Biden, where we have had 1.6 million people so far this year, with still quite a few months to go—the same law, the same capacity to be able to enforce the border. But this President has said over and over again that he has nothing that he can do until something is passed.

I have been very clear with this body, and I have been very honest with my own party and with my friends on the other side of the aisle: Congress has a job to do. We need to clarify what asylum means. We need to add the funds that are needed. We need to speed up the process. We need to take away the forever appeals that are built into it that incentivize people coming and gaming the system. That is Congress’s job. We should do that.

And I have worked with everyone who is willing to work on that to get us to a place where we can get to 60 votes in this body to pass something to do our job. One party cannot resolve this issue. This has to be both parties sitting down and working on it together. That is the rule of 60 in this body.

But the President also has things that he could do that he has chosen not to do. In fact, this President has taken

94 Executive orders to weaken border security. He has created new parole authorities no President has ever used before to facilitate faster movement into the country. So instead of actually slowing the process down, he has actually sped it up. And they have done so intentionally.

In the past few weeks, the Department of Homeland Security has released a new memo and a new regulatory action that they are getting feedback for that they have admitted to me that will increase screening for, in their words, a handful of additional people—a handful when, yesterday, we had 5,000 people illegally cross.

But, currently, as right now Homeland Security is saying that they don’t have enough money to hire more agents, they are spending millions of dollars rebranding Homeland Security Investigation, or HSI. They are rebranding them and changing some of their focus on it. Now, we have yet to be able to find out how much they are spending on it, but we do understand it is in the millions. At the same time, they are saying they don’t have enough money to be able to handle greater enforcement.

This administration is focused on the things that don’t make a difference when we need them to focus on the things that do. This body is also focused on the things that are not making a difference on this.

Several of us sat down for months to be able to hash out in a bipartisan way: How do we solve this? We felt we had a solution that could pass. We did not.

Now, that same option that everyone in this whole body knows won’t pass is now coming back to this body again, exactly as it was. And many of us—including myself, who actually worked on the original language—are saying: Why? This is not about trying to pass something. This is about a show vote in this body to show: Look, we tried to vote on something, and those mean Republicans blocked it.

Well, I hate to tell you, this vote, when it comes up on Thursday—because that is when I understand it is coming—I will be interested in how many Democrats vote for this as well because I have already heard quite a few Democrats say: I am not sure I really want to vote for it if it doesn’t have Ukraine, if it doesn’t have Israel funding in it—because, originally, it was border security, Ukraine-Israel funding. And so some of my Democratic colleagues were voting for it. But now that it has none of those things, several have said to me: I am not sure I want to vote for that without the other portions of it in there.

Several Republicans are saying the same thing they said before: Hey, I wanted even more in that bill. I know there were a lot of good things in it, but I wanted even more in it.

So they are not willing to vote for it until it has even more.

So what would be the logical thing that should be done in this body? The

logical thing would be to say: That vote failed; so what would pass?

You see, we can play the same game because Democrats have blocked the bill from Senator SCOTT that would fund border security and enforcement of immigration laws at a different level. Democrats blocked that vote.

When MARCO RUBIO and Senator GRAMM brought bills to enforce the “Remain in Mexico” program that President Biden walked away from, Democrats blocked that vote.

When Senator COTTON brought up a vote to stop aid for sanctuary cities that incentivize more people coming into the country and disappearing, Democrats blocked that vote.

When Senator GRASSLEY brought up a bill to deport criminal illegal aliens, Democrats blocked that bill.

When Senator HAGERTY brought up a bill to deal with increasing funding for ICE and to deport more criminal aliens that have already been designated criminal aliens in the United States, Democrats blocked that bill.

When I brought up a bill to be able to implement and fund the title 42 authority and to extend that, Democrats blocked that bill.

When Senator MARSHALL brought a bill to bring up H.R. 2 and Senator CRUZ brought up the bill for H.R. 2—the House bill that has a broad spectrum for border enforcement—Democrats blocked that bill.

When Senator HAGERTY again brought up a bill to ban Federal funds from being used to fly illegal aliens from other countries to be able to give them parole authority into our country, Democrats blocked that bill.

When Republicans—Senator BUDD—bring up the Laken Riley Act, Democrats blocked that bill.

When I brought up a bill dealing with special interest aliens, those the Department of Homeland Security designated as a potential national security risk—when I brought up a bill to say all those folks could not be released into the country, they had to be detained if they were declared a national security risk—Democrats blocked that bill.

We can play this game all day long. Somehow, this belief that if we bring up a bill that has failed before that is somehow a strong movement to be able to solve the issue doesn’t. It plays a political game, and we all know it.

So what should we do? Actually be grownups, sit down, and actually try to figure out what we can pass rather than bringing things up that we all know won’t.

Now, I don’t know if there is a belief that somehow, on Memorial Day week, Americans across the country can’t wait for the Senate to vote again on a bill that has already failed before that could come up again, as if something is going to be different. I have a message to all of my colleagues: The people of America are not, on Memorial Day week, focused on what the Senate is doing this week. They are just not.

They are thinking about their family member that was lost defending the country, or they are thinking about a sale at an appliance store. They are not thinking about this and this drama.

We should take seriously, though, the national security risk that all of us know about and do something about it.

Just as a side note that all of us know full well, the number of people designated by this administration as special interest aliens, those that are a national security risk by definition, who are coming across our border and being released into the country, is in the thousands.

We all know it. We should take that seriously. If we want to just deal with the people who are on the higher list, who are on the Terror Watchlist, if I go back to, let's say, 2017, there were two people who were apprehended on the Terror Watchlist in 2017. There were six people apprehended in 2018. There were three people in 2019. But if I take that to this past year, 2023, there were 172. We have people crossing our border who we know are a national security risk while we are playing political messaging games here.

Let's sit down and solve this. Let's not just vote on things that we know are going to fail. Let's not just do political messaging. Let's actually sit down and solve this.

Over the past 2 years, something has shifted on our southern border. It is not just people from the Western Hemisphere who are crossing illegally; it is people from all over the world. We went from having a handful of Chinese citizens who crossed the border to last year and this year—tens of thousands of Chinese nationals crossing our border.

I asked DHS: Are any of these Chinese nationals being deported?

They responded to me: Yes, we have started deporting Chinese nationals who are here illegally.

I said: Terrific. How many?

Their response: Fourteen so far.

Fourteen of the tens of thousands who have crossed in the last 2 years. We have deported 14 Chinese nationals.

Can I tell you, in Oklahoma, there are thousands of Chinese nationals who have come into my State who are working in illegal marijuana operations. Our Oklahoma Bureau of Narcotics has done a tremendous job of trying to be able to shut down all these illegal grow operations, but they continue to spring up. Over and over again, when they do a bust, it is Chinese nationals working, individuals who were trafficked over our southern border and individuals who are in our country illegally—over and over and over.

We know this is going on. We know we have a terror risk. We all see it. We know there are individuals by the thousands being released who are declared by this administration as special-interest aliens. We understand full well criminal activities that are happening. And we are doing messaging bills that everyone knows will fail.

Why don't we sit down and actually talk about it and work it out? Why don't we figure out how to solve this? That is what the American people expect us to do.

My friends in Oklahoma look at me and say "You guys go figure this out" because they feel the problem is there, and what they feel is correct. So let's sit down and figure this out.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

#### INTERNATIONAL CRIMINAL COURT

Mr. SANDERS. Mr. President, there has been a lot of attention and controversy attached to a recent action by the International Criminal Court, the ICC.

The core purpose of the ICC is to prosecute the most serious international crimes—genocide, crimes against humanity, war crimes, and the crime of aggression. I believe that it is very important that all of us support accountability for these crimes and the important mission of the ICC.

Last year, the ICC declared that President Vladimir Putin, of Russia, was in violation of international law and that he was a war criminal. The ICC issued arrest warrants for Putin and one of his senior officials, saying there are reasonable grounds to believe that they had committed the war crime of unlawful deportation and transfer of population for their systematic kidnapping of thousands and thousands of Ukrainian children.

I supported the ICC decision. In fact, that is the tip of the iceberg of what Putin has done in Ukraine. Putin started the most destructive war in Europe since World War II. He has bombed civilians and devastated civilian infrastructure, killing at least 30,000 civilians and displacing millions more. Hundreds of thousands of Ukrainian and Russian soldiers have been killed or wounded as a result of Putin's horrific invasion of Ukraine.

On that occasion, when the ICC declared Putin a war criminal, the U.S. Government welcomed the ICC decision. A White House spokesperson said:

There is no doubt that Russia is committing war crimes and atrocities in Ukraine, and we have been clear that those responsible must be held accountable. The ICC prosecutor is an independent actor and makes his own prosecutorial decisions based on the evidence before him. We support accountability for perpetrators of war crimes.

That is what a U.S. Government spokesperson said in March 2023, and I agree. In my view, Mr. Putin is, in fact, a war criminal.

We live in a world of increasing division, tension, and hostility. Around the globe, countries are dramatically increasing their military budgets, and more countries are attempting to gain nuclear weapons and other dangerous weapons systems. It is in times like these that we most need international law. Without it, we will have an even

more violent world where might makes right and war criminals can act with impunity.

In recent years, the ICC has attempted to hold governments and political leaders accountable for crimes against humanity. That is what they do. That is what they are supposed to do.

All wars are terrible, and very often, civilian casualties are unavoidable. But after the horrors of the Second World War, countries throughout the world came together to try to establish rules to govern the conduct of war and to limit civilian casualties. The ICC's role is to enforce these limits.

Yesterday, the ICC prosecutor announced that he was requesting arrest warrants for three top Hamas leaders, including Yahya Sinwar, the group's leader in Gaza.

To my mind, Sinwar and his Hamas accomplices are clearly war criminals. The horrific October 7 terrorist attack on Israel began this war and included the mass murder of 1,200 innocent men, women, and children, the taking of hundreds of hostages, and sexual violence against captives. These war crimes are well documented, and very few people would dispute the merits of those charges.

The ICC prosecutor also asked for arrest warrants for Israeli Prime Minister Netanyahu and Defense Minister Gallant. The ICC charges focus on the use of starvation of civilians as a method of war as well as international attacks against the civilian population. Those are the charges—the use of starvation of civilians as a method of war, really a war crime, as well as intentional attacks against the civilian population.

Specifically, the prosecutor says that Netanyahu is responsible for "depriving [civilians] of objects indispensable to their survival, including willfully impeding relief supplies as provided for under the Geneva Conventions."

Now, many people here in the beltway in Washington have responded negatively to this decision from the ICC prosecutor. It seems that some folks here were comfortable with what the ICC did in terms of Putin and in terms of Sinwar but not with Netanyahu.

Some have argued that it is unfair to compare the democratically elected head of the Israeli Government to Putin, who runs an authoritarian system, or Sinwar, the head of a terrorist organization, but that is not what the ICC has done. In fact, the ICC prosecutor has looked at what each of these leaders has done, looked at their actions and then compared those actions to established standards of international law.

In other words, the ICC is not making some claim of equivalence, as some have charged, but is, in fact, holding both sides in this current war to the same standard.

Yes, democratically elected officials can commit war crimes. Let me repeat.