

For these reasons, I object.

The PRESIDING OFFICER. Is there objection to the original request?

Mr. GRASSLEY. Are you asking about the original one?

The PRESIDING OFFICER. Yes.

Mr. GRASSLEY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the text of my amendments at the desk be printed in the RECORD.

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

(Purpose: To improve the resolution)

On page 2, line 5, insert "lawful" after "all".

(Purpose: To improve the resolution)

On page 2, between lines 5 and 6, insert the following:

(4) Article III of the Constitution of the United States limits Federal courts to deciding specific "cases" or "controversies";

(5) it is inappropriate for courts of the United States to override legislative or executive action by the elected branches of government because of different policy preferences; and

Mr. GRASSLEY. I know of no further debate on the nomination.

The PRESIDING OFFICER. Is there further debate?

VOTE ON BHATTACHARYA NOMINATION

There being no further debate, the question is, Will the Senate advise and consent to the Bhattacharya nomination?

Mr. GRASSLEY. 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 legislative clerk called the roll.

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 141 Ex.]

YEAS—53

Banks	Graham	Moreno
Barrasso	Grassley	Mullin
Blackburn	Hagerty	Murkowski
Boozman	Hawley	Paul
Britt	Hoeven	Ricketts
Budd	Husted	Risch
Capito	Hyde-Smith	Rounds
Cassidy	Johnson	Schmitt
Collins	Justice	Scott (FL)
Cornyn	Kennedy	Scott (SC)
Cotton	Lankford	Sheehy
Cramer	Lee	Sullivan
Crapo	Lummis	Thune
Cruz	Marshall	Tillis
Curtis	McConnell	Tuberville
Daines	McCormick	Wicker
Daines	Moody	Young
Fischer	Moran	

NAYS—47

Alsobrooks	Gillibrand	Murphy
Baldwin	Hassan	Murray
Bennet	Heinrich	Ossoff
Blumenthal	Hickenlooper	Padilla
Blunt Rochester	Hirono	Peters
Booker	Kaine	Reed
Cantwell	Kelly	Rosen
Coons	Kim	Sanders
Cortez Masto	King	Schatz
Duckworth	Klobuchar	Schiff
Durbin	Lujan	Schumer
Fetterman	Markey	Shaheen
Gallego	Merkley	Slotkin

Smith	Warnock	Whitehouse
Van Hollen	Warren	Wyden
Warner	Welch	

The nomination was confirmed.

The PRESIDING OFFICER. 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.

WAIVING QUORUM CALL

Mr. BARRASSO. Mr. President, I ask unanimous consent to waive the mandatory quorum call with respect to the Makary nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 45, Martin Makary, of Virginia, to be Commissioner of Food and Drugs, Department of Health and Human Services.

John Thune, Tim Sheehy, Mike Crapo, Markwayne Mullin, Joni Ernst, David McCormick, Rick Scott of Florida, Bernie Moreno, Mike Rounds, Tommy Tuberville, Katie Boyd Britt, Shelley Moore Capito, Jim Justice, John Barrasso, Steve Daines, Jon Husted.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Martin Makary, of Virginia, to be Commissioner of Food and Drugs, Department of Health and Human Services, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 56, nays 44, as follows:

[Rollcall Vote No. 142 Ex.]

YEAS—56

Banks	Graham	Moreno
Barrasso	Grassley	Mullin
Blackburn	Hagerty	Murkowski
Boozman	Hassan	Paul
Britt	Hawley	Ricketts
Budd	Hoeven	Risch
Capito	Husted	Rounds
Cassidy	Hyde-Smith	Schmitt
Collins	Johnson	Scott (FL)
Cornyn	Justice	Scott (SC)
Cotton	Kennedy	Shaheen
Cramer	Lankford	Sheehy
Crapo	Lee	Sullivan
Cruz	Lummis	Thune
Curtis	Marshall	Tillis
Daines	McConnell	Tuberville
Durbin	McCormick	Wicker
Ernst	Moody	Young
Fischer	Moran	

NAYS—44

Alsobrooks	Hirono	Rosen
Baldwin	Kaine	Sanders
Bennet	Kelly	Schatz
Blumenthal	Kim	Schiff
Blunt Rochester	King	Schumer
Booker	Klobuchar	Slotkin
Cantwell	Lujan	Smith
Coons	Markey	Van Hollen
Cortez Masto	Merkley	Warner
Duckworth	Murphy	Warnock
Fetterman	Murray	Warren
Gallego	Ossoff	Welch
Gillibrand	Padilla	Whitehouse
Heinrich	Peters	Wyden
Hickenlooper	Reed	

The PRESIDING OFFICER. The yeas are 56, the nays are 44, and the motion is agreed to.

The motion was agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Martin Makary, of Virginia, to be Commissioner of Food and Drugs, Department of Health and Human Services.

The PRESIDING OFFICER. The Senator from Vermont.

FIRST AMENDMENT

Mr. WELCH. Mr. President, as you know, in 1791, our Nation's Founders had the boldness to ratify the First Amendment to the Constitution.

At the time, it was an extremely radical concept—protecting our fundamental individual freedoms to religion, to speech, to assembly, to the right to petition the government, and to have a free press that would operate without fear or government censorship.

The First Amendment deeply reflects our new Nation's view that we can have a society where individuals can freely voice their views, participate in civic life, and hold our political leaders accountable. These five guaranteed liberties are part of what makes us a free and democratic society.

I believe that all of the Members of the U.S. Senate share the commitment to the First Amendment, but there are extreme divisions among us about what that means. Let me explain where I do believe right now there is a significant assault on the First Amendment.

President Trump has sought to silence or to punish journalists who report negatively on him. This is not about a President because Democratic Presidents and Republican Presidents have been critical of journalists, but he is taking it to an entirely unprecedented level—banning the Associated Press from parts of the White House press pool because they don't use his own personal preferred name for the Gulf of Mexico. He is controlling the viewpoint of the Associated Press, and they are not relenting.

In a speech at the Department of Justice, President Trump said that the press that reports on him negatively should be, and this was his word, "illegal."

At the FCC, the Chairman has opened investigations into press organizations

that it doesn't like—PBS and NPR. That is not an investigation that was opened on the basis of a determination by the full Commission—in fact, two members have been fired—but on the political preferences of the Trump administration.

Of course, we have had lawsuits against the press when the President did not like a report of a poll that was printed in a newspaper in Iowa.

I am very concerned about attacks on the freedom of speech.

We have had Executive orders that target law firms because the President did not like some members of that law firm and who they represented. The President has issued Executive orders punishing firms that represent his political opponents and who, in his opinion, were involved in litigation against him when he was a private citizen.

This is not actually an assault based upon an investigation; it is an attack that is based upon the personal annoyance of the President himself.

We are seeing the Trump administration arresting students who are in the country legally. They are here legally, and they are arrested not because they committed a crime but because they took a viewpoint that the President disagreed with.

We have even seen the censoring of words that the administration doesn't like, and there is a whole list of words that cannot be used. Of course, one of the incredibly petty examples that shows how extreme this is and how wanton it is was removing references to the Enola Gay from Department of Defense websites because they included the word "gay."

This is a very important inflection point in our democracy. The First Amendment is being challenged by the Executive, who is unravelling the protections that have been absolute through thick and thin.

We all, in this Chamber, have to stand up for the First Amendment. And we can have disagreements on the speech that we agree with and we disagree with vehemently; but our obligation, as a separate branch of government, as Members of the U.S. Senate, is to defend the rights of people to have free speech, whether they agree with our political position or they don't.

So all of us must defend to our core the constitutional rights so essential to the well-being of our democracy: the freedom of speech, freedom of religion, freedom of assembly, freedom of petition government, and, of course, the freedom of the press.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

TARIFFS

Mr. KENNEDY. Mr. President, I want to talk a few minutes tonight about a couple of topics—only one, if I run short of time, because I don't want to delay our vote. The first topic I would like to talk about—I know it is very sensitive—is trade and tariffs. They have both been much in the news lately.

There are really only two reasons why a country would impose a tariff, and every country in the world, to my knowledge, does have tariffs. There are only two reasons for a country to impose a tariff: first, for national security.

I think it is virtually unchallenged that China, if it could, would destroy the United States of America—not the people of China, but the Government of China. I regret to say that, and I hope someday we will live in a world where that isn't the case, but I think it is undoubtedly and unconditionally the truth.

So if China is determined to—let me try to use a more neutral word—to undermine the United States of America, I could see where we would limit, want to limit, some of our goods such as, let's say, semiconductor design equipment. We would limit the sale of some of our precious technology to China. That is what I mean by "national security."

But the other reason, and the reason that most countries use the tariff, is to protect the domestic industry.

Let me give you an example. These are not two countries, but they are two States; and this would be unconstitutional, but I think it will serve my purpose. Let's suppose that Louisiana, which has the best king cakes in the Milky Way, can produce a king cake for \$10, and our friends in Alabama, they can produce a king cake—not nearly as good as Louisiana's—but the best they can do is produce it for \$12. Well, I would not agree, but I could understand why the elected officials in Alabama are going to say: Well, Louisiana's king cake is 10 bucks, our king cake is \$12. We want to protect our king cake bakers here in Alabama, so we are going to impose a tariff.

What would that do? Let's suppose they impose a \$4 tariff. So now the king cake, the better king cake made in Louisiana sold in Alabama would cost \$14, and that would force people to buy the \$12 Alabama king cake.

Now, my personal opinion is that most Alabamians, who are very smart people, would pay extra for the Louisiana king cake because it is so much better, but that is how tariffs work. If you have a domestic industry, like a king cake bakery, and you want to protect it from competition to allow it to grow and employ the people in that particular country, maybe you impose a tax, a tariff, on folks on the outside of your country who want to sell into your country.

I want to say this unequivocally. Canada is one of my favorite countries in the world, and the American people and the people of Canada are friends, and I would like our economies to be friends. And I mean that. But lately, we have been having a gentle disagreement—some would say not so gentle—in terms of tariffs and trade and our economy.

Canada and the United States of America do a lot of business with each

other. In 2024, the United States sold to the people of Canada about \$350 billion in goods—that is a lot of goods, \$350 billion. Canada sold American goods to the United States in the amount of \$412 billion. So there is what we call a trade deficit of \$63 billion.

And then you drill a little deeper, and you realize that the U.S. economy is 10 times bigger than the Canadian economy, and the population of the United States of America is 8 times bigger than the population of Canada. Canada has 41 million people; America has 340 million.

So you step back for a second, and you go, huh. Now, the United States is 8 times bigger, and our economy is 10 times larger than Canada's, but yet Canada is selling more of its goods into the United States than the United States is selling into Canada.

Any fair-minded person would have to conclude that it is because of tariffs. It is because the Canadian tariffs on American goods are higher than the American tariffs on Canadian goods. And that is what the dispute is all about.

President Trump, who believes passionately in the virtue of tariffs, thinks that the tariffs ought to be equal. That there shouldn't be a trade deficit.

Now, trade is very complicated, and I don't think that all trade deficits are bad. I am also not saying that all trade deficits are good. Trade in the complex global economy today is very complex.

But I see the President's point. I am not suggesting that I agree with the President on everything about tariffs, but when you have got your neighboring country and good friend that is 8 times smaller than you are, and in terms of population, it is 10 times smaller than you are, and your neighbor is selling \$63 billion more in goods to you than you are selling to them, that seems kind of unfair. And the President, as we all know, has made that point very vociferously.

In response, the Canadian Government, the new Prime Minister Carney, he has pretty much bowed up. When President Trump said: Well, the tariffs are uneven, so I am going to raise American tariffs, Prime Minister Carney has bowed up and said: Well, President Trump, you don't believe in free trade. You are not a free trader. If you raise your tariffs, then I am going to raise mine even more.

And that is how you get into a trade war. And I don't want a trade war. And I don't think Prime Minister Carney wants a trade war, and I don't think President Trump wants a trade war.

But I think Prime Minister Carney is wrong when he says that President Trump is not a free trader. President Trump is a free trader, but like most of us, he also believes in fair trading as well.

So here is my respectful, gentle challenge to Prime Minister Carney tonight. Prime Minister Carney, you have criticized President Trump, and I