United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 118th CONGRESS, FIRST SESSION

Vol. 169 WASHINGTON, WEDNESDAY, MARCH 22, 2023 No. 52

Senate

The Senate met at 11 a.m. and was called to order by the Honorable ANGUS S. KING, Jr., a Senator from the State of Maine.

PRAYER

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

Let us pray.

Eternal Spirit, You are our mighty fortress. Thank You for Your mercies, which are fresh each day. Your spirit restores us to newness of life. Because of You, we have a new joy, a new song, and a new hope.

Today, bless our Senators. Guide their steps, and inspire their hearts. May they use their talents to make the Nation and world better. Lord, be their strength and shield from every danger as You fill their hearts with a peace that the world can't give or take away.

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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 22, 2023.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ANGUS S. KING, Jr., a Senator from the State of Maine, to perform the duties of the Chair.

PATTY MURRAY,
President pro tempore.

Mr. KING 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.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Gordon P. Gallagher, of Colorado, to be United States District Judge for the District of Colorado.

RECOGNITION OF THE MAJORITY LEADER

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

AUTHORIZATION FOR USE OF MILITARY FORCE

Mr. SCHUMER. Mr. President, on AUMF first, two decades after the start of the Iraq war, the Senate this week debates legislation to repeal the authority that commenced the war to begin with. By a large vote—67 to 28—the Senate yesterday sent a clear message that the time has come to repeal the AUMFs of 2002 and 1991. At this point, repealing the Iraq AUMFs in the Senate is not a matter of if but, rather, of when.

I hope, given such a strong bipartisan vote yesterday, we can move quickly. There should be no needless delay or dilatory tactics on something the majority of Senators support. We are in the process of negotiating amendments. We want to be reasonable, but this process is going to proceed as quickly as it can.

Allowing these AUMFs to remain on the books is just asking for a future administration to abuse them and, God forbid, bumble us into a new conflict in the Middle East.

War powers belong in the hands of Congress, and we should use and exert that authority by bringing these AUMFs to a close.

It is my hope that both sides can reach an agreement to accelerate this process very soon. In the meantime, once again, thanks, kudos to Senators KAINE and YOUNG, Chairman MENENDEZ and Ranking Member RISCH, and all of the cosponsors. There are many in this legislation.

RAIL SAFETY

Mr. President, now on trains, after last month's terrible derailment in East Palestine, Norfolk Southern CEO Alan Shaw has a chance today to prove before the Senate Commerce Committee that his company is ready to fix the damage they have created. During his testimony, I hope Mr. Shaw will offer some candid answers to a number of very troubling questions.

For example, if Mr. Shaw and rail executives truly care about safety, why did they spend years—years—lobbying the Republican administrations to claw away at regulations intended to keep people safe?

What is Norfolk Southern doing to prevent future accidents like the one in East Palestine? And, God forbid, if another one happens, how will Norfolk Southern ensure communities get the resources they need?

Also, I want to hear Mr. Shaw explain why his company has engorged itself with stock buybacks when that money could have been spent on safety. Listen to this: Norfolk Southern has more than doubled the amount they spent on stock buybacks in the 5 years

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

after the Trump tax law compared to the 5 years before it. In the same period, they cut jobs by thousands and lowered capital investments by billions. How is that justifiable?

I understand that NTSB Chair Homendy is offering testimony as well. I hope we hear from her that the NTSB is ready to conduct a full investigation, not just into Norfolk Southern but into all class I freight rail companies, as I have asked her to do. Such an examination could shed light on a number of rail accidents, if they occurred in populated areas, and which toxic chemicals were released.

A full NTSB investigation could tell us which of these accidents occurred because the tracks were severely degraded or poorly designed, and a full investigation from the NTSB could tell us which negligent rail company policies contributed to the 2,700 deaths in recent years and if any of these could have been prevented.

The Senate deserves explanations. Americans and communities like East Palestine want answers. I hope today's hearing provides some so we can prevent rail disasters like the one in Ohio from happening again.

DEBT CEILING

Mr. President, now, on House Republican comments at their retreat on debt ceiling, undermining the full faith and credit of the United States is never a good idea, but, in the aftermath of a bank collapse, it is supremely reckless. But that is precisely what some House Republicans, including the very chairman of the House Budget Committee, are doing right now.

During House Republicans' annual retreat, House Budget Committee chair and other hard-right-wingers said that now is ''the best time'' to double down on debt ceiling brinkmanship, as news of SVB's collapse remains front of mind. That is reckless and truly clueless. It is both—reckless and clueless.

Instead of calling for calm, House Republicans are sowing chaos by threatening default at a time when banks need stability. Again, instead of calling for calm, House Republicans are sowing chaos by threatening default at a time when banks need stability. It goes to show you how fringe and unserious the House GOP conference has become.

Our Republican colleagues should remember that it was poor supervision and a rush under Trump to deregulate that caused the banking crisis.

Banks that are well managed are not in crisis, even though they are dealing with the same macroeconomic conditions as everyone else.

So what Republicans are saying is not only ridiculous and false but dangerous.

If you are a small business owner worrying about keeping the lights on and paying your employees, what are you supposed to think when Republicans threaten default at a time like this, with markets already on edge?

If you are near retirement and have spent your whole life setting aside a little in order to retire with dignity, how would you feel if Republicans threatened your life savings by risking default?

The right answer is for Republicans in the House to stop saber-rattling, drop the hostage taking and brinkmanship, and work together, work in a bipartisan way, to extend the debt ceiling without strings attached, without brinkmanship, without hostage-taking. But that will only happen once Republicans stop ducking from the American people and show us their plan.

Republicans, show us your plan. Today is March 22. The debt ceiling date is getting closer and closer.

Speaker MCCARTHY, it has been long enough. Where is your plan? Your conference says it wants cuts. They threaten default unless they get their cuts. Where is the plan?

Instead of making radical comments that threaten even more financial turmoil, Republicans should focus more on solving the debt crisis by working with Democrats to ensure default never occurs.

REMEMBERING WILLIS REED

Finally, Mr. President, yesterday we learned the sad news of the passing of one of the greatest New York Knicks legends of all time, team captain Willis Reed.

You cannot write the story of the New York Knicks or the NBA without mentioning Willis Reed. He was a giant on and off the court, a ferocious competitor, a class act, and, above all, a leader of leaders.

In game 7 of the 1970 NBA finals—I so well remember it—Willis Reed authored one of the most memorable moments in sports history by hobbling out of the tunnel and walking onto the court minutes before the tip-off. That night, he gave a legendary performance against the Lakers, while leading his team to one of two Knicks titles. We hope maybe it will happen again soon.

Willis Reed embodied what it meant to be a Knick, a New Yorker, a champion, and a legend. Our thoughts are with his family, friends, and teammates. May he rest in peace.

JUDICIAL NOMINATIONS

Mr. President, a little bit of good news: Today, we, the 118th Congress, will confirm President Biden's 118th judge. The 118th Congress will confirm President Biden's 118th judge.

As you know, we have confirmed more judges at this point in a President's term than in any of the previous three administrations. We are proud of how far we have come, and we are just getting started.

I yield the floor.

I suggest the absence of a quorum.

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

The 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.

BUDGET

Mr. THUNE. Mr. President, before I begin my remarks, just a quick observation.

I know that the majority leader comes down on a fairly regular basis and attacks Republicans, particularly House Republicans, for not producing a budget. Obviously, for the House Republicans, it is their prerogative over there. If there is going to be a budget, it is probably going to be a budget that is put together by the House majority.

But I think it kind of misses the broader point, and that is that, at least here in the Senate, which is our domain, our realm of responsibility, it is up to the majority to put a budget forward. They control the floor. They have all control here. They determine what comes to the floor and what doesn't, and if they want to put together a budget, they certainly could. One place to start, obviously, would be the President's budget.

The President submitted a budget, which, by any estimation, is a massive expansion of the Federal Government, with lots of new spending—$5 trillion in new taxes, mostly on job creators and small businesses. At the end of the budget period, he would add $17 trillion to the Federal debt. Budget periods cover a window, typically, of 10 years. The President's budget, as put forward, at the end of that 10-year period, would add $17 trillion to the Federal debt and dramatically increase spending.

Now, spending prepandemic, as we went into the pandemic, was about $4.4 trillion a year—all in Federal spending. Of course, during the pandemic, that increased. In a bipartisan way, there were some decisions made to support and increase spending in some areas that were designed to combat and deal with a lot of the adverse impacts of the pandemic. Now the pandemic is behind us, and a lot of that spending should have been temporary. A lot of that spending really shouldn't have been incorporated into the baseline.

What the Democrats have done is incorporated that into the baseline so that, this year, the amount of spending in the President's budget—about $6.9 trillion—is about 55 percent more than the baseline spending back in 2019, prepandemic, at a time when the population of the country has only increased by 1.8 percent. Now, you could argue, I suppose, if you had a massive increase in population—a lot more people in the country—that Federal spending would increase with it, but increasing Federal spending 55 percent at a time when you only have a 1.8-percent population growth in the country seems like a lot of excessive spending spent on expanding and growing the size and the footprint of the Federal Government.

Interestingly enough, at the end of that 10-year period—again, the budget window covers 10 years—spending under the President's budget would be $9.9 trillion—$9.9 trillion; in 2019, $4.4 trillion; at the end of the 10-year window covered by the President's budget,

$9.9 trillion—more than double, way more than double the amount of spending that we had prior to the pandemic in 2019 and where some additional spending that was added at the time was and should have been temporary.

So those are kind of the contours of the President's budget. That is his plan. The Senate Democrats, obviously, could put that on the floor or they could come up with a different budget. But the point, very simply, is they are the majority. That is their responsibility. If they want to put a budget out, if they want to vote on a budget, put a budget on the floor. We are happy to vote on it. We would be happy to offer amendments to it, and they would be amendments that would reflect the priorities that we have on our side, which call for less spending, less government, a lighter regulatory touch, and not the massive tax increases contemplated by the President's budget.

So that is just a point I wanted to clarify. As we have this conversation around the budget of whose responsibility it is to advance a budget here in the U.S. Senate, it is the job of the majority, and so far the majority has not wanted to undertake that task. Perhaps, more importantly, I don't think it probably wants to vote on the President's budget, which, as I said, adds $17 trillion to the debt, which makes the debt at the end of that 10-year period—the 10-year window, by the way—$50 trillion; $50 trillion. That is what the President's budget would have us at in total debt, cumulative debt, at the end of that 10-year period, but it adds $17 trillion during that 10-year window and increases spending from $4.4 trillion prepandemic in 2019 to $9.9 trillion. It is pretty stunning, really, but that isn't what I came to talk about here today.

RESTRICT ACT

Mr. President, I wanted to discuss something because there has been a lot of talk about TikTok in the Halls of Congress lately and I think with good reason because it is becoming increasingly clear that TikTok poses serious national security concerns.

TikTok and its parent company, ByteDance, are Chinese-owned entities with ties to the Chinese Communist Party; and after a Chinese spy balloon floated over our country a few weeks ago, I think it is obvious to everyone that the Chinese Communist Party is hostile to the interests of the United States and spies on American citizens. I can think of few better or easier ways to spy on American citizens or manipulate American public opinion than to make use of a popular app that is used by over 100 million Americans.

In the United States, of course, we have the Fourth Amendment to the Constitution to protect the data Americans provide to apps from being seized by the government, but the Chinese Communist Party has no such restraints. In fact, Chinese law requires social media and technology companies to provide information, including individually identifiable personal information, to the Chinese Government when asked. So there is no legal framework in China to effectively protect TikTok users or users of any China-based app from having their personal information turned over to the Chinese Communist Party.

There are already concerning signs that TikTok users' personal information is not secure. It was reported last year that China-based employees of ByteDance had repeatedly accessed private data from TikTok users in the United States despite TikTok's claim to the contrary; and in December 2022, it was found that ByteDance's employees inside China used the app to obtain the locations of journalists who worked on stories highlighting TikTok's national security risks. This, obviously, has implications for Americans' personal security and privacy, and it raises troubling questions about how the Chinese Communist Party could use TikTok for its own ends whether that is using personal data to develop sources for espionage or manipulating content to advance the Communist Party's agenda.

TikTok is not the first time technology from a hostile nation has posed a serious security concern. Before there was TikTok, we had to engage in a protracted effort to remove technology from Chinese companies Huawei and ZTE from our telecommunications networks after U.S. security officials raised concerns that much of Huawei's and ZTE's equipment was built with ''backdoors,'' giving the Chinese Communist Party access to global communications networks.

The digital age has come with enormous benefits, but it also comes with substantial new threats, not least the threat of a hostile foreign government exploiting communications technology for nefarious purposes. And that threat increases substantially when we are talking about technology, from hardware to social media apps, produced by companies in hostile nations and affiliated with hostile governments.

In recent years, a number of foreign companies in the information and communications technology space—many of them subject to the control of hostile governments—has gained significant market share. Current law provides some remedies for confronting the dangers these companies present.

For example, the Committee on Foreign Investment in the United States, or what we call CFIUS, can block attempted investments from foreign companies if these investments are determined to present a national security threat, but the authorities the Federal Government currently has were fashioned in a predigital age and, therefore, are not designed for the specific threats posed by digital technology controlled by foreign adversary nations. As a result, the Federal Government is limited in what it can do in situations like the one we currently face with TikTok.

What is needed is a comprehensive framework for responding to national security risks posed by foreign adversary-owned digital technology whether that is TikTok or some other app or mobile phone technology or internet hardware.

While CFIUS has the ability to address some risks, the reality is that the mere presence of a technology from a foreign adversary in the United States does not trigger a CFIUS review. For a tech platform that does not acquire, merge with, or invest in a U.S. company, the CFIUS review simply does not apply. For example, WeChat, the other Chinese-controlled app that President Trump sought to ban back in 2020, is, apparently, not subject to a CFIUS review. Legislation is necessary to fill this important gap in authority.

That is why earlier this month, Democrat Senator MARK WARNER, chairman of the Senate Intelligence Committee, and I introduced the Restricting the Emergence of Security Threats That Risk Information and Communications Technology Act—the long way of saying or the acronym—the RESTRICT Act, which now has the support of 18 Senators from both parties.

Our legislation would create a comprehensive process, based at the U.S. Department of Commerce, for identifying and mitigating foreign threats to information and communications technology products and services. Now, I want to emphasize that the authorities of the RESTRICT Act only apply to six foreign adversary countries: China, Russia, North Korea, Iran, Venezuela, and Cuba.

Under our bill, the Department of Commerce would review any information and communications technology product from these countries that is deemed to present a possible security threat, with an emphasis on products used in critical telecommunications infrastructure or with serious national security implications. And the Secretary of Commerce would be required to develop a range of measures to mitigate the danger posed by these products, up to and including a total ban on the product in question.

The bill would also ensure transparency by requiring the Commerce Secretary to coordinate with the Director of National Intelligence to provide declassified information on why any measures taken against foreign adversary-owned technology products were necessary in the first place. Importantly, the RESTRICT Act also requires the Secretary of Commerce to act within 180 days after initiating a review.

A common complaint about the ongoing CFIUS review of TikTok is that it has been open-ended and taken years to complete. By comparison, the RESTRICT Act requires quick action to take the necessary steps to mitigate an undue risk from technology of a foreign adversary nation.

Mr. President, there is bipartisan acknowledgement that TikTok poses a

national security threat, and the RESTRICT Act provides a framework for confronting both current and future risks. I am grateful to both Republican and Democratic colleagues for joining Senator WARNER and me to introduce this bill.

It is time to update our laws to ensure that we are able to confront the national security threats posed by foreign adversary technology. I look forward to working with colleagues from both parties in both Chambers to advance the RESTRICT Act and get it to the President's desk.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

BORDER SECURITY

Mrs. CAPITO. Mr. President, I rise today to talk about a constant issue in front of the American people that has haunted, I think, and will haunt this President during his tenure in the White House. It is a subject that my Republican colleagues and I have highlighted in this Chamber—we did just several weeks ago—and this is the continued lack and disregard for border security in our country.

Last week, the White House Press Secretary said that when it comes to the Biden administration and border security:

We're going to secure the border and do the work.

Well, I wonder what it was that has found this newfound urgency at 1600 Pennsylvania Avenue. And why has it taken 785 days for the Press Secretary to acknowledge the problem?

Maybe it is the record 2.7 million migrant encounters in fiscal year 2022. Or could it be the more than 4.9 million illegal border crossings since President Biden took office? Or how about, for the first time in history, monthly apprehensions at the southern border have surpassed 150,000 for 24 consecutive months? Or that in a season when illegal border crossings are typically lower, Customs and Border Protection encounters rose 2 percent last month with heroine seizures increasing 99 percent and fentanyl seizures increasing 58 percent?

Whatever the reason—whatever the reason—I sure would like to welcome the White House to the same page that we as Republicans have been on since day one of this administration.

While my colleagues and I have been sounding constant alarms about the porousness of our border, the Biden administration has, No. 1, stopped making needed updates to our physical border system, leaving gates inoperational and open; they have halted deportations and have been inconsistent in implementing effective policies that kept illegal border crossings under that 150,000 level for 4 consecutive years prior. There is no denying that this crisis is a self-manufactured crisis.

Maybe most encompassing of their priorities regarding security of our country is that the Department of Homeland Security is one of the few Agencies—and they are the ones tasked with this difficult issue—is one of the few Agencies facing an overall budget cut in the President's latest budget proposal. Remember, a budget is your priorities; it is where you want to do your work.

In an age where it seems that the President and the Congressional Democrats cannot spend enough, they decide to make room for more spending and their radical priorities by putting the Agency in charge of defending our homeland on the chopping block first. I don't know about you, but that doesn't seem like something an administration that is going to ''secure the border'' should be doing.

Perhaps even more alarming are the comments made by the DHS Secretary regarding their budget allotment. Secretary Mayorkas outlines six priorities in the budget summary that he claims the Agency can work to accomplish with the help of the budget. Toward the top of the list—this is the Department of Homeland Security. Toward the top of the list, ''invest in climate.'' The second-to-last priority, ''help secure the border.'' That is simply unacceptable, especially as migrant encounters at the southern border in fiscal year 2023—where we are in now—are already outpacing the records set in 2022.

My colleagues and I hear the Biden administration quite clear: Securing the border has not been and never will be a priority for this President or his Department of Homeland Security.

What makes this admission so devastating is that while the administration continues to balk at serious attempts to secure the southern border, countless Americans are dying at the hands of the illicit drugs that make their way into our communities through that same southern border. Last month alone, 2,282 pounds of fentanyl—which we know is lethal in extremely, extremely small doses and small amounts—and 10,333 pounds of methamphetamine were seized at the southern border. That amount of fentanyl is the equivalent to 517 million lethal doses.

Our Border Patrol is stretched unfathomably thin with very little support from the administration. There is no telling how many—the amount of drugs that are getting through undetected. I was just talking about the ones that we got.

Just last month, I spoke in this Chamber regarding a recent drug bust in my home State of West Virginia. As investigators from the U.S. Attorney's Office in the Northern District of West Virginia recovered cocaine, meth, and fentanyl, they discovered that these deadly substances had been shipped directly through the U.S.-Mexican border to Ohio via a tractor-trailer. The connection between the southern border crisis and our addiction epidemic back home could not be any clearer. I have said it before, and I will say it again: Every State—my State—is a border State.

While President Biden and his administration continue to put confusing and often conflicting words before action, if they even take action, my colleagues and I continue to make it a concerted effort to get to the bottom of this chaos.

Just this past weekend, I joined a bipartisan, bicameral group of lawmakers to travel to Mexico City where we met—with quite lengthy meetings—with Mexico's President Lopez Obrador. While there, we held meetings on the United States security posture with regard to Mexico, the chaos at our border, the devastating impacts of fentanyl in our communities, and the violence and trafficking perpetrated by the Mexican cartels. All these issues are top concerns to us here in this country.

It is clear that Mexico needs to continue to address corruption at their ports of entry, and the President emphasized this. They need to focus on the fentanyl precursors coming from China that are coming into our country.

I am very excited and happy that we secured a commitment from President Lopez Obrador that their administration will confront China regarding fentanyl precursors being shipped into their country. This is a major step in cutting fentanyl trafficking in the United States at its source and is needed to alleviate the chaos and corruption currently happening at the border between our two countries.

There is no way to deny that both the United States and Mexico—that border has stressed our countries beyond belief. I think we serve as partners with Mexico. We need to be partners—and good partners—with Mexico to solve this problem.

We are facing historic levels of illegal immigration. We must continue to meet these challenges with urgency and a willingness to work together, and we certainly got that message conveyed to the Mexican President and a reciprocal message coming back from him and his administration.

As my Republican colleagues and I will continue to make clear today, Republicans stand for solutions and not just spending. We stand for action, and we also stand for border security.

I encourage President Biden to join us in this effort and work toward bipartisan border solutions that are effective; that support our Border Patrol officers; and that also, in the end, will save countless lives.

With that, I yield the floor.

VOTE ON GALLAGHER NOMINATION

Mrs. CAPITO. Mr. President, I ask unanimous consent that the vote on the previous issue begin immediately.

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	Luján	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 platform 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 ultralight 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 ultralights 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 supposed 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 Midland, 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 way—$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.

S. 316

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 nonimmigrant, 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 reengage 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 vaccine 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 1884.

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 Secretary 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	Luján	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	Luján	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	Fetterman
Feinstein	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 servicemembers 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

repayment,'' as well as to provide ''debt cancellation'' for certain federal student loan recipients. The White House, Fact Sheet: President Biden Announces Student Loan Relief for Borrowers Who Need It Most (Aug. 24, 2022), available at https://www.whitehouse.gov/briefing-room/statements-releases/2022/08/24/factsheet-president-biden-announces-student-loan-relief-for-borrowers-who-need-it-most/ (last visited Mar. 10, 2023). After President Biden's announcement, ED outlined the referenced actions on a website titled ''One-Time Federal Student Loan Debt Relief.'' ED, Federal Student Aid, One-Time Federal Student Loan Debt Relief, available at https://studentaid.gov/manage-loans/forgiveness-cancellation/debt-relief-info (last visited Mar. 10, 2023). ED also provided notice of these actions through 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). 87 Fed. Reg. 61512 (Oct. 12, 2022). For ease of reference, we refer collectively to ED's actions in the above-referenced website and Federal Register document as ED's ''Waivers and Modifications.'' GAO received a request for a decision as to whether ED's Waivers and Modifications are a rule for purposes of the Congressional Review Act (CRA). Letter from Ranking Members Fox and Burr, Senators Cassidy and Cornyn, and Members of Congress Good and Miller-Meeks, to the Comptroller General (Sept. 23, 2022). As discussed below, 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 CRA's submission requirement. Consistent with CRA, ED may forgo the normal delay in a rule's effective date for good cause. 5 U.S.C. 808(2).

Our practice when rendering decisions is to contact the relevant agencies to obtain their legal views on the subject of the request. GAO, Procedures and Practices for Legal Decisions and Opinions, GA0–06–1064SP (Washington, D.C.: Sept. 2006), available at https://www.gao.gov/products/gao-06-1064sp. Accordingly, we reached out to ED to obtain the agency's legal views. Letter from Assistant General Counsel, GAO, to General Counsel, ED (Oct. 17, 2022). We received ED's response on February 22, 2023. Letter from General Counsel, ED, to Assistant General Counsel, GAO (Feb. 22, 2023) (Response Letter).

BACKGROUND

Federal Student Loans and the HEROES Act

ED currently administers federal student loans pursuant to at least four programs: the William D. Ford Federal Direct Loan Program, the Federal Family Education Loan (FFEL) Program, the Federal Perkins Loan Program, and the Health Education Assistance Loan (HEAL) Program. See 20 U.S.C. 1087a–1087j, 1071–1087–4, 1087aa–1087ii; ED, Health Education Assistance Loan Program, 82 Fed. Reg. 53374 (Nov. 15, 2017). For each of these programs, Congress set forth relevant terms and conditions in title IV of the Higher Education Act of 1965 (HEA). 20 U.S.C. 1070 et seq. Among other things, HEA outlines the responsibility of borrowers to repay their loans, the consequences of failing to do so, and the possibility that ED may cancel loans under certain circumstances. See 20 U.S.C. 1078–10, 1078–11, 1080, 1087j, 1087e, 1087dd, 1087ee. ED also implements HEA through its own regulations. See, e.g., 34 C.F.R. parts 674, 681, 682, and 685.

In the Higher Education Relief Opportunities for Students Act of 2003 (HEROES Act), Congress gave ED the power to ''waive or modify HEA provisions and regulations under limited emergency circumstances. Specifically, the Act states that:

''Notwithstanding any other provision of law, unless enacted with specific reference to this section, the Secretary of Education . . . may waive or modify any statutory or regulatory provision applicable to the student financial assistance programs under title IV of [HEA] . . . as the Secretary deems necessary in connection with a war or other military operation or national emergency . . . .''

20 U.S.C. 1098bb(a)(1). As a prerequisite to providing waivers or modifications under the above-quoted provision, ED must find them ''necessary to ensure'' certain objectives listed in the HEROES Act. Id. 1098bb(a)(2). The first listed objective is to ensure that ''recipients of [loans] under title IV of [HEA] . . . are not placed in a worse position . . . in relation to [such loans] because of their status as affected individuals.'' Id. The second listed objective is to ensure that ''administrative requirements placed on affected individuals . . . are minimized, to the extent possible without impairing the integrity of the [federal student loan] programs . . . to ease the burden on such students.'' Id.

The HEROES Act outlines processes for ED to inform the public about waivers and modifications. Id. §1098bb(b). In addition, the HEROES Act requires ED to provide certain information to Congress about waivers and modifications. Id. Notwithstanding section 437 of the General Education Provisions Act (GEPA) and section 553 of APA, the HEROES Act says that ED must ''by notice in the Federal Register, publish the waivers or modifications of statutory and regulatory provisions that [it] deems necessary'', as well as ''the terms and conditions to be applied in lieu of such [waived or modified] provisions.'' Id. Additionally, ED must provide Congress with an ''impact report'' no later than 15 months after it provides any waiver or modification. Id. §1098bb(c). This report must discuss the impact of ED's waivers or modifications ''on affected individuals'' and ''programs under title IV of the [HEA],'' as well as ED's ''recommendations for changes'' to provisions waived or modified. Id.

Finally, the HEROES Act speaks to the timing of ED's waivers and modifications. In a subsection titled ''no delay in waivers and modifications,'' the Act says ''Sections 482(c) and 492 of the [HEA] shall not apply'' to ED's waivers and modifications. Id. §1098bb(d). Ordinarily, those provisions require ED to delay the effective date of certain regulations, and to engage in a ''negotiated rulemaking'' process—including the input of students, institutions of higher education, and other affected entities—for regulations concerning federal student loans. See id. §§1089(c), 1098a.

ED's Waivers and Modifications

In its Waivers and Modifications, ED invoked the HEROES Act to take emergency actions in view of the COVID–19 pandemic. As ED explained, President Trump had declared a national emergency concerning the COVID–19 pandemic on March 13, 2020, and it remained in effect at the time of ED's actions. 87 Fed. Reg. 61512, 61513. As ED further explained, because the COVID–19 emergency declaration encompassed all areas in the United States, ''any person with a Federal student loan under title IV of the HEA'' was an ''affected individual'' under the HEROES Act. Id. In light of ''the financial harm caused by the COVID–19 pandemic,'' ED said that certain ''waivers and modifications [were] necessary to ensure that affected individuals [were] not placed in a worse position financially with respect to their student loans.'' Id. ED ''further determined'' that these Waivers and Modifications would ''help minimize the administrative burdens placed on affected individuals.'' Id.

In sum, ED's Waivers and Modifications amounted to two specific actions:

First, ED extended a then-current ''automatic suspension of payment and application of a zero percent interest rate'' for all individuals with federal direct loans or federally-held FFEL, Perkins, or HEAL loans. Id. ED explained how an automatic suspension of payment and zero percent interest rate originated with the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Pub. L. No. 116–136 (Mar. 27, 2020), and how the President and ED had extended these measures through August 2022. Id. at 61513–61514. ED now announced that it was further extending these measures through December 31, 2022. Id. at 61513.

Second, ED announced that it would ''discharge certain amounts'' of federal direct loans and federally-held FFEL and Perkins loans. Id. Subject to specified income limitations and individual borrowers' submission of applications, ED announced that it would discharge up to $20,000 for borrowers who had received a Pell Grant, and up to $10,000 for borrowers who had not received a Pell Grant. Id. ED explained that it was ''modif[ying] the provisions of' HEA and its implementing regulations in order to make these discharges permissible. Id. at 61514.

ED indicated that the Waivers and Modifications were effective as of October 12, 2022 (i.e., immediately upon publication in the Federal Register), and that, except where otherwise indicated, they would ''expire at the end of the award year in which the COVID–19 national emergency expires . . . .'' Id. at 61513.

The Congressional Review Act

CRA, enacted in 1996 to strengthen congressional oversight of agency rulemaking, requires federal agencies to submit a report on each new rule to both houses of Congress and to the Comptroller General for review before a rule can take effect. 5 U.S.C. §801(a)(1)(A). The report must contain a copy of the rule, ''a concise general statement relating to the rule,'' and the rule's proposed effective date. Id. CRA allows Congress to review and disapprove federal agency rules for a period of 60 days using special procedures. 5 U.S.C. §802. If a resolution of disapproval is enacted, then the new rule has no force or effect. 5 U.S.C. §801(b)(1).

CRA adopts the definition of rule under the Administrative Procedure Act (APA), 5 U.S.C. §551(4), which states that a rule is ''the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency.'' 5 U.S.C. §804(3). However, CRA excludes three categories of rules from coverage: (1) rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. Id.

ED did not submit a CRA report to Congress or the Comptroller General on its Waivers and Modifications. ED contends that the Waivers and Modifications do not meet the definition of a rule under CRA. In addition, ED relies on a provision of the HEROES Act allowing ED to modify student loan requirements ''notwithstanding any other provision of law.'' Response Letter at 1–2 (quoting 20 U.S.C. §1098bb(a)(1)–(2)).

DISCUSSION

At issue here is whether ED's Waivers and Modifications meet the definition of a rule under CRA. As explained below, we conclude that they do.

ED's Waivers and Modifications meet CRA's definition of ''rule'' as an agency statement of future effect designed to implement, interpret, or prescribe law or policy.

They are an agency statement because ED published them as such on its webpage and in the Federal Register. 87 Fed. Reg. 61513. They have future effect because they temporarily extended a suspension of payment and interest terms, and because they invite borrowers to apply prospectively for the discharge of certain debt amounts. Id. And they implement law and policy by ''waiv[ing]'' and ''modif[ying] the provisions of'' HEA and its implementing regulations. Id.

Additionally, none of CRA's three statutory exceptions are applicable:

First, the Waivers and Modifications are not a rule of particular applicability. A rule of particular applicability is one addressed to specific, identified entities. See B–333732, Jul. 28, 2022 (explaining that a rule of general applicability is one with an open class but a rule of particular applicability is limited to those named). By contrast, ED's Waivers and Modifications suspended payment obligations and modified interest rates for all individuals with federal direct loans or federally-held student loans. 87 Fed. Reg. 61513. They also offer to discharge certain debt amounts for all such individuals meeting specified income limitations. Id.

Second, the Waivers and Modifications are not a rule relating to agency management or personnel. A rule relates to agency management or personnel if it applies to agency employees and not to outside parties. See e.g., B–331324, Oct. 22, 2019 (determining that 5 U.S.C. §804(3)(b) does not apply when the rule deals with actions regulated parties should take and not agency management or personnel). But here, the Waivers and Modifications relate to the student loan obligations of all ''affected individuals,'' which ED has defined broadly to include ''any person with a Federal student loan under title IV of the HEA.'' 87 Fed. Reg. 61512, 61513.

Third, and finally, the Waivers and Modifications substantially impact the rights and obligations of non-agency parties because they allow student borrowers to forego ordinary loan-repayment obligations and apply to have certain amounts of debt discharged.

ED's Response

ED asserts that the Waivers and Modifications are not subject to CRA because they are ''not a rulemaking, but a one-time, fact-bound application of existing and statutorily prescribed waiver and modification authority.'' Response Letter at 4. ED also states that its Waivers and Modifications are not subject to CRA because the HEROES Act allows ED to modify student loan requirements ''notwithstanding any other provision of law.'' Id. at 1–2 (quoting 20 U.S.C. §1098bb(a)(1)–(2)).

ED bases its first assertion upon Goodman v. FCC, 182 F.3d 987, 993–94 (D.C. Cir. 1999), as well as similar cases finding that an agency's action was an ''order'' or another type of action other than a ''rule'' within the meaning of APA's definitions that CRA incorporates. Id. However, those cases are distinguishable here. In Goodman, the Federal Communications Commission (FCC) took action to resolve several outstanding issues related to Specialized Mobile Radio (SMR) licensees. Id. at 990. The D.C. Circuit found that FCC's action was an ''order'' and ''not a rulemaking'' because it addressed the ''temporary waiver'' of existing FCC rules for already-issued licenses, whereas a rule would have had ''legal consequences 'only for the future.'' Id. at 994 (quoting Bowen v. Georgetown University Hospital, 488 U.S. 204, 216–17 (1988) (Scalia, J., concurring)). GAO has applied Goodman to find other agency actions beyond CRA's coverage, including most recently in B–334400, Feb. 9, 2023. In that case, we found that the Environmental Protection Agency's resolution of 69 small refinery petitions was an order, not a rule, because the at-issue petitions concerned specific requests for ''statutory exemptions,'' which the APA recognizes as a type of ''license'' and order. B–334400, Feb. 9, 2023.

Here, unlike in the above cases, ED's Waivers and Modifications are oriented generally toward the future and have potentially broad consequences for all loan holders, not just a specifically-identified subset thereof. They do not address existing requests from particular licensees or petitioners, as was the case in Goodman and in B–334400, nor do they apply existing law to the facts of any particular claim or request. To the contrary, ED's Waivers and Modifications substitute new benefits and requirements across the board. See 87 Fed. Reg. 61513. ED asserts that it has not previously submitted rules under the CRA process when using its HEROES Act authority. Those prior HEROES Act actions, however, are not before us and we do not interpret those instances as Congress or GAO finding that CRA did not apply. Instead, we have been asked to assess whether the current Waivers and Modifications are subject to CRA.

With regard to ED's second assertion, the Supreme Court has recognized that statutory ''notwithstanding any other provision of law'' clauses signal Congress's general intent to ''override conflicting provisions of any other [laws].'' Cisneros v. Alpine Ridge Group, 508 U.S. 10, 18 (1993). To determine the scope of any particular ''notwithstanding'' clause, we construe the particular language and ''the design of the statute as a whole.'' See K. Mart Corp v. Cartier, Inc., 486 U.S. 281, 291 (1988); see also B–290125.2, B–290125.3, Dec. 18, 2002 (''In expounding a statute, we must . . . look to the provisions of the whole law, and to its object and policy.'') (quoting Maestro Plastics Corp. v. National Labor Relations Board, 350 U.S. 270, 285 (1956)). Generally, laws that are not contrary to the design of a ''notwithstanding'' clause will continue to apply despite that clause. Thus, in B–290125.2, B–290125.3, Dec. 18, 2002, an appropriation act directed the Department of Energy (DOE) to award a construction contract and, ''notwithstanding any other provision of law,'' to negotiate with the awardee and make contract modifications as necessary to ensure that groundbreaking occurred by a specified date. DOE argued that this ''notwithstanding'' clause overrode GAO's authority to decide bid protests under the Competition in Contracting Act of 1984 (CICA), 31 U.S.C. §3551–3556 (2000). Id. However, GAO rejected DOE's argument because we found that our CICA authority did not ''interfere'' with and ''would not prevent'' DOE from performing the specific time-delimited tasks with which DOE's appropriation was concerned. Id. See also District of Columbia Federation of Civic Assn's v. Volpe, 459 F.2d 1231, 1265 (D.C. Cir. 1971), cert. denied, 405 U.S. 1030 (1972) (provision of Federal-Aid Highway Act directing construction of a bridge ''notwithstanding any other provision of law'' did not render inapplicable certain federal statutes regarding protection of historic sites).

By contrast, where a law cannot be reconciled with the intent of a ''notwithstanding'' clause, it is overridden. For example, in United States v. Novak, the Ninth Circuit considered a Mandatory Victims Restitution Act (MVRA) provision indicating that ''notwithstanding any other Federal law,'' a judgment imposing a fine ''may be enforced against all property or rights to property of the person fined . . . .'' 476 F.3d 1041, 1045, 1046 (9th Cir. Feb. 22, 2007) (quoting 18 U.S.C. §3613A(d)). The Court found that this provision overrode sections of the Employee Retirement Income Security Act of 1974 (ERISA) prohibiting the ''alienation'' of retirement savings. Id. In doing so, the Court noted the ''breadth of Congress's reference to ''all property or rights to property,'' as well as its use of express language to override a similar ''anti-alienation'' provision in the Social Security Act of 1935 (SSA), among other things. Id. at 1047; see also, e.g., Schneider v. United States, 27 F.3d 1327 (8th Cir. 1994) (judicial review precluded by Military Claims Act provision stating that agency determinations were final and conclusive ''notwithstanding any other provision of law.'').

Here, the ''notwithstanding'' clause in the HEROES Act does not exempt ED's Waivers and Modifications from CRA. CRA does not contain a ''specific reference'' to the HEROES Act See 5 U.S.C. §801; 20 U.S.C. §1098bb(a)(1). As a basic matter, however, following CRA does not conflict with the design or policy of the HEROES Act. Congress in the HEROES Act empowered ED to address ''emergency'' situations. It did this by directing ED to waive or modify student loan provisions that it found necessary to ''ease the burden'' on loan recipients and to ''ensure'' that the emergency did not place them in a ''worse position,'' among other things. Id. §1098bb(a)(2). It also did this by directing ''no delay'' in the implementation of ED's waivers and modifications. Id. §1098bb(d).

Consistent with these aims, CRA also specifically contemplates the possibility of emergency actions requiring immediate implementation. As a general matter, rules subject to CRA may not become effective for 60 days pending Congress's review and potential enactment of a disapproval measure. 5 U.S.C. §801, 802. But Congress in CRA allowed agencies to find for ''good cause'' that normal delays are ''impracticable, unnecessary, or contrary to the public interest,'' and the agency's rule may then take effect at such time as the agency determines. 5 U.S.C. §808(2). As in B–290125.2, then, applying CRA's requirements does not ''interfere'' with and ''would not prevent'' ED from carrying out emergency actions under the HEROES Act. B–290125.2, B–290125.3, Dec. 18, 2002. If ED believes that its Waivers and Modifications must take immediate effect—as appears to be the case—then it need only make a ''good cause'' finding consistent with CRA's requirements.

Context considerations provide additional support for our conclusion that Congress did not mean to exempt HEROES Act actions from CRA. First, CRA itself contains a clause indicting that it should apply ''notwithstanding any other provision of law.'' 5 U.S.C. §806(a). While this alone is not definitive, Congress in the HEROES Act took express action to override certain other provisions without taking comparable action on CRA. Specifically, Congress said that HEA's negotiated rulemaking requirements ''shall not apply,'' and that the HEROES Act's public-reporting requirement would apply ''notwithstanding'' the normal reporting requirements applicable to ED under GEPA and APA (which GEPA references). 20 U.S.C. §1098bb(d). If we interpret the ''notwithstanding'' clause literally, as ED urges us to do, then it was not necessary for Congress to make any of these additional carveouts because neither HEA, nor GEPA, nor APA references the HEROES Act. 5 U.S.C. §553, 20 U.S.C. §§1089(c), 1098a, 1232. Clearly, then, Congress contemplated that procedural requirements like those in HEA, GEPA, and APA could continue in force without presenting any conflict with the ''notwithstanding'' clause; the HEROES Act needed to address these provisions specifically to exempt ED from their requirements.

ED also asserts that the HEROES Act speaks definitively ''to the role of Congress vis-à-vis waivers and modifications'' with

''its own mechanism of congressional reporting.'' Response Letter at 6. As described above, the HEROES Act requires ED to provide Congress with an ''impact report'' no later than 15 months after it provides any waiver or modification. Id. §1098bb(c). On its face, this reporting requirement does not displace the purpose of CRA and its requirements, which trigger before an agency takes action. It would be wholly consistent with both CRA and the HEROES Act for an agency to first submit a CRA report (and find ''good cause'' to forego the normal requirements), and then to take action pursuant to the HEROES Act, and then to report on the impact of such actions within 15 months. See B–333501, Dec. 14, 2021 (finding that the Centers for Disease Control and Prevention (CDC) had to submit a CRA report in connection with new masking requirements, but that it could address the need for emergency implementation through a good cause waiver); B–333732, Jul. 28, 2022 (''While CRA does not provide an emergency exception from its procedural requirements . . . [it] addresses an agency's need to take emergency action without delay.''). Indeed, over the course of the COVID–19 public health emergency, several agencies have submitted rules for congressional review while waiving the delay in effective date by invoking CRA's good cause exception. See, e.g., B–33486, Aug. 10, 2021; B–333381, Jul. 9, 2021; B–332918, Feb. 5, 2021.

Issues before the Supreme Court

With this decision, we are not addressing the questions currently before the Supreme Court in Biden v. Nebraska, which include whether ED's Waivers and Modifications ''exceed[ed] the Secretary [of Education]'s statutory authority or [were] arbitrary and capricious.'' See Supreme Court Docket No. 22–506, Questions Presented (Dec. 1, 2022), available at https://www.supremecourt.gov/docket/docketfiles/html/qp/22-00506qp.pdf. For present purposes, we treat the Waivers and Modifications as an exercise of the HEROES Act authority that ED invoked to support them. We hold only that a valid exercise of authority under the HEROES Act is subject to CRA. We need not reach the more specific conclusion about the substantive validity of ED's Waivers and Modifications at issue in the Supreme Court's decision in Biden v. Nebraska in order to reach a conclusion under CRA.

CONCLUSION

ED's Waivers and Modifications meet the definition of a rule under CRA and 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 are impracticable, unnecessary, or contrary to the public interest, then its rule may take effect at whatever date ED chooses, consistent with CRA. 5 U.S.C. §808(2).

EDDA EMMANUELLI PEREZ,
General Counsel.

ADDITIONAL STATEMENTS

RECOGNIZING THE BISMARCK CAPITAL ICE CHIPS

● Mr. CRAMER. Madam President, this is a time of year when sports seasons wrap up and tournaments and final competitions crown new champions. I have the privilege today of recognizing one team of outstanding figure skaters from Bismarck, ND. They are the Capital Ice Chips, 22 high school girls under the age of 18 who this month skated their way to the gold medal in the U.S. National Synchronized Skating championships.

The Ice Chips are not strangers to this national competition, which was held in Peoria, IL. They have qualified for nationals for the past 13 years and have stood on the winners podium nine times. This year, they were on the top step for the first time after competing against 12 other teams hailing from much larger metropolitan areas in California, New York, Illinois, New Jersey, and Arizona.

The 20-year-old Bismarck Figure Skating Club has been dominant in national competitions because it begins training young skaters as young as preschoolers. With considerable support from parents and top-notch teachers and coaches at every stage of learning, these young skaters also start synchronized skating at an early age. Most of this year's Capital Ice Chips are veteran skaters who have attended many regional and national competitions.

I want to commend the coaches, notably Rebecca Gallion, who has been with the Bismarck Figure Skating Club for all of its 20 years, as well as Selena Morris and Hayley Trom. Previous skaters have become instructors and coaches and have been instrumental in helping the Ice Chips advance to the level of excellence on display at the national competition this year.

The skaters on the Capital Ice Chips national championship team are Emily Appert, Elyse Bock, Nora Carlson, Gabriella Deeter, Chloe Dwyer, Isabelle Ersland, Brooklyn Gallion, Tatum Gietzen, Ella Haar, Miah Hamar, Kamri Hopfauf, Ashlyn Iverson, Nora Luckenbill, Taryn Nelson, Addison Rakness, Kadence Rambur, Addisen Renton, Morgan Schatz, Lexi Stenberg, Reece Theel, Ethnie Zahn, and Kinzie Zahn.

North Dakota's legendary winters bring out a love of winter sports, including those played on ice rinks across my State. Figure and synchronized skating require teamwork and discipline in these young athletes, and I congratulate the Capital Ice Chips for their dedication and hard work that earned them this championship. I join the rest of North Dakota in thanking the Bismarck Figure Skating Club and the Capital Ice Chips for inspiring all of us to achieve excellence. They have demonstrated what can be achieved by combining faith and passion with determination and teamwork.●

TRIBUTE TO ALEX RAY, LISA MURE, SUSAN MATHISON, AND STEVE RAND

● Ms. HASSAN. Madam President, I am honored to recognize Alex Ray and Lisa Mure of Holderness and Susan Mathison and Steve Rand of Plymouth as March's Granite Staters of the Month. The group of friends started a nonprofit, Common Man for Ukraine, that has raised more than $2.6 million for Ukrainian children impacted by Putin's unconscionable invasion of Ukraine.

Following the onset of the war, the group wanted to figure out how they could help the Ukrainian people. Through their membership with the Plymouth Rotary Club, Alex and Steve connected with Rotarian leaders in Poland, which was already seeing an influx of Ukrainian refugees fleeing the conflict. And then Alex, Susan, Steve, and Lisa jumped into action. Within just 2 weeks, the four friends were on the ground in Poland and Ukraine meeting with Ukrainian and Polish Rotary Club leaders about the needs of local displaced person camps, orphanages, and safehouses for displaced children.

When the group returned to New Hampshire, they began to raise funds, with the first donation being $500 from the Plymouth Rotary Club. Since then, they have raised more than $2.6 million to purchase 750 tons of food for their partners in Poland. The NH Fisher Cats AA baseball team also hosted a benefit game to raise funds.

The group has not let up in their efforts over the past year. They have visited Poland and Ukraine three more times to evaluate the changing needs on the ground in coordination with their Rotarian partners. In addition to packing warehouses with essential goods, they also delivered those relief supplies themselves to safehouses and orphanages for children impacted by the war. This past Christmas, they brought personal solar lanterns, food, generators, and presents to 21 Ukrainian orphanages, so that the children could experience literal and symbolic light throughout the various power outages. When the Granite Staters arrived with the supplies, the children excitedly came outside in the cold to greet them, and they were able to share Christmas greetings and carols despite the language barrier. The four volunteers bravely returned to Ukraine on the war's February anniversary to deliver supplies to 14 additional orphanages and safehouses.

The work that Alex, Susan, Steve, and Lisa have done with their nonprofit organization is an incredible testament to the impact that Granite Staters can have, even across the world, when they are helping others. They refused to stand by during a devastating war and the subsequent refugee crisis, instead boldly finding a way to directly help Ukrainian children. Alex, Susan, Steve, and Lisa embody the Granite State spirit of taking on a challenge directly in order to make a real difference, and I know that they will continue to make New Hampshire proud through their work in Poland and Ukraine.●

TRIBUTE TO PASTOR HAN BYEONG CHEOL

● Mr. OSSOFF. Madam President, I rise today to commend Pastor Han

Byeong Cheol, senior pastor of the Korean Central Presbyterian Church of Atlanta, for his years of service and advocacy on behalf of Atlanta's Korean American community. Since 2009, Pastor Han has led the Korean Central Presbyterian Church's missionary work and has dedicated his time to spreading the gospel to his local Korean community and the entire region.

Two years ago, following the horrific spa shootings in which three members of Georgia's Korean American community lost their lives, Pastor Han demonstrated strong leadership by bringing faith leaders together to speak out against acts of hate and help the community heal. At a time when acts of violence toward Asian Americans are on the rise across our Nation, Pastor Han is stepping up to spread awareness about the rise of hate crimes, educating people on how to use faith to bring about positive change, and guiding his community forward.

Georgia's Korean American community is strong, and even in the face of vile attacks, their resolve has not broken. Pastor Han and the Korean Central Presbyterian Church community are prime examples of that. As we commemorate this solemn anniversary, may we find solace in those in our community like Pastor Han who have turned tragedy into healing.

As Georgia's U.S. Senator, I recognize and commend Pastor Han Byeong Cheol for his years of service to Georgia's Korean American community.●

MESSAGE FROM THE HOUSE

At 3:26 p.m., a message from the House of Representatives, delivered Mrs. Cole, one of its reading clerks, announced that pursuant to section 2(a) of the National Cultural Center Act (20 U.S.C. 76h(a)), amended by Public Law 107–117, and the order of the House of January 9, 2023, the Speaker appoints the following Members on the part of the House of Representatives to the Board Trustees of the John F. Kennedy Center for the Performing Arts: Mr. MCCAUL of Texas and Ms. LETLOW of Louisiana.

The message also announced that pursuant to 46 U.S.C. 51312(b) and the order of the House of January 9, 2023, the Speaker appoints the following Member on the part of the House of Representatives to the Board of Visitors to the United States Merchant Marine Academy: Mr. VALADAO of California.

The message further announced that pursuant to 10 U.S.C. 9455(a), and the order of the House of January 9, 2023, the Speaker appoints the following Members on the part of the House of Representatives to the Board of Visitors to the United States Air Force Academy: Mr. PFLUGER of Texas and Mr. LAMBORN of Colorado.

The message also announced that pursuant to 10 U.S.C. 8468(a), and the order of the House of January 9, 2023, the Speaker appoints the following Members on the part of the House of Representatives to the Board of Visitors to the United States Naval Academy: Mr. ELLZEY of Texas and Mr. C. SCOTT FRANKLIN of Florida.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–756. A communication from the Acting Chairman, Merit Systems Protection Board, transmitting, pursuant to law, a report entitled ''U.S. Merit Systems Protection Board Annual Performance Report for FY 2022 and Annual Performance Plan for FY 2023–2024'' received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC–757. A communication from the Chair of the Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's Annual Performance Report for fiscal year 2022 received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC–758. A communication from the Chair of the Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's Annual Performance Plan for fiscal year 2023–2024 received in the Office of the President pro tempore; to the Committee on Commerce, Science, and Transportation.

EC–759. A communication from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting, pursuant to law, two (2) reports relative to vacancies in the Department of Housing and Urban Development, received in the Office of the President of the Senate on March 6, 2023; to the Committee on Banking, Housing, and Urban Affairs.

EC–760. A communication from the Federal Register Liaison Officer, Bureau of Ocean Energy Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''2023 Civil Penalties Inflation Adjustments for Oil, Gas, and Sulfur Operations in the Outer Continental Shelf'' (RIN1010–AE17) received in the Office of the President of the Senate on March 6, 2023; to the Committee on Energy and Natural Resources.

EC–761. A communication from the Departmental Privacy Officer, Office of Law Enforcement and Security, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Social Security Number Fraud Prevention Act of 2017 Implementation'' (RIN1090–AB24) received in the Office of the President of the Senate on March 6, 2023; to the Committee on Energy and Natural Resources.

EC–762. A communication from the Departmental Privacy Officer, Office of Law Enforcement and Security, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Privacy Act Regulations; Exemptions for the Personnel Security Program Files System'' (RIN1090–AB16) received in the Office of the President of the Senate on March 6, 2023; to the Committee on Energy and Natural Resources.

EC–763. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Energy Conservation Standards for Packaged Terminal Air Conditioners and Packaged Terminal Heat Pumps'' (RIN1904–AE66) received in the Office of the President of the Senate on March 6, 2023; to the Committee on Energy and Natural Resources.

EC–764. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Energy Conservation Standards for General Service Fluorescent Lamps'' (RIN1904–AE40) received in the Office of the President of the Senate on March 6, 2023; to the Committee on Energy and Natural Resources.

EC–765. A communication from the Assistant Secretary for Water and Science, Department of the Interior, transmitting, pursuant to law, a report entitled ''Annual Operating Plan (AOP) for Colorado River System Reservoirs for 2023''; to the Committee on Energy and Natural Resources.

EC–766. A communication from the Chief of the Endangered Species Division, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Species; Designation of a Nonessential Experimental Population of Central Valley Spring-run Chinook Salmon in the Upper Yuba River Upstream of Englebright Dam, Authorization for Release, and Adoption of Limited Protective Regulations under the Endangered Species Act'' (RIN0648–BK00) received in the Office of the President of the Senate on March 6, 2023; to the Committee on Environment and Public Works.

EC–767. A communication from the Senior Attorney Advisor/Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''National Electric Vehicle Infrastructure Standards and Requirements'' (RIN2125–AG10) received in the Office of the President of the Senate on March 6, 2023; to the Committee on Environment and Public Works.

EC–768. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Enhanced Weapons, Firearms Background Checks, and Security Event Notifications'' (RIN3150–AI49) received in the Office of the President of the Senate on March 6, 2023; to the Committee on Environment and Public Works.

EC–769. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Florida; Update to Materials Incorporated by Reference'' (FRL No . 9727–01–R4) received in the Office of the President of the Senate on March 6, 2023; to the Committee on Environment and Public Works.

EC–770. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Significant New Use Rules on Certain Chemical Substances'' (FRL No. 9779–02–OCSPP) received in the Office of the President of the Senate on March 6, 2023; to the Committee on Environment and Public Works.

EC–771. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Kentucky; Revision to Federally Enforceable District Origin Operating Permits'' (FRL No. 10421–02–R4) received in the Office of the President of the Senate on March 6, 2023; to the Committee on Environment and Public Works.

EC–772. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Mississippi; PSD and Air Quality Modeling Infrastructure Requirements for the 2015 8-Hour Ozone National Ambient Air Quality Standards'' (FRL No. 10473–02–R4) received in the Office of the President of the Senate on March 6, 2023; to the Committee on Environment and Public Works.

EC–773. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Vermont: Final Authorization of State Hazardous Waste Management Program Revisions'' (FRL No. 10508–02–R1) received in the Office of the President of the Senate on March 6, 2023; to the Committee on Environment and Public Works.

EC–774. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Finalizing Medicare Rules under Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) for Calendar Year (CY) 2022''; to the Committee on Finance.

EC–775. A communication from the Branch Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Interim Guidance Regarding Certain Insurance Related Issues for the Determination of Adjusted Financial Statement Income under Section 56A of the Internal Revenue Code'' (Notice 2023–20) received in the Office of the President of the Senate on March 6, 2023; to the Committee on Finance.

EC–776. A communication from the Branch Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Electronic-Filing Requirements for Specified Returns and Other Documents'' ((RIN1545–BN36) (TD 9972)) received in the Office of the President of the Senate on March 6, 2023; to the Committee on Finance.

EC–777. A communication from the Branch Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Single-Entity Treatment of Consolidated Groups for Specific Purposes'' ((RIN1545–BQ51) (TD 9973)) received in the Office of the President of the Senate on March 6, 2023; to the Committee on Finance.

EC–778. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, the Commission's Annual Performance Report for fiscal year 2022 and Annual Performance Plan for fiscal year 2023–2024 received in the Office of the President pro tempore; to the Committee on Finance.

EC–779. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''Determination Under Section 506(a)(1) of the Foreign Assistance Act of 1961 (FAA) to Provide Military Assistance to Ukraine''; to the Committee on Foreign Relations.

EC–780. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a notification of intent to provide assistance to Ukraine, including for self-defense and border security operations; to the Committee on Foreign Relations.

EC–781. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Implementation of HAVANA Act of 2021'' (RIN1400–AF52) received in the Office of the President of the Senate on March 6, 2023; to the Committee on Foreign Relations.

EC–782. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''International Traffic in Arms Regulations: Consolidation and Restructuring of Purposes and Definitions—Final'' (RIN1400–AE27) received in the Office of the President of the Senate on March 6, 2023; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–4. A concurrent resolution adopted by the Legislature of the State of Michigan requesting the Joint Committee on the Library of Congress approve the replacement of Michigan's statue of Lewis Cass with a statue of Coleman A. Young as part of the National Statuary Hall Collection and to take other actions related to this request; to the Committee on Rules and Administration.

SENATE CONCURRENT RESOLUTION No. 23

Whereas, Congress authorized the creation of the National Statuary Hall Collection in 1864 to provide an opportunity for each state to honor two distinguished people with statues at the U.S. Capitol. Currently, Lewis Cass and Gerald Ford represent the state of Michigan in the collection. The statues were placed in the U.S. Capitol in 1889 and 2011, respectively; and

Whereas, Federal law establishes a process by which states may request the replacement of a statue located in the National Statuary Hall Collection. The first step in the process is the state legislature adopting a resolution identifying the statue to replace and the person to be honored with a new statue; selecting the entity responsible for choosing the sculptor, and directing the method of obtaining funds to cover the necessary costs of the replacement. Federal law also requires that the state's governor submit a written request to provide a new statue to the Architect of the Capitol along with a description of the location in the state where the replacement statue will be displayed after it is transferred, and a copy of the resolution authorizing the replacement; and

Whereas, A statue of Lewis Cass was placed in the U.S. Capitol on behalf of Michigan in the late 19th century in recognition of his service to the state of Michigan and United States. Lewis Cass served as a Governor of the Michigan territory, U.S. Senator from Michigan, U.S. Secretary of War, U.S. Secretary of State and U.S. Ambassador to France during his career; and

Whereas, Honoring Lewis Cass with a statue in the National Statuary Hall Collection is no longer consistent with the values of the people of Michigan. While Lewis Cass was an accomplished public figure, he played a prominent role in the implementation of President Andrew Jackson's Indian removal policy, was a proponent of allowing states and territories to permit slavery, and enslaved at least one person himself; and

Whereas, Coleman A. Young was the first African-American mayor of Detroit and one of the most accomplished leaders in Michigan's largest city's history. Young served his country as a bombardier and navigator with the Tuskegee Airmen during World War II. He demonstrated an early interest in justice and fairness, spearheading a protest against the exclusion of Blacks from segregated officers' clubs. Young became a union activist after the war and was elected to the Michigan Senate, serving for nine years. The people of Detroit elected him as their mayor for the first time in 1973, reelecting him four times over the next two decades. Young was known for championing needs of the city's Black community and for building coalitions among its business leaders. Under his leadership, the city saw the completion of a number of major projects, such as the Renaissance Center, Detroit People Mover, and Joe Louis Arena. Young's contributions to the city of Detroit our entire state make him deserving of a place in the National Statutory Hall Collection; and

Whereas, The Michigan Statuary Hall Commission will select the sculptor and secure funding for this project, now, therefore, be it *Resolved by The Senate (The House of Representatives Concurring)*, That we request the Joint Committee on the Library of Congress approve the replacement of Michigan's statue of Lewis Cass with a statue of Coleman A. Young as part of the National Statuary Hall Collection; and be it further

Resolved, That we urge the Governor to communicate approval of this replacement to the Architect of the Capitol and to sign an agreement with the Architect of the Capitol to replace the Lewis Cass statue with one of Coleman A. Young; and he it further

Resolved, That we hereby establish the Michigan Statuary Hall Commission. The commission will select an artist to sculpt the statue of Coleman A. Young. The commission shall be made up of five members, with one member appointed by each of the Governor, the Speaker of the House of Representatives, the Senate Majority Leader, the House Minority Leader, and the Senate Minority Leader; and be it further

Resolved, That the costs of this entire project, including the costs of creating, transporting, and placing both statues at their respective locations and the costs related to ceremonies that may be held in Lansing and Washington, D.C., will be paid for by donations and other funding secured by the Michigan Statuary Hall Commission; and be it further

Resolved, That copies of this resolution be transmitted to the Governor, the Architect of the Capitol, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the members of the Joint Committee on the Library of Congress.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. CARDIN for the Committee on Small Business and Entrepreneurship.

*Dilawar Syed, of California, to be Deputy Administrator of the Small Business Administration.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. KING (for himself, Mr. PAUL, Mr. CRAMER, Mr. LEE, Mr. HOEVEN, Mr. BRAUN, and Ms. LUMMIS):

S. 907. A bill to amend the Federal Meat Inspection Act to exempt from inspection the slaughter of animals and the preparation of carcasses conducted at a custom slaughter facility, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BARRASSO (for himself, Mr. GRASSLEY, Ms. LUMMIS, Mr. TILLIS, Mr. LEE, Mr. MORAN, Mr. SCOTT of Florida, Mr. HAGERTY, Mr. SCHMITT, Mr. LANKFORD, Mrs. BLACKBURN, Mr. HAWLEY, Mr. RUBIO, Mr. COTTON, Mr. BRAUN, Mr. CRAMER, Mr. MARSHALL, Mr. CASSIDY, Mrs. CAPITO, Mr. MANCHIN, Mr. ROUNDS, and Mr. HOEVEN):

S. 908. A bill to oppose the provision of assistance to the People's Republic of China by the multilateral development banks; to the Committee on Foreign Relations.

By Mr. MULLIN (for himself, Mr. THUNE, Mr. ROUNDS, Mrs. HYDE-SMITH, Mr. CRAMER, Mrs. BLACKBURN, and Mr. SCOTT of Florida):

S. 909. A bill to allow members of federally recognized Tribes to use their Tribal government identification documents in obtaining a firearm from a federally licensed firearms dealer; to the Committee on the Judiciary.

By Mr. MERKLEY (for himself and Mr. WYDEN):

S. 910. A bill to amend the Grand Ronde Reservation Act, and for other purposes; to the Committee on Indian Affairs.

By Mr. CASEY:

S. 911. A bill to require the installation of secondary cockpit barriers on existing aircraft, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BARRASSO (for himself and Mr. MANCHIN):

S. 912. A bill to require the Secretary of Energy to provide technology grants to strengthen domestic mining education, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. RISCH (for himself and Mr. MENENDEZ):

S. 913. A bill to make Ecuador eligible for designation as a beneficiary country under the Caribbean Basin Economic Recovery Act; to the Committee on Finance.

By Mr. RISCH (for himself and Mr. MANCHIN):

S. 914. A bill to establish an energy threat analysis center in the Department of Energy; to the Committee on Energy and Natural Resources.

By Mr. SCOTT of Florida (for himself and Ms. WARREN):

S. 915. A bill to require Presidential appointment and Senate confirmation of the Inspector General of the Board of Governors of the Federal Reserve System and the Bureau of Consumer Financial Protection; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BLUMENTHAL (for himself and Mr. WHITEHOUSE):

S. 916. A bill to limit and eliminate excessive, hidden, and unnecessary fees imposed on consumers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PETERS (for himself and Mr. HAWLEY):

S. 917. A bill to establish the duties of the Director of the Cybersecurity and Infrastructure Security Agency regarding open source software security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. RUBIO (for himself, Mr. CRAPO, Mr. RISCH, Mrs. CAPITO, Mr. BRAUN, Mr. ROUNDS, Mr. TILLIS, Mr. CRUZ, and Mr. HAGERTY):

S. 918. A bill to direct the Administrator of the Transportation Security Administration to prohibit the use of certain identification documents at airport security checkpoints, and for other purposes; to the Committee on the Judiciary.

By Ms. DUCKWORTH (for herself, Mr. BOOKER, Mr. MARKEY, Mr. BLUMENTHAL, Ms. WARREN, Mr. SCHATZ, Mr. WELCH, Mr. SANDERS, Ms. SMITH, Mr. VAN HOLLEN, Mr. WYDEN, Mr. MERKLEY, and Mr. PADILLA):

S. 919. A bill to restore, reaffirm, and reconcile environmental justice and civil rights, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MENENDEZ (for himself, Mr. RISCH, Mr. KAINE, and Mr. RUBIO):

S. 920. A bill to reauthorize the Trafficking Victims Protection Act of 2000, and for other purposes; to the Committee on Foreign Relations.

By Mr. RUBIO (for himself and Mr. BRAUN):

S. 921. A bill to amend section 230 of the Communications Act of 1934 to correct shortcomings in how that section addresses content moderation, content creation and development, and content distribution; to the Committee on Commerce, Science, and Transportation.

By Mr. RUBIO (for himself and Mr. SCOTT of Florida):

S. 922. A bill to amend PROMESA to include certain ethics provisions to provide for the disqualification of certain advisors to Financial Oversight and Management Board, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BENNET (for himself and Mr. WYDEN):

S. 923. A bill to amend titles XVIII and XIX of the Social Security Act to reform and improve mental health and substance use care under the Medicare and Medicaid programs, and for other purposes; to the Committee on Finance.

By Mr. CARDIN (for himself, Mrs. CAPITO, Mr. VAN HOLLEN, Mr. MANCHIN, Mr. WARNER, and Mr. KAINE):

S. 924. A bill to amend the Chesapeake and Ohio Canal Development Act to extend the Chesapeake and Ohio Canal National Historical Park Commission; to the Committee on Energy and Natural Resources.

By Mr. BRAUN (for himself, Mr. BENNET, and Mr. YOUNG):

S. 925. A bill to authorize the Department of Labor's voluntary protection program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BRAUN (for himself, Mr. TESTER, Mr. TUBERVILLE, and Mr. RUBIO):

S. 926. A bill to prohibit the purchase or lease of agricultural land in the United States by persons associated with certain foreign governments, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. HIRONO (for herself and Mr. SCHATZ):

S. 927. A bill to require the Secretary of the Interior to partner and collaborate with the Secretary of Agriculture and the State of Hawaii to address Rapid Ohia Death, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. TESTER (for himself and Mr. BOOZMAN):

S. 928. A bill to require the Secretary of Veterans Affairs to prepare an annual report on suicide prevention, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BOOKER (for himself, Ms. SMITH, Ms. HIRONO, Ms. DUCKWORTH, Mr. BLUMENTHAL, Mr. CARDIN, Mrs. GILLIBRAND, Mr. MARKEY, Mr. MERKLEY, Mr. PADILLA, Mr. WELCH, Mr. SCHATZ, Ms. WARREN, Mr. HEINRICH, Mr. MURPHY, Ms. BALDWIN, Ms. KLOBUCHAR, Mr. WYDEN, Mr. SANDERS, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. BROWN, Ms. ROSEN, Ms. CORTEZ MASTO, and Mr. LUJÁN):

S. 929. A bill to amend the Foreign Assistance Act of 1961 to authorize the use of Federal foreign assistance funds for comprehensive reproductive health care services, and for other purposes; to the Committee on Foreign Relations.

By Ms. KLOBUCHAR (for herself and Mr. CRAMER):

S. 930. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide public safety officer benefits for exposure-related cancers, and for other purposes; to the Committee on the Judiciary.

By Mr. PETERS (for himself, Mr. CASSIDY, Mr. HAGERTY, Mr. TILLIS, Ms. ERNST, Mr. WYDEN, and Mr. HICKENLOOPER):

S. 931. A bill to improve the visibility, accountability, and oversight of agency software asset management practices, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. ROSEN (for herself and Mr. SCOTT of Florida):

S. 932. A bill to amend title 5, United States Code, to provide for the halt in pension payments for Members of Congress sentenced for certain offenses, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. ROSEN (for herself, Mr. CORNYN, and Mr. PETERS):

S. 933. A bill to amend the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 to modify requirements relating to data centers of certain Federal agencies, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BARRASSO (for himself, Mr. RISCH, Mr. CRAPO, and Ms. COLLINS):

S. 934, A bill to amend the Department of Energy Organization Act to assign certain functions to the Assistant Secretaries of Energy relating to energy emergencies and energy security, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. BALDWIN (for herself, Mr. BRAUN, and Ms. SMITH):

S. 935. A bill to require reporting regarding certain drug price increases, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MARSHALL (for himself, Mr. CARDIN, and Mr. COONS):

S. 936. A bill to amend the Small Business Act to include requirements relating to graduates of career and technical education programs or programs of study for small business development centers and women's business centers, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. THUNE (for himself and Ms. ERNST):

S. 937. A bill to amend Public Law 117–169 to prohibit the Environmental Protection Agency from using funds for methane monitoring to be used to monitor emissions of methane from livestock, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SANDERS (for himself, Mr. WYDEN, Mr. BLUMENTHAL, Mr.

MERKLEY, Ms. WARREN, and Mr. WELCH):

S. 938. A bill to establish a trust fund to provide for adequate funding for water and sewer infrastructure, and for other purposes; to the Committee on Finance.

By Mr. COTTON:

S. 939. A bill to counter the spread of LOGINK logistics information platform, and for other purposes; to the Committee on Foreign Relations.

By Mrs. BLACKBURN (for herself, Mr. DURBIN, Mrs. CAPITO, Ms. ROSEN, Ms. SMITH, and Ms. MURKOWSKI):

S. 940. A bill to establish a demonstration program to provide payments on eligible loans for individuals who are eligible for the National Health Service Corps Loan Repayment Program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. RUBIO (for himself and Mr. BRAUN):

S. 941. A bill to remove immunity protections from social media platforms which host accounts of censoring foreign adversaries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRUZ (for himself, Mr. MARSHALL, Mr. HAGERTY, Mr. GRASSLEY, Mr. LEE, Mr. BRAUN, Mr. YOUNG, and Mr. SCHMITT):

S. 942. A bill to create a point of order against legislation modifying the number of Justices of the Supreme Court of the United States; to the Committee on Rules and Administration.

By Mr. KENNEDY:

S. 943. A bill to increase the minimum disaster loan amount for which the Small Business Administration may require collateral, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. GRASSLEY (for himself, Ms. KLOBUCHAR, Ms. ERNST, and Ms. DUCKWORTH):

S. 944. A bill to promote low-carbon, high-octane fuels, to protect public health, and to improve vehicle efficiency and performance, and for other purposes; to the Committee on Environment and Public Works.

By Ms. HASSAN (for herself and Mr. LEE):

S. 945. A bill to provide for joint reports by relevant Federal agencies to Congress regarding incidents of terrorism, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WHITEHOUSE (for himself, Mr. HICKENLOOPER, and Mr. HEINRICH):

S. 946. A bill to amend the Federal Power Act to establish a procedure for the siting of certain interstate electric transmission facilities, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY:

S. 947. A bill to lower energy costs by increasing American energy production, exports, infrastructure, and critical minerals processing, by promoting transparency, accountability, permitting, and production of American resources, and by improving water quality certification and energy projects, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself and Ms. HASSAN):

S. 948. A bill to amend titles XIX and XXI of the Social Security Act to improve maternal health coverage under Medicaid and CHIP, and for other purposes; to the Committee on Finance.

By Mrs. GILLIBRAND (for herself, Mr. BOOKER, Ms. WARREN, Mr. SANDERS, Mr. FETTERMAN, Mr. MENENDEZ, Mr. BLUMENTHAL, and Mr. SCHUMER):

S. 949. A bill to amend the Food and Nutrition Act of 2008 to transition the Commonwealth of Puerto Rico to the supplemental nutrition assistance program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. CORTEZ MASTO (for herself, Mr. CRAPO, Mr. RISCH, and Ms. ROSEN):

S. 950. A bill to amend the Omnibus Public Land Management Act of 2009 to make a technical correction to the water rights settlement for the Shoshone-Paiute Tribes of the Duck Valley Reservation, and for other purposes; to the Committee on Indian Affairs.

By Mr. MURPHY (for himself and Mr. BLUMENTHAL):

S. 951. A bill to establish the Office of Gun Violence Prevention, and for other purposes; to the Committee on the Judiciary.

By Mr. CRUZ (for himself, Mr. MARSHALL, Mr. HAGERTY, Mr. LEE, Mr. COTTON, Mr. GRASSLEY, Mr. HAWLEY, Mr. TILLIS, Mr. KENNEDY, Mr. BRAUN, Mrs. HYDE-SMITH, Mr. SCHMITT, and Mr. YOUNG):

S.J. Res. 21. A joint resolution proposing an amendment to the Constitution of the United States to require that the Supreme Court of the United States be composed of nine justices; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. STABENOW (for herself, Mr. PETERS, Ms. BALDWIN, Ms. KLOBUCHAR, Mrs. GILLIBRAND, Ms. DUCKWORTH, Ms. SMITH, and Mr. BROWN):

S. Res. 117. A resolution expressing the sense of the Senate that the President and the Secretary of State should ensure that the Government of Canada does not permanently store nuclear waste in the Great Lakes Basin; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 132

At the request of Mr. BROWN, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 132, a bill to require a pilot program on activities under the pre-separation transition process of members of the Armed Forces for a reduction in suicide among veterans, and for other purposes.

S. 305

At the request of Mr. BLUMENTHAL, the names of the Senator from Louisiana (Mr. CASSIDY) and the Senator from Vermont (Mr. WELCH) were added as cosponsors of S. 305, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the United States Marine Corps, and to support programs at the Marine Corps Heritage Center.

S. 307

At the request of Mr. WARNER, the names of the Senator from North Dakota (Mr. HOEVEN) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 307, a bill to amend title 49, United States Code, to establish certain rules relating to unmanned aircraft systems and operations, and for other purposes.

S. 442

At the request of Mr. BARRASSO, the name of the Senator from North Carolina (Mr. BUDD) was added as a cosponsor of S. 442, a bill to amend title 18, United States Code, to prohibit former Presidential appointees from acting on behalf of the Government of the People's Republic of China, the Chinese Communist Party, and Chinese military companies.

S. 457

At the request of Mr. HAWLEY, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 457, a bill to establish a Federal tort against pediatric gender clinics and other entities pushing gender-transition procedures that cause bodily injury to children or harm the mental health of children.

S. 479

At the request of Mr. PADILLA, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 479, a bill to modify the fire management assistance cost share, and for other purposes.

S. 506

At the request of Mr. THUNE, the name of the Senator from Indiana (Mr. BRAUN) was added as a cosponsor of S. 506, a bill to amend the Higher Education Relief Opportunities for Students Act of 2003 to strike the Secretary's unilateral authority during a national emergency, and for other purposes.

S. 545

At the request of Ms. BALDWIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 545, a bill to protect the rights of passengers with disabilities in air transportation, and for other purposes.

S. 547

At the request of Mr. WHITEHOUSE, the names of the Senator from Colorado (Mr. HICKENLOOPER) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 547, a bill to award a Congressional Gold Medal, collectively, to the First Rhode Island Regiment, in recognition of their dedicated service during the Revolutionary War.

S. 569

At the request of Mrs. GILLIBRAND, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 569, a bill to amend title XXXIII of the Public Health Service Act with respect to flexibility and funding for the World Trade Center Health Program.

S. 599

At the request of Mr. LUJÁN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 599, a bill to establish the Foundation for Digital Equity, and for other purposes.

S. 632

At the request of Mr. RISCH, the name of the Senator from Alaska (Mr.

SULLIVAN) was added as a cosponsor of S. 632, a bill to amend the Internal Revenue Code of 1986 to require the Bureau of Alcohol, Tobacco, Firearms and Explosives to establish an administrative relief process for individuals whose applications for transfer and registration of a firearm were denied, and for other purposes.

S. 697

At the request of Mr. RISCH, the names of the Senator from Montana (Mr. TESTER), the Senator from Montana (Mr. DAINES) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 697, a bill to amend the Agricultural Act of 2014 to modify the treatment of revenue from timber sale contracts and certain payments made by counties to the Secretary of Agriculture and the Secretary of the Interior under good neighbor agreements, and for other purposes.

S. 846

At the request of Mr. ROUNDS, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 846, a bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to allow the interstate sale of State-inspected meat and poultry, and for other purposes.

S. 892

At the request of Mr. HEINRICH, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from California (Mr. PADILLA) were added as cosponsors of S. 892, a bill to amend title XVIII of the Social Security Act to provide coverage under the Medicare program for FDA-approved qualifying colorectal cancer screening blood-based tests, to increase participation in colorectal cancer screening in underscreened communities of color, to offset the COVID–19 pandemic driven declines in colorectal cancer screening, and for other purposes.

S. 893

At the request of Mr. GRAHAM, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 893, a bill to amend title 49, United States Code, to raise the retirement age for pilots engaged in commercial aviation operations, and for other purposes.

S. 894

At the request of Mr. CORNYN, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 894, a bill to require the Secretary of Health and Human Services to collect and disseminate information on concussion and traumatic brain injury among public safety officers.

S.J. RES. 20

At the request of Mr. KENNEDY, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S.J. Res. 20, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Justice and the Bureau of Alcohol, Tobacco, Firearms and Explosives relating to ''Factoring Criteria for Firearms With Attached 'Stabilizing Braces' ''.

S. RES. 81

At the request of Mr. RISCH, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. Res. 81, a resolution relating to the establishment of a means for the Senate to provide advice and consent regarding the form of an international agreement relating to pandemic prevention, preparedness, and response.

S. RES. 107

At the request of Mrs. HYDE-SMITH, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. Res. 107, a resolution recognizing the expiration of the Equal Rights Amendment proposed by Congress in March 1972, and observing that Congress has no authority to modify a resolution proposing a constitutional amendment after the amendment has been submitted to the States or after the amendment has expired.

AMENDMENT NO. 8

At the request of Mr. CRUZ, the name of the Senator from Florida (Mr. SCOTT) was added as a cosponsor of amendment No. 8 intended to be proposed to S. 316, a bill to repeal the authorizations for use of military force against Iraq.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THUNE (for himself and Ms. ERNST):

S. 937. A bill to amend Public Law 117–169 to prohibit the Environmental Protection Agency from using funds for methane monitoring to be used to monitor emissions of methane from livestock, and for other purposes; to the Committee on Environment and Public Works.

Mr. THUNE. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 937

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. METHANE MONITORING.

Section 60105(e) of Public Law 117–169 (136 Stat. 2068) is amended—

(1) by striking ''In addition to'' and inserting the following:

''(1) IN GENERAL.—In addition to''; and

(2) by adding at the end the following:

''(2) PROHIBITION.—Amounts made available under paragraph (1) may not be used to monitor emissions of methane from livestock.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 117—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT AND THE SECRETARY OF STATE SHOULD ENSURE THAT THE GOVERNMENT OF CANADA DOES NOT PERMANENTLY STORE NUCLEAR WASTE IN THE GREAT LAKES BASIN

Ms. STABENOW (for herself, Mr. PETERS, Ms. BALDWIN, Ms. KLOBUCHAR, Mrs. GILLIBRAND, Ms. DUCKWORTH, Ms. SMITH, and Mr. BROWN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 117

Whereas the water resources of the Great Lakes Basin are precious public natural resources shared by the Great Lakes States and the Provinces of Canada;

Whereas, since 1909, the United States and Canada have worked to maintain and improve the water quality of the Great Lakes through water quality agreements;

Whereas more than 40,000,000 individuals in Canada and the United States depend on the fresh water from the Great Lakes for drinking water;

Whereas the Government of Canada is proposing to build a permanent deep geological repository for high-level nuclear waste in the Great Lakes Basin;

Whereas the Nuclear Waste Management Organization of Canada is examining building a permanent deep geological repository for nuclear waste in the Great Lakes Basin, less than 40 miles from Lake Huron in South Bruce, Ontario, Canada;

Whereas nuclear waste is highly toxic and can take tens of thousands of years to decompose to safe levels;

Whereas a spill of nuclear waste into the Great Lakes, including during transit to a permanent deep geological repository for nuclear waste, could have lasting and severely adverse environmental, health, and economic impacts on the Great Lakes and the individuals who depend on the Great Lakes for their livelihoods;

Whereas more than 232 State, Tribal, county, and local governments have passed resolutions in opposition to the formerly proposed nuclear waste repository of Ontario Power Generation;

Whereas Tribes and First Nations' citizens have a strong spiritual and cultural connection to the Great Lakes;

Whereas the Saugeen Ojibway Nation exercised its Aboriginal and treaty rights by voting against Ontario Power Generation building a permanent nuclear waste repository in Kincardine, Ontario;

Whereas the protection of the Great Lakes is fundamental to treaty rights; and

Whereas, during the 1980s, when the Department of Energy was studying potential sites for a permanent nuclear waste repository in the United States in accordance with the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.), the Government of Canada expressed concern with locating a permanent nuclear waste repository within shared water basins of the 2 countries: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Government of Canada should not allow a permanent nuclear waste repository to be built within the Great Lakes Basin;

(2) the President and the Secretary of State should take appropriate action to

work with the Government of Canada to prevent a permanent nuclear waste repository from being built within the Great Lakes Basin; and

(3) the President and the Secretary of State should work together with their counterparts in the Government of Canada on a solution for the long-term storage of nuclear waste that—

(A) is safe and responsible; and

(B) does not pose a threat to the Great Lakes.

AMENDMENTS SUBMITTED AND PROPOSED

SA 36. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table.

SA 37. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 38. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 39. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 40. Mr. HAWLEY submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 41. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 36. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

On page 2, line 5, delete ''hereby repealed'' and insert ''repealed effective 30 days after the Attorney General and the Secretary of Defense have jointly certified to Congress that legal authorities permitting the detention of terrorists and the litigation position of the United States regarding the detention of terrorists would not be weakened by such repeal''.

SA 37. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITING MEDICARE PAYMENTS TO AND ENROLLMENT OF PROVIDERS WHO FURNISH GENDER-TRANSITION PROCEDURES TO MINORS.

Section 1862 of the Social Security Act (42 U.S.C. 1395y) is amended by adding at the end the following:

''(p) PROHIBITING PAYMENTS TO AND ENROLLMENT OF PROVIDERS WHO FURNISH GENDER-TRANSITION PROCEDURES TO MINORS.—

''(1) IN GENERAL.—Effective on the date of the enactment of this subsection—

''(A) no payment may be made under this title with respect to any item or service that is furnished by a provider of services or supplier who furnishes a gender-transition procedure to an individual under the age of 18; and

''(B) a provider of services or supplier who furnishes a gender-transition procedure to an individual under the age of 18 may not enroll or reenroll in the program under this title under section 1866(j).

''(2) DEFINITIONS.—In this subsection:

''(A) BIOLOGICAL SEX.—The term 'biological sex' means the genetic classification of an individual as male or female, as reflected in the organization of the body of such individual for a reproductive role or capacity, such as through sex chromosomes, naturally occurring sex hormones, and internal and external genitalia present at birth, without regard to the subjective sense of identity of the individual.

''(B) GENDER-TRANSITION PROCEDURE.—

''(i) IN GENERAL.—Except as provided in clause (ii), the term 'gender-transition procedure' means—

''(I) the prescription or administration of puberty-blocking drugs for the purpose of changing the body of an individual so that it conforms to the subjective sense of identity of the individual, in the case such identity is at odds with the individual's biological sex;

''(II) the prescription or administration of cross-sex hormones for the purpose of changing the body of an individual so that it conforms to the subjective sense of identity of the individual, in the case such identity is at odds with the individual's biological sex; or

''(III) a surgery to change the body of an individual so that it conforms to the subjective sense of identity of the individual, in the case such identity is at odds with the individual's biological sex.

''(ii) EXCEPTION.—The term 'gender-transition procedure' does not include—

''(I) an intervention described in clause (i) that is performed on—

''(aa) an individual with biological sex characteristics that are inherently ambiguous, such as those born with 46 XX chromosomes with virilization, 46 XY chromosomes with undervirilization, or having both ovarian and testicular tissue; or

''(bb) an individual with respect to whom a physician has determined through genetic or biochemical testing that the individual does not have normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action, for a biological male or biological female;

''(II) the treatment of any infection, injury, disease, or disorder that has been caused or exacerbated by the performance of an intervention described in clause (i) without regard to whether the intervention was performed in accordance with State or Federal law; or

''(III) any procedure undertaken because the individual suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the individual in imminent danger of death or impairment of major bodily function unless the procedure is performed.''.

SA 38. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PROHIBITION ON REGISTRY OF LAWFUL FIREARM OWNERS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

''§ 935. Prohibition on registry of lawful firearm owners

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Department of Justice, any other Federal agency, and any officer or employee thereof may not maintain a registry, database, or system of records with the names, addresses, or social security numbers of, or any other information about, lawful firearm owners or the make, model, or serial number of, or any other information about the nature of, a lawfully owned firearm.

''(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall prevent the Federal Government from maintaining a list of individuals prohibited from possessing, receiving, or transferring firearms under Federal law.''.

(b) TABLE OF SECTIONS.—The table of sections for chapter 44 of title 18, United States Code, is amended by adding at the end the following:

''935. Prohibition on registry of lawful firearm owners''.

(c) DESTRUCTION OF REGISTRIES.—The applicable Federal agency shall—

(1) destroy any registry, database, or system of records prohibited under section 935 of title 18, United States Code, as added by subsection (a), immediately upon discovery, including such a registry, database, or system of records in existence on the day before the date of enactment of this Act; and

(2) notify Congress upon discovery, and upon final destruction, of such a registry, database, or system of records.

SA 39. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

At end of the bill, add the following:

SEC. 3. AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST MILITIAS IN IRAQ.

(a) IN GENERAL.—In order to prevent any future acts of international terrorism against the United States, the President is authorized to use, as the President determines to be necessary and appropriate, the Armed Forces against any person or force that is engaged in hostilities against the United States, the Armed Forces, or any other United States personnel, including any person or force that is the recipient of material, practical, or operational support from a state sponsor of terrorism or a foreign terrorist organization.

(b) PRESIDENTIAL DETERMINATION.—In connection with the exercise of the authority granted in subsection (a) to use force, the President shall, prior to such exercise or as soon thereafter as may be feasible, but not later than 48 hours after exercising such authority, make available to the Speaker of the House of Representatives and the President pro tempore of the Senate a determination that acting pursuant to such authorization is consistent with the United States and other countries continuing to take the necessary actions against foreign terrorist organizations and state sponsors of terrorism.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution (50 U.S.C. 1547(a)(1)), Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this section supersedes any requirement of the War Powers Resolution (50 U.S.C. 1541 et seq.).

(d) DEFINITIONS.—In this section:

(1) FOREIGN TERRORIST ORGANIZATION.—The term ''foreign terrorist organization'' means an organization that is designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(2) STATE SPONSOR OF TERRORISM.—The term ''state sponsor of terrorism'' has the meaning given that term in section 301(13) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8541(13)).

SA 40. Mr. HAWLEY submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. SPECIAL INSPECTOR GENERAL FOR UKRAINE ASSISTANCE.

(a) PURPOSES.—The purposes of this section are as follows:

(1) To provide for the independent and objective conduct and supervision of audits and investigations, including within the territory of Ukraine, relating to the programs and operations funded with amounts appropriated or otherwise made available for the military and nonmilitary support of Ukraine.

(2) To provide for the independent and objective leadership and coordination of, and recommendations on, policies designed to prevent and detect waste, fraud, and abuse in such programs and operations described in paragraph (1).

(3) To provide for an independent and objective means of keeping the Secretary of State, the Secretary of Defense, and Congress fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress on corrective action.

(b) OFFICE OF INSPECTOR GENERAL.—There is hereby established the Office of the Special Inspector General for Ukraine Assistance to carry out the purposes set forth in subsection (a).

(c) APPOINTMENT OF INSPECTOR GENERAL; REMOVAL.—

(1) APPOINTMENT.—The head of the Office of the Special Inspector General for Ukraine Assistance is the Special Inspector General for Ukraine Assistance (in this section referred to as the ''Inspector General''), who shall be appointed by the President with the advice and consent of the Senate.

(2) QUALIFICATIONS.—The appointment of the Inspector General shall be made solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(3) DEADLINE FOR APPOINTMENT.—The appointment of an individual as Inspector General shall be made not later than 30 days after the date of the enactment of this Act.

(4) COMPENSATION.—The annual rate of basic pay of the Inspector General shall be the annual rate of basic pay provided for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(5) PROHIBITION ON POLITICAL ACTIVITIES.—For purposes of section 7324 of title 5, United States Code, the Inspector General shall not be considered an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.

(6) REMOVAL.—The Inspector General shall be removable from office in accordance with the provisions of section 403(b) of title 5, United States Code.

(d) ASSISTANT INSPECTORS GENERAL.—The Inspector General shall, in accordance with applicable laws and regulations governing the civil service—

(1) appoint an Assistant Inspector General for Auditing who shall have the responsibility for supervising the performance of auditing activities relating to programs and operations supported by amounts appropriated or otherwise made available for the military and nonmilitary support of Ukraine; and

(2) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and operations.

(e) SUPERVISION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Inspector General shall report directly to, and be under the general supervision of, the Secretary of State and the Secretary of Defense.

(2) INDEPENDENCE TO CONDUCT INVESTIGATIONS AND AUDITS.—No officer of the Department of Defense, the Department of State, or the United States Agency for International Development shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation related to amounts appropriated or otherwise made available for the military and nonmilitary support of Ukraine or from issuing any subpoena during the course of any such audit or investigation.

(f) DUTIES.—

(1) OVERSIGHT OF MILITARY AND NONMILITARY SUPPORT OF UKRAINE.—It shall be the duty of the Inspector General to conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of amounts appropriated or otherwise made available for the military and nonmilitary support of Ukraine, and of the programs, operations, and contracts carried out utilizing such funds, including—

(A) the oversight and accounting of the obligation and expenditure of such funds;

(B) the monitoring and review of contracts funded by such funds;

(C) the monitoring and review of the transfer of such funds and associated information between and among departments, agencies, and entities of the United States and private and nongovernmental entities;

(D) the maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such funds;

(E) the investigation of overpayments such as duplicate payments or duplicate billing and any potential unethical or illegal actions of Federal employees, contractors, or affiliated entities and the referral of such reports, as necessary, to the Department of Justice to ensure further investigations, prosecutions, recovery of further funds, or other remedies;

(F) the monitoring and review of all military and nonmilitary activities funded by such funds; and

(G) the tracking and monitoring of all lethal and nonlethal security assistance provided by the United States, including a review of compliance with all applicable end-use certification requirements.

(2) OTHER DUTIES RELATED TO OVERSIGHT.—The Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Inspector General considers appropriate to discharge the duties under paragraph (1).

(3) DUTIES AND RESPONSIBILITIES UNDER CHAPTER 4 OF TITLE 5, UNITED STATES CODE.—In addition to the duties specified in paragraphs (1) and (2), the Inspector General shall also have the duties and responsibilities of inspectors general under chapter 4 of title 5, United States Code.

(4) COORDINATION OF EFFORTS.—In carrying out the duties, responsibilities, and authorities of the Inspector General under this section, the Inspector General shall coordinate with, and receive the cooperation of each of the following:

(A) The Inspector General of the Department of Defense.

(B) The Inspector General of the Department of State.

(C) The Inspector General of the United States Agency for International Development.

(g) POWERS AND AUTHORITIES.—

(1) AUTHORITIES UNDER CHAPTER 4 OF TITLE 5, UNITED STATES CODE.—In carrying out the duties specified in subsection (f), the Inspector General shall have the authorities provided in section 406 of title 5, United States Code, including the authorities under subsection (e) of such section.

(2) AUDIT STANDARDS.—The Inspector General shall carry out the duties specified in subsection (f)(1) in accordance with section 404(b)(1) of title 5, United States Code.

(h) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—

(1) PERSONNEL.—

(A) IN GENERAL.—The Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(B) ADDITIONAL AUTHORITIES.—

(i) IN GENERAL.—Subject to clause (ii), the Inspector General may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of that section).

(ii) PERIODS OF APPOINTMENTS.—In exercising the employment authorities under subsection (b) of section 3161 of title 5, United States Code, as provided under clause (i) of this subparagraph—

(I) paragraph (2) of that subsection (relating to periods of appointments) shall not apply; and

(II) no period of appointment may exceed the date on which the Office of the Special Inspector General for Ukraine Assistance terminates under subsection (o).

(2) EMPLOYMENT OF EXPERTS AND CONSULTANTS.—The Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–15 of the General Schedule by section 5332 of such title.

(3) CONTRACTING AUTHORITY.—To the extent and in such amounts as may be provided in advance by appropriations Acts, the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Inspector General.

(4) RESOURCES.—The Secretary of State or the Secretary of Defense, as appropriate, shall provide the Inspector General with—

(A) appropriate and adequate office space at appropriate locations of the Department of State or the Department of Defense, as the case may be, in Ukraine or at an appropriate United States military installation in the European theater, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services

for such offices and the equipment and facilities located therein; and

(B) appropriate and adequate support for audits, investigations, and related activities by the Inspector General or assigned personnel within the territory of Ukraine.

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—Upon request of the Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Inspector General, or an authorized designee.

(B) REPORTING OF REFUSED ASSISTANCE.—Whenever information or assistance requested by the Inspector General is, in the judgment of the Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the Secretary of State or the Secretary of Defense, as appropriate, and to the appropriate congressional committees without delay.

(i) REPORTS.—

(1) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Inspector General shall submit to the appropriate congressional committees a report summarizing, for the period of that quarter and, to the extent possible, the period from the end of such quarter to the time of the submission of the report, the activities during such period of the Inspector General and the activities under programs and operations funded with amounts appropriated or otherwise made available for the military and nonmilitary support of Ukraine. Each report shall include, for the period covered by such report, a detailed statement of all obligations, expenditures, and revenues associated with military and nonmilitary support of Ukraine, including the following:

(A) Obligations and expenditures of appropriated funds.

(B) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available for the military and nonmilitary support of Ukraine.

(C) In the case of any contract, grant, agreement, or other funding mechanism described in paragraph (2)—

(i) the amount of the contract, grant, agreement, or other funding mechanism;

(ii) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism;

(iii) a discussion of how the department or agency of the United States Government involved in the contract, grant, agreement, or other funding mechanism identified, and solicited offers from, potential individuals or entities to perform the contract, grant, agreement, or other funding mechanism, together with a list of the potential individuals or entities that were issued solicitations for the offers; and

(iv) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

(D) An accounting comparison of—

(i) the military and nonmilitary support provided to Ukraine by the United States; and

(ii) the military and nonmilitary support provided to Ukraine by other North Atlantic Treaty Organization member countries, including allied contributions to Ukraine that are subsequently backfilled or subsidized using United States funds.

(E) An evaluation of the compliance of the Government of Ukraine with all requirements for receiving United States funds, including a description of any area of concern with respect to the ability of the Government of Ukraine to achieve such compliance.

(2) COVERED CONTRACTS, GRANTS, AGREEMENTS, AND FUNDING MECHANISMS.—A contract, grant, agreement, or other funding mechanism described in this paragraph is any major contract, grant, agreement, or other funding mechanism that is entered into by any department or agency of the United States Government that involves the use of amounts appropriated or otherwise made available for the military and nonmilitary support of Ukraine with any public or private sector entity for any of the following purposes:

(A) To build or rebuild physical infrastructure of Ukraine.

(B) To establish or reestablish a political or societal institution of Ukraine.

(C) To provide products or services to the people of Ukraine.

(D) To provide lethal or nonlethal weaponry to Ukraine.

(E) To otherwise provide military or nonmilitary support to Ukraine.

(3) PUBLIC AVAILABILITY.—The Inspector General shall publish on a publicly available internet website each report under paragraph (1) of this subsection in English and other languages that the Inspector General determines are widely used and understood in Ukraine.

(4) FORM.—Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex if the Inspector General considers it necessary.

(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

(j) REPORT COORDINATION.—

(1) SUBMISSION TO SECRETARIES OF STATE AND DEFENSE.—The Inspector General shall also submit each report required under subsection (i) to the Secretary of State and the Secretary of Defense.

(2) SUBMISSION TO CONGRESS.—

(A) IN GENERAL.—Not later than 30 days after receipt of a report under paragraph (1), the Secretary of State and the Secretary of Defense shall submit to the appropriate congressional committees any comments on the matters covered by the report. Such comments shall be submitted in unclassified form, but may include a classified annex if the Secretary of State or the Secretary of Defense, as the case may be, considers it necessary.

(B) ACCESS.—On request, any Member of Congress may view comments submitted under subparagraph (A), including the classified annex.

(k) TRANSPARENCY.—

(1) REPORT.—Not later than 60 days after submission to the appropriate congressional committees of a report under subsection (i), the Secretary of State and the Secretary of Defense shall jointly make copies of the report available to the public upon request, and at a reasonable cost.

(2) COMMENTS ON MATTERS COVERED BY REPORT.—Not later than 60 days after submission to the appropriate congressional committees under subsection (j)(2)(A) of comments on a report under subsection (i), the Secretary of State and the Secretary of Defense shall jointly make copies of the comments available to the public upon request, and at a reasonable cost.

(l) WAIVER.—

(1) AUTHORITY.—The President may waive the requirement under paragraph (1) or (2) of subsection (k) with respect to availability to the public of any element in a report under subsection (i), or any comment under subsection (j)(2)(A), if the President determines that the waiver is justified for national security reasons.

(2) NOTICE OF WAIVER.—The President shall publish a notice of each waiver made under this subsection in the Federal Register no later than the date on which a report required under subsection (i), or any comment under subsection (j)(2)(A), is submitted to the appropriate congressional committees. The report and comments shall specify whether waivers under this subsection were made and with respect to which elements in the report or which comments, as appropriate.

(3) SUBMISSION OF COMMENTS.—The President may not waive under this subsection subparagraphs (A) or (B) of subsection (j).

(m) DEFINITIONS.—In this section:

(1) AMOUNTS APPROPRIATED OR OTHERWISE MADE AVAILABLE FOR THE MILITARY AND NONMILITARY SUPPORT OF UKRAINE.—The term ''amounts appropriated or otherwise made available for the military and nonmilitary support of Ukraine'' means—

(A) amounts appropriated or otherwise made available on or after January 1, 2022, for—

(i) the Ukraine Security Assistance Initiative under section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 11492; 129 Stat. 1608);

(ii) any foreign military financing accessed by the Government of Ukraine;

(iii) the Presidential drawdown authority under section 506(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a));

(iv) the defense institution building program under section 332 of title 10, United States Code;

(v) the building partner capacity program under section 333 of title 10, United States Code;

(vi) the International Military Education and Training program of the Department of State; and

(vii) the United States European Command; and

(B) amounts appropriated or otherwise made available on or after January 1, 2022, for the military, economic, reconstruction, or humanitarian support of Ukraine under any account or for any purpose not described in subparagraph (A).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committees on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committees on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Oversight and Accountability of the House of Representatives.

(n) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $70,000,000 for fiscal year 2023 to carry out this section.

(2) OFFSET.—The amount authorized to be appropriated for fiscal year 2023 for the Ukraine Security Assistance Initiative is hereby reduced by $70,000,000.

(o) TERMINATION.—

(1) IN GENERAL.—The Office of the Special Inspector General for Ukraine Assistance shall terminate 180 days after the date on which amounts appropriated or otherwise made available for the military and nonmilitary support of Ukraine that are unexpended are less than $250,000,000.

(2) FINAL REPORT.—The Inspector General shall, prior to the termination of the Office of the Special Inspector General for Ukraine Assistance under paragraph (1), prepare and submit to the appropriate congressional committees a final forensic audit report on programs and operations funded with amounts appropriated or otherwise made available for the military and nonmilitary support of Ukraine.

SA 41. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

On page 2, line 5, delete ''hereby repealed'' and insert ''repealed effective 30 days after the Secretary of Defense certifies to Congress that legal authorities permitting the detention of terrorists and the litigation position of the United States regarding the detention of terrorists being held in whole or in part under 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) would not be weakened by such repeal''.

AUTHORITY FOR COMMITTEES TO MEET

Mr. MARKEY. Madam President, I have 14 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, March 22, 2023, at 9:30 a.m., to conduct a hearing.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet in executive session during the session of the Senate on Wednesday, March 22, 2023, at 10 a.m.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, March 22, 2023, at 10 a.m., to conduct a hearing.

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Wednesday, March 22, 2023, at 10 a.m., to conduct a hearing.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, March 22, 2023, at 2:30 p.m., to conduct a hearing.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Wednesday, March 22, 2023, at 10 a.m., to conduct a hearing.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, March 22, 2023, at 10:30 a.m., to conduct a hearing.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, March 22, 2023, at 10 a.m., to conduct a hearing on nominations.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

The Committee on Small Business and Entrepreneurship is authorized to meet during the session of the Senate on Wednesday, March 22, 2023, at 2:45 p.m., to conduct a business meeting.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

The Committee on Small Business and Entrepreneurship is authorized to meet during the session of the Senate on Wednesday, March 22, 2023, to conduct a hearing.

COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on Wednesday, March 22, 2023, at 3 p.m., to conduct a hearing.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, March 22, 2023, at 2:30 p.m., to conduct a closed business meeting.

SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, AND BORDER SAFETY

The Subcommittee on Immigration, Citizenship, and Border Safety of the Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, March 22, 2023, at 2:30 p.m., to conduct a hearing.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

The Subcommittee on Readiness and Management Support of the Committee Armed Services is authorized to meet during the session of the Senate on Wednesday, March 22, 2023, at 2:30 p.m., to conduct a hearing.

PRIVILEGES OF THE FLOOR

Mr. PAUL. Madam President, I ask unanimous consent that the following interns in my office be granted floor privileges until May 5, 2023: Andrew Jarocki, Nicholas Sierco, Leon Kamenev, and Henry Beck.

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

ORDERS FOR THURSDAY, MARCH 23, 2023

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. on Thursday, March 23; 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 following the conclusion of morning business, the Senate resume consideration of Calendar No. 25, S. 316; further, that at 11:30 a.m., the Senate vote on the Lee amendment, No. 22, as provided under the previous order.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Ms. KLOBUCHAR. Madam President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:35 p.m., adjourned until Thursday, March 23, 2023, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate March 22, 2023:

THE JUDICIARY

GORDON P. GALLAGHER, OF COLORADO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO.