This bill puts our military behind the eight ball. There is not one penny in this bill for Ukrainian assistance. As I speak tonight, Ukraine is engaged in a fight for its life. They are going on the offensive. I have high hopes in the coming days and weeks they will liberate part of their territory occupied by Russia.

The assistance we have provided in a bipartisan fashion with our European allies has made all the difference in the world. We were told after the invasion that it would fall in 4 days; but one day—and something days later, they are still fighting. The Russian Army has been weakened and bloodied because of the weapons we have provided. I appreciate the bipartisan support to make sure we win a war in Ukraine without one American soldier being involved.

If we can defeat Putin in Ukraine, that means China will, hopefully, take notice and Putin will be stopped, because if you don’t stop him in Ukraine, he will and we will slide in a war between NATO and Russia.

So I appreciate all the hard work of the staff to make a statement to the people who are facing threats from China, from Russia, from Iran, that we have not abandoned you. There is a dime in this bill to deal with the threats I think we face from China consistent with the threat level. There is money in this bill but not enough. So I am hoping that those who are watching this in Ukraine understand that Senators SCHUMER and MCCONNELL are going to say in a moment: We have not abandoned you. We are going to help you and work you to liberate your country from the war criminal Putin.

Whether you believe we should be helping Ukraine or not, I do. People in this body, on both sides of the aisle in the Senate, understand that Putin’s invasion is a defining moment of the 21st century. That is why we have to get this bill passed. If we don’t, there goes Taiwan, and the world order will begin to crumble. The world order we created since World War II would be jeopardized.

War crimes on an industrial scale by Putin cannot be forgiven or forgotten. To the brave men and women in Ukraine, help is on the way. To the people standing up to China, living in its shadow in Taiwan, help is on the way. To the American military who is underfunded because of this bill, help is on the way. We keep going and we will be in a war between NATO and Russia.

For 3 days, I and some others have been screaming to high heaven that what the House did was wrong. It is right to want to control spending, and there are some good things in this bill. But it was wrong to give away that Senators SCHUMER and MCCONNELL are going to say in a moment: We have not abandoned you. We are going to help you and struggle to liberate your country from the war criminal Putin.

To my colleagues, thank you for listening. This is what I think is forthcoming. The good news for us is that not one American soldier has died evacuating Russia from Ukraine. The Ukrainians have fought like tigers. It is in our national security interest to provide them the weapons and the technology to keep this fight up. Their win is our win.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

Mr. SCHUMER. Mr. President, I ask unanimous consent that the following joint statement from Senator MCCONNELL and me be printed in the RECORD.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the following joint statement from Senator MCCONNELL and me be printed in the RECORD.

The joint statement is as follows:

Joint Statement from Senate Leaders

We share the concern of many of our colleagues about the potential impact of sequestration and we will work in a bipartisan, collaborative way to avoid this outcome.

Now that we have agreed on budget caps, we have asked Appropriations Committee Chair Senator Murray and Vice Chair Senator Collins to set the subcommittee caps and get the regular order process started.

To accomplish our shared goal of preventing sequestration, expeditious floor consideration will require cooperation from Senators from both parties. The Leaders look forward to bills being reported out of committee with strong bipartisan support. The Leaders will seek and facilitate floor consideration of these bills with the cooperation of Senators from both parties.

The joint statement is as follows:

Vote on Motion to Proceed

Mr. SCHUMER. Mr. President, I know of no further debate on the motion to proceed.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the motion to proceed.

The motion was agreed to.

Fiscal Responsibility Act of 2023

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3746) to provide for a responsible increase to the debt ceiling.

The PRESIDING OFFICER. The majority leader.
would almost certainly cause another recession. It would be a nightmare for our economy and millions of American families. It would take years—perhaps a decade— to recover from. But for all of the ups and downs and twists and turns it took to get here, it is so good for this country that both parties have come together at last to avoid default.

I thank my colleagues on both sides of the aisle for their cooperation. Let’s finish the job and send this very important bipartisan bill to the President’s desk without delay.

Mr. President, I also want to dispel rumors and reassure our friends across the world about the Senate’s commitment and ability to respond to emerging threats and needs.

This debt ceiling deal does nothing to limit the Senate’s ability to appropriate emergency supplemental funds to ensure our military capabilities are sufficient to deter China, Russia, and our other adversaries and respond to ongoing and growing national security threats. And Russia’s ongoing war of aggression against Ukraine, our ongoing competition with China and its growing threat to Taiwan, Iranian threats to American interests and those of our partners in the Middle East, or any other emerging security crisis; nor does this debt ceiling deal limit the Senate’s ability to appropriate emergency supplemental funds to respond to various national issues, such as disaster relief, or combating the fentanyl crisis, or other issues of national importance.

I know a strong bipartisan majority of Senators stands ready to receive and process emergency funding requests from the administration. The Senate is not about to ignore national needs nor abandon our friends and allies who face urgent threats from America’s most dangerous adversaries.

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

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

AMENDMENT NO. 107

Mr. PAUL. Mr. President, I call up amendment No. 107 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will call the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 107.

The amendment is as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Five Penny Plan of 2023”.

SEC. 2. STATUTORY ENFORCEMENT OF OUTLAY LIMITS THROUGH SEQUESTRATION.

(a) IN GENERAL.—Part C of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) is amended by adding at the end the following:

“SEC. 258D. ENFORCING OUTLAY LIMITS.

(a) ENFORCING OUTLAY LIMITS.—In this section, the term ‘outlay limit’ means an amount equal to—

(1) for fiscal year 2024, $4,839,204,000,000 in outlays;
(2) for fiscal year 2025, $4,597,244,000,000 in outlays;
(3) for fiscal year 2026, $4,367,382,000,000 in outlays;
(4) for fiscal year 2027, $4,149,013,000,000 in outlays; and
(5) for fiscal year 2028, $3,941,562,000,000 in outlays.

(b) TOTAL FEDERAL OUTLAYS.—In this section, total Federal outlays shall include all on-budget outlays.

(1) SEQUESTRATION.—

(1) OMB REPORT.—Not later than 15 days after the end of session for each of fiscal years 2024 through 2028, OMB shall prepare a report specifying whether outlays for the preceding fiscal year exceeded the outlay limit for that fiscal year.

(2) SEQUESTRATION.—If a report under paragraph (1) shows that outlays for a fiscal year exceeded the outlay limits for that fiscal year, the President shall issue a sequestration order reducing direct spending and discretionary appropriations for the fiscal year after the fiscal year for which outlays exceeded the limit by the uniform percentage necessary to reduce outlays during that fiscal year by the amount of the excess outlays.

(3) PROCEEDURES.—In implementing the sequestration under paragraph (2), OMB shall follow the procedures specified in section 6 of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 935) and the special rules specified in section 256 of this Act.

(d) CONSIDERATION IN HOUSE AND SENATE.—

“It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that would cause the most recently reported current outlay limits set forth in subsection (a) to be exceeded.”

(b) TABLE OF CONTENTS. The table of contents in section 250(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(a)) is amended by adding at the end the following:

“Sec. 258D. Enforcing outlay limits.”

SEC. 3. LIMIT ON TOTAL SPENDING.

Section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)) is amended—

(1) by striking paragraph (4); and
(2) by redesignating paragraphs (5) through (21) as paragraphs (4) through (20), respectively.

SEC. 4. PUBLIC DEBT LIMIT.

Section 3101(b) of title 31, United States Code, is amended by striking `$14,294,000,000,000’’ and inserting `$14,794,000,000,000’’.

Mr. PAUL. The Biden-McCarthy debt deal will do nothing to avert the looming debt crisis. A debt deal that creates no limits to the debt accumulation over 2 years is not fiscally responsible and should be rejected.

My amendment replaces the spending caps with caps that balance the budget in 5 years and limits the extension of debt to $500 billion, and I urge a “yes” vote.
Mr. SCHUMER. Mr. President, about an hour ago, I entered a statement into the RECORD, and I would like to read it so the Members can hear it.

I want to also dispel rumors and reassure our friends across the world about the Senate’s commitment and ability to respond to emerging threats and needs. This debt ceiling deal does nothing to limit the Senate’s ability to appropriate emergency/supplemental funds to ensure our military capabilities are sufficient to deter China, Russia, and our other adversaries and respond to ongoing and growing national security threats, including Russia’s evil ongoing war of aggression against Ukraine, our ongoing competition with China and its growing threat to Taiwan, Iranian threats to American interests and those of our partners in the Middle East, or any other emerging security crisis; nor does this debt ceiling limit the Senate’s ability to appropriate emergency/supplemental funds to respond to various national issues, such as disaster relief, combating the fentanyl crisis, or other issues of national importance.

I know a strong bipartisan majority of Senators stands ready to receive and process requests for emergency funding from the administration. The Senate is not about to ignore our national needs nor abandon our friends and allies who face urgent threats from America’s most dangerous adversaries.

Mr. President, I want to remind Members, we were indulgent in the first vote. That is over. We are doing 10-minute votes. Please stay in your seats so we can finish this bill at a reasonable hour.

The PRESIDING OFFICER. Duly noted.

The Senator from Indiana.

AMENDMENT NO. 91
Mr. BRAUN. Mr. President, I call up my amendment No. 91 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The legislative clerk read as follows:

The Senator from Indiana [Mr. BRAUN] proposed an amendment numbered 91.

The amendment is as follows:

(Purpose: To rescind discretionary appropriations in the event of a debt ceiling crisis period and to honor the full faith and credit of the debts of the United States in the debt ceiling crisis)

At the appropriate place, insert the following:

SEC. ___ Rescission of discretionary appropriations and honoring debts during a debt ceiling crisis.

(a) Definitions.—In this section:

(1) Current fiscal year.—The term “current fiscal year” means the fiscal year during which the applicable rescission of discretionary appropriations under subsection (b) occurs.

(2) Debt ceiling crisis period.—The term “debt ceiling crisis period” means a period—

(A) beginning on the date on which, but for subsection (c), the Secretary of the Treasury would have obligations under chapter 31 of title 31, United States Code, or other obligations whose principal and interest are guaranteed by the United States Government, because of the limit on the face amount of such obligations that may be outstanding at one time under section 3101(b) of title 31, United States Code, is increased to the extent that—

(B) ending on date on which the first measure suspending or increasing the limit under section 3101(b) of title 31, United States Code, is enacted after the date described in subparagraph (A).

(3) Discretionary appropriations.—The term “discretionary appropriations” has the meaning given such term in section 505(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)).

(b) Rescission of discretionary spending.—For each discretionary appropriations account, effective on first day of a debt ceiling crisis period, and every 30 days thereafter until the end of the debt ceiling crisis period, 1 percent of the amount provided for the discretionary appropriations account under the appropriation Act for the current fiscal year is permanently rescinded.

(c) Temporary suspension of debt ceiling.—

(1) In general.—Section 3101(b) of title 31, United States Code, shall not apply for the period—

(A) beginning on the first day of a debt ceiling crisis period; and

(B) ending on the last day of the debt ceiling crisis period.

(2) Special rule relating to obligations issued during extension period.—Effective on the first day of a debt ceiling crisis period, the limitation in effect under section 3101(b) of title 31, United States Code, shall be increased to the extent that—

(A) the face amount of obligations issued under chapter 31 of such title and the face amount of obligations whose principal and interest are guaranteed by the United States Government (except guaranteed obligations held by the Secretary of the Treasury) outstanding on the first day of the debt ceiling crisis period; exceeds

(B) the face amount of such obligations outstanding on the last day of the debt ceiling crisis period.

(3) Extension limited to necessary obligations.—An obligation shall not be taken into account under paragraph (2) unless the issuance of such obligation was necessary to fund a commitment incurred pursuant to law by the Federal Government that required payment on or before the last day of the applicable debt ceiling crisis period.

(d) Reports.—

(1) In general.—Not later than 30 days after the first day of a debt ceiling crisis period, and every 30 days thereafter until the date that is 30 days after the end of the debt ceiling crisis period, the Director of the Office of Management and Budget submits each report under paragraph (1), the Comptroller General of the United States shall submit a report evaluating the description of the rescission of discretionary appropriations under subsection (b) with respect to the debt ceiling crisis period.

(2) Review by GAO.—Not later than 90 days after the date on which the Director of the Office of Management and Budget submits each report under paragraph (1), the Comptroller General of the United States shall submit a report evaluating the description of the rescission of discretionary appropriations in the report by the Director of the Office of Management and Budget.

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

Mr. BRAUN. This should be the easiest vote of the night. This is to take default off the table in future endeavors like this. This simply says that when we get notice that extraordinary measures are going to be incorporated—that happened in January, I believe, of this year; X date is this Monday—that if we do not do a bill that either raises the amount or changes the date, ideally with reforms, that on the X date, after we had 5 to 6 months to do it, we have 1 percent cuts of discretionary spending. It is the No Default Act.

We should not be risking default. This would be simple. It gives us plenty of time and puts a little incentive. If you reach the X date, you are going to get to encourage to do it. If not, it would happen again in 30 days.

I ask for your support. Let’s not default when we engage this same dynamic in the future.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise in opposition to the Senator’s amendment, which would lead to more reckless brinkmanship, more arbitrary cuts by permanently rescinding 1 percent of discretionary appropriations every 30 days during a debt limit crisis. This makes no sense. Rewarding brinkmanship by slashing funding that our families and our communities and our troops depend on is an absolutely dangerous way to govern.

I want to also dispel rumors and reassure our friends across the world about the outcome and this debt limit deal. Nobody likes the position we are in today—nobody. Passing this amendment would prove we have learned nothing.

We do not need to create new opportunities for hostage-taking and cuts that would seriously undermine our economy, our families, our future, and our global leadership. We just need to do our job. Right now, we have to pass this bill to avoid a catastrophic default.

I will be voting no. I urge my colleagues to do the same.

The PRESIDING OFFICER. All time has expired.

VOTE ON AMENDMENT NO. 91
The question is on agreeing to the amendment.

Mr. BRAUN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. Feinstein) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Texas (Mr. Cruz) and the Senator from Tennessee (Mr. Hagerty).

The result was announced—yeas 35, nays 62, as follows:

Rollar Vote No. 137 Leg.

YEAS—35

Barrasso  Boozman  Britt
Blackburn  Braun  Budd
This past weekend alone, the Border Patrol made over 13,000 apprehensions. There were over 4,000 “got-aways”; and they seized 118 pounds of meth, 14 pounds of fentanyl, and apprehended 6 sex offenders and 5 gang members.

We have a crisis unfolding at our southern border, and it is happening right now in plain sight. It is impacting every community across the country. I will not sit here, form committees, and pray about it. We need action today.

The PRESIDENT pro tempore. The Senator’s time is expired.

Mr. MARSHALL. I am proud to introduce my amendment today and hope you will vote in support of it.

The PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Madam President, we had a hearing this week in the Committee on the Judiciary. We had a grower from South Carolina, a guest of Senator GRAHAM, who professes to be the second largest peach grower in America. I asked him point-blank: If you had E-Verify on your farm today, what would happen to you and the growers who need workers?

He said: We would be out of business tomorrow.

That’s what your amendment does. It imposes E-Verify on farmers in Kansas and Illinois and all across the United States.

We are not ready for this. You are going to put them out of business.

And, secondly, it strips away all of the protections of unaccompanied children at the border. We do not want kids in cages anymore at the border. Please vote against this amendment.

VOTE ON AMENDMENT NO. 110

The PRESIDENT pro tempore. The question now occurs on agreeing to amendment No. 110.

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

The PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. F EINSTEIN) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: The Senator from Texas (Mr. CRUZ) and the Senator from Tennessee (Mr. HAGERTY).

The result was announced—yeas 46, nays 51, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—46

Barrass | Grafik | Risch
---|---|---
Blackburn | Gravel | Rubino
Boozman | Grassley | Schatz
Braun | Graham | Schatz (FL)
Britt | Gregg | Schatz (SC)
Bullock | Capito | Scott (FL)
Cassidy | Collins | Scott (SC)
Cornyn | Cotton | Sullivan
Cramer | Crapo | Tubberville
Daines | Daines | Vance
Ernst | Fischer | Van Hollen

NAYS—51

Baldwin | Hickenlooper | Reed
Bennet | Hirono | Rosen
Blumenthal | Kane | Sanders
Boozman | Koch | Schatz
Brown | Klobuchar | Schumer
Cantwell | Lieberman | Shaheen
Carper | Manchin | Smith
Casey | Markay | Stabenow
Cochrane | Menendez | Tester
Cortez Masto | Merkley | Van Hollen
Duckworth | Murphy | Warner
Durbin | Murray | Warner
Fetterman | Ossoff | Warnock
Gillibrand | Padilla | Webb
Graham | Reed | Whitehouse
Hassan | Ricketts | Wyden
Herrington | Romney | Young

NOT VOTING—3

Cruz | Feinstein | Hagerty

The PRESIDENT pro tempore. On this vote, the yeas are 46, the nays are 51. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is not agreed to.

The amendment (No. 110) was rejected.

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. SCHUMER. Ten minutes forty seconds. We have got 40 seconds to go, and we can get it all in 10.

VOTE ON AMENDMENT NO. 125

The PRESIDENT pro tempore. The Senator from Alaska is recognized.

Mr. SULLIVAN. Madam President, I call up my amendment No. 125 and ask that it be reported by number.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska (Mr. SULLIVAN) proposes an amendment numbered 125.

The amendment is as follows: (Purpose: To provide adequate funding for defense and increase the rescission of funding for the Internal Revenue Service)

On page 5, line 21, strike “$895,212,000,000” and insert “$950,017,950,000”.

On page 5, line 21, strike “$895,212,000,000” and insert “$950,017,950,000.”

On page 53, line 22, strike “$1,389,525,000” and insert “$1,399,779,000,000.”

Mr. SULLIVAN. Madam President, the Fiscal Responsibility Act, unfortunately, does not meet the moment in terms of defending our Nation.

The Chairman of the Joint Chiefs and others have said we are now in the most dangerous period of any time since World War II. And yet this bill cuts defense spending in inflation-adjusted terms by approximately 3 percent this year and 5 percent next year.

My amendment fully funds the Biden Pentagon’s unfunded priorities list by——

The PRESIDENT pro tempore. The Senator’s time has expired.

Mr. SULLIVAN. By $18 billion.
The President pro tempore. The Senate’s time has expired.

Mr. SULLIVAN. And it raises—Madam President, I ask unanimous consent for 30 seconds more.

The President pro tempore. Is there objection?

Mr. SULLIVAN. And for fiscal year 2025, it raises the defense top line by 5 percent to simply keep pace with inflation. These increases are offset by rescinding the additional amounts from the President’s $80 billion plus-up from the IRS.

So, my colleagues, the choice is clear: more Navy ships, soldiers, and marines to protect America or more IRS agents to harass Americans. I urge a “yes” vote on this important amendment.

The President pro tempore. The Senate from Oregon is recognized.

Mr. WYDEN. Madam President, I oppose the gentleman’s amendment, and Senate Democrats will keep this Chamber on time.

There are three important reasons to vote against this amendment. First, it would be an even bigger Republican handout to wealthy tax cheats—nearly $200 billion. Second, at a time when Congress is supposed to be debating fiscal responsibility, this amendment doubles the deficit with more spending on defense contractors and bigger handouts to wealthy tax cheats.

Finally, this Senate should focus on better service to taxpayers, improved information technology, and ending the free ride once and for all for wealthy tax cheats.

I urge colleagues to oppose the amendment.

VOTE ON AMENDMENT NO. 125

The President pro tempore. The question is on agreeing to the amendment.

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

The President pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: The Senator from Texas (Mr. CRUZ) and the Senator from Tennessee (Mr. HAGERTY).

The result was announced—yeas 49, nays 48, as follows:

[Roll Call Vote No. 139 Leg.]

YEAS—49

Barrasso
Blackburn
Cruzy
Cotton
Hyde-Smith
Boozman
Cramer
Johnson
Braun
Daines
Lankford
Britt
Ernst
Lee
Budd
Fischer
Lummis
Capito
Graham
Marshall
Cassidy
Grassley
McConnell
Collins
Hawley
Moran
Cornyn
Hoeven
Mullin
Merkel
Risch
Ricketts
Paul
Reed
Sanders
Schatz
Schumer
Shahin
Stabenow
Testa
Van Hollen
Warner
Warren
Whitehouse
Wyden

The President pro tempore. On this vote, the yeas are 49, the nays are 48.

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is not agreed to.

The amendment (No. 125) was rejected.

Mr. SCHUMER. That took 9 minutes 40 seconds. Keep going.

(Appause.)

The President pro tempore. The Senator from Missouri.

AMENDMENT NO. 93

Mr. HAWLEY. Madam President, I call up my amendment No. 93, and I ask that it be reported by number.

The President pro tempore. The Senator from Missouri (Mr. HAWLEY) proposes an amendment numbered 93.

The amendment is as follows:

(Purpose: To require the imposition of additional duties with respect to articles imported from the People’s Republic of China until trade between the United States and the People’s Republic of China comes into balance.)

At the appropriate place, insert the following:

SEC. 1. IMPOSITION OF DUTIES TO BALANCE TRADE WITH THE PEOPLE’S REPUBLIC OF CHINA.

(a) CALCULATION OF TRADE WITH THE PEOPLE’S REPUBLIC OF CHINA.—Not later than January 31 of each year, the President shall calculate and publish in the Federal Register, for the preceding calendar year—

(1) the total value of articles imported into the United States from the People’s Republic of China; and

(2) the total value of articles exported from the United States to the People’s Republic of China.

(b) IMPOSITION OF DUTIES.—

(1) IN GENERAL.—If the total value calculated under paragraph (1) of subsection (a) exceeds the total value calculated under paragraph (2) of that subsection for the preceding calendar year, the President shall impose additional duties with respect to articles imported from the People’s Republic of China of 25 percent ad valorem.

(2) ADDITIONAL DUTIES.—A duty imposed under paragraph (1) shall be in addition to any duty previously applicable with respect to an article.

(c) CONTINUED IMPOSITION OF DUTIES.—The duties imposed under subsection (b) with respect to articles imported into the United States from the People’s Republic of China shall remain in effect until the total value calculated under paragraph (1) of subsection (a) is equal to or less than the total value calculated under paragraph (2) of that subsection for the preceding calendar year.

Mr. HAWLEY. Madam President, in the last 20 years in the State of Missouri, we have lost 60,000 jobs to the People’s Republic of China. That number nationwide is almost 4 million. Our trade deficit with China, as we stand here tonight, is at record levels, and every dollar of that deficit represents blue-collar jobs destroyed, industry shuttered, manufacturing capacity withering away.

I would submit to you that it is the most important deficit that we face. We can talk about budget reforms, and we can talk about savings here and there, but until we do the work of bringing back productive capacity to this Nation and good-paying blue-collar jobs you can raise a family on, we will not put our economy on the basis that we need to address the economic challenges that we face.

So my amendment does something very simple. It imposes across-the-board tariffs on China for every year in which we have a trade deficit until that deficit is zero. Bring back jobs to this country.

I urge a “yes” vote.

The President pro tempore. The Senator’s time has expired.

The Senator from Ohio.

Mr. BROWN. Madam President, I rise in opposition to the amendment.

I take a back seat to no one when it comes to standing up to China. LINDSEY GRAHAM and I have been fighting to close the trade deficit for decades.

I went to junior high at Johnny Appleseed Junior High in Mansfield, Ohio, with the sons and daughters of machinists and IUE members and steelworkers and auto workers and carpenters and millwrights and plumbers and pipefitters and operating engineers. Ten years later, most of these jobs were gone, and so much of industrial America all over the country has been lost because of bad trade policy with China.

But do you know? The People’s Republic of China would love for us to pass this amendment, because, if it passes, the United States of America will default, and they will be rejoicing in Beijing.

Stand up to China. Vote no on this amendment.

VOTE ON AMENDMENT NO. 93

The President pro tempore. The question occurs on agreeing to amendment No. 93.

Mr. HAWLEY. Madam President, I ask for the yeas and nays.

The President pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.
The legislative clerk called the roll. Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: The Senator from Tennessee Mr. (HAGERTY).

The result was announced—yeas 17, nays 81, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—17

Blackburn Lummiss Schmitt
Braun Marshall Scott (FL)
Britt McConnel Scott (SC)
Graham Ricketts Tuberville
Hawley Rusch Vance
Hyde-Smith Ruble

NAYS—81

Baldwin Fischer Padilla
Barrasso Gilibrand Paul
Bennet Grassley Peters
Blumenthal Hassan Reed
Booker Heinrich Romney
Boozman Hickenlooper Rosen
Brown Hirono Rounds
Budd Hoeven Sanders
Cantwell Johnson Schatz
Capito Kaine Schumer
Cardin Kelly Shaheen
Casper Kennedy Sinema
Cassidy Kius Smith
Collins Lankford Sullivan
Coons Lee Tester
Coryn Lujan Thune
Cortez Masto Manchin Tillis
Cotton Markay Van Hollen
Cramer McConnell Warner
Crapo Menendez Warner
Cruz Merkley Warren
Daines Moran Welch
Duckworth Markwitz Whitehouse
Durbin Murphy Wicker
Ernst Murray Wyden
Feinstein Osowski Young

NOT VOTING—2

Feinstein Hagerty

The PRESIDENT pro tempore. On this vote, the yeas are 17, the nays are 81.

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is not agreed to.

The amendment (No. 98) was rejected. Mr. SCHUMER: My amendment, the amendment we are slipping a little—11 minutes. Let’s stay in our seats.

The PRESIDENT pro tempore. The Senator from Louisiana.

AMENDMENT NO. 104

Mr. KENNEDY. Madam President, I call up my amendment No. 104 and ask that it be reported by number.

The PRESIDENT pro tempore. The clerk will report the amendment by number.

The legislative clerk read as follows:

The Senator from Louisiana (Mr. KENNEDY) proposes an amendment numbered 104.

The amendment is as follows:

(Purpose: To remove the sunset on work requirement exemptions)

In division C, in section 311, strike subsection (b) and insert the following:

(b) APPLICATION—A State agency shall apply section 603(c) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(6)(o)(3)), as amended by subsection (a), to any application for initial certification or recertification received starting 90 days after the date of enactment of this Act.

The PRESIDENT pro tempore. The Senator will be notified that there is 6 minutes, equally divided, to this amendment under the previous agreement.

The Senator from Louisiana, Mr. KENNEDY. Madam President, the America’s is the most generous people in the world. In our country, if you are hungry, we will feed you. If you are homeless, we will try to house you. If you are sick, we will pay for your doctor. I am very proud of that, and I am too. However, those who can work should work. Those who can work should work.

A person without a job is not healthy, not happy, and not free. History has demonstrated that the best social program is a job. Free enterprise has lifted more people out of poverty than all the social programs put together. So while we should continue to be generous to our neighbors as Americans, we are talking about, and repeat often: Those who can work should work.

My amendment would make the food stamp work requirement permanent in this bill. It would remove the sunset. The PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Madam President, first of all, the great news is, we have a robust economy growing, more small businesses opening, the lowest unemployment rate in a generation, and we all want people to be able to work.

Let me speak to the reality of what is in this bill. First of all, we have had work requirements for people who are single adults with no dependents since the 1990s. If you don’t work, if you are not in school, the most you can qualify for 3 months’ worth of SNAP within 3 years. That is current law—§6 is a day is what is in the bill.

This bill extends that out in terms of the age, of the number of people required to be in school or at work, with certainly important exemptions for our seniors, for our veterans, and our homeless and it is in place until 2030.

Here is my question: How do you tell your constituents that you are willing to default, create a catastrophic default now that will raise their unemployment, cost us jobs, raise interest rates, and so on, because you want to change something that is going to be in place until 2030? We have plenty of time to revisit it at that point. This is a bipartisan agreement.

I would just suggest it is very irresponsible for us to change something here that we know—the House is gone. We are going to go into default. We make a change and say it is because we wanted something to be extended beyond 2030. I would suggest we give this a chance, evaluate it.

I would suggest we vote no.

The PRESIDENT pro tempore. Is there further debate?

Mr. KENNEDY. Yes, Madam President.

The PRESIDENT pro tempore. The Senator has 1 minute 11 seconds remaining.

Mr. KENNEDY. Thank you, Madam President.

I think we all know the June 5 deadline is a fiction. It is. We know that. We know that the Treasury Secretary can take special measures to extend this deadline until the middle of June, when tax revenues will come in. I understand the need to go ahead and act, but we all know that.

Let me say it again. Those who can work should work. Those who can work should work, and that is all my amendment does.

VOTE ON AMENDMENT NO. 104

The PRESIDENT pro tempore. Is there further debate?

If not, the question is on agreeing to the amendment.

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

The PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: The Senator from Texas Mr. (CRUZ) and the Senator from Tennessee Mr. (HAGERTY).

The yeas and nays resulted—yeas 46, nays 51, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—46

Barrasso Graham Risch
Blackburn Grassley Romney
Boozman Hawley Rounds
Braun Hoven Rubio
Britt Hyde-Smith Schitt
Budd Johnson Scott (FL)
Capito Kennedy Scott (SC)
Cassidy Lankford Sullivan
Collins Lee Tester
Cotten Lummiss Tillis
Cramer Markay Whitehouse
Durbin Murphy Wicker
Ernst Murray Wyden
Fischer Osowski Young

NOT VOTING—3

Feinstein Hagerty

The PRESIDENT pro tempore. On this vote, the yeas are 46, the nays are 51.

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is not agreed to.

The amendment (No. 104) was rejected.
proposes an amendment numbered 106.

The SENATE proceeds.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was rejected.

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The amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was rejected.
The President. Who seeks recognition?

The Senator from North Carolina is recognized.

Amendment No. 134

Mr. Budd. Madam President, I ask unanimous consent to call up Senate amendment No. 134, and ask that it be reported by number.

The President pro tempore. The clerk will report the amendment by number.

The bill clerk read the amendment as follows:

The President pro tempore. The request is granted.

The amendment is as follows:

Strike title V of division B and insert the following:

TITLE I—RESCISSION OF UNOBLIGATED FUNDS


(1) such amounts that were appropriated or otherwise made available to the Department of Veterans Affairs; and

(2) amounts made available under section 601 of division HH of Public Law 117–328.

Mr. Budd. Madam President, on March 13 of 2020, the Federal Government declared a national emergency concerning the COVID–19 pandemic. More than 3 years later, on May 11, 2023, that declaration ended. And yet, to this day, billions of COVID dollars remain unspent.

So let's be clear. Each and every one of those dollars came from a hard-working taxpayer, from a working family’s budget. That is why my amendment would rescind an additional $17 billion of unspent COVID money.

If we really want the Fiscal Responsibility Act to live up to its name, the least we can do is to rescind the taxpayer dollars that remain to fight a pandemic that everyone knows is over. Every taxpayer dollar is sacred and should be treated that way.

I yield the floor.

The President pro tempore. The Senator from Oregon.

Mr. Wyden. Madam President, I rise in opposition.

The bipartisan package importantly negotiated between Speaker McCarthy and President Biden, in fact, makes specific rescissions to unused COVID funds while protecting important funding for programs that are still necessary to support our community.

This amendment, colleagues, goes beyond the McCarthy–Biden agreement. This amendment would take an ax to nearly all of the funding in the Recovery Act and several other COVID bills, even if the communities are still dependent or planning on using that money.

Blue States or red States, pass this amendment and you risk default. I strongly urge a vote against this amendment.

Vote on Amendment No. 134

The President pro tempore. The question is on agreeing to the amendment.

The result was announced—yeas 47, nays 52, as follows:

[Recall Vote No. 134 Leg.]

YEAS—47

Barrasso
Bennett
Blackburn
Blumenthal
Booker
Brown
Cantwell
Cardin
Carper
Cassidy
Cortez Masto
Duckworth
Durbin
Feinstein
Feinstein (CA)
Hagerty
Heinrich
Inhofe
Brown
Cain
Kelly
King
Klobuchar
Lean
Manchin
Markley
Mark Warner
Merkley
Murray
Ossoff
Peters
Peters (NY)
Reed
Whitehouse
Young

NAYS—52

Baldwin
Benning
Brennan
Bracewell
Brooks
Brown
Cantwell
Cardin
Carper
Cassidy
Cortez Masto
Duckworth
Durbin
Feinstein
Feinstein (CA)
Hassan
Heinrich
Hagerty
Hagerty
Hagerty
Hagerty

NOT VOTING—1

Hagerty

The President. The question is on agreeing to the amendment.

Mr. Lee. Madam President, I call up amendment No. 98, and ask that it be reported by number.

The President pro tempore. The Senator from Utah.

Amendment No. 98

Mr. Lee. Madam President, I call up amendment No. 98 and ask that it be reported by number.

The President pro tempore. The amendment is as follows:

(Purpose: To strike the waiver authority for Administrative PAYGO)

Strike section 265 of title III of division B. Mr. Lee. Madam President, this amendment is simple. It strikes section 265 of this bill. Section 263 creates a regulatory pay–go measure, but section 265 nullifies that by giving out–right, complete discretion to the Director of OMB—who, by the way, just announced the day before yesterday from the White House that she would use this effectively to nullify the regulatory pay–as–you–go measure.

Please support my amendment.

I yield the rest of my time to the Senator from Louisiana.

The President pro tempore. The Senator from Louisiana is recognized.

Mr. Kennedy. Madam President, it is present, and I will be candid.

To my colleagues, I say, not a single one of you is a dummy. Not a single one of your mothers raised a fool, and if she did, it was one of your siblings. We all know that a pay–go requirement for a regulation that can be waived by the proponent of the regulation is meaningless.

This amendment will provide that the pay–go requirement cannot be waived.

The President pro tempore. The Senator’s time is expired.

Mr. Peters. Madam President, the Lee amendment is an unnecessary roadblock to this bipartisan deal, and it would interfere with the delivery of essential government services in times of need.

If adopted, this amendment would prevent Agencies from exercising their discretion and acting quickly in times of need, such as during a national emergency or natural disaster. The government must be able to provide essential services to the public. And it is important to promote offsets and save taxpayer dollars. We understand that. But we must also ensure that the American people receive the services they need and protect our economy.

That is why we must vote to quickly pass this bipartisan bill without amendment to avoid a catastrophic default.

I urge my colleagues to vote no on the Lee amendment.

Vote on Amendment No. 98

The President pro tempore. The question is on agreeing to the amendment.

Mr. Lee. I ask for the yeas and nays. The President pro tempore. 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. Thune. The following Senator is recognized.

Mr. Thune. The following Senator is recognized.

Mr. Thune. The following Senator is recognized.
Barasso
Fischer
Paul

Blackburn
Graham
Ricketts

Boozman
Grassley
Risch

Brown
Hoeven
 Rounds

Budd
Hyde-Smith
Ruthe

Capito
Johnson
Schmitt

Cassidy
Kennedy
Scott (FL)

Collins
Lankford
Scott (SC)

Corryn
Lee
Sullirian

Cotton
Lummis
Thune

Cramer
Marshall
Trillis

Crapo
McCaskill
Tuberville

Cruz
Morgan
Vance

Daines
Mullin
Wicker

Ernst
Moran
Wyden

NAYS—51
Hagerty

The amendment (No. 98) was rejected.
The PRESIDENT pro tempore. The Senator from Virginia.

Mr. KAINE. Madam President, I call up my amendment No. 101 and ask that it be reported by number.
The PRESIDENT pro tempore. The clerk will report the amendment by number.
The bill clerk read as follows:
The Senator from Virginia (Mr. KAINE) proposes an amendment numbered 101.
The amendment is as follows:
(Purpose: To strike a provision relating to expediting completion of the Mountain Valley Pipeline.
Strike section 234.
Mr. KAINE. I ask unanimous consent that there be 4 minutes equally divided prior to the vote on my amendment, with Senators CAPITO and MANCHIN each controlling 1 minute in opposition.
The PRESIDENT pro tempore. Without objection, it is so ordered.
Mr. KAINE. Madam President, I rise to offer an amendment to strip a single provision out of this bill: the provision green-lighting the Mountain Valley Pipeline.
I offer my amendment for three reasons.
First, this provision that would put Congress’s thumb on a permitting scale is completely unrelated to the debt ceiling and should not be included in this bill.
Second, I object on behalf of Virginia landowners. If you could build a pipeline in midair, that is one thing. But the only way you could it is to the eminent domain to take people’s land. Virginians don’t want to have their land taken for a pipeline unless there is a thorough process where they have all the rights accorded to them by law, administrative agency, and judicial review. Cutting off those rights is disrespectful to these landowners, who, in this part of the State, sometimes land is all they have, and it has been in their families for generations.
Finally, this bill would strip jurisdiction of a case away from the Fourth Circuit in the middle of the case. That is unprecedented and historic.
I used to try cases all the time in this circuit. I lost them, and I would appeal them. But I wouldn’t try to get Congress to strip jurisdiction away from the court because I was unhappy. No everyday person gets this deal. No criminal defendant gets this deal. No small business gets this deal. Nobody gets this deal, and we shouldn’t give it to some company just because they are powerful and they have influence in Congress. For these reasons I ask for a “yes” vote on my amendment.
The PRESIDENT pro tempore. The Senator from West Virginia.

Mrs. CAPITO. Madam President, I rise in opposition to the Senator’s amendment. This Mountain Valley Pipeline is an important infrastructure. It has been vetted numerous times. It has permitting—all permits that are from the Virginia Department of Environmental Quality, the Fish and Wildlife, and the Bureau of Land Management. These are all permits through both administrations—that have already been offered. They are in a judicial hellhole right now where they can’t get out. This is absolutely essential to the eastern seaboard.
It is jobs and tax revenues in the State of West Virginia, and I think this is an opportunity for us to cut through this redtape and move forward with the very essential infrastructure package.
The PRESIDENT pro tempore. The Senator from West Virginia.

Mr. MANCHIN. Madam President, I also rise in opposition. For eight years—eight years—and three administrations this project has been under review. Eight times NEPA—eight times of NEPA reviews. Three times through every Agency. This has been reviewed more than anything in the United States of America. The people in this eastern portion of the country, especially in the Carolinas, are paying sometimes 10 times more for gas because of the shortages during severe weather.
This is critical for the people of this country. If you believe in energy independence, and you believe that we should be the superpower of the world, this helps us do that. It puts more product in the market than anything that we have available. This will be up and running in 6 months. Already, 293 miles are already built. We only have 20 more miles to go to finish it. It is time to finish this project.
Please vote no on this, an amendment by my friend, who I respectfully disagree with.

VOTE ON AMENDMENT NO. 101
The PRESIDENT pro tempore. The question now occurs on agreeing to amendment No. 101.

Mr. KAINE. I ask for the yeas and nays.
The PRESIDENT pro tempore. Is there a sufficient second?
There appears to be a sufficient second.
The clerk will call the roll.
The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Tennessee (Mr. HAGERTY).
The result was announced—yeas 30, nays 69, as follows:

[Rollcall Vote No. 145 Leg.]
YEAS—30

Baldwin
Hirono
Rosen

Bennet
Hickenlooper
Rosen

Bilirinen
Hiroco
Sanders

Boozman
Kaine
Schats

Brown
Kelly
Schumer

Cantwell
King
Shaheen

Cardin
Klobuchar
Sinema

Carper
Lojjan
Smith

Casey
Manchin
Stabenow

Coons
Markay
Tester

Cortez Masto
Menendez
Van Hullen

Duckworth
Meckler
Warnar

Durbin
Murphy
Warmock

Feinstein
Warren
Warren

Petersen
Ossoff
Wischel

Gillibrand
Padilla
Whitehouse

Hassan
Peters
Wyden

NOT VOTING—1
Hagerty

The amendment (No. 101) was rejected.

AMENDMENT NO. 102
The PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Mr. KENNEDY. Madam President, I call up my amendment No. 102 and ask that it be reported by number.
The PRESIDENT pro tempore. The clerk will report the amendment by number.
The senior assistant legislative clerk read as follows:
The Senator from Louisiana (Mr. KENNEDY) proposes an amendment numbered 102.
The amendment is as follows:
(Purpose: To require up-to-date employment data for waivers of work requirements.
In division C, after section 311, insert the following:

...
SEC. 312. WAIVERS.

Section 6(o)(4)(A)(i) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o)(4)(A)(i)) is amended by inserting ‘‘, as determined by the most up-to-date employment data’’ before ‘‘; or’’.

The PRESIDENT pro tempore. This is the last amendment of the evening. I have 3 minutes. I can read a room, and I can count votes.

Mr. KENNEDY. Madam President, this is the last amendment of the evening. I have 3 minutes. I can read a room, and I can count votes.

This amendment would require States to use the most up-to-date unemployment data for waivers of food stamp requirements. Thank you.

The PRESIDENT pro tempore. The Senator from Michigan.

Mr. STABENOW. Madam President, I will be equally brief. The good news is this is already required by law.

This is a total duplication. States must already provide up-to-date employment data in order to measure if they hit a 10-percent unemployment rate in order to get a State waiver. This amendment please do not risk a default of our country on language that is already in the law.

Would my friend accept a voice vote?

Mr. KENNEDY. Madam President.

The PRESIDENT pro tempore. The Senator from Louisiana.

Mr. KENNEDY. Madam President, I will accept a voice vote.

VOTE ON AMENDMENT NO. 102

The PRESIDENT pro tempore. The question is on agreeing to the amendment. The amendment (No. 102) was rejected.

Mr. GRASSLEY. Madam President, for 2 years, Democrats had control of the House, the Senate, and the Presidency. They took the reins of power as the Nation began to emerge from a pandemic that had upended our economy and the lives of all Americans.

Up to that point, Republicans and Democrats had worked together to pass multiple rounds of COVID relief with strong bipartisan support. That spirit of cooperation and bipartisanship came to a screeching halt when Democrats took total control in January of 2021.

Rather than viewing the pandemic as a challenge that required temporary measures to overcome, Democrats saw it as an opportunity to permanently expand the size and scope of government. That was the exact opposite of what we needed as a nation.

Our public debt as a share of the economy had soared to heights many would have viewed as unthinkable a few years earlier. What was sorely needed was a bipartisan focus on putting our fiscal house in order.

Instead, Democrats rambled through a nearly $2 trillion partisan spending bill that prominent Democrat economists called a ‘‘fiscal mistake’’. Then, as inflation soared to 40-year highs, Democrats doubled down on their reckless spending with additional legislation and executive actions adding trillions more to our national debt.

Thankfully, the American people had enough. They made their voices heard through the ballot box. Republicans were handed control of the House of Representatives based on a promise of a return to fiscal sanity. As the ranking member of the Senate Appropriations Committee, I was very proud to be the winning dance partner. I sat idly by for nearly 100 days watching the clock tick down to default despite the urgent need to raise the debt ceiling and begin to put our fiscal house in order.

Speaker McCarthy repeatedly called on the President to negotiate a fiscally responsible and timely debt limit increase. Unfortunately, President Biden proved not to be a willing dance partner.

Speaker McCarthy thankfully never took no for an answer. He kept pushing and rallied House Republicans to pass a debt limit package to pair back spending excesses of the prior Congress and impose meaningful spending controls moving forward. As the ranking member of the Limit, Save, Grow Act put a reasonable and fiscally responsible offer on the table that President Biden couldn’t ignore.

The bipartisan negotiations that ensued brought us to where we are today, with bipartisan support to pass the debt ceiling while imposing meaningful brakes on government spending largess.

As is the case with any bipartisan agreement, neither side got everything they wanted. But this agreement was far closer to the House-passed bill. But in a closely divided government, you can’t let the perfect be the enemy of the good.

The Fiscal Responsibility Act is a step in the right direction after years of unchecked Democrat spending. It will impose meaningful caps on discretionary spending that, over the next 2 years, will produce hundreds of billions in savings.

The agreement also strengthens work requirements in social welfare programs and claws back tens of billions in unspent COVID funds.

On the whole, over the next 10 years, this agreement will produce $1.5 trillion in savings. However, for all these savings to be realized, Republicans in the House and in the Senate will need to stick to their guns and vigorously enforce the spending caps.

As the ranking member of the Senate Budget Committee, I have worked hard to do my part to hold the line and expect the House chairman is prepared to do the same.

As I said earlier, this agreement is a step in the right direction. However, we have a long road ahead to put our debt and deficits on a sustainable path.

Even assuming all the savings in this agreement is realized, public debt as a share of our economy will exceed World War II era record levels in a matter of years, and annual interest costs will balloon to over a $1 trillion toll.

We have a moral obligation to the Nation’s youth to leave them a country that is on solid financial ground. Passage of the Fiscal Responsibility Act is a start, but much remains to be done.

Mr. CRAPO. Madam President, the Inflation Reduction Act, IRA, contained a provision for the Internal Revenue Service, IRS, to spend $15 million to oversee a report on an IRS-run and maintained ‘‘Direct eFile’’ tax return system. This was not a bipartisan provision. In fact, not one Republican Senator or Representative supported the IRA, and none had an opportunity to vote on this specific provision.

The report, released on May 16, 2023, was supposed to address the cost of such a system and the safeguards to protect taxpayers, surveys of taxpayer opinions and findings of an ‘‘independent third party’’ on the overall feasibility, approach, schedule, cost, organizational design and IRS capacity to deliver such a Direct eFile tax return system. It fell far short of these requirements and was conducted by the parties who had expressed a desire for the IRS to make such an undertaking. Beyond these flaws, the report simultaneously announced that the IRS had already built a functioning multilingual, mobile friendly, tax preparation software, and software. However, the Inflation Reduction Act only authorized the IRS to spend funds on a report, not the building of the prototype system.

The implementation of this provision by the Biden administration clearly violated Congress’s statutory direction. Worse, the decision by the administration to build and publicly launch such a Direct eFile system by January 2024, all without congressional authority, and using report and IRA funds further violates the IRA and exceeds the IRS’s statutory authority.

The IRS has publicly indicated it began the diversion of report funds to the building of the software as early as December 2022, but the software development using report funds was not disclosed to the public or the Senate until May 16, 2023. This is particularly disappointing and completely without justification.

IRS Commissioner Daniel Werfel appeared before the Senate Finance Committee on April 19, 2023. In response to specific questions by both the majority and minority about the report and the IRS’s intentions, he not only failed to divulge the building of the software development, and diversion of report funds for this purpose, but also stated that the IRS had not yet decided to act, when the facts strongly suggest that it had. These responses do not build the trust the public or Representatives based on a promise of a return to fiscal sanity.

The Fiscal Responsibility Act contains a provision rescinding certain IRA funds for the IRS, including unused funds on the report provision. An honest and forthright accounting from the IRS with respect to its actions here is essential, including when expenditures were made and if payments were being made in advance of
the work being accomplished. Such accountability is a top priority.

With respect to the Direct eFile system, the IRS has provided no evidence it has authority to create such a system, and, indeed, the evidence strongly indicates the IRS is not creating one. The IRS will also have to explain how it has not violated case law prohibiting study provisions authorized by Congress from being converted by administrative agencies into implementation decisions, as well as those addressing instances where the IRS has been found to have unilaterally acted beyond its statutory authority.

Make no mistake: Congress has the final say on the ability of the IRS to build a Direct eFile program that puts the IRS—the tax collector and enforcer—in the business of tax preparation. Beyond this clearly being Congress's prerogative, many policy reasons weigh against the IRS action, including the stable confidence interest of the IRS being tax return preparer, adviser, collector, enforcer, and, in many cases, adjudicator.

It is particularly poignant in the context of a bill that attempts to rein in excessive Federal spending to address an Agency action that will assuredly result in billions in future, and ongoing, expenses to the Federal fisc.

We must return to regular order and let Congress express itself, rather than be ignored by an Agency intent on overstepping its bounds.

Mr. KELLY. Madam President, the CHIPS for America Act uses innovative funding tools to incentivize private companies to construct, modernize, or expand semiconductor manufacturing facilities in the United States. Properly structured, these incentives can encourage companies to build more facilities, faster, than without Federal support. In order to maximize this opportunity to bring chip manufacturing back to the United States, we can't allow redundant regulations to delay projects already underway.

The benefit of Federal funding has influenced the pace of investment in the U.S. At the same time, Federal funding doesn't control the outcome of projects that are currently being constructed. The role of the Department of Commerce under the CHIPS for America Act is to determine whether the project is worthy of investing taxpayer dollars.

The enactment of the CHIPS for America Act has greatly accelerated the pace of investment in the U.S., but a Federal grant will not create control over the outcome of project plans that are already being implemented. Notably, Arizona has four new leading-edge semiconductor fabs under construction.

These were announced after the CHIPS for America Act was enacted and with the hope for potential Federal support, but companies aren't going to walk away from the multi-billion investment they have already made into these ongoing projects. Notably, the CHIPS for America Act uses innovative funding tools that put the IRS—the tax collector and enforcer—into implementation decisions, as well as those addressing instances where the IRS has been found to have unilaterally acted beyond its statutory authority.

The change in the definition of "major Federal action" included in section 111 of H.R. 3746, the Fiscal Responsibility Act of 2023, will ensure that certain projects that would not otherwise be subject to the National Environmental Policy Act—NEPA—do not in fact trigger NEPA simply by receiving a Federal incentive investment through programs, like the CHIPS for America, where the provision of Federal funds does not control the outcome of the project. It is important to note that privately funded semiconductor manufacturing facilities underwrite significant environmental reviews.

I am grateful that H.R. 3746 clarifies the scope of NEPA as it applies to this narrow subset of projects where Federal agencies do not control the outcome of a project.

Mr. OSSOFF. Madam President, today the Senate takes up legislation to avert an economically catastrophic U.S. sovereign debt default. The Department of the Treasury has advised the Congress that without passage of this legislation by June 5, the United States will default. Any modifications to the legislation under consideration by the Senate will require consideration of the measure by the House, passing passage of such legislation past Treasury's June 5 deadline and forcing a default. Our overriding governing responsibility is to avoid default and the massive economic damage it would impose on American families and businesses.

Accordingly, I will oppose all amendments offered to this measure to ensure Senate passage of the measure as passed by the House and to protect families and businesses from economic catastrophe.

Mr. SCHUMER. Madam President, first, I want to thank everybody for cooperating. I think we got the most votes in the least time.

Second, and more importantly, we are about to vote on something so important to the country, and so many of us on both sides of the aisle will know that if we do this, we will not default. That is very, very important.

Thank you for your cooperation.

The legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Tennessee (Mr. HAGERTY). Further, if present and voting: the Senator from Tennessee (Mr. HAGERTY) would have voted "nay.

The result was announced—yeas 63, nays 36, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—63

Baldwin    Grassley    Peters
Bennet     Hassan     Reed
Blumenthal Heinrich    Romney
Booher     Hickenlooper Rosen
Boozman    Hirono      Rounds
Brown      Hoeven      Schatz
Canwell    Kaine      Schumer
Capito     Kelly       Shaheen
Cardin     King        Sinema
Carper     Klobuchar   Smith
Casey      Logun       Stabenow
Collins    Manchin      Tester
Coons      McConnell   Thune
Correa     Menendez    Tillis
Cortez Masto Moran      Van Hollen
Cramer     Mullen      Warner
Duckworth  Murkowski   Warnock
Durbin     Murphy      Welch
Ernst      Murray      Whitehouse
Feinstein  Ossoin     Wyden
Gillibrand    Padilla    Young

NAYS—36

Barrasso    Graham     Ricketts
Blackburn   Hawley     Risch
Brown       Hyde-Smith  Roberts
Britt       Johnson     Sanders
Budd        Kennedy     Schmitt
Cassidy     Lankford   Scott (FL)
Cotton      Lee         Scott (RC)
Crapo       Luminais    Sullivan
Cruz        Markey      Taliville
Daines      Marshall    Vance
Feinstein    Merkley    Warren
Fischer     Roy    Wicker

NOT VOTING—1

Hagerty

The PRESIDING OFFICER (Mr. PADILLA). On this vote, the yeas are 63, the nays are 36.

The 60-vote threshold having been achieved, the bill is passed.

Mr. THUNE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Under the previous order, the bill (H.R. 3746) was passed.

The next vote is Tuesday at 5:30 p.m.

The PRESIDING OFFICER. The bill (H.R. 3746) was passed.