

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 Kyiv would fall in 4 days; but 600-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 keep going and we will be 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 not 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 keep helping you as you struggle 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 if he gets away with this, there goes Taiwan, and the world 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.

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 a defense number inconsistent with the threats we face.

I do believe that we are on track to right some of those wrongs. To my colleagues, I am not the perfect—the enemy of the good. I vote on my share of bipartisan bills and get crap for it like most of you. But as long as I am here, I am going to speak about the

need of the Federal Government to get the defense budget right. Budgets are based on threats, not political deals. And if you think the world is safer, you have missed a lot. So, hopefully, in a few minutes, there will be an announcement that puts us on a course correction to undo some of the damage, and there will be a clear signal from both the leader and the minority leader, Senator MCCONNELL, that help is on the way to those who live in the shadow of totalitarian governments and those who are on the battlefield.

To my American citizen friends, I wish there were no war anywhere. I wish China wasn't the way they are. I wish the Ayatollah didn't want a nuclear weapon and would use it if he could. I wish that Putin would not have invaded Ukraine. I wish that the world was different than it is. But if you want peace and stability, it comes at a high price.

The good news for us is that not one American soldier has died evicting 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.

So I look forward to hearing the statement that I think is forthcoming. It does not fix this bill totally, but it begins to march in the right direction. To my colleagues, thank you for listening. Thank you for working with me and others. Victory for Ukraine.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. OSSOFF). 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.

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

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

There being no objection, the material was ordered to be printed in the RECORD, 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 of both parties.

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.

ORDER OF BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the only amendments in order be the following to H.R. 3746: Paul No. 107; Braun No. 91; Marshall No. 110; Sullivan No. 125; Hawley No. 93; Kennedy No. 104; Cotton No. 106; Budd No. 134; Lee No. 98; Kaine No. 101; Kennedy No. 102; that at 7:30 p.m., if any of these amendments have been offered, the Senate vote on the amendments in the order listed, with 60 affirmative votes required for adoption with the exception of the Lee amendment, Kennedy amendment No. 102, and the Kaine amendment; that there be 2 minutes for debate, equally divided, prior to each vote and with 6 minutes, equally divided, prior to each of the votes on the Kennedy amendments; that following disposition of the above amendments, the bill be considered read a third time and the Senate vote on the passage of the bill, as amended, if amended, with 60 affirmative votes required for passage, all without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I ask unanimous consent that all votes after the first be 10-minute votes in length.

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

Mr. SCHUMER. Mr. President, I am pleased—so pleased—to announce that both sides have just locked in an agreement that enables the Senate to pass legislation tonight, avoiding default.

For the information of my colleagues, this is what will happen on the floor: In a few minutes, the Senate will begin holding votes on 11 amendments—10 from the Republican side and 1 from the Democratic side.

To finish our work tonight, after the first amendment, we are limiting each vote to 10 minutes. So I ask my colleagues to stay in their seats or near the floor during the votes. Let's keep this process moving quickly. After we finish voting on the amendments, we are immediately considering final passage, and by passing this bill, we will avoid default tonight.

America can breathe a sigh of relief—a sigh of relief—because, in this process, we are avoiding default. From the start, avoiding default has been our North Star. The consequences of defaulting would be catastrophic. It

would almost certainly cause another recession. It would be a nightmare for our economy and millions of American families. It would take years—years—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 tonight.

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, including 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 report 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.

"(c) 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) PROCEDURES.—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.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, with all due respect to my colleague, I strongly urge a "no" vote.

This amendment would create catastrophic damage throughout the Federal economy, with spending cuts as much as 37 percent by 2028, putting Federal programs like Medicare, Medicaid, border security, and transportation into extremely difficult circumstances. This is not the America that Americans expect, and we should not allow this vote to pass.

VOTE ON AMENDMENT NO. 107

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

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 107.

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) and the Senator from Georgia (Mr. WARNOCK) are 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 21, nays 75, as follows:

[Rollcall Vote No. 136 Leg.]

YEAS—21

Barrasso	Ernst	Marshall
Blackburn	Fischer	Mullin
Braun	Hyde-Smith	Paul
Britt	Johnson	Risch
Cornyn	Lankford	Rubio
Crapo	Lee	Schmitt
Daines	Lummis	Tuberville

NAYS—75

Baldwin	Hawley	Romney
Bennet	Heinrich	Rosen
Blumenthal	Hickenlooper	Rounds
Booker	Hirono	Sanders
Boozman	Hoehn	Schatz
Brown	Kaine	Schumer
Budd	Kelly	Scott (FL)
Cantwell	Kennedy	Scott (SC)
Capito	King	Shaheen
Cardin	Klobuchar	Sinema
Carper	Lujan	Smith
Casey	Manchin	Stabenow
Cassidy	Markey	Sullivan
Collins	McConnell	Tester
Coons	Menendez	Thune
Cortez Masto	Merkley	Tillis
Cotton	Moran	Van Hollen
Cramer	Murkowski	Vance
Duckworth	Murphy	Warner
Durbin	Murray	Warren
Fetterman	Ossoff	Welch
Gillibrand	Padilla	Whitehouse
Graham	Peters	Wicker
Grassley	Reed	Wyden
Hassan	Ricketts	Young

NOT VOTING—4

Cruz	Hagerty
Feinstein	Warnock

The PRESIDING OFFICER. On this vote, the yeas are 21, the nays are 75.

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

The amendment (No. 107) was rejected.

The PRESIDING OFFICER. The majority leader.

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 emergency funding requests 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] proposes 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 event of a debt ceiling crisis)

At the appropriate place, insert the following:

SEC. ____ . RESCISSION OF DISCRETIONARY SPENDING 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 not be able to issue obligations under chapter 31 of title 31, United States Code, or other obligations whose principal and inter-

est 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; and

(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 into law after the date described in subparagraph (A).

(3) DISCRETIONARY APPROPRIATIONS.—The term “discretionary appropriations” has the meaning given such term in section 250(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 last 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)(A) 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 shall submit to Congress a report detailing 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 to Congress 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 incor-

porated—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 across the board on 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 be encouraged to do it by then. 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.

Members on both sides of the aisle come to the floor to air legitimate grievances about this process and 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:

[Rollcall Vote No. 137 Leg.]

YEAS—35

Barrasso	Boozman	Britt
Blackburn	Braun	Budd

Cornyn	Hyde-Smith	Risch
Cotton	Johnson	Rubio
Cramer	Kennedy	Schmitt
Crapo	Lankford	Scott (FL)
Daines	Lee	Scott (SC)
Ernst	Lummis	Sullivan
Fischer	Marshall	Thune
Grassley	Moran	Tuberville
Hawley	Mullin	Vance
Hoeven	Paul	

NAYS—62

Baldwin	Hickenlooper	Rosen
Bennet	Hirono	Rounds
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Capito	Lujan	Sinema
Cardin	Manchin	Smith
Carper	Markey	Stabenow
Casey	McConnell	Tester
Cassidy	Menendez	Tillis
Collins	Merkley	Van Hollen
Coons	Murkowski	Warner
Cortez Masto	Murphy	Warnock
Duckworth	Murray	Warren
Durbin	Ossoff	Welch
Fetterman	Padilla	Whitehouse
Gillibrand	Peters	Wicker
Graham	Reed	Wyden
Hassan	Ricketts	Young
Heinrich	Romney	

NOT VOTING—3

Cruz	Feinstein	Hagerty
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The PRESIDENT pro tempore. On this vote, the yeas are 35; the nays are 62.

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

The amendment (No. 91) was rejected. The PRESIDENT pro tempore. The majority leader.

Mr. SCHUMER. Madam President, that was 12 minutes. We are getting down to 10. Everyone should be here. Call the vote.

The PRESIDENT pro tempore. The Senator from Kansas.

AMENDMENT NO. 110

(Purpose: To secure the borders of the United States, and for other purposes.)

Mr. MARSHALL. Madam President, I call up my amendment No. 110 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 Kansas [Mr. MARSHALL] proposes an amendment numbered 110.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. MARSHALL. Madam President, I rise in support of Marshall amendment No. 110 to put an end to the culture of lawlessness at our southern border embraced by our President.

I cannot in good conscience support this debt limit deal and saddle my grandchildren with this \$4 trillion in additional debt.

This bill misses the mark, and, perhaps, what is more frustrating is that it does not give a single cent to securing our border—zero dollars to addressing the greatest, most immediate national security threat to our Nation.

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 yes and support 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. He 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. 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 46, nays 51, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—46

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

NAYS—51

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

NOT VOTING—3

Cruz	Feinstein	Hagerty
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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 16, strike "\$886,349,000,000" and insert "\$904,779,000,000".

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 "\$74,625,475,000".

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.

By endorsing the President's defense budget, this bill shrinks the Navy, shrinks the Army, and shrinks the Marine Corps. Next year, it will take us below 3 percent of GDP spending for the first time in 25 years.

My amendment does what the Armed Services Committee and this Chamber have done in a broad bipartisan manner over the past 2 years. It significantly pluses up the inadequate defense budget submitted by the President. 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 Senator'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 Senator 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 double counts billions and billions of dollars by increasing 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:

[Rollcall Vote No. 139 Leg.]

YEAS—49

Barrasso	Cotton	Hyde-Smith
Blackburn	Cramer	Johnson
Boozman	Crapo	Kennedy
Braun	Daines	Lankford
Britt	Ernst	Lee
Budd	Fischer	Lummis
Capito	Graham	Marshall
Cassidy	Grassley	McConnell
Collins	Hawley	Moran
Cornyn	Hoeven	Mullin

Murkowski	Rubio	Tillis
Paul	Schmitt	Tuberville
Ricketts	Scott (FL)	Vance
Risch	Scott (SC)	Wicker
Romney	Sinema	Young
Rosen	Sullivan	
Rounds	Thune	

NAYS—48

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

NOT VOTING—3

Cruz	Feinstein	Hagerty
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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.

(Applause.)

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 clerk will report.

The senior assistant legislative clerk read as follows:

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. ____ 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 an additional duty with respect to each article imported into the United States 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 near-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, OH, 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	Lummis	Schmitt
Braun	Marshall	Scott (FL)
Britt	Mullin	Scott (SC)
Graham	Ricketts	Tuberville
Hawley	Risch	Vance
Hyde-Smith	Rubio	

NAYS—81

Baldwin	Fischer	Padilla
Barrasso	Gillibrand	Paul
Bennet	Grassley	Peters
Blumenthal	Hassan	Reed
Booker	Heinrich	Romney
Boozman	Hickenlooper	Rosen
Brown	Hirono	Rounds
Budd	Hoeben	Sanders
Cantwell	Johnson	Schatz
Capito	Kaine	Schumer
Cardin	Kelly	Shaheen
Carper	Kennedy	Sinema
Casey	King	Smith
Cassidy	Klobuchar	Stabenow
Collins	Lankford	Sullivan
Coons	Lee	Tester
Cornyn	Luján	Thune
Cortez Masto	Manchin	Tillis
Cotton	Markey	Van Hollen
Cramer	McConnell	Warner
Crapo	Menendez	Warnock
Cruz	Merkley	Warren
Daines	Moran	Welch
Duckworth	Murkowski	Whitehouse
Durbin	Murphy	Wicker
Ernst	Murray	Wyden
Fetterman	Ossoff	Young

NOT VOTING—2

Feinstein	Hagerty
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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. 93) was rejected.

Mr. SCHUMER. Madam President, 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 modification of work requirement exemptions)

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

(b) APPLICATION.—A State agency shall apply section 6(o)(3) 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 American people are 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 know you are 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. 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 also need to repeat and repeat often: Those who can work should work.

My amendment would make the food stamp work requirement in this bill permanent. 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 is 3 months' worth of SNAP within 3 years. That is current law—\$6 a day is what we are talking about.

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—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 the 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	Hoeben	Rubio
Britt	Hyde-Smith	Schmitt
Budd	Johnson	Scott (FL)
Capito	Kennedy	Scott (SC)
Cassidy	Lankford	Sullivan
Collins	Lee	Thune
Cornyn	Lummis	Tillis
Cotton	Marshall	Tuberville
Cramer	McConnell	Vance
Crapo	Moran	Wicker
Daines	Mullin	Young
Ernst	Murkowski	
Fischer	Paul	

NAYS—51

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

NOT VOTING—3

Cruz	Feinstein	Hagerty
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The PRESIDING OFFICER (Ms. KLOBUCHAR). 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.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Madam President, 10½ minutes. We are getting a little better than last time. Let's get it down to 10. Stay here. We are all getting to know each other now.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 106

Mr. COTTON. Madam President, I call up my amendment No. 106 and ask that it be reported by number.

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

The senior assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. COTTON] proposes an amendment numbered 106.

The amendment is as follows:

(Purpose: To provide appropriate adjustments to the discretionary spending limits, in the event of funding under a continuing resolution)

Strike section 102 and insert the following:
SEC. 102. SPECIAL ADJUSTMENTS FOR FISCAL YEARS 2024 AND 2025.

Section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following:

“(d) REVISED DISCRETIONARY SPENDING LIMITS FOR FISCAL YEAR 2024.—

“(1) IN GENERAL.—Subject to paragraph (3), if on or after January 1, 2024, there is in effect an Act making continuing appropriations for part of fiscal year 2024 for any discretionary budget account, the discretionary spending limits specified in subsection (c)(9) for fiscal year 2024 shall be adjusted in the final sequestration report, in accordance with paragraph (2), as follows:

“(A) For the revised security category, the amount specified in subsection (c)(9)(A), reduced by one percent.

“(B) For the revised nonsecurity category, the amount specified in subsection (c)(9)(B), reduced by one percent.

“(2) FINAL REPORT; SEQUESTRATION ORDER.—If the conditions specified in paragraph (1) are met during fiscal year 2024, the final sequestration report for such fiscal year pursuant to section 254(f)(1) and any order pursuant to section 254(f)(5) shall be issued on the earlier of—

“(A) 10 days, not including weekends and holidays, for the Congressional Budget Office and 15 days, not including weekends and holidays, for the Office of Management and Budget, after the enactment into law of annual full-year appropriations for all budget accounts that normally receive such annual appropriations (or the enactment of the applicable full-year appropriations Acts without any provision for such accounts); or

“(B) April 30, 2024.

“(3) REVERSAL.—If, after January 1, 2024, there are enacted into law each of the full year discretionary appropriation Acts, then the adjustment to the applicable discretionary spending limits in paragraph (1) shall have no force or effect, and the discretionary spending limits for the revised security category and revised nonsecurity category for the applicable fiscal year shall be such limits as in effect on December 31 of the applicable fiscal year.

“(e) REVISED DISCRETIONARY SPENDING LIMITS FOR FISCAL YEAR 2025.—

“(1) IN GENERAL.—Subject to paragraph (3), if on or after January 1, 2025, there is in effect an Act making continuing appropriations for part of fiscal year 2025 for any discretionary budget account, the discretionary

spending limits specified in subsection (c)(10) for fiscal year 2025 shall be adjusted in the final sequestration report, in accordance with paragraph (2), as follows:

“(A) for the revised security category, the amount specified in subsection (c)(10)(A), reduced by one percent.

“(B) For the revised nonsecurity category, the amount specified in subsection (c)(10)(B), reduced by one percent.

“(2) FINAL REPORT; SEQUESTRATION ORDER.—If the conditions specified in paragraph (1) are met during fiscal year 2025, the final sequestration report for such fiscal year pursuant to section 254(f)(1) and any order pursuant to section 254(f)(5) shall be issued on the earlier of—

“(A) 10 days, not including weekends and holidays, for the Congressional Budget Office, and 15 days, not including weekends and holidays, for the Office of Management and Budget, after the enactment into law of annual full-year appropriations for all budget accounts that normally receive such annual appropriations (or the enactment of the applicable full-year appropriations Acts without any provision for such accounts); or

“(B) April 30, 2025.

“(3) REVERSAL.—If, after January 1, 2025, there are enacted into law each of the full year discretionary appropriation Acts, then the adjustment to the applicable discretionary spending limits in paragraph (1) shall have no force or effect, and the discretionary spending limits for the revised security category and revised nonsecurity category for the applicable fiscal year shall be such limits as in effect on December 31 of the applicable fiscal year.”

Mr. COTTON. Madam President, colleagues, this bill has budget caps for domestic and defense spending. I don't like the defense number this year. I like it even less next year. That is why I am opposing it.

But it also has a much worse provision. It has a 1-percent automatic reduction that is based on last year's omnibus, not the caps on this bill. Let me restate that: last year's omnibus, not this bill.

So if we go to a continuing resolution on October 1, which we almost always do, domestic spending will go up by \$61 billion while defense goes down by \$27 billion—not the caps in this bill.

If the sequester of 1 percent kicks in, domestic spending will go up by \$61 billion and defense will go down by \$37 billion. Progressives will get more welfare for grown men who refuse to work while defense is slashed. Think about the incentives this gives to the Democratic leader when it comes to appropriations bills.

I ask for a simple change in this amendment. The sequester should be based on the caps that you are about to agree to, not last year's spending bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I rise in opposition to the Senator's amendment.

Our defense spending is critical, but so are our investments to combat fentanyl; rebuild American manufacturing, especially for things like chips; improve access to childcare, early learning, and a lot more. We cannot shortchange our investments in fami-

lies and our country's future, and the underlying bill will already force painful cuts.

This amendment would make it so the consequences of failing to pass our appropriations bills falls heavily on our nondefense programs, and that will hurt our families across the country. Let me be clear. We will not let that happen.

None of us want to end up in a situation where we have a CR in the first place. That is exactly why I am committed to making sure that we write the strongest 12 funding bills possible and get them passed in a timely way.

This amendment will set us back even further and target the programs that are a lifeline for working people in this country.

I urge my colleagues to vote no.

VOTE ON AMENDMENT NO. 106

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. WICKER. 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.

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

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—48

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

NAYS—51

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

POT VOTING—1

Hagerty

The PRESIDENT pro tempore. On this vote, the yeas are 48 and the nays are 51.

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The amendment (No. 106) was rejected.

The PRESIDENT pro tempore. 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 Senator from North Carolina [Mr. BUDD] proposes an amendment numbered 134.

The amendment is as follows:

Strike title I of division B and insert the following:

TITLE I—RESCISSION OF UNOBLIGATED FUNDS

SEC. 201. RESCISSION OF UNOBLIGATED CORONAVIRUS FUNDS.

The unobligated balances of amounts appropriated or otherwise made available by the American Rescue Plan Act of 2021 (Public Law 117-2), and by each of Public Laws 116-123, 116-127, 116-136, and 116-139 and divisions M and N of Public Law 116-260, are hereby permanently rescinded, except for—

(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 throughout the Federal Government 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 depending 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.

Mr. BUDD. Madam President, any remaining time?

The PRESIDENT pro tempore. The Senator has 5 seconds.

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

The PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The senior assistant legislative clerk called the roll.

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

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

[Rollcall Vote No. 143 Leg.]

YEAS—47

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

NAYS—52

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

NOT VOTING—1

Hagerty

The PRESIDENT pro tempore. On this vote, the yeas are 47, the nays are 52.

Under the previous order requiring 60 votes for adoption of this amendment, the amendment is rejected.

The amendment (No. 134) was rejected.

Mr. SCHUMER. All right, everybody, that is our record—9:20. Let's beat it.

The PRESIDENT pro tempore. The Senator from Utah.

AMENDMENT NO. 98

Mr. LEE. Madam President, I call up my amendment No. 98 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 Utah [Mr. LEE] proposes an amendment numbered 98.

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 outright, 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 late, 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.

The Senator from Michigan is recognized.

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 necessarily absent: the Senator from Tennessee (Mr. HAGERTY).

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—48

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

NAYS—51

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

NOT VOTING—1

Hagerty

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

AMENDMENT NO. 101

Mr. KAINÉ. 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. KAINÉ] 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 324.

Mr. KAINÉ. 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. KAINÉ. 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 to build it is to use 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 family 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—both the Biden and Trump 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, southeastern part 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 security, 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—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. KAINÉ. 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
Blumenthal	Kaine	Sanders
Booker	Klobuchar	Smith
Cantwell	Lee	Van Hollen
Cardin	Luján	Warner
Carper	Markey	Warnock
Cortez Masto	Menendez	Warren
Duckworth	Merkley	Welch
Gillibrand	Murphy	Whitehouse
Heinrich	Paul	Wyden

NAYS—69

Barrasso	Fischer	Peters
Bennet	Graham	Reed
Blackburn	Grassley	Ricketts
Boozman	Hassan	Risch
Braun	Hawley	Romney
Britt	Hickenlooper	Rounds
Brown	Hoeven	Rubio
Budd	Hyde-Smith	Schatz
Capito	Johnson	Schmitt
Casey	Kelly	Schumer
Cassidy	Kennedy	Scott (FL)
Collins	King	Scott (SC)
Coons	Lankford	Shaheen
Cornyn	Lummis	Sinema
Cotton	Manchin	Stabenow
Cramer	Marshall	Sullivan
Crapo	McConnell	Tester
Cruz	Moran	Thune
Daines	Mullin	Tillis
Durbin	Murkowski	Tuberville
Ernst	Murray	Vance
Feinstein	Ossoff	Wicker
Fetterman	Padilla	Young

NOT VOTING—1

Hagerty

The PRESIDENT pro tempore. On this vote, the yeas are 30, the nays are 69.

The amendment is not agreed to.

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. On this amendment, there is 6 minutes of debate, equally divided.

The Senator from Louisiana is recognized.

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 work requirements. Thank you.

The PRESIDENT pro tempore. The Senator from Michigan.

Ms. 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 is unnecessary. 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 rammed through a nearly \$2 trillion partisan spending bill that prominent Democrat economists warned risked sparking inflation. 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.

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. He 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 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.

House passage 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, a bipartisan agreement to address 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. I would have preferred an agreement 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 of dollars 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 am prepared 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.

We have a moral obligation to the Nation's youth to leave them a country that is on solid financial ground. Pas-

sage 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 deliver a report to Congress 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 third parties who had previously expressed a desire for the IRS to make such an undertaking. Beyond these flaws, the report simultaneously announced that the IRS had already built functioning multilingual, mobile friendly, tax preparation and filing 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 has 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 disclose the building of this software and the 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 he will need to obtain bipartisan support from committee members.

The Fiscal Responsibility Act contains a provision rescinding certain IRA funds for the IRS, including unspent 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 it does not. The IRS must immediately disclose to the Finance Committee and American people the statutory provisions it has relied upon to authorize the administration's grand foray into becoming a tax preparation company, blurring lines that should not be crossed. In doing so, 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 and field 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 intractable conflict of 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 advanced 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.

The change to 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 Act, 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 undergo 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 default on U.S. sovereign obligations. 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 legislative text under consideration by the Senate will require reconsideration of the measure by the House, pushing 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 next vote is Tuesday at 5:30 p.m.

The PRESIDENT pro tempore. Under the previous order, the bill is considered read a third time.

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

The PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall the bill pass?

Ms. STABENOW. 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 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
Booker	Hickenlooper	Rosen
Boozman	Hirono	Rounds
Brown	Hoeven	Schatz
Cantwell	Kaine	Schumer
Capito	Kelly	Shaheen
Cardin	King	Sinema
Carper	Klobuchar	Smith
Casey	Lujan	Stabenow
Collins	Manchin	Tester
Coons	McConnell	Thune
Cornyn	Menendez	Tillis
Cortez Masto	Moran	Van Hollen
Cramer	Mullin	Warner
Duckworth	Murkowski	Warnock
Durbin	Murphy	Welch
Ernst	Murray	Whitehouse
Feinstein	Ossoff	Wyden
Gillibrand	Padilla	Young

NAYS—36

Barrasso	Graham	Ricketts
Blackburn	Hawley	Risch
Braun	Hyde-Smith	Rubio
Britt	Johnson	Sanders
Budd	Kennedy	Schmitt
Cassidy	Lankford	Scott (FL)
Cotton	Lee	Scott (SC)
Crapo	Lummis	Sullivan
Cruz	Markey	Tuberville
Daines	Marshall	Vance
Fetterman	Merkley	Warren
Fischer	Paul	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.

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

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

The PRESIDING OFFICER (Mr. KELLY). Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 179.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of David Crane, of New Jersey, to be Under Secretary of Energy.