

it because it is the only thing that works. Here, the system has been so degraded, this is what we end up with.

I will end with this: Most of my colleagues here, I think, view this place as a growth business, but a growth business is based on a few things. You generally make a profit. That is not what this is about. But you balance your budget, you do things that make sense year after year. And when you are spending money that constitutes almost 20 percent of our GDP, you would think you would put more into it than dropping 2,700 pages in our lap and thinking that you can get through it.

For those who want more of this, for the sake of the institution, you ought to be concerned about what it is going to look like down the road when we add another \$1.5 trillion in debt to our current \$30 trillion, and there is no end in sight. A lot of stories have been written throughout history on where that ends up, and it is in the ditch.

The Medicare trust fund will be completely exhausted in about 4½ years; 18 percent benefit cuts when that happens.

Actuarially, we have known the Social Security fund is going to go broke in about 10 or 11 years. What will we do? We will probably wait until the year before it happens, not make any other reforms, and then borrow the money to backfill it and put more and more obligation on our kids and our grandkids.

I am going to call up my amendment in a bit.

I will yield the floor at this time.

#### EB-5 REFORM AND INTEGRITY ACT OF 2022

Mr. GRASSLEY. Mr. President, I would like to thank Senator LEAHY for joining me to discuss the EB-5 Reform and Integrity Act of 2022. He and I have worked together on the issue of EB-5 reform for many years.

Because of that, we are proud that the Consolidated Appropriations Act 2022 includes the provisions of the EB-5 Reform and Integrity Act of 2022, of which we are the primary authors.

Congress originally authorized the EB-5 Regional Center program in 1993 as a pilot program, and, in recent years, its reauthorization was often included in appropriations bills. However, due to lack of an agreement to reauthorize and reform the program last year, it lapsed on June 30 and has remained lapsed since that time.

This legislation formally repeals the pilot program created by Congress in 1993 and codifies in its place a new regional center program reflecting a number of reforms that we have pursued for many years.

All regional centers which operated under the lapsed and repealed pilot program will be expected to seek a new regional center designation in compliance with the new requirements and reforms laid out in our bill. However, the bill allows petitions filed by immigrant

investors under the old pilot program to continue to be adjudicated under the law as it existed when they were filed.

The EB-5 Reform and Integrity Act of 2022 codifies a number of our long-sought reforms designed to enhance the integrity of the regional center program and prevent fraud and abuse that have plagued it for far too long.

The bill also requires that DHS issue regulations regarding the redeployment of investor funds if certain conditions are met. We expect USCIS to oversee redeployments and take action as necessary. Investors should not be left vulnerable and regional centers cannot be allowed to deploy funds in any way they please. We expect capital to remain at risk, as required by the law, and the redeployment of funds to be in projects that are preapproved.

The legislation codifies the definition of and the designation process for a “high unemployment” targeted employment area that was found in the 2019 EB-5 Immigrant Investor Program Modernization Rule. As under the 2019 rule, the bill allows only DHS to make such designations.

The codification of the so-called donut model from the 2019 rule will significantly limit the number of census tracts that may be used to seek a designation as a “high unemployment” TEA.

This limitation, combined with the exclusive authority of DHS to make high unemployment TEA designations, will crack down on the notorious practice of TEA gerrymandering, the practice of creating elaborate configurations of multiple census tracts strung together so that a census tract with high unemployment at one end can be used in order to obtain a TEA designation for a building project within an affluent census tract at the other end, perhaps many miles away.

It is also our expectation that “high unemployment” TEA designations will be reserved for census tracts that have experienced persistently high unemployment for a number of years and not because of temporary anomalous circumstances such as local unemployment caused by the COVID-19 pandemic.

Finally, the legislation puts in place specific visa set-asides for rural area projects, high unemployment area projects, and infrastructure projects. The visa set-aside for infrastructure projects is limited to true public infrastructure projects—that is, those that benefit the public and the American people—not public-private partnerships or projects for a private business.

The EB-5 Reform and Integrity Act of 2022 is the result of years of hard work and negotiation, and it is our hope that it brings meaningful reform to a program badly in need of it and, most importantly, much-needed investment capital and the permanent jobs that can come with it, to inner city and rural areas where it is normally difficult, if not impossible, to attract investment capital. We are grateful

that it was included in the Omnibus bill and look forward to seeing it signed into law.

#### VIOLENCE AGAINST WOMEN ACT REAUTHORIZATION ACT OF 2022

Mrs. FEINSTEIN. Mr. President, I rise today in support of the Violence Against Women Act Reauthorization Act of 2022. This bill would reauthorize our Nation’s critical law to respond to domestic violence. It is long overdue.

Last month, I introduced the Violence Against Women Act Reauthorization Act alongside Senators Ernst, Durbin, Murkowski, and others. A number of advocates joined us, including Angelina Jolie, to speak about the importance of this bill.

This bill has received strong bipartisan support, including from 11 Republican cosponsors. And it has now been included in the Federal Omnibus spending bill we are set to vote on this week.

This bipartisan bill would reauthorize the Violence Against Women Act through 2027. And the bill includes important updates to modernize the Violence Against Women Act to do an even better job of protecting and supporting the survivors of domestic violence, dating violence, sexual assault, and stalking.

I was proud to support the original Violence Against Women Act in 1994. And I have supported each reauthorization of the law since then.

This includes the most recent reauthorization in 2013, which passed the Senate by a strong bipartisan vote of 78–22.

I was honored to be able to sponsor this new reauthorization, which expands protections for survivors.

This bill is the result of a truly bipartisan effort. I would like to thank Senators Ernst, Durbin, and Murkowski for working with me to prepare this important piece of legislation.

We have also had help from a number of our Senate colleagues on both sides of the aisle who have made important contributions to this effort.

I would also like to thank the many advocates who provided valuable input and support for this effort. This bill was written in close consultation with the people who are on the frontlines helping survivors of domestic violence every day.

Together, we drafted a bill that preserves the good work of the last Violence Against Women Act reauthorization and strengthens existing programs.

For nearly 30 years, the Violence Against Women Act has played a vital role in the Federal response to domestic violence, dating violence, sexual assault, and stalking. I hope that this bill will be an effective tool to build on those efforts.

The need to reauthorize the Violence Against Women Act is clear. These programs are vital tools that provide thousands of domestic violence survivors with the resources they need.

For instance, according to the National Network to End Domestic Violence, in a single day in 2020 there were

76,525 survivors of domestic violence who received assistance thanks to programs funded and supported by the Violence Against Women Act.

Despite the progress made over the last three decades, sexual, emotional, and physical abuse are still painful realities for far too many Americans.

More than one in three women and more than one in four men will experience rape, physical violence, or stalking by an intimate partner in their lifetime.

According to the National Coalition Against Domestic Violence, in my home State of California, approximately 35 percent of California women and 31 percent of California men will experience violence from intimate partners in their lifetimes.

All too often, these instances of domestic violence have fatal consequences. Nationwide, an average of three women each day are killed by a current or former intimate partner.

Based on a recent study of domestic violence occurring in Orange County, CA, just under half of domestic violence-related homicides involved an individual with a known history of violence.

The Violence Against Women Act plays a critical role supporting law enforcement in their efforts to stop these perpetrators before it is too late.

It is clear that the programs created by the Violence Against Women Act are necessary. And they need to be continually updated to meet the needs of survivors.

The bipartisan reauthorization bill that will soon be considered by the full Senate would reauthorize these important programs and provide the necessary updates to strengthen them.

This bill enhances and expands services for survivors of domestic violence, including survivors in rural communities, LGBT survivors, survivors with disabilities, and survivors who experience abuse later in life.

This bill reauthorizes and strengthens the criminal justice response to domestic violence, including by improving the Justice Department's STOP grant program and strengthening the ability of Tribal courts to address instances of domestic violence on Tribal lands.

This bill establishes a pilot program on restorative practices that focuses on addressing domestic violence, dating violence, sexual assault, and stalking through community-based, victim-initiated efforts to seek accountability.

This bill invests in prevention education efforts and improves the healthcare system's response to sexual violence across the country.

These updates can have a real impact. According to analysis by the International Association of Forensic Nurses, only one in four hospitals throughout the country currently has a sexual assault forensic nurse on staff. These gaps in our healthcare system have critical impacts on a survivor's ability to seek necessary medical at-

tention after they experience sexual violence.

Our bipartisan bill seeks to remedy this problem by providing additional funding and training to increase access to forensic nurses, particularly in rural areas.

Though this bipartisan bill makes significant improvements to our Nation's response to domestic violence, it is not a perfect bill. I regret that certain provisions were unable to be included in this bill.

In particular, I wish that we had been able to include a provision in this bill closing the "boyfriend loophole." This provision would have ensured that individuals convicted of domestic abuse against a dating partner could not purchase firearms.

Individuals who are convicted of domestic violence against a spouse are already prevented from purchasing a firearm. It is deeply disappointing that there is not sufficient bipartisan support for this commonsense provision to close this dangerous loophole.

Though we still have work to do, this bipartisan bill represents a strong step forward in protecting and supporting the survivors of domestic violence, dating violence, sexual assault, and stalking.

It is time for the Senate to pass this long-overdue reauthorization of the Violence Against Women Act.

I urge all of my colleagues to support this important bipartisan legislation as it is considered on the floor. This bill is not for us; it is for the millions of brave survivors that deserve action from Congress.

**THE PRESIDING OFFICER.** The Senator from Utah.

AMENDMENT NO. 4989

**Mr. LEE.** Mr. President, I call up my amendment No. 4989 and ask that it be reported by number.

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

The bill clerk read as follows:

The Senator from Utah [Mr. LEE] proposes an amendment numbered 4989.

The amendment is as follows:

(Purpose: To prohibit funding for COVID-19 vaccine mandates)

At the end of division HH, add the following:

**TITLE VII—PROHIBITION ON FUNDING FOR COVID-19 VACCINE MANDATES**  
**SEC. 701. PROHIBITION ON FUNDING FOR COVID-19 VACCINE MANDATES.**

None of the funds appropriated or otherwise made available under any division of this Act (notwithstanding section 3) may be obligated or expended to—

(1) implement or enforce—

(A) section 1910.501 of title 29, Code of Federal Regulations (or a successor regulation);

(B) Executive Order 14042 of September 9, 2021 (86 Fed. Reg. 50985; relating to ensuring adequate COVID safety protocols for Federal contractors);

(C) Executive Order 14043 of September 9, 2021 (86 Fed. Reg. 50989; relating to requiring Coronavirus Disease 2019 vaccination for Federal employees);

(D) the interim final rule issued by the Department of Health and Human Services on

November 5, 2021, entitled "Medicare and Medicaid Programs; Omnibus COVID-19 Health Care Staff Vaccination" (86 Fed. Reg. 61555); or

(E) the memorandum signed by the Secretary of Defense on August 24, 2021, for "Mandatory Coronavirus Disease 2019 Vaccination of Department of Defense Service Members"; or

(2) promulgate, implement, or enforce any rule, regulation, or other agency statement, that is substantially similar to a regulation, Executive Order, rule, or memorandum described in paragraph (1).

**Mr. LEE.** Mr. President, a few short months ago, President Biden issued a series of Executive orders. These Executive orders issued by the Biden administration proposed some pretty sweeping mandates on the American people, mandates insisting that covered persons, including for our purposes today military employees, Federal workers, employees of businesses with government contracts with the Federal Government, and medical professionals who contract with CMS—basically anyone involved with the provision of services through Medicare or Medicaid must get the COVID-19 vaccine on condition of termination.

The way these mandates work is particularly nasty, especially if they work for one of the private companies, as is the case with CMS and independent contractor mandates. If they don't fire all their workers who don't get vaccinated, then they basically are rendered out of business.

Yes, the Federal Government was going to just impose these crippling costs that no corporation could afford to carry. They knew that this was creating a big issue and that this would force people into getting vaccinated.

Here is the problem with that. Now, I want to be clear. I have been vaccinated. My family has been vaccinated. I believe that vaccines have made things safer and healthier for hundreds of millions of people. I also believe that, like any medical procedure, it is not without risk, particularly to some people who might have extreme sensitivities, who might have an idiosyncratic response to the vaccine. So it is not right to force this on everyone and to render those who refuse to get it not only unemployed but unemployable.

I have received communications from countless people—for example, military professionals, military officers, and enlisted personnel who have worked for the U.S. military for nearly two decades, who are actually coming up on retirement, who are saying that, for one reason or another, they don't want to get the vaccine. Sometimes, it is religious; other times, it is based on a history of poor reactions to other vaccines or a prior medical condition that they believe would cause them to respond poorly or based on natural immunity.

They don't want to get the vaccine, and they are being told that, in the case of military personnel, if they don't get it, then they will not receive

an honorable discharge. This could render them not only unemployed but unemployable, and that is the case for many, many others subject to these overreaching mandates.

Look, if we decided as a country that this was good policy, good policy, like all good policy, should be embodied in law. In my copy of the Constitution, the very first clause of the very first section of the very first article says that “all legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.” Article I, section 7 makes the point even clearer. It says that in order to pass a law within the Federal system and have it be a Federal law, it has to be proposed in one body or the other, but it has to be the same legislation passed by both Houses prior to its presentment to the President for signature, veto, or acquiescence.

In this case, we have had none of those things. No, instead, you have unilateral Executive action taken by the President and those working within his administration. In the process, they have bypassed that this set of mandates is largely unnecessary, dramatically overreaching, not within the executive power granted to the executive branch of government by the U.S. Congress, and is fundamentally immoral, in addition to being wildly and increasingly unpopular.

You see, the little secret is, people don't like the government doing things that are immoral. And all of us understand that you don't render someone unemployed, unable to put bread on the table for their children, simply because they won't bow to Presidential medical orthodoxy. That is not right, it is not American, and it is not constitutional, but more than anything, it is not moral.

We all know deep down that this is not right. This is not something any of us would want to do. Not one of us would want to show up and tell our own employees: You know, if you don't do what I say with regard to a medical procedure you may not want and as to which you might have legitimate, sincere religious objections or that might be unnecessary because you have natural immunity, which, by the way—recent studies have confirmed natural immunity is at least as good as and, according to many studies released by many countries and studies in possession of our own government, is indicated to be at least as powerful as and in many cases more powerful than the immunity achieved through the vaccine. None of us would do that to a friend, a neighbor, or our own employee because we know it would be wrong; it would be mean; it would be unkind.

You can't atone for the unkindness and the immorality in that by claiming it is OK because it is through the government, especially not when the President of the United States is flouting circumventing the Constitution of the United States.

We have a chance to make this right. Yes, over time, sadly, Senates and Houses of Representatives and White Houses of every conceivable partisan combination have contributed to this because, yes, we have given Executives too much power. I complained about it during the previous administration in response to specific actions taken by the previous President—who was a Member of my own party—sometimes at great personal expense because I believe Congress has given the Executive too much power. It is bad. It is harmful. It is dangerous. We have to stop it somewhere.

We have a chance right now. We have a shot with something that is wildly unpopular and inherently immoral, and that shot exists with not funding it. We don't have to fund that part of government that goes to fund these dangerous, immoral, unconstitutional vaccine mandates. We shouldn't do it. I encourage all of my colleagues, all within the sound of my voice, please end this madness now.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I will be very brief. There are two reasons why Senators should vote against the Lee anti-vaccination amendment that affects our dedicated healthcare workers and our superlative military.

First, vaccines for healthcare workers protects the most vulnerable, particularly seniors and those with chronic illness. Three in four COVID deaths in America were seniors. Two hundred thousand were people living in long-term care. Vulnerable people are safer when their homes, hospitals, and doctors' offices are safe. Furthermore, flu shot requirements for healthcare workers were already common. Health workers know vaccinations are part of the job.

Turning to the Armed Forces, I am simply going to quote the letter General Milley wrote with respect to the vaccination requirement. Here is General Milley:

We need each and every Soldier, Sailor, Airmen, Marine and Guardian healthy and capable of performing our duties. COVID-19 is a threat to force protection and readiness.

General Milley went on to say:

With this in mind, the Secretary of Defense intends to mandate vaccinations for all Servicemembers.

And then he makes it clear:

The Joint Force medical professionals recommended this as a necessary step to sustain our readiness and protect our force, our coworkers, our families, and our communities.

For these reasons, when we get a chance to vote on the Lee anti-vaccination amendment affecting healthcare workers in the military, I urge my colleagues to oppose the Lee amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 4983

Mr. CASSIDY. Mr. President, I am rising to support the amendment that

my colleague Senator JOHN KENNEDY will introduce. So I will speak before he introduces it, but I speak in support thereof.

Senator KENNEDY is going to introduce an amendment that would increase and that would grant disaster relief in several regions of the country, but I speak on behalf of those in Southwest Louisiana.

A picture tells a thousand words. If you recall back 3 years ago, Hurricane Laura hit Southwest Louisiana. Two weeks later, almost on the exact same track, Hurricane Delta followed up, destroying that which had not already been destroyed by Hurricane Laura.

The devastation of these storms was dramatic. Now I thank the American people. There has been aid that has been given by fellow Americans to these communities, but it has been less than what is required. And flying over, the picture tells a thousand words. There are still blue tarps on top of roofs years after the storm has hit. And for those who are unfamiliar with it, blue tarps are when the roof has been destroyed, you place the tarp so that it hopefully provides protection that shingles otherwise would.

When you are on the ground and you go through the neighborhood, there are homes that are blighted, boarded up, and as they have been boarded up, criminals have come in and businesses have closed. This particularly affects lower income communities. Those who have more resources, they will recover, but those folks who need a little extra help, they are not.

And so, as we think about the aid that my fellow Americans are asked to give to their fellow Americans, I just will give some statistics. Hurricane Laura cost \$19 billion in damages; Hurricane Delta another \$3 billion; and Ida, of course, not only hit Southwest Louisiana, but cost \$75 billion in damages from Louisiana to New York.

There is a lot that has happened. I ask for additional support as outlined in my colleague JOHN KENNEDY's amendment to finish the recovery for these folks who have endured so much.

I humbly ask my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise tonight to urge my colleagues to support the Omnibus appropriations bill before us.

The bill represents a massive bipartisan effort that rests upon a framework that preserves all legacy riders, rejects poison pill policy provisions from both sides, and achieves dollar-for-dollar funding parity for defense and nondefense increases.

As political compromise has become more and more difficult here, great credit, I believe, belongs to Chairman LEAHY for making the tough choices that needed to be made and showing leadership to reach this agreement tonight.

The senior Senator from Vermont, who also serves this body as the President pro tempore, has accomplished many things in his long and his distinguished career. Each and every one of these accomplishments were made possible by his unparalleled ability to get things done, and this bill needed to get done.

Because the international security situation demands a greater emphasis on and investment in our national defense, this omnibus bill provides \$782 billion for the Department of Defense and for other defense functions; \$4 billion more than the level authorized by the National Defense Authorization Act; \$30 billion more than President Biden's budget request; and nearly \$42 billion more than 2021.

The bill also provides an 11-percent increase over fiscal year 2021 for the Department of Homeland Security, including \$6.5 billion for much needed investments in border security resources and a 7-percent increase for ICE operations. Critically, the package restores \$2 billion in funding for wall construction on the southwest border.

The bill also cuts nearly \$65 billion in wasteful nondefense spending proposed in the Biden administration's budget—a nearly 10-percent decrease from the requested level.

Finally, the package also provides critical emergency assistance to our military, to Ukraine, and to our European allies, without reducing base defense spending by a single dollar.

Is an omnibus appropriations bill ideal? I will tell you tonight, the answer is, no, it is not, but at this critical time and this late date, it is necessary.

My hope is that we can pass this bill and use the same framework that made this bill possible as we begin the 2023 appropriations process.

I have no illusions that once again it will not be a difficult process. It will be. I know that our chairman can get it done, and I look forward to continuing to work with Senator LEAHY and the Appropriations staff—and with him one last time for both of us.

Before I complete my remarks, I would also like to recognize the incredible—and it is incredible—effort put forward by the staff members of both the Senate and House Appropriations Committees, as well as the staff of the respective leaders' offices. Without them we couldn't be where we are tonight. We asked them to do the impossible, and they delivered as they always do. And on behalf of the entire Senate, I want to thank them very, very much.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I ask unanimous consent that I be given a minute to describe my amendment and a minute be given to the Senator from Washington.

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

Mr. LEE. Mr. President, it is unkind for us to tell Americans—just moms

and dads, ordinary people who are trying to live their lives and put food on the table—that they can't put food on the table and that they are going to be rendered unemployed and unemployable unless they defer to Presidential medical orthodoxy. It is not who we are as Americans. It is especially not who we are as is the case with these mandates. There are not adequate provisions made for those with preexisting medical conditions, for those with religious objections, and for those with natural immunity. That is what we are dealing with here. It is illegal; it is immoral; it is unkind; and we should not fund its enforcement.

I plead with my colleagues to support my amendment to defund the enforcement of these mandates.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, we have had this debate before many, many times.

Vaccines are safe; they are effective; and they are lifesaving. Because of our ability to get safe and effective vaccines out to Americans, nearly 100 percent of our schools are open again. More than 90 percent of people are in communities with low or medium levels of COVID, and people are finally getting back to a sense of normal in their everyday lives. Vaccines have helped to make that happen.

Here we are once again. It is hard to believe this isn't the first or even the second time that a few Senate Republicans have decided they want to risk a damaging government shutdown in order to oppose steps that save lives. I hope, for the sake of the people of this country, it is the last time this happens.

There are problems real families want us to solve. They want us to bring down costs with steps like the Democrats have proposed. They want us to stand up for democracy and the people of Ukraine, who are facing a war and a humanitarian crisis. They want us to learn from this pandemic so we are better prepared for whatever is next. I am going to focus on finding steps that we can actually take to help families, and I believe that is what most of us want too.

I urge my colleagues to vote against this amendment, which risks derailing this important bipartisan bill, delaying needed aid to Ukraine, and causing a dangerous government shutdown.

Mr. LEE. Mr. President, I ask unanimous consent for 20 seconds to respond.

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

Mr. LEE. Mr. President, it is not helpful to American families to threaten the breadwinner—the mom or the dad or, maybe, both of them in some cases—with being rendered unemployed and unemployable and unable to put bread on the table.

This is not about being anti-vaccine. I am not that, and neither are any of the Senators who are supporting this effort. This is about supporting Amer-

ican families. It is not supporting them to order them fired.

VOICE ON AMENDMENT NO. 4989

The PRESIDING OFFICER. Under the previous order, the question occurs on agreeing to amendment No. 4989, offered by the Senator from Utah, Mr. LEE.

Mr. LEE. 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 bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. INHOFE).

The PRESIDING OFFICER (Ms. BALDWIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—49

Barrasso	Graham	Risch
Blackburn	Grassley	Romney
Blunt	Hagerty	Rounds
Boozman	Hawley	Rubio
Braun	Hoeven	Sasse
Burr	Hyde-Smith	Scott (FL)
Capito	Johnson	Scott (SC)
Cassidy	Kennedy	Shelby
Collins	Lankford	Sullivan
Cornyn	Lee	Thune
Cotton	Lummis	Tillis
Cramer	Marshall	Toomey
Crapo	McConnell	Tuberville
Cruz	Moran	Wicker
Daines	Murkowski	Young
Ernst	Paul	
Fischer	Portman	

NAYS—50

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

NOT VOTING—1

Inhofe

The amendment (No. 4989) was rejected.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Madam President, if we want to hasten the evening, I would suggest everybody stay around. Try to sit in your seats. We are going to try to limit the rest of the votes to 10 minutes.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to the vote in relation to the Braun amendment, No. 4990.

The Senator from Indiana.

AMENDMENT NO. 4990

Mr. BRAUN. Madam President, I call up my amendment, No. 4990, 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 Indiana [Mr. BRAUN], for himself and others, proposes an amendment numbered 4990.

The amendment is as follows:

(Purpose: To prohibit funds from being used for earmarks)

At the end of the matter preceding division A, add the following:

**SEC. 7. PROHIBITION ON EARMARKS.**

(a) IN GENERAL.—Notwithstanding any provision of any division of this Act, none of the funds made available under any division of this Act may be used to implement any earmark, Community Project Funding, or Congressionally Directed Spending specified in any provision of any division of this Act or in the explanatory statement described in section 4.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall prevent funds allocated for any earmark, Community Project Funding, or Congressionally Directed Spending included in any division of this Act or in the tables contained in the explanatory statement described in section 4 from being awarded under a merit-based process under existing law.

Mr. BRAUN. Madam President, this bill has 367 pages worth of earmarks, roughly 5 pounds of paper. Before it came to the Senate, dozens of House offices deleted their public disclosures. I think the swamp is rising again.

Dr. Tom Coburn, he would be appalled by this. He called earmarks—Madam President, I think it is clear that most aren't interested in talking about earmarks—something else. I believe they lead to waste and abuse. That is why Congress got rid of them 10 years ago. They should have never been allowed back.

My amendment would cut every one of them from this bill that should have been run through regular process, through the Budget Committee, to where appropriators should have known what was in it until it landed in our laps last night.

For anyone here that loves the institution, you ought to have enough common sense that \$1.5 trillion deficits that are embedded in this bill aren't a good business plan for the institution. I ask you all here this evening: Make a statement—a symbolic one—to get rid of these earmarks.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BRAUN. And let's quit shoving all this debt onto the next generation and on our kids.

The PRESIDING OFFICER. The senior Senator from Vermont.

Mr. LEAHY. Madam President, the Senator asked those who love this institution to speak up. I am the Dean of the U.S. Senate. I have served here for 48 years. I love this institution.

I know the Constitution vests the power of the purse in the Congress. Certifications of these earmarks have been available to the public on our committee website at my request and Senator SHELBY's request for 8 months. Everybody knows what is here.

Vote for them or not; but, frankly, if I have to speak of what is needed for my State of Vermont, I want to be the one speaking for it—not somebody downtown. I would hope every Senator feels the same way.

I yield back the rest of my time. I oppose the amendment.  
(Applause.)

VOTE ON AMENDMENT NO. 4990

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

Mr. BRAUN. 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. THUNE. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. INHOFE).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 35, nays 64, as follows:

(Rollcall Vote No. 76 Leg.)

YEAS—35

Barrasso	Grassley	Risch
Blackburn	Hagerty	Romney
Boozman	Hawley	Rubio
Braun	Hoeven	Sasse
Cornyn	Johnson	Scott (FL)
Cotton	Kennedy	Scott (SC)
Cramer	Lankford	Tester
Crapo	Lee	Thune
Cruz	Lummis	Toomey
Daines	Marshall	Tuberville
Ernst	Paul	Young
Fischer	Portman	

NAYS—64

Baldwin	Heinrich	Reed
Bennet	Hickenlooper	Rosen
Blumenthal	Hirono	Rounds
Blunt	Hyde-Smith	Sanders
Booker	Kaine	Schatz
Brown	Kelly	Schumer
Burr	King	Shaheen
Cantwell	Klobuchar	Shelby
Capito	Leahy	Sinema
Cardin	Lujan	Smith
Carper	Manchin	Stabenow
Casey	Markey	Sullivan
Cassidy	McConnell	Tillis
Collins	Menendez	Van Hollen
Cooms	Merkley	Warner
Cortez Masto	Moran	Warnock
Duckworth	Murkowski	Warren
Durbin	Murphy	Whitehouse
Feinstein	Murray	Wicker
Gillibrand	Ossoff	Wyden
Graham	Padilla	
Hassan	Peters	

NOT VOTING—1

Inhofe

The amendment (No. 4990) was rejected.

The PRESIDING OFFICER. Under the previous order, there will now be two minutes of debate equally divided prior to a vote in relation to Kennedy amendment No. 4983.

The Senator from Louisiana.

AMENDMENT NO. 4983

Mr. KENNEDY. Madam President, I call up my amendment number—and Senator CASSIDY's amendment No. 4983 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 Louisiana [Mr. KENNEDY], for himself and Mr. CASSIDY, proposes an amendment numbered 4983.

The amendment is as follows:

(Purpose: To provide emergency assistance for disaster response and recovery, and for other expenses, directly related to Hurricanes Laura, Delta, and Ida and to provide assistance for the Port Infrastructure Development Program)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . EMERGENCY ASSISTANCE THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.**

(a) IN GENERAL.—In addition to amounts otherwise appropriated, out of any money in the Treasury of the United States not otherwise appropriated, there is appropriated to the "Community Development Fund", for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic revitalization in areas in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 U.S.C. 5170 et seq.) related to Hurricanes Laura, Delta, and Ida, \$2,000,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), of which—

(1) \$600,000,000 shall be for activities related to Hurricanes Laura and Delta; and

(2) \$1,400,000,000 shall be for activities related to Hurricane Ida.

(b) DEPOSIT OF C-BAND SPECTRUM AUCTION PROCEEDS IN TREASURY.—Section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)) is amended—

(1) in subparagraph (A), by striking "and (G)" and inserting "(G), and (H)";

(2) in subparagraph (C)(i), by striking "and (G)" and inserting "(G), and (H)"; and

(3) by adding at the end the following:

"(H) C-BAND AUCTION PROCEEDS.—Notwithstanding subparagraph (A), and except as provided in subparagraph (B), of the proceeds (including deposits and upfront payments from successful bidders) from the use of a system of competitive bidding under this subsection to award licenses in the band of frequencies between 3700 megahertz and 3980 megahertz (designated by the Commission as 'Auction 107'), \$2,500,000,000 shall be deposited in the general fund of the Treasury and used for emergency assistance under section 240(a) of the Consolidated Appropriations Act, 2022."

**SEC. \_\_\_\_ . ASSISTANCE THROUGH THE PORT INFRASTRUCTURE DEVELOPMENT PROGRAM.**

In addition to amounts otherwise appropriated, out of any money in the Treasury of the United States not otherwise appropriated, there is appropriated \$500,000,000 for the Port Infrastructure Development Program within the Department of Transportation's Maritime Administration, to equitably administer grant awards to ports that incurred damages from Hurricanes Laura, Delta, Zeta, and Ida and Tropical Storm Cristobal.

Mr. KENNEDY. Madam President, I ask unanimous consent to be recognized for up to 2 minutes of debate; Senator CASSIDY for 1 minute of debate; and Senator SCHATZ for 2 minutes of debate prior to the vote.

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

Mr. KENNEDY. Madam President, in 2020, Hurricane Laura hit Louisiana,

then Hurricane Marco hit us, then Hurricane Delta hit us, then Hurricane Zeta, then Hurricane Ida—all in a period of 2 years.

Those storms caused \$150 billion in damage. My amendment and Senator CASSIDY's amendment will appropriate \$2.5 billion in disaster aid to Louisiana. That would include \$600 million for housing aid for Hurricanes Laura and Delta and \$1.4 billion in housing aid for Hurricane Ida. The amendment would also provide for \$500 million in funding to rebuild Louisiana ports.

I am mindful of the fact that we should make sure this aid is paid for. I would remind everyone that through the heroic efforts of Senator SCHATZ and Senator CANTWELL, in which I played a small part, that we forced our FCC not to give away the C-band to our telecommunications industry and, instead, auctioned it out, in which case it brought in \$81 billion.

And I think we can spare a little bit of that for people who lost their homes and businesses through no fault of their own.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. CASSIDY. Madam President, I'll add to what my colleague, JOHN KENNEDY, said.

If you fly over southwest Louisiana, you see blue tarps. Those tarps are there because the families have not had the money to replace their roofs. If you get on the ground, you see blighted neighborhoods. Those blighted neighborhoods are where people have moved, the rooms are boarded up, criminals have entered, and those who have left are now prey to criminals. And as they have left, the businesses have closed.

We do so much in this country for those who have been injured, and we appreciate in South Louisiana all that has already been done. But there is a little bit more needed to particularly benefit those who are less well-off.

So I join my colleague, Senator KENNEDY, in requesting that additional funding to complete the job started so Southwest Louisiana can become whole once more.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. SCHATZ. Madam President, I respect my colleagues' desires to take care of the people and the needs of their State, and I agree there is a need—not just in this State but for a number of States that have been impacted by disasters in recent years.

We must pass a disaster supplemental to provide funding for States fairly and based on need. We wish that the supplemental were in this bill, but it was not agreed to by Republicans in the House and the Senate. Looking ahead, we ought to pass a bill to provide \$2 billion and permanently authorize the CDBG-DR program.

As for pay-fors—this is an important point—the spectrum sale funds that my colleagues suggested as a pay-for are

already spoken for. That has already been used as a pay-for in previous bills, so we can't double count; and so, unfortunately, I urge my colleagues to vote no. Thank you.

The PRESIDING OFFICER. All time is yielded back.

VOTE ON AMENDMENT NO. 4983

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4983.

Mr. KENNEDY. 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. THUNE. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. INHOFE).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote or change their vote?

The result was announced—yeas 35, nays 64, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—35

Blumenthal	Graham	Portman
Blunt	Grassley	Romney
Booker	Hagerty	Rubio
Burr	Hawley	Scott (FL)
Cassidy	Hoeben	Scott (SC)
Collins	Hyde-Smith	Sullivan
Coons	Kennedy	Thune
Cornyn	Marshall	Tuberville
Cramer	McConnell	Whitehouse
Cruz	Menendez	Wicker
Ernst	Moran	Young
Fischer	Murkowski	

NAYS—64

Baldwin	Hickenlooper	Risch
Barrasso	Hirono	Rosen
Bennet	Johnson	Rounds
Blackburn	Kaine	Sanders
Boozman	Kelly	Sasse
Braun	King	Schatz
Brown	Klobuchar	Schumer
Cantwell	Lankford	Shaheen
Capito	Leahy	Shelby
Cardin	Lee	Sinema
Carper	Lujan	Smith
Casey	Lummis	Stabenow
Cortez Masto	Manchin	Tester
Cotton	Markey	Tillis
Crapo	Merkley	Toomey
Daines	Murphy	Van Hollen
Duckworth	Murray	Warner
Durbin	Ossoff	Warnock
Feinstein	Padilla	Warren
Gillibrand	Paul	Wyden
Hassan	Peters	
Heinrich	Reed	

NOT VOTING—1

Inhofe

The PRESIDING OFFICER. On this vote, the yeas are 35, the nays are 64.

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

The amendment (No. 4983) was rejected.

MOTIONS WITHDRAWN

The PRESIDING OFFICER. Under the previous order, the motion to refer and the motion to concur with amendment No. 4984 are withdrawn.

Mr. GRASSLEY. Madam President, I have been impressed that our Eastern European allies have been able to act so quickly in providing aid of all kinds

to Ukraine, including weapons these countries need for their own defense to deter Putin.

Even the notoriously bureaucratic European Union has acted with unprecedented speed.

When asked by Eastern European diplomats why Congress is taking so long to pass aid for Ukraine, I do not have a good answer.

It always takes time to negotiate and draft an appropriations package to get it just right. But the Ukrainians do not have the luxury of time.

We should have passed a Ukraine supplemental last week, even if imperfect. It would have passed overwhelmingly, sending a strong message to Ukraine, our eastern flank allies, and the aggressor Putin.

Now, the much needed Ukraine supplemental has been rolled into a giant Omnibus bill.

This package has some things I strongly support, or even helped write. But these provisions are riding along with a big growth in spending, which I do not support.

I typically vote against giant take-it-or-leave-it omnibus bills. They are no way to legislate.

Senators who are not on the Appropriations Committee never see the contents of an Omnibus spending bill until we face a deadline for government funding running out—and an up-or-down vote; with no amendments.

I urged my party's leadership to insist on a separate vote on the Ukraine funding package in their negotiations with Democrat leaders, but here we are, nevertheless.

Urgent aid for Ukraine shouldn't be wrapped up in an Omnibus full of unrelated spending.

A cynic would say Ukraine aid was added to the Omnibus intentionally to help it pass. Well, this is a town where cynicism is often well-deserved.

Senators who support helping heroic Ukrainians defend themselves from a barbaric onslaught, as I do, are being forced to swallow a giant, bitter pill.

So, for the record, I oppose the spending level in this Omnibus bill and the broken process by which it was cobbled together. I am not happy about being pushed into a corner yet again. Be advised—I will not roll over and play nice going forward.

But I cannot in good conscience vote in a way that would further delay urgently needed support for Ukrainians fighting for their freedom on the front lines against tyranny.

VOTE ON MOTION TO CONCUR

The PRESIDING OFFICER. The question occurs on the motion to concur in the House amendment to the Senate amendment to H.R. 2471.

There are 2 minutes of debate equally divided prior to the vote.

The Senator from Alabama.

Mr. SHELBY. Madam President, I have got a minute here, and I hope I won't use it all. Everybody wants to leave, and I understand.

But this has been a lot of work to put this omnibus together. I want to thank

Senator LEAHY, his staff, the Republican staff, and everything else.

This is a big improvement for defense. It is a big improvement for homeland security. And I think we have talked about what is in it and what is not, but I think overall it is something we should have done 6 months ago.

I urge my colleagues to support the omnibus.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, the distinguished Senator from Alabama, Senator SHELBY, and I have been friends for decades. I applaud his work on this. I applaud his staff. I applaud our staff and the Appropriations Committee.

I thank those Senators of both parties who came together to come here. We stand up for America. We stand up for the needs of America. But we also stand up for Ukraine, which is being attacked by a war criminal, Putin of Russia.

I yield back my time.

I ask for the yeas and nays.

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

The yeas and nays have been requested.

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. THUNE. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. INHOFE).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 31, as follows:

[Rollcall Vote No. 78 Leg.]

YEAS—68

Baldwin	Hassan	Portman
Barrasso	Heinrich	Reed
Bennet	Hickenlooper	Rosen
Blumenthal	Hirono	Sanders
Blunt	Hyde-Smith	Schatz
Booker	Kaine	Schumer
Brown	Kelly	Shaheen
Cantwell	King	Shelby
Capito	Klobuchar	Sinema
Cardin	Leahy	Smith
Carper	Lujan	Stabenow
Casey	Manchin	Tester
Collins	Markey	Thune
Coons	McConnell	Tuberville
Cornyn	Menendez	Van Hollen
Cortez Masto	Merkley	Warner
Duckworth	Moran	Warnock
Durbin	Murkowski	Warren
Ernst	Murphy	Whitehouse
Feinstein	Murray	Wicker
Gillibrand	Ossoff	Wyden
Graham	Padilla	Young
Grassley	Peters	

NAYS—31

Blackburn	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeben	Rubio
Burr	Johnson	Sasse
Cassidy	Kennedy	Scott (FL)
Cotton	Lankford	Scott (SC)
Cramer	Lee	Sullivan
Crapo	Lummis	Tillis
Cruz	Marshall	Toomey
Daines	Paul	
Fischer	Risch	

NOT VOTING—1

Inhofe

The PRESIDING OFFICER. On this vote, the yeas are 68, the nays are 31.

Under the previous order requiring 60 votes for the adoption of this motion, the motion to concur is agreed to.

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I am delighted to see the vote, and I thank the Senators who voted with us.

I would note that a lot of Senators, along with Senator SHELBY and me, on both sides of the aisle worked so hard on this.

I especially want to say again that I don't know how many times on weekends and in the evenings I could leave and go home at 10 or 11 o'clock at night, but our staffs were still there at 2, 3, and 4 o'clock in the morning, doing this. They are the ones who deserve so much credit in doing this.

This is the reality. This is our government. This is how we protect our country. It is also how we show our responsibility to a country—in this case, Ukraine—that is being attacked by a war criminal, Vladimir Putin.

So I thank every Senator who voted this way. I thank the distinguished majority leader, who worked with us every step of the way to make sure we had the schedule so we could do this. I thank the Republicans and Democrats who worked with us.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Madam President, before I do all of these things, let me just thank Senator LEAHY, who was so diligent and so relentless from 3, 4, 5 months ago in warning our caucus of the dangers—of the very real dangers—of a CR, which wouldn't have been able to move the government forward. His hard work, his diligence, and his dedication has been amazing.

I join him in thanking the great staffs of the Appropriations Committee, who are second to none, as well as my staff, who worked very hard with them. Meghan Taira is another person of whom I might be able to say it wouldn't have happened without her.

It is a very good night for this country, a good bipartisan night, and I thank our Senator from Vermont—and our President pro tempore, of course.

(Laughter.)

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

STATE OPIOID RESPONSE GRANT FUNDING

Mr. LEAHY. Madam President, the State Opioid Response grant program has been critically important to communities that have been affected by the ongoing opioid epidemic.

Rates of substance use disorders have grown exponentially, particularly during the pandemic, taking lives across the country, and opioids are the main driver of drug overdose deaths. Congress developed the State Opioid Response grant program to enhance our response to the opioid epidemic. As a result of this funding, States have been able to expand access to lifesaving prevention, treatment, and recovery services to frontline communities.

I know this funding has been important to Vermont in addressing the opioid crisis, and I ask the senior Senator from Washington if this has been her experience with the program as well.

Mrs. MURRAY. Madam President, I would like to thank the Senator from Vermont, who has been such a leader in addressing the substance use disorder crisis and who I have been proud to work with on this issue. The Senator is correct. The State Opioid Response funding has been important to all States, particularly those hardest hit by drug overdose deaths.

Mr. LEAHY. Madam President, I would like to ask the junior Senator from New Hampshire about her experience with this program.

Ms. HASSAN. Madam President, I would also like to thank my friend, the Senator from Vermont, who has been a champion for helping address substance use disorders in New England and around the country. I agree that this program has provided essential support to States and communities across the country.

Mr. LEAHY. Madam President, I would like to ask, given this context, if the Senator from New Hampshire agrees that both the House and the Senate have made clear that funding cliffs for this program will hamper States' ability to effectively address the opioid epidemic?

Ms. HASSAN. Madam President, I do. The fiscal year 2021 joint explanatory statement accompanying the omnibus appropriations bill directed the Secretary to avoid significant funding cliffs between States with similar opioid mortality rates. For fiscal year 2022, the joint explanatory statement "notes that large swings in funding between grant cycles can pose a significant challenge for States seeking to maintain programs that were instrumental in reducing drug overdose fatalities" and directs the Assistant Secretary to award funds in a manner that avoids funding cliffs.

Mr. LEAHY. Madam President, I thank the Senator for clearly laying out the Senate's intent for the ongoing administration of this program—I agree. I would like to ask the Senator from Washington if she agrees as well?