

The reason we have this in the Leahy-Shelby bill is that there is bipartisan understanding that this is an urgent need, and we have, as the United States of America, a moral responsibility to address it immediately.

Now, some have said we should just do the bare minimum. Some will say: Let's take care of the most pressing needs now and work on this maybe later on—maybe. But I have served in the U.S. Senate long enough to know that a promise to do something later is no promise at all. I cannot accept a piecemeal approach to the urgent security needs facing our Nation. They are facing us today, not sometime when we may think about it a few months or years from now.

Vice Chairman SHELBY has a proven track record of reaching bipartisan compromise. I would note that this agreement does not include everything I want. I am sure it includes some items that he would have preferred to not be included. But it is a strong bipartisan bill. We have come together to give the best piece of legislation possible for the U.S. Senate.

A pandemic happened. A violent insurrection happened. And the President announced the withdrawal of American troops from Afghanistan. The needs are urgent. We must address them now.

So I am urging all Senators to not only support the bill but actually to pass the bill today because it still has to go back to the House of Representatives this week. There is no time. There is no time left. It is a good piece of legislation. It is a necessary piece of legislation, and some would say, at least on the Afghan part, inevitable. Both President Trump and President Biden said they wanted to withdraw our troops this year. Well, they are withdrawing. Now we have to fulfill our responsibility.

Mr. President, I know that Senator SHELBY will be on the floor to speak in a few moments, so I will suggest the absence of a quorum and ask that Senator SHELBY be recognized when we come out of the quorum call.

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

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. I ask that I be allowed to speak for a few minutes, do my unanimous consent, and then go right to Senator SHELBY.

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

Mr. SCHUMER. Mr. President, first, I want to just give my great thanks to Senator LEAHY and Senator SHELBY for bringing this vote here right now. The bottom line is very simple: This wasn't easy to get done. A UC on these kinds of issues should be easy, but it is not. Senator LEAHY persisted and persisted

and persisted, and I want to thank him as well.

Senator SHELBY persuaded the Members on his side that we had to move, and they have come up with a good compromise. It is not everything our side wanted, but it is very good.

I also want to thank Senator KLOBUCHAR and Senator BLUNT. Their work on the authorizing committee, the Rules Committee, helped pave the way for this, with all the information they brought out, and they deserve a lot of credit.

Now, look, to keep the Capitol Complex safe and secure, we are lucky to have the best of the best. As I said earlier today, our Capitol Police risk their lives for us. They go all out for us. They are really, really important. The National Guard went all out for us, too, on that fateful day and then for months afterwards. I remember walking through the halls early in the morning, thanking them as they were bivouacked out through the Capitol Visitor Center and everything else.

Now we are about to run out of money. Already, the Capitol Police have forgone some of the things that they usually do in terms of training, in terms of other types of activities, and soon, salaries, bonuses, and new hiring will be on the chopping block. Similarly, many of our National Guard units from around the country that sent troops here, soldiers here, men and women here, are running out of money.

We can't let that happen. So passing this amendment is living up to our responsibility to keep this grand Capitol safe, this temple of democracy, this citadel of democracy safe, and to make sure that the people who risk their lives for us and protect us get the help they need.

It shouldn't have taken this long, but here we are, and I am glad we are on the floor.

UNANIMOUS CONSENT AGREEMENT—H.R. 3237

Therefore, I ask unanimous consent that notwithstanding rule XXII, at a time to be determined by the majority leader, following consultation with the Republican leader, the Senate proceed to the consideration of Calendar No. 63, H.R. 3237; that the only amendments in order be the following: the Leahy-Shelby substitute, No. 2123, and the Cotton amendment to the Leahy substitute, No. 2124; that there be 6 minutes for debate equally divided between the two leaders or their designees; that upon the use or yielding back of time, the Senate vote in relation to the Cotton and Leahy amendments; that if a budget point of order is raised and a motion to waive is made, the Senate vote on the motion to waive; and that if waived, the bill, as amended, if amended, be considered read a third time and the Senate vote on passage of the bill, as amended, if amended, and the motions to reconsider be considered made and laid upon the table, all without intervening action or debate, with 60 affirmative votes required for passage of the bill.

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

Mr. SCHUMER. One more point. I hope this will be unanimous. It is hard for me to believe that any Member would not want to support our Capitol Police. For Members to take umbrage at the Capitol Police when they did their job and protected us for some kind of crazy ideological reason would be disgraceful. I hope there will be a unanimous vote for this.

Mr. President, I ask unanimous consent that the agreement now be executed.

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

Mr. SCHUMER. Thank you, Mr. President.

Thank you, Senator LEAHY.

Thank you, Senator SHELBY.

EMERGENCY SECURITY SUPPLEMENTAL TO RESPOND TO JANUARY 6TH APPROPRIATIONS ACT, 2021

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 3237) making emergency supplemental appropriations for the fiscal year ending September 30, 2021, and for other purposes.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I will just take a few minutes here. This is very important, that we get this supplemental passed.

I want to first thank my colleague and the chairman of the Appropriations Committee, Senator LEAHY, for the work he has done here, working together to get where we are today. This has been a lot of work, working together, but it also shows that we can work together in a bipartisan way and put the country first, and this is evidence here.

What does this bill do? It sticks to immediate security needs, the urgently needed funding to safeguard the Capitol, ensure National Guard readiness, and protect our allies in Afghanistan. That is among other things. It is just over \$2 billion total, more than half of which is for the Department of Defense. Out of the defense funding, \$521 million is to fill National Guard shortfall and about \$500 million to evacuate Afghan allies; \$600 million for the State Department to fund Afghan special immigration visas; \$100 million for our own Capitol Police here, to fund that; and \$300 million for security enhancements around the Capitol.

I strongly urge my colleagues to vote yes for this.

Again, I want to thank Senator SCHUMER and Senator MCCONNELL, our leaders on both sides of the aisle, for helping bring this to where we are today.

The PRESIDING OFFICER (Mr. KING). The Senator from Indiana.

Mr. BRAUN. Mr. President, we need to support our Capitol Police, and we

will. We need to repay our National Guard, and we will. We need to protect our allies who kept our troops safe, and we will.

Emergencies arise, and the biggest threat to dealing with them, in my opinion, is fiscal irresponsibility in DC. We could have easily paid for the major parts of this legislation with offsets within the DOD.

I think our spending process is broken at every level. We don't do budgets anymore. We vote that the rules don't matter. It seems like Congress can only agree on one thing: Deficits and debt don't matter anymore. But they do. And both parties are to blame. And they threaten our ability in the long run to respond to emergencies when they arise, like the important ones in this bill, not to mention that everything we do here currently is on borrowed money literally from our kids and our grandkids.

My point of order reference has my friend Mike Enzi's name at the top of it. I am speaking here today for the reasons I just mentioned and in honor of him as well.

I yield the floor.

AMENDMENT NO. 2123

(Purpose: In the nature of a substitute.)

Mr. LEAHY. Mr. President, I ask unanimous consent that my amendment and Senator SHELBY's be called up.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 2123.

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

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 2124 TO AMENDMENT NO. 2123

Mr. SHELBY. Mr. President, I call up amendment No. 2124 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment.

The senior assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for Mr. COTTON, proposes an amendment numbered 2124 to amendment No. 2123.

The amendment is as follows:

(Purpose: To require a report to Congress on the health of the Afghan special immigrant visa program)

On page 17, between lines 2 and 3, insert the following:

(c) Report to Congress.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate congressional committees a report, including a classified annex, if necessary, on the Afghan special immigrant visa program as described in Section 602(b) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) and Section 1059 of the National Defense Authorization Act of 2006 (8 U.S.C. 1101 note).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The total number of visas issued under such program, disaggregated by fiscal year.

(B) With respect to principal aliens issued special immigrant visas under such program, a description of the types of roles performed for which such aliens earned eligibility for such visas.

(C) Information regarding the average processing times for visa applicants under such program, disaggregated by the fiscal year in which visa applications under the program were submitted.

(D) The number of individuals who have pending applications for visas under such program, including—

(1) The number of individuals approved of the total number of applications processed by the Chief of Mission; and

(2) The number of successful appeals of the total number of application appeals filed.

(E) The estimated total number of individuals who have performed the requisite employment to apply for a visa under such program, but who have not yet applied for or received a visa, including a description of the methodology used to create such an estimate.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

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

(B) the Committee on Appropriations, the Committee on Armed Services, the Committee on the Judiciary, the Committee on Foreign Affairs, and the Committee on Homeland Security of the House of Representatives.

The PRESIDING OFFICER. The Senator from Indiana.

POINT OF ORDER

Mr. BRAUN. Mr. President, Senate amendment No. 2123 would make new budget authority available for fiscal year 2021. The Senate Committee on Appropriations has not filed its suballocations as required by the Congressional Budget Act.

Therefore, I raise a point of order against the amendment pursuant to section 302(c) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, pursuant to section 904 of the Congressional Budget Act, I move to waive all applicable sections of that act or any applicable budget points of order for purposes of the pending amendment.

I ask unanimous consent to yield back all time.

The PRESIDING OFFICER. Is there objection to time being yielded back?

Without objection, it is so ordered.

Mr. LEAHY. I understand we are going to have a voice vote on the Cotton amendment.

VOTE ON AMENDMENT NO. 2124

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

The amendment (No. 2124) was agreed to.

MOTION TO WAIVE

Mr. LEAHY. I ask for the yeas and nays on the motion to waive.

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 Senators are necessarily absent: The Senator from Kansas (Mr. MARSHALL) and the Senator from South Dakota (Mr. ROUNDS).

Further, if present and voting, the Senator from Kansas (Mr. MARSHALL) would have voted "nay."

The result was announced—yeas 72, nays 26, as follows:

[Rollcall Vote No. 286 Leg.]

YEAS—72

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

NAYS—26

Barrasso	Hagerty	Paul
Blackburn	Hawley	Risch
Boozman	Inhofe	Sasse
Braun	Johnson	Scott (FL)
Cornyn	Kennedy	Scott (SC)
Cotton	Lankford	Sullivan
Crapo	Lee	Thune
Daines	Lummis	Toomey
Fischer	Moran	

NOT VOTING—2

Marshall
Rounds

The PRESIDING OFFICER. On this vote, the yeas are 72, the nays are 26.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to and the point of order falls.

VOTE ON AMENDMENT NO. 2123

The PRESIDING OFFICER. The question is on agreeing to the Leahy amendment, as amended.

The amendment (No. 2123), in the nature of a substitute, as amended, was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. Under the previous order, the bill is considered read a third time.

The bill having been read the third time, the question is, Shall the bill pass?

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

The PRESIDING OFFICER. 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 Senators are necessarily absent: the Senator from Kansas (Mr. MARSHALL) and the Senator from South Dakota (Mr. ROUNDS).

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 287 Leg.]

YEAS—98

Baldwin	Grassley	Peters
Barrasso	Hagerty	Portman
Bennet	Hassan	Reed
Blackburn	Hawley	Risch
Blumenthal	Heinrich	Romney
Blunt	Hickenlooper	Rosen
Booker	Hirono	Rubio
Boozman	Hoeven	Sanders
Braun	Hyde-Smith	Sasse
Brown	Inhofe	Schatz
Burr	Johnson	Schumer
Cantwell	Kaine	Scott (FL)
Capito	Kelly	Scott (SC)
Cardin	Kennedy	Shaheen
Carper	King	Shelby
Casey	Klobuchar	Sinema
Cassidy	Lankford	Smith
Collins	Leahy	Stabenow
Coons	Lee	Sullivan
Cornyn	Lujan	Tester
Cortez Masto	Lummis	Thune
Cotton	Manchin	Tillis
Cramer	Markey	Toomey
Crapo	McConnell	Tuberville
Cruz	Menendez	Van Hollen
Daines	Merkley	Warner
Duckworth	Moran	Warnock
Durbin	Murkowski	Warren
Ernst	Murphy	Whitehouse
Feinstein	Murray	Wicker
Fischer	Ossoff	Wyden
Gillibrand	Padilla	Young
Graham	Paul	

NOT VOTING—2

Marshall Rounds

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the passage of this bill, the bill, as amended, is passed.

The bill (H.R. 3237), as amended, was passed.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I thank my colleagues for joining both myself and Senator SHELBY on the Leahy-Shelby amendment. There have been weeks of negotiation, most of it quiet but weeks of negotiation going on in this.

I am sure I can speak for both Senator SHELBY and myself. We each might not have gotten everything that we wanted, but on this specific issue, we got what the country needed. We got the improvements for the security of our Capitol, the symbol of our democracy. We showed what we can do to help take care of the damage to the Capitol Police, what we can do to help those who work so hard here in the Capitol, the men and women throughout the Capitol and Capitol Complex facing the threat of COVID.

And thanks to bipartisan efforts, we had the issue of people who had worked with our military and our government in Afghanistan. And, now, as we withdraw, something that both President Trump and President Biden wanted to

do within this timeframe—as we withdraw—they face retribution from the Taliban. We had to show our commitment to protect them and to save them, and there is money and laws that are in this that will help.

All in all, it meant a lot of Republicans and a lot of Democrats had to come together. I have been here longer than anybody else in this body, and I have seen days when Republicans and Democrats come together and we accomplish something, and I have seen times when we don't and nothing gets accomplished.

I have also found, over these years, that nobody gets every single thing they want, but you try and do things that will make the country better, that will help the United States of America, that will help the things that we stand for.

This bill, the fact that it has passed 98 to 0, is an example of that. So I thank my colleagues.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEAHY. Madam President, I ask unanimous consent that further remarks of mine, that I be able to add them to the RECORD, including so many of the people who needed and should have been thanked for what they have done, that they be added in the RECORD along with my earlier statement.

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

CHAIRMAN LEAHY LIST FOR H.R. 3237 STAFF FOR THE RECORD

I would like to thank the staff of the Committee on Appropriations on a bipartisan basis, for their significant contributions on HR 3237, the Emergency Security Supplemental Appropriations Act 2021, including Charles Kieffer, Chanda Betourney, Erik Raven, Katy Hagan, Brigid Kolish, Drew Platt, Jean Toal Eisen, Jennifer Eskra, Alex Keenan, Mike Gentile, Jessica Berry, Hannah Chauvin, Tim Rieser, Sarita Vanka, Kali Farahmand, Madeleine Granda, Jenny Winkler, Valerie Hutton, Jay Tilton and Maddie Dunn, as well as Shannon Hines, Jonathan Graffeo and David Adkins from Vice Chairman Shelby's staff.

Mr. LEAHY. I suggest the absence of a quorum.

The senior assistant legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO LYDIA JACOBY

Mr. SULLIVAN. Madam President, it is Thursday. It is my favorite time of the week. I get to come down on the Senate floor and talk about someone who has made an impact on their com-

munity, maybe the State, maybe the country, and, occasionally—occasionally—the world. That is what I call our Alaskan of the Week.

Now, this is going to be a little bit of a historic “Alaskan of the Week.” I have been doing this, gosh, going on 6 years almost, and while this is a historic moment, because we have never made someone an Alaskan of the Week twice—it has never happened. We are making Senate history right now. But you might know that we had a historic week in the Olympics because our Alaskan of the Week a month ago, whom we talked about here on the Senate floor, Lydia Jacoby, when she made the Olympic team, she won Gold. And for anyone who saw that race, that 100-meter breaststroke race a couple of nights ago, you will probably never forget it. We certainly are not going to forget it.

And I guarantee you, Lydia's hometown of Seward, AK—a beautiful, incredible town of 3,000 people, wonderful people—they are not going to forget it.

So history is right here on the Senate floor. Lydia Jacoby, gold medalist—as the Washington Post called it in a headline, “an Alaskan Stunner”—is our Alaskan of the Week for the second time.

You know, I always talk a little bit about Alaska before I do my “Alaskan of the Week” speech. A lot of people, particularly at this point in the summer, when they are visiting, are curious about the light: if the Sun ever sets in the summer, when it rises. So what I always try to do is tell people: Come on up and see for yourself. We would love to have you. We are having a beautiful summer.

I will give you a hint. Right now in Seward, AK—that is the home of our Gold medal Olympian athlete, Lydia—the Sun will rise today at 5:32 a.m. and set around 10:35. We lost about 5 minutes from yesterday. But if you are still thinking about coming up to Alaska for a summer trip, come on and do it. There is still lots of Sun.

There is tons of excitement across my State, and there is tons of excitement across Alaska, in Seward and everywhere else, because of this incredible young 17-year-old. And if you saw it on TV, Seward, AK, Monday night was probably the site of the best Olympic watch party ever—I hope people saw that—ever.

So I talked about Lydia about a month ago when she cinched her spot on the team, and she did that by actually swimming the second fastest time in the world in the women's 100-meter breaststroke finals in the Olympic trials for the United States. So we, in Alaska, knew she was something.

I will mention this again: Alaskans, we punch above our weight in the Winter Olympics. We do really well in the Winter Olympics, for reasons that most people probably understand, and we have done pretty well in the Summer Olympics, particularly in trapshooting, riflery. We have an Olympic veteran

rugby player right now. Alev Kelter from Eagle River is also competing. Her team made the Olympic quarterfinals. She might be on the field later tonight, so good luck to her. We are going to be rooting for her as well.

But Alaska has never sent a swimmer to the Olympics, ever, let alone won a gold. As the NBC announcer said after the race, Alaska “is not exactly your hotbed of swimming in America.”

Someone else pointed out that Alaska is dead last in the United States in terms of swimming pools per mile by far. We don't have a lot of swimming pools. And, as a matter of fact, Lydia's story is even more impressive because there is only one Olympic-sized pool in the whole State of Alaska, and that is in Anchorage, a 2½-hour drive from Seward, her hometown.

So I will just reiterate a little bit more about this remarkable young woman and her dedicated mom and dad who raised her. Her parents, Leslie and Richard, are both boat captains. Leslie is the educational coordinator for the Marine Science Explorer Program at Kenai Fjords Tours, and Rich is a maritime instructor at the Alaska Vocational Technical Center—AVTEC, as we call it—and he also is a guide for Arctic and Antarctic trips.

They raised their daughter Lydia in Seward, signed her up for swim classes when she was a toddler. Good job, Mom and Dad. She joined the swim club when she was just 6 years old. When she was 10, she was selected for the Alaska Swimming Zone Team. State qualifying meets allowed her to go on trips.

In between all of this, she was and continues to be a musician, learning to play the guitar and upright bass. She sings. She plays at folk festivals. Her band is the Snow River String Band. She was also in theater and in track. She likes to write, take pictures, and explore tidal basins. This is just a good, all-American teenager in Alaska.

And, of course, she excelled in swimming. Her parents continued to be, in their words, surprised and amazed and, of course, so proud.

One of her coaches, Solomon D'Amico, described her as “kind, quiet, and yet confident” and said that Lydia had an “intense fire,” one that you might not see immediately in her. But neither her parents nor her coach pushed her too hard. They wanted the drive to come from her, and it certainly did.

On Monday night, when this historic race started, the NBC announcers were focused mostly on the reigning Olympic champion and world record holder, American Lilly King, as well as the newly minted Olympic record holder, Tatjana Schoenmaker of South Africa. In the announcers' minds, that is where the competition was.

But we knew better, especially in Seward, AK, where about 400 people gathered for the race. All eyes were on Lydia. They knew all along she could do it.

In Tokyo, the NBC announcers started to notice the underdog. And if you haven't watched the race, go to YouTube. It is so exciting. And they saw her starting to pull ahead in the final seconds. You could hear the announcers getting excited. They said:

Then you've got Jacoby, lane 3, challenging Schoenmaker. Watch Jacoby. Lydia Jacoby, the 17-year-old from Alaska, is putting on the surge of her career.

Watch it. It is so exciting. And, of course, she did. Now, there is a video of everybody watching in Seward, which quickly went viral, of Lydia's friends and classmates and neighbors jumping up and down, stomping the floor, when the announcer yelled, “Alaska has an Olympic Gold Medalist. Oh, my gosh.”

The place went nuts.

Anyone watching, if you want to get Olympic joy, go on the website and look at the Twitter video that the Olympics put up. It is a split-screen shot of the race at the top and the great fans in Seward, AK, cheering. And when she wins, watch what happens. It is priceless. It is Olympic joy at its best.

Lydia's parents, Rich and Leslie, were in Florida, where NBC and the Olympic Committee had set up a watch party for families of the athletes. They, too, knew that she had it in her to win the gold. Her dad said: “When she hit the wall at the turn, we knew she was right in there. She likes to run [people down]” in her races.

On television, the joy and the pride of her parents was also priceless. They are still filled with excitement and pride and, let's face it, a little bit of shellshock. And they are so grateful for the outpouring of support from Alaskans and, let's face it, Americans across the country.

“It's true,” Rich said, “about Alaska being the biggest small town in the world.” Rich said that Lydia is doing great; she is happy, tired, a bit overwhelmed. We don't know yet. She might be competing in an upcoming relay race, which she is super excited about. We will see if that happens.

As for what is next, her dad said Lydia is going to continue her life of being a normal teenager; participate in high school sports, no doubt, continue to play music; and she is still planning on attending the University of Texas in the fall, a normal teenager but who has touched so many lives across Alaska, particularly Seward, but across the country—really, across the globe.

As one Washington Post columnist put it on Lydia's win, “There are moments at [the] Olympics that redefine a town. And there are moments at [the] Olympics that make you say: ‘That's why I watch [the Olympics]. That's why I came. That's what [the Olympics] is’ all about.”

And I think we all saw that when we watched this race. We saw that, including the two other competitors who won the silver and bronze, Lilly King and Tatjana Schoenmaker, who came over to Lydia and were so gracious, hugging her, joyful.

So I want to thank them. I want to thank Lydia's coaches, including Solomon, who put so much training and dedicated so much time and effort to her skills; and, of course, to her mom and dad for their very hard work, early morning practices, raising an exceptional daughter; to the competitors; really, everybody.

And, of course, to Lydia: Great job on your hard work, dedication, grit, determination. Throughout the years, so many people—throughout the decades, so many people have dreamed of finding gold in Alaska, and you are an Alaskan who found gold in a way that has inspired and overjoyed not just your community of Seward, not just our State, but literally our country and the world.

So, Lydia, congrats on the gold medal; congratulations on your win; and congratulations, for the first time in Senate history, on being the only person ever to be our Alaskan of the Week two times. Great job.

I yield the floor.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from Connecticut.

REMEMBERING SEPTEMBER 11TH

Mr. BLUMENTHAL. Mr. President, in just a few weeks, our Nation will come together to remember September 11. It will be the 20th anniversary of that unspeakable act of horror, an attack on our Nation that devastated us and, most particularly, the families and loved ones who lost members of their family and friends—the fallen—who will be remembered on that day and honored.

And I have been honored to stand with those families over the years, as many of us have, as they remember their loved ones and continue to face the trauma and immeasurable grief of their loss. And in these years, many of those families have sought justice. They have tried to honor their loved ones with action to vindicate not only their individual grief and mourning but also justice for our Nation, truth, and truth-telling in the courts of law in this country. They have brought legal action against the Kingdom of Saudi Arabia in the face of mounting, significant credible evidence that, in fact, the Saudis aided and abetted that attack on our Nation.

As a Congress, we have acted to support that effort, and I was proud to help to lead the Justice Against Sponsors of Terrorism Act, known as JASTA, when we passed it overwhelmingly here, and then on a bipartisan basis, we overrode the President's veto. It was President Obama who vetoed it, and many of us, including the Presiding Officer, voted to override that veto, I believe.

We opened the courthouse doors to the 9/11 families in their legal effort to hold Saudi Arabia accountable in the face of that evidence of its potential complicity. Again, I was proud to stand with these families in 2018 when I introduced, with the help of Senators

CORNYN, SCHUMER, GILLIBRAND, MURPHY, and MENENDEZ, a resolution urging that documents related to the September 11 attack be declassified to the greatest extent possible.

That resolution passed the U.S. Senate unanimously—unanimously—because all of us recognized that the survivors and the families of the fallen and the American people deserved answers, the truth about what happened on September 11, who was behind it, who supported it, who aided and abetted, and who was complicit in enabling that handful of terrorists to do such a devastating attack and unspeakable horror on this Nation. Many of us have stood with those families to ensure that the 9/11 families not only get their day in court but are also able to go to court with all the evidence they need to have a fair chance to prove their case.

I have asked questions at oversight hearings, including of Director Wray of the FBI. I have sought commitments from nominees like Attorney General Garland. I have written letter after letter after letter, with Democrats and Republicans alike, calling on the Department of Justice and the FBI to provide information that the 9/11 families have requested.

I am proud to continue to stand with those families as we approach this 20th anniversary date, but I also, in fairness to this administration, want to say that the moment of truth-telling now has arrived, and there is a moment of reckoning here.

These families, since JASTA, have been engaged in an epic legal struggle against the Kingdom of Saudi Arabia for aiding and abetting the terrorists who attacked the United States on September 11, but now that struggle is also one against their own government, our government, because while Congress did our job in passing JASTA, opening the courthouse door to give those 9/11 families a chance at justice, the last administration invoked the state secrets privilege without explanation to shield the documents and information the 9/11 families need to make their case.

The last administration denied them their fair day in court, and I say with great regret that the current administration seems intent on doing the same. My hope is otherwise. That is the reason I have raised this issue publicly and privately repeatedly, not only in the last years but in the last weeks. To deny information to the 9/11 families and, equally important, to the American people is unacceptable, and it is unconscionable.

The requests that I and so many of my colleagues have made to the Department of Justice and the FBI to disclose and declassify what can be disclosed and declassified in the national interest—those requests have gone unanswered. Sadly, the executive branch across administrations has repeatedly failed to provide any explanation—let me repeat: failed to provide any explanation—

let alone meaningful justification for why there has been no disclosure. That denial of explanation or justification is itself also unacceptable and unconscionable. These families will never get their loved ones back, but at the very least, they should get answers. In fact, they deserve answers. They deserve the truth. The American people deserve the truth.

Now, what the executive branch has done is to invoke broadly and unspecifically something called state secrets privilege. State secrets privilege was and remains intended to prevent court-ordered disclosure of government information when genuine and significant harm to the national defense or foreign relations is at stake but only to the extent necessary to safeguard those interests.

It is also clear under the Department of Justice rules that it should be invoked only upon sufficient showing that it is necessary “to protect information the unauthorized disclosure of which could reasonably be expected to cause significant harm to national security and that the invocation be narrowly tailored for that specific purpose.”

Here is the problem: We don’t know if that is what happened in the 9/11 families’ case or in many other cases. We don’t know whether decisions to invoke this privilege met this high and exacting standard or were narrowly tailored. And we don’t know because in the 9/11 families’ case, the Department of Justice and the FBI have claimed that even the Trump administration’s “justification for secrecy needed to remain secret” and the “public discussion of the issue ‘would reveal information that could cause the very harms [the] assertion of the state secrets privilege is intended to prevent.’” These blanket assertions and vague justifications undermine both public confidence that our government will only invoke the privilege to protect national security and the pursuit of justice.

Now, let’s be very clear. There are times when disclosure can imperil methods and secrets and sources in information gathering. There are times when secrecy is important to protect an ongoing investigation. We are talking here about disclosure of information relating to an attack 20 years ago. There is no indication of any ongoing investigation into the attack on our country. There has been no explanation that sources and methods may be imperiled. There has been no justification whatsoever.

Similar rationales, blanket assertions of protection, have prevented explanations in other cases as well and in some instances have led to the withholding of documents or information and outright dismissal of cases, depriving victims of an opportunity for justice.

In 1948, three civilians were killed when a B-29 aircraft testing secret electronic equipment crashed in

Waycross, GA. Their grieving widows did the only thing they could, bringing a wrongful death action in Federal court against the government. But the invocation of the state secrets privilege prevented them from receiving justice and the truth.

In 2003, Macedonian officials abducted a German citizen at the request of the CIA. In that instance as well, justice was sought unsuccessfully, and the case was dismissed because the government invoked the state secrets privilege.

In 2006, the FBI allegedly engaged in the targeted religious profiling of Muslims in Southern California. If true, it was and it remains an egregious abuse, one that led these individuals to sue the FBI. But rather than let the case proceed and rather than let the truth come to light about what the FBI did and why, the government asked the trial court to dismiss the case on the basis of the state secrets privilege, and the trial court agreed. This case, however, is not yet over because the Supreme Court will hear it in the fall after it has wound its way through the lower courts. As we know, justice is often delayed. In this instance, justice delayed is justice denied, again because of the state secrets privilege.

Let me close with a bit of history. On September 11, 2019, the then-President of the United States, Donald Trump, made a promise. He made a promise to the 9/11 families. He made a promise to them to their faces. He looked them in the eye, shook their hands, and he told them that the Department of Justice would disclose documents relative to their case against the Kingdom of Saudi Arabia. The next day, the Attorney General of the United States, William Barr, in a sworn declaration to the Southern District of New York Federal Court, invoked the state secrets privilege to prevent the release of the very information that the President of the United States had promised those families, the same documents, the same evidence that the President of the United States had vowed to disclose. The very next day, the Attorney General of the United States went into the Federal District Court in New York and said no.

The 9/11 families, whom I have come to know and admire, deserved so much better from the last administration. But it is not about one administration or another. It is about the United States providing them with the truth. It is about our government providing the people of the United States with the truth.

I will be coming back to the floor in the weeks ahead, and I hope my colleagues will join me in raising this issue, in calling on the Department of Justice and the FBI to review their decision invoking this privilege, to declassify and disclose information that they have withheld. They have yet to explain why the national interest is served by this blanket, unjustified, and unexplained invocation of the state secrets privilege. The 9/11 families and

the American public deserve that much and more. And this case is about accountability. It is about holding accountable the Kingdom of Saudi Arabia.

I am not here to argue the case in court. I am not here to take issue with any legitimate, urgent, narrowly-tailored interest that may be served by this Privilege, but there is no indication of any such interest and, in fact, neither the FBI nor the Department of Justice should stand in the way of justice for these families in court.

They owe the American people an explanation, and they owe the 9/11 families the truth so they can bring it to bear in their quest for justice.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER (Ms. CORTEZ MASTO). The Senator from Oklahoma.

THE ECONOMY

Mr. LANKFORD. Madam President, there are a lot of issues we are working through right now in the Senate.

Obviously, infrastructure is in conversation, and what is going to happen with some spending dealing with National Guard, Capitol Police.

We are working a lot on issues, like Afghan translators—trying to get those folks who walked alongside our soldiers for 20 years and risked their lives out of harm's way before the Taliban slaughters them.

We are engaged in a lot of issues. There are a lot of things happening behind the scenes. I thought it might be helpful to be able to give a couple of things I think we need to consider.

One is what is happening in the State Department right now. State Department engagement on the issues of passports is a major issue. It is a frustration for a lot of Americans. And I would tell you, a lot of Oklahomans that we deal with on a day-to-day basis on our team are very frustrated with trying to get their passport renewed. They didn't travel last year, obviously, with COVID, but now they want to be able to do some traveling in places where they can.

Good luck with that, as we have found. Right now, the backlog at the State Department is about 18 weeks. Today is the 29th of July. That means if you turn in your application for your passport today, you may get your passport December 2. Merry Christmas. If you plan on traveling Thanksgiving, you need to pay the extra fee to do an expedited delivery though we are at the end of July right now.

The problem?

The State Department still hasn't brought all of their staff back. They are not engaging. The rest of the country is open and operating, and the State Department is still studying how they are going to come back in, and millions of Americans are just waiting for their passport.

I have spoken to leadership in the administration about this exact issue. In fact, I talked to some leadership who

literally said to me: Oh, I wasn't aware there was a problem.

Listen, there is a problem, and it is not just in the State Department. It is in multiple other agencies. As America opens back up, trying to be able to manage all the issues with COVID, they are very aware of masks and vaccines and spacing.

But companies have figured out how to do this. For some reason, multiple agencies have not and it is causing real problems. It is not just problems in our economy with permitting and other things, some of the policies that have been put in place are causing real problems across our economy for just individuals.

We have an unemployment rate right now in June at 5.9 percent. We don't know what it will be for July, but it is getting better and better all the time. In Oklahoma, we have one of the lowest unemployment rates in the country. We have a lot of people employed because we turned off the extra unemployment benefits at the end of June and people came back to work. That is a good thing for them, for their families, for their kids, and for our economy. As we continue to be able to re-engage, that is helpful.

But what we are seeing right now is inflation, consumer price increases like we have not seen in more than a decade. The Consumer Price Index increased by 5.4 percent. That is the most in 13 years.

We are watching the rapid rise in prices that Americans feel. It is a direct result of this \$2 trillion bill that was done in March, where it paid people not to work, sent checks to individuals, and did lots of other benefits.

Many people, even economists from the Obama administration, said: Don't do this. It will cause inflation.

What have we seen?

In just the last 5 months: milk prices up, bread prices up, bacon prices up, price of gasoline up, price of wood up, price of building materials up, price of rental cars up, prices of used cars up, shortages in different supply chains—things we all identified in February and March and said we need to be attentive to.

If you dump \$2 trillion into the economy, what does that do?

In the middle of this dialogue about inflation rising right now and everyone in America is seeing the rise in prices, there is a conversation about trillions of dollars more of spending—more of spending.

What effect do you think that will have? We have already seen the effect of what happened in March. What effect do you think it will have to add another, as is being forecast, \$3.5 trillion more spending?

Sometimes we can't wrap our head around the issues of millions and billions and trillions because it all seems like numbers. There is a big difference between millions and billions and trillions. The best way I can describe this is, if you have a million seconds rather

than a million dollars, a million seconds is about 11½ weeks. That is a lot. But a billion seconds is 31½ years. That is a big difference. Brace yourself because a billion seconds is 31½ years, but a trillion seconds is 31,688 years.

These are big numbers that are being thrown around and it is hard to wrap our head around how much spending is really going on, but the concept of throwing out \$3.5 trillion is mind-boggling.

Let me give you one more. A trillion miles—if I were to say: How far is a trillion miles? A trillion miles is if you left Washington, DC, today and flew to the planet Pluto 334 times. From DC to our furthest planet 334 times, that is 1 trillion miles.

This is a lot of money that is being thrown around and has real consequences, knowing the debt and the borrowing and the tax changes, but how much things actually cost.

I am continuing to challenge my colleagues when they discuss all these big numbers and say: Let's throw all this money out there; it will have no consequence.

I will tell you, the people in Oklahoma feel what is going on. They may not know, but they feel it in the prices every day, what is going on in supply chains, and they are very aware. And the No. 1 question that I get asked when I am out and about in places in Oklahoma is: Where is all this money coming from?

It is a fair question.

There is this back-channel conversation right now happening on immigration as well. Right now, the news is focused on 10 million other things, and I literally have people in my State saying: Things must be going better at the border now because I don't hear about it much anymore.

I will smile at them and I say: I happen to be on that committee and be very engaged in the issues of border management and border security. Things are not getting better; they are getting worse.

March was the highest number of illegal crossings in 20 years. It was beaten in April; it was beaten in May; it was beaten in June. Current trend, that will be beaten in July. Just last week—just in 1 week, last week, the Rio Grande crossing—just that one sector in 1 week had 20,000 interdictions—in 1 week. At one time, they had 15,000 people who they were detaining.

So what is happening with that?

I keep hearing from the administration that we are going to take on the root causes. The root causes is a simple way to say we will deal with this later. Because if you want to talk about root causes, it is a statement saying that, basically, the problems are in Central America; we can't stop it.

Well, that is a nice note, except for here is a list of the countries that have crossed our border illegally just this year. It is over 100—over 100 countries where individuals have illegally crossed the border.

So what about Brazil? What about Chile? What about Colombia? What about Guinea? What about Indonesia? What about Mauritania? Are we going to go after the root causes there? What about the Philippines, Indonesia, Romania, Ukraine, United Arab Emirates?

This is just a few of the people who have illegally crossed this year in big numbers.

Listen, this whole conversation about root causes is a distraction. We do need to be engaged in the Western Hemisphere. We do need to deal with our drug addiction in this country that causes the flow of drugs to be able to move through South America, Central America, Mexico into the United States. We do need to be aggressive in how we are handling cartels. But to somehow believe that if we poured enough money into the Northern Triangle that suddenly this would all end is false.

We are the greatest country in the world. The root cause of immigration into this country is the great power of the United States, both for freedom and for our economy. People from all over the world want to come here.

We have a million people a year who legally come to the United States—legally, a million—and folks who don't want to wait in line, who pay a cartel and move through Mexico to be able to get here literally from all over the world. If we do not enforce our borders, these numbers will continue to rise as they have every single month in this administration. Every month, the numbers get bigger.

We have got to get on top of this. I wish I could say the administration is taking it seriously. I wish I could say they have a plan. I wish I could say they have released out their studies that they said they were going to do. But they have not released out their studies. They have not released out their plans, and I continue to ask week, after week, after week.

The first hint that I got of what they planned to do came out in their budget. In their budget, they reduced funding for ICE, and they reduced the number of bed spaces for ICE. I was shocked. The numbers continue to skyrocket, and in their first release of what they plan to do on it, they asked for a 1,500-bed space reduction in ICE capacity for detention.

Now, honestly, when I got it, I thought: I can't believe they are putting this in print, but I already knew that it was going on. Why did I already know that it was going on? Because, as I have tracked the numbers all the time, I have watched the number of deportations and ICE detentions dramatically decrease. While some people are focused on the border, they lose track of the fact that not only is this administration not enforcing our southern border, they are not enforcing the interior of the country.

We have 6,000 ICE agents in the United States, 6,000 professional law

enforcement-career folks who are in the country, arresting individuals who are illegally present in the country, with the first priority being criminal illegal aliens. That is their first priority, the safety and security of the United States. Of the 6,000 agents in the United States, in May, they did 3,000 total arrests—3,000 among 6,000 agents in a month. That is a record low because the administration changed the rules for ICE agents on who they could interdict.

The first big rule change they made is that ICE agents cannot arrest someone who is not legally present unless they get permission from regional leadership by name to arrest that individual. This means, if they go into a place to arrest someone and they encounter one person they received permission to actually arrest but also find three other criminal aliens there, they cannot detain or arrest them. They have to leave them and request by name later to go back and get them. And guess what. They are not there. Shocking. And it is not all criminal aliens. There are only certain criminal aliens they are now allowed to actually detain. That is a big shift from every previous—every previous—administration.

Let me give an example that I actually gave to Secretary Mayorkas and asked specifically about some recent frustrating moments from our ICE agents.

Just a few days ago, ICE reached out on a previously deported alien by name. This person had been convicted of a sex assault of a minor under age 14. The alien was at large, and they asked permission to be able to go after this alien and to be able to do a street arrest. Remember, they had been deported before. They knew they were in the area. There were previous sex offender convictions. They were denied the ability to go after that person. They were told, no, they don't meet the standard.

Case No. 2. Another person who was previously deported had a previous conviction for indecency with a child, sexual contact. They were a registered sex offender. They believed they were in the area. They were asked if they could pursue an arrest. Regional leadership told them no, they could not.

Case No. 3—this just happened last week—is of a previously deported alien, twice. So this means they were for the third time in our country illegally. There were previous convictions for alien smuggling—that is, trafficking of people—theft, and illegal entry. They knew they were in the area. They asked if they could do the arrest. Regional leadership told them no.

I could go on and on.

ICE has a different set of rules now from what they had in the past. It is not just criminal aliens anymore; it is that they have to be really high criminal aliens. I could give you lists of people who have multiple DUI offenses, and ICE asked if they could detain them, and they were told no.

Listen, we have all said in this room that we should engage with criminal aliens and that criminal aliens should be deported. I don't know of a person in this room who hasn't said it. We stopped in May deporting criminal aliens. Are we going to do nothing about that?

If you don't believe me, call Secretary Mayorkas. He will send you a copy—that I have as well—of the interim guidance that was put out in May for ICE agents, limiting who they could deport and the process for deportation. I have asked him specifically: If someone goes to pick up a criminal alien and there are other aliens who are there, can they be picked up? The answer has been no.

We have a problem not just on our southern border but what is happening in our country and the issue of enforcement, and we would be wise if we would pay attention to this.

I am fully aware that there are many individuals in this body who do not like the southern border wall. That has been a topic of great debate in this room for several years. But is this body aware that in January of this year, when President Biden "paused" the border wall construction and said: I am going to spend 60 days studying it, that 60-day study is still not complete 200 days into the Presidency? He has still not completed the 60-day study.

On top of that, the pause of that construction, during that time period, we are still paying contractors to not do construction. So far this year, we have paid contractors \$2 billion—billion with a "b"—not to construct the wall. Now, you may think it is a waste to construct the wall. I do not. But please tell me you at least believe it is a waste to not construct a wall and still pay contractors—to not construct a wall.

We are currently paying contractors \$3 million a day to watch the materials that had been delivered by January 20 that were sitting on the ground—for steel, for fiber, for cameras, for lighting, for roads. We are paying \$3 million a day to have them watch the materials on the ground to make sure they are not stolen—\$3 million a day. That is a waste.

As people cross our border in record numbers, a new policy has been instituted on our southern border, called a notice to report. This, again, has never been done by any administration. A notice to report is when the line gets too long on the southern border, with people crossing the border, when they are trying to check everyone in—if the line gets too long, Border Patrol is instructed to grab the folks in the back of the line and give them a notice to report. That is a card telling them where ICE Agency offices are around the country, and they can just go ahead and go and turn themselves in at whatever ICE Agency they want to turn themselves in to anywhere in the country. So far, 50,000 people this year have been given one of those cards at

our southern border and told “turn yourself in wherever you go in the country”—50,000.

My shock, as I am trying to track the number, is that 13 percent have actually done it. I was surprised the number was that high. But that means 87 percent of the people who we have handed a card to and said “turn yourself in wherever you go in the country” have not. Eighty-seven percent—we have no idea where they are of the 50,000 people who were released into the country because the line was too long at that moment.

Listen, we can disagree about a lot of things on immigration, but handing people a card and saying to just travel anywhere you want to go in the country and turn yourself in when you get there—can we at least agree that is a bad idea? Can we at least agree that paying contractors \$2 billion not to construct the wall is a bad idea? Can we at least agree that criminal aliens who had been previously convicted and are being picked up for another charge should at least be deported in the process? Can we at least agree, if you want to deal with the “root causes” in the Northern Triangle in Central America, that it does not deter the people from over 100 countries who have crossed our southern border this year illegally? There is a bigger problem. Can we at least agree that we should address this?

We have a great deal of work to be done. I would encourage all of us to get the facts, to get the details of what is really happening, and to understand that when over a million people have illegally crossed the border just this year, that we know of, that is a problem. It is a problem that hasn't been there in the past anywhere close to this kind of number, and we should address it in this body.

I have written letters. I have made phone calls. I have done reports. We have done research. I have sat down with Secretary Mayorkas. I have held nominees for DHS. I have done everything I can do to bring this issue to the forefront. Although others seem to ignore it, this is an issue that we should not ignore. National security is not something we should be flippant about, and not everyone crossing that border is just coming for a job. We should engage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

REMEMBERING MIKE ENZI

Mr. KING. Madam President, I rise to speak of a friend and colleague whom we lost this week.

Mike Enzi, a Senator from Wyoming, retired from this body in January of this year when his successor was seated but served here honorably for several decades.

I think the simplest description I can give of him is that he was a kind, good, and decent man. I worked with him on the Budget Committee, but I got to know him best through the Wednesday

morning Prayer Breakfast, where to say he was a regular participant is an understatement. Even after he left the Senate, he was at every single Prayer Breakfast, including last week's, from his home in Wyoming via Webex.

He was a devoted family man and a devoted man in the service of his country in this body. He had a rare quality. Unfortunately, I don't think it was all that rare some years ago, but it seems to be becoming rarer and rarer. It is a quality my father preached to me years ago. You can disagree without being disagreeable. That was the way he was. He and I disagreed on a large number of matters, particularly on the Budget Committee, but he never was overbearing; he never was condescending; he never was harsh. It was always in the spirit of disagreement, in good faith, based upon principle.

I want to talk about Mike Enzi, but I also want to put him in the context of modern politics because I think there are a couple of lessons we can learn from him to try to change the course that we seem to have embarked upon.

One of the problems with modern American politics is, we don't have opponents; we have enemies. We have converted those we disagree with to people we demonize and say are bad people; they are evil. They aren't. They have different views. They have different values. Perhaps they have different principles. But to convert opponents into enemies is to poison our democratic system. It is to poison our ability to work together in the common good. If you make someone into an enemy, they are going to be an enemy even when it comes to something where you might agree, and Mike Enzi never did that.

One of the things Mike Enzi taught me was the 80-20 rule. We have all heard of 80-20 rules in various contexts. His 80-20 rule was, if you are working on a difficult public issue, work on the 80 percent where you can agree, and put the 20 percent where you disagree aside. He was able to do that throughout his career.

He was famous before I got here, but he was famous for working with Senator Ted Kennedy of Massachusetts when they were both on the HELP Committee.

I said: Mike, how did you get along with Ted Kennedy?

He said: It was easy—80-20. We put the 20 percent aside where we knew we were going to differ, and we worked on the 80 percent where we could, and if everybody applied that principle around here, we would get a lot more done.

He was also a principled Senator. Indeed, he would have been on the floor today, making a point of order about the supplemental budget that we just passed because he believed in the principle of the Budget Act; he believed in the principle of balancing budgets. He was an accountant, and he was a principled man.

And he was also decent and kind, as I mentioned, but there is one story

about him that I want to tell that has stuck with me, and I have told it 100 times, although I never told it while he was with us. Now that he is lost to us, I think he would be OK with my telling this story.

I was having dinner with him one night early on when I was here in the Senate, and he mentioned that he was concerned about the possibility of having a primary opponent in the Republican primary in Wyoming, and I was incredulous.

I said: Mike, you are one of most conservative Senators here. How can somebody possibly get to your right? And here was my precise question:

What will they charge you with?

And his answer was as profound as it was disturbing. He said:

They will charge me with being reasonable.

Think about that for a minute. He was concerned about the possibility of losing a primary election because he had been reasonable; because he applied the 80-20 rule and tried to work together to solve problems, even though there were disagreements on other areas. But he could lose—he could have lost his election because he was willing to listen to the other side, to be reasonable, to try to find accommodation, and, yes, compromise.

And this isn't only a Republican issue; this is a growing issue across our country in primaries, particularly in gerrymandered districts where the primary is the election.

And we are getting a new crop of Representatives and Senators who are coming here who have been told: Don't you dare compromise. Don't you dare listen to those other people. You better watch whom you are having lunch with.

I remember spending some time with our immortal Senator Margaret Chase Smith from Maine, whom I got to know fairly well before we lost her in the midnineties. And she said, during the McCarthy period, you literally had to worry about whom you had lunch with in the Senate dining room. Because of guilt by association, you would be associated with some liberal Senator.

We don't want that to be the case. It shouldn't be the case. But if you can lose a primary because you are viewed as someone who is willing to compromise, whether you are getting that primary from the left or from the right, imagine what it does to our ability to get things done.

If people come here knowing that one of the ways they can jeopardize their career is by listening to the other side, trying to get to know what is going on on the other side and compromising to get something done, it is paralysis. It is one of the reasons we are in paralysis.

Mike Enzi said:

They are going to charge me with being reasonable.

I think this is one of the hidden problems in American politics today. It is not what your position is on abortion

or gun rights or foreign policy or any other—immigration—it is whether you are willing to talk to the other side, listen, and try to get to a compromise to solve a problem. That can cost you your seat. What a pernicious doctrine. What a dangerous situation.

Democracy is built upon compromise. We have 535 people in this building. We are going to have 535 different viewpoints, interests. We represent different States, different areas. We have different principles. We have different values. We have got to compromise, otherwise it is just perennial gridlock, which, by the way, our constituents hate.

When I talk to people in Maine, what they most—the biggest question I get is, Why can't you people work together? Why can't you get anything done? Why can't you talk to one another and sit down and break bread together and solve problems?

This idea of not being able to compromise—this body is a product of compromise. At the Constitutional Convention in 1787, the debate almost fell apart on the issue of representation.

There was the large State plan and the small State plan, and the worry was, if it was only one body of the legislature, that the big States with more population would overrun the smaller States. They couldn't figure out what to do, and finally one of the delegates from Connecticut proposed what was called the Great Compromise, which was the invention of the U.S. Senate.

This body itself is built on compromise. But there is no human problem that can be solved without compromise. Nobody has it all right. Nobody has all the answers. No party has all the answers. No group of people have all the answers. You always are better off listening to other people, debating, and coming to some consensus solution.

I have a friend in Maine who has a big sign in his office that says: "All of us are always smarter than any of us." And I think that is a profound observation. It means that there is wisdom throughout this room and throughout this body and that we have to tackle these difficult problems—difficult, challenging problems that we have using all the wisdom that we could possibly get our hands on, and that means listening to other people even though we may not agree with them.

I just sat and listened to the Senator from Oklahoma make an impassioned and, I think, powerful statement about immigration. He raised questions in my mind that I want answers to. That is the way this place is supposed to work.

But if I can't go back to Maine—if I can't go back and admit I listened to the Senator today and he raised questions that bothered me, if I can't say that, if that in itself would endanger my career, then if people are coming here fearing that kind of being locked out, we will never get anything done.

So, to me, Mike Enzi was a hero and a model—and a model of the kind of

person that we need in this body. I didn't agree with him on a lot of issues, but he was always willing to listen.

And I did agree with him. There was some measurable percentage—I don't know, 10, 20, 30 percent—where we did agree, and he was a very effective ally because he was so respected here because people knew that he made his own decisions.

And we need more people like him, and we need to remember the principle that he shared with us, which is be reasonable.

When we are in a place where being reasonable is an offense that can cost you your job, we are in real trouble as a country. We are in real trouble as a democracy.

It is hard enough in a democracy to make decisions and to get things done. That is inherent in our system. The Framers wanted to design a system that was difficult and cumbersome to operate, and they succeeded beyond their wildest dreams.

But it was always based upon a principle of listening, of debating, of changing minds, and, yes, of compromising.

So I want to pay tribute to Mike Enzi today not only because, as I said, he was a kind, good, and decent man, but because I think he was an example of the kind of people that we need here and the way we should conduct ourselves and the way we should do our work.

And we also have to talk to our constituents and say to them: You have to let me listen to the other side. You have to give me a little space to try to do something good. It may not be perfect. It may not be just what you like. But it may be what we need. It may be the best we can do in a pluralistic, democratic system, where people have different outlooks, viewpoints, values, and priorities.

So we lost a great man this week. We lost a great person. We lost a great Senator. We lost a great friend. We will miss him.

I miss not only Mike and that great smile, but I miss what he stood for, the way he conducted himself, the way he treated his fellow Senators and everyone that he encountered.

Mike Enzi was a great man. I hope we can live up to his example.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Texas.

CRIME

Mr. CORNYN. Madam President, let me state the obvious: There is a big and growing problem in our country, and the American people are becoming more and more alarmed.

A recent poll found that 60 percent of Americans are worried about crime. The percentage of those who say they are extremely concerned is at the highest point in more than two decades.

And it is easy to see why. Even our former colleague from California, Senator Barbara Boxer, was recently assaulted and robbed in California. But

cities across our country have experienced an alarming spike in violent crime and murder rates.

New York City has seen nearly double the number of shootings from 2019 to 2020. Nationwide, homicides are up 25 percent during that same period. That is the largest single-year increase since 1960.

Not only are the American people noticing these increases with growing alarm, they are eager to see solutions that help make things better by improving public safety.

A recent poll found that 90 percent of Detroit residents said they would feel safer with more cops on the street, not fewer. That seems intuitive. It seems obvious but apparently not to everybody because this is the antithesis of the rhetoric we have heard over the past year, as many on the left have called to defund the police and reduce the role that law enforcement officers play in our lives.

A number of major cities took the recommendation of these activists and eliminated funding for their police departments.

New York City, Oakland, Baltimore, are among the many cities to cut police funding. Today, they are among those increasing police budgets to address rising crime rates that I think are directly related to the "defund the police" effort.

It is important to note that not all the leaders of our major cities are on board with this trend. Last summer, when I was in Dallas visiting my friend, Mayor Eric Johnson, it was on its way to recording the highest number of murders in 16 years. The city council cut the police department's overtime budget by \$7 million. Mayor Johnson pushed back against these irresponsible cuts at the time when crime and domestic violence were already on the rise, and now he is pushing the city to hire 275 new police officers and increase officers' salaries.

The truth of the matter is, Texans, like other folks across the country, are concerned about the increasing crime in their communities. Leaders should want to focus on the needs of their constituents, but a small but loud group of liberal activists who want to reimagine law enforcement—whatever that means—apparently have prevailed on those who would like to see our communities safer.

Well, we are starting to see a response, really a boomerang, from these "defund the police" efforts. For example, take a look at the new Democratic nominee for mayor of New York City. At this point last year, protesters marched in the streets of New York chanting "defund the police." One year later, the presumed winner is a former NYPD captain who ran on a tough-on-crime platform.

As it turns out, practical solutions to real problems carry more weight than ideological warfare.

Here in the Senate, we are in the process of finding solutions to deliver

tangible results. Our friend, Senator TIM SCOTT, is leading negotiations with our Democratic colleagues. And I know I am not alone in hoping we can take bipartisan action to restore trust and accountability in our police while at the same time having their back. But we have to remember that this crime surge is tied to far more than police departments.

Make no mistake, law enforcement plays a key role in stopping crime, but there is a lot more that can and should be done to prevent crime from happening in the first place. One factor we can't ignore is the crisis on our southern border. Despite the fact that we reached migration levels not seen in the previous two decades, the Biden administration has simply failed to provide law enforcement with the resources they need in order to secure our borders.

Border Patrol agents, who should be on the front lines of this crisis, are caring for children instead of stopping criminals and illegal drugs from coming across our border. They are changing diapers and supervising playtime.

Meanwhile, the drug cartels, that are very sophisticated, understand that when you take 40 percent of the Border Patrol off the border and have them processing unaccompanied children, that that is a prime opportunity to smuggle illicit drugs into the United States, which, unfortunately, contributed to the deaths of 93,000 Americans last year alone just in drug overdoses.

So when our Border Patrol is not adequately funded and resourced, or because of bad policy decisions diverted from their primary tasks, we don't know who is crossing the border and we are creating more risk for our communities across the country. The lack of personnel creates huge gaps; and make no mistake, the criminals and cartels know how to exploit those gaps.

In 2019, a 33-year-old Honduran national was arrested in North Carolina on rape and child sex offense charges. This man had been previously deported, but he illegally reentered the United States. After his arrest, the county jail refused to honor the detainer from ICE—Immigration and Customs Enforcement—and so the man was released. It took 2 months before ICE was finally able to arrest him.

But this type of story is not unique. We all remember the tragic murder of Kate Steinle in 2015. She and her father were walking along a pier in San Francisco when she was shot and killed. The man who killed her was an illegal immigrant who had been deported not once, not twice, but five times, and he had seven felony convictions.

Now, I want to be clear about one point. The actions of these criminals do not and should not reflect on the tens of millions of law-abiding immigrants, period. Any attempt to frame immigrants in general as a threat to our country is completely devoid of facts and detached from reality. But my point in sharing these stories is to

show that there are devastating and dangerous consequences to an unfettered flow of people and drugs and other contraband across the southern border. We need to know exactly who and what is crossing our border, and this applies both to people and contraband.

Cartels and criminal organizations are paying very close attention to the state of our border security. They see when gaps are created by fewer officers on the front lines, and they are simply exploiting those gaps.

Fentanyl, heroin, cocaine, methamphetamine, and marijuana are pouring across our border at a growing rate. As I mentioned, there are consequences, with 93,000 Americans dying of drug overdoses last year alone. That is up 30 percent over the previous year.

And the experts tell us there is an association between substance abuse and crime. There are crimes involving the drug users themselves, both who steal to buy drugs as well as those who are under the influence of drugs when they commit their crimes. And we can't ignore the dangers drug dealers and traffickers create for our communities.

Last week, the police chief of the District of Columbia held a press conference to discuss crime increases in this city. He talked about the dangers of marijuana use, saying, "I can tell you that marijuana is undoubtedly connected to violent crimes that we are seeing in our communities."

He went on to say this creates a very dangerous "situation, because those individuals get robbed, those individuals get shot, those individuals get involved in disputes all across our city."

Those are his words, those are not mine.

But those dangers apply to any type of drug being moved and distributed by illegal channels, whether it is marijuana, heroin, cocaine, fentanyl, or anything else. We have a fundamental responsibility to stop criminals, stop the cartels, stop gang members, stop the drug dealers, and the host of unknown dangers from quietly slipping across our border and infiltrating our communities.

The Biden-Harris administration needs to take these responsibilities seriously. The Biden-Harris administration needs to take their responsibilities for public safety seriously. The only thing worse than the increase in crime and the growing concern among the public is the prospect of things actually getting worse.

If we are not stopping dangerous people and drugs at the border, or handicapping local police departments by defunding them, what do we expect to happen? Do we think there will actually be a positive outcome?

That is detached from reality, of course. The American people are overwhelmingly concerned about the increasing crime in America, and they deserve to have a government that prioritizes the safety of them and their families.

Concerns about crime are shared by both Republicans and Democrats. My friend, the mayor of Dallas, Eric Johnson, who I mentioned a moment ago, had to fight with his own city council to get the police adequately funded. He is a proud Texas Democrat. So these are not partisan matters.

This is not the time to pull critical funding from our police or villainize officers or paint such a broad brush that the actions of one taint the reputation and our support for the rest of law-abiding and patriotic law enforcement officers.

This is not the time to relax our enforcement at the border or create even more opportunities for crime, cartels, and gangs to exploit our laws.

So crime in America is a very real problem, and the Biden administration needs to wake up and address this full range of contributing factors before the situation becomes even more dangerous in all of our communities across the States.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The Senator from Georgia.

MEDICAID SAVES LIVES ACT

Mr. WARNOCK. Madam President, I believe healthcare is a human right. And with all the incentives on the table for Georgia to expand Medicaid, it is past time to do so. My home State of Georgia, where State leaders have refused to expand Medicaid, has the opportunity to provide affordable healthcare to 646,000 people who could qualify.

I refuse to allow Georgians to suffer and be cut off from care while politicians play games. This is why I introduced recently the Medicaid Saves Lives Act. This is legislation that would allow people in States like mine, that haven't expanded Medicaid, an alternative path to health coverage; because for far too many, access to affordable, reliable healthcare is the difference between life and death.

I agree with Martin Luther King, Jr., who said that, "of all the injustices, inequality in health care is the most shocking and the most inhumane." So I am grateful that this plan, the Medicaid Saves Lives Act, which I introduced the other day, is positioned to be included in the forthcoming economic package.

That is why I rise again on the Senate floor to tell the story of another Georgian, a story that gets to the heart of why this bill is important.

This is Amy Bielawski. Amy is the owner of a small business, Hare-Brained Productions. It is an event planning and entertainment company in Tucker, GA. As you can imagine,

Amy's company took a significant hit during the pandemic.

Unable to book regular gigs and plan events—events that all of us miss as we have been clawing our way back from this pandemic—Amy qualified for unemployment benefits this past year. And with that critical support, Amy had temporary access to affordable marketplace plans created by the Affordable Care Act.

But with the end of Georgia's unemployment benefits looming and the entertainment sector still suffering from the effects of the pandemic, her access to coverage—the coverage she so desperately needs—is on the brink again.

At the same time, she will have to manage her thyroid disease, high blood pressure, pituitary gland tumor, fibroids, and all the other health hiccups that come along with aging.

If Georgia was to expand Medicaid or if there was a Federal Medicaid Program for nonexpansion States like Georgia, Amy would no longer have to worry about getting reliable health coverage for her chronic conditions. This is the human face of the public policy we make or the public policy we fail to make.

As our State's healthcare options stand now, Amy says she “doesn't think they care about people like me falling through the cracks.” Even more disappointing, when asked what Medicaid expansion would mean for her, Amy was reluctant to even picture that future. She said: Well, it is really difficult to say “because I've never had consistent healthcare—it is hard to imagine.”

Think about that. It is hard for somebody who works every day with a kind of entrepreneurial thrust and serious work ethic, grit, and determination, in the richest country on the planet. She says it is hard for her to imagine having consistent healthcare. She says she is “used to being shoved aside and doing without.” With all of Amy's health issues, doing without, as she puts it, can only work for so long.

We are costing Georgia more and more every day by not providing access to healthcare to the people who need it most. Like Amy's story speaks to, without affordable and comprehensive coverage, preventive care and annual appointments are skipped. Conditions that could perhaps be treated or seen at their early stage and prevented, worsen, and Georgians end up using emergency rooms instead of addressing these health issues in primary care appointments months prior.

This past year, Amy herself had to go to ER because of chest pains, and with a history of high blood pressure, she couldn't ignore the sharp pain in her chest that wasn't going anywhere. So she made her way to the ER. After all, what if it was a heart attack?

A short stay later, after spending less than an hour in a hospital room, she went home with a \$3,000 bill. That is bad policy for her. It is certainly bad policy for every Georgian. What kind of

costs would be avoided, for the hospital and for Amy herself, if she had access to a primary care provider through Medicaid, and more regular, affordable, consistent access to care?

In other States, Amy would be eligible for Medicaid. And, according to Amy, access to reliable, quality, affordable healthcare through Medicaid would be nothing short, she says, of “MIRACULOUS.”

Amy is one Georgian who represents the stories of hundreds of thousands in our State and across the country who need the Medicaid Saves Lives Act. And until we get this done—because I believe that healthcare is a human right—I am going to keep lifting up Amy's story and the stories of other Georgians who would benefit from this lifesaving legislation.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Mississippi.

OLYMPICS

Mr. WICKER. Madam President, I am told that the distinguished Senator from Georgia may have some followup unanimous consent. OK. If not, I am happy to proceed.

I rise today pointing out an injustice done by the authorities running the Tokyo Olympics. This morning, Americans learned the news that Sam Kendricks, an American double world champion pole vaulter from Oxford, MS, has been shut out from competing at the Tokyo Olympics after a positive COVID-19 test today—almost certainly a false positive COVID-19 test. This is an injustice that can still be rectified if the Olympic Committee will be fair.

For those of you who don't know Sam, he is an alum of the University of Mississippi, Ole Miss, where he took back-to-back NCAA championships before launching his professional career. He won the U.S. Olympic trials in 2016 and went on to the Rio Olympics, where he took home the bronze medal.

Then again, you probably do remember Sam Kendricks. He is the pole vaulter who stopped mid-run in the 2016 Olympics to stand and salute for his national anthem. That is Sam Kendricks, Olympic champion from the State of Mississippi. He has made his school, his State, and his Nation very proud, and by all accounts he was expected to be a contender for the gold medal this year.

But after testing negative for the COVID virus three times, Sam received a positive test result earlier today. The timeframe is different in Tokyo, but it was on Thursday. And under International Olympic Committee rules, he was immediately disqualified from competition, even though he had previously tested negative three times and even though he has already had the coronavirus. And even after a followup test, administered according to U.S. Olympic standards, came up negative, the rules are that you have to wait 6 days.

Well, guess what, his competition is Friday, and adherence to high-bound

rules like that will bar him from the Olympics. There is no consideration for the fact that his test—one of thousands of tests administered daily—may very well have been a fluke.

As Sam told the world, he is not sick, he is not displaying symptoms, and he has already had COVID-19 and should be immune. And, again, he tested, according to U.S.A. track-and-field team tests, immediately after getting this false positive.

Obviously, the fair thing for the Olympic Committee to do would be to follow up immediately on another test to verify whether all these negatives were correct and, undoubtedly, they were. But the powers that be won't allow Sam Kendricks to get an official followup. No, according to protocols, he must wait 6 days. Then he can have a followup test, which no doubt would show that he doesn't have the coronavirus.

What is magic about 6 days? What about the young athlete? What about fundamental fairness? As Sam Kendricks' father said: These athletes traveled too far, worked for too many years, made too many sacrifices not to confirm a positive test—a very inexpensive thing to do.

I agree with Mr. Kendricks. These athletes should be given a confirming test—one test to minimize the chances of a false positive. But that is not the way the Olympic authorities in Japan see it.

My question is this: What is the health risk of a followup test? How could it possibly hurt anyone or anything to make sure you have got it right when you tell a young American that he can't compete for his Nation in the Olympics?

So I say I am not just disappointed, I am outraged, outraged that a young athlete is unfairly missing out on his chance to show his talent to the world and win a gold medal on behalf of his country, and aghast that a proud global tradition like the Olympics, a celebration of sport, competition, and international cooperation, has been reduced to testing protocols and rigid rules that are fundamentally unfair—inflexible rules that assume there is no such thing as a false positive.

I send my best wishes and congratulations to Sam Kendricks and his family for the good grace they have displayed in the face of this unfair and pointless disqualification.

And allow me to state emphatically that I am not willing to be so gracious.

If this action stands—and I hope it will not stand—this high-bound decision by the decisionmakers at Tokyo should make them ashamed of themselves. It is not too late, even today. It is Friday morning in Tokyo. Even today, the Olympic committee can use common sense and fairness. It is Friday morning in Tokyo. When the Sun comes up, give Sam Kendricks a confirming test and allow this young man to represent his country.

I yield the floor.

The PRESIDING OFFICER (Mr. WARNOCK). The Senator from Utah.

CORONAVIRUS

Mr. LEE. Mr. President, the word “republic” means public thing in Latin.

We bring our different perspectives and our different identities together respectfully to make decisions for an entire Nation. The United States is a nation with diverse, varied beliefs, different cultural origins, and different politics from the different regions and different States that we represent. It has been this way from the very beginning.

As much as some of us imagine otherwise, from the very outset of our Republic, there were immense, regional differences. Depending on which State someone represented, they might have different views.

Now, our Republic—and, for that matter, any republic ever in the history of republics—has relied on the willingness of the citizenry to be kind, for individuals who play a role in that Republic to be kind and respectful and decent to each other, even when—especially when—we disagree with each other. Our Founders knew that, and they enshrined it into our Constitution.

As much as anything, they assumed it, and it was on that set of assumptions that the norms enshrined in the Constitution became possible, because without them they would not be. Without them none of this would work.

You see, the only way a republic can possibly function now or 250 years ago or 250 years from now is that it always has to follow a somewhat similar formula. The only way it can function is when citizens and leaders are gracious to those with whom they disagree and grant the freedom necessary to allow others to make choices, even if those choices might be things that they disagree with.

We have witnessed the degradation of American political discourse for some time now. It has been a sad, tragic reality unfolding, but it is not an inexorable conclusion. It is not one from which we cannot depart. But we must make a choice to do better and to choose a better path.

We received a bulletin earlier today—a bulletin from the Capitol Police—indicating that all visitors and all House staffers and, in fact, all House Members are required to wear masks indoors or be denied entry or forced to leave the premises. And at least in the case of staff and visitors, if they fail to comply, they will be arrested—arrested for unlawful entry. Conviction for a violation of this rule will, according to the bulletin, be punished by a fine of not more than \$1,000, imprisonment for not more than 6 months, or both. The Senate, which happens to be housed in the same building as the House, is not subject to these same requirements.

But is this decision based on science or is it based on the will and whim of the Speaker of the House of Represent-

atives? Whatever the reason, the arrest of peaceful House staffers shows the total loss of political grace in the House of Representatives.

I cannot fathom a legitimate reason to arrest a person in this building for not wearing a mask. I cannot fathom a legitimate reason for arresting anyone based on a failure to wear a mask.

Members are not treated as the legitimate representatives of their constituents, as in fact they are, under our system of government, when they are subjected to this kind of manipulation and when they are subjected to this type of oppressive order. Staff, under this type of oppressive directive, aren't treated as hard-working, dedicated Americans, which truly they are. Instead, everyone who doesn't comply is deemed the enemy of the current House of Representatives. There is no room for disagreement or dissent.

It is tragic, indeed, to see a key deliberative body where dissent and debate are supposed to be tolerated and appreciated and decided and have been not just for decades but for centuries—to see that turned into a place where disagreement and dissent are disdained and punished by arrests.

Congress works on collegiality and respect. We need to get back to those basics.

Regardless of what you might think about the coronavirus, about the vaccine, about masks, there is never a good reason to arrest someone for not wearing a mask.

This decision falls into the larger context of the Centers for Disease Control's recent flip-flop on masks and the Biden administration's worrying push toward masks and vaccination mandates.

The CDC issued updated recommendations earlier this week, stating at its outset that masks should be worn indoors in areas of “substantial or high transmission,” even by individuals who have been fully vaccinated.

Now, this new guidance claims that “[e]merging evidence suggests that fully vaccinated persons who do become infected with the Delta variant are at risk for transmitting it to others.” But one glaring thing is missing from that conclusion: evidence backing up the CDC's claims.

In fact, the CDC didn't publish any new research on the effectiveness of the COVID vaccines against the newer variants when it issued its latest edict. The CDC's website simply cites “unpublished data” from its own COVID-19 Response Team when it makes this new, rather significant, rather jarring, rather impactful, and rather unwise claim.

The CDC is undermining its own credibility and, thus, I believe placing public health and safety at risk by going back and forth on recommendations and failing to be upfront about whether there is any actual reliable scientific evidence to support or compel those recommendations.

In fact, even when asked questions by Members of Congress, the CDC is fail-

ing to respond. This is not hyperbole; this is not conjecture; this is based on my own personal experience. I will point to the fact that on April 24, more than 3 months ago, I sent a letter to the Centers for Disease Control asking a very simple question, a simple question that I would hope anyone here would want to be asked. I wanted to know why is it, when there are so many of our peer nations around the world that don't require masks to be worn on airplanes, for example, by children as young as 2, as we do in the United States—you know, many of our peer nations, a mask requirement may not kick in until 10 or 11 years old or, in some cases, 5 or 6 years old. But, here, the CDC has said that it has got to kick in at 2 years old. I would ask the question: Did any of these people who made this recommendation, who made that conclusion that 2-year-olds should have to travel with a mask, have they ever known an actual 2-year-old? Have they ever raised a child? Have they ever traveled on an airplane? Have they ever traveled in a car, in a bus, on a train, in the rain, anywhere with an actual child? This doesn't work.

Now, when you add that to the fact that children react to the virus differently than adults do—and that is putting it mildly—when you add that to the fact that this creates other problems for children, not just for those handling them but for the kids themselves, it makes it especially important to know why.

Now, my letter wasn't attempting to make any case. My letter was simply trying to obtain information. You see, because when the CDC makes these sweeping recommendations, and sometimes they like to make them feel easier by calling them recommendations, when, in fact, they precipitate a whole host of things that feel a whole lot more binding than recommendations. You see, because if you get on an airplane or a bus or a train or you go to a bus depot or a train station or an airport, and you have got a 2-year-old who won't wear a mask, as any red-blooded American 2-year-old will not do, you are told that you are subject to arrest and that you are violating Federal law if you do that. So it is not unreasonable to ask that they pony up with information. If they are going to make recommendations, they should explain to us what those recommendations are.

So I asked them what scientific proof is there that a 2-year-old needs to wear a mask?

Well, I sent that on April 24. I didn't hear anything on April 25 or April 26 or the 27th or the 28th, 29th, or 30th, or any of the days of the months of May or June or July, and we are almost to the end of the month of July. They didn't respond to this. I don't know why. Maybe they are really busy doing other stuff. Maybe they are really busy figuring out where they are going to flip-flop next and where they are going to issue their next edict that the American people are expected to follow, all

in the name of it being science, that we have to defer to blindly, without any evidence. But this isn't acceptable, and it doesn't inspire confidence, nor does it inspire confidence for an Agency that makes these sorts of recommendations that have a really significant impact to flip-flop and not justify its own analysis, not provide even a scintilla of scientific proof for what it did.

So let's get back to its more recent flip-flop. The fact that it has flip-flopped this week, coupled with the fact that it hasn't backed up its other claims over the last few months, is understandably troubling to many of us, especially so, when you consider the fact that in my personal experience, I have been vaccinated. I chose to get the vaccine. I respect those who have chosen not to.

Many of those I have known who have been reluctant to get the vaccine, who eventually got the vaccine, most of them, I would say, ended up getting it when they realized that certain aspects of life could be made more predictable and more convenient if they did get the vaccine.

Many people, when they walked into a hotel lobby or a restaurant or a grocery store or at Costco or at Sam's Club, if they would see signs saying that vaccinated persons need not wear masks, they would realize there is some benefit there; that if they got the vaccine, they could walk in there and say, well, I don't have to wear the mask.

Now, obviously, we don't ever want to get to the point where somebody has to wear an arm band to prove whether they have been vaccinated or not. In fact, it would be an absolutely horrifying experiment that we should not attempt. But the fact is, that when people see that there might be some benefit, they are more likely to do it. If they see that something different will happen in their life if they get the vaccine, they are more likely to get it.

But when you are constantly moving the goalpost, you are saying: "Here are the benefits of the vaccine. Oh, psych, just kidding. We are moving along. We are going to take those away," people are not going to get it. So if you want more people to get vaccinated, you darn well better have the CDC getting its act together, providing scientific evidence for what the CDC is recommending and what it is not.

So, look, I am still waiting for answers from the CDC on my April 24 letter. And I am still waiting for answers from the CDC when it comes to scientific evidence supporting their most recent flip-flop. But while we wait for those answers, and that clock is ticking—I don't know whether we need to start humming the tune to "Jeopardy," but they do need to provide those answers. And while we wait for those answers, here are a few principles that I think might help guide some of our discussions:

Our government needs to trust Americans to make these decisions, some of

the most personal decisions that a human being can make for themselves. We need to trust the people's representatives in Congress to make decisions regarding the law. We need to be able to trust each other, to be decent, and to be kind when we disagree.

We have to learn from our own history, from our own nature as individuals, and from the history that we have experienced as a nation. We cannot stand by while those in power simply decide on their own whim that they are going to arrest political opponents for disagreeing.

At what point did we decide that it was OK to cross that threshold? I get it. We always need to be able to disagree without being disagreeable. Sometimes that is really hard. Sometimes all of us fall a little short of that mark. But I think all of us should be able to agree that we shouldn't arrest those who disagree with us merely because they disagree with us. That is wrong. We are better than that.

This time calls for more political understanding and hardy, legitimate debate, not blind mandates and manipulation.

We have to remember that, at its heart, at its core, government is not deity. It is neither omniscient nor omnipotent. Government doesn't have eyes to see you. It doesn't have arms with which to embrace you. It doesn't have a heart with which to love you. Government is force. It is the official use of coercive force.

Now, we need that. We need that to protect safety, to make sure that we don't hurt each other; that we are not harmed by others; that we don't take each other's possessions. But we have to be very careful how we operate it because otherwise force is just force. And if we start arresting everyone with whom we disagree, we are not going to be able to do the things we need to do, which is to make sure that government is there to prevent people from hurting each other and taking each other's things.

We need to be kind to our neighbors, even when—especially when—we disagree. We need to be helpful and caring to those around us, even if they vote, feel, believe, or even act very differently than we do. We must not allow for arrests and mandates to Members of Congress and their staffs without providing sufficient evidence.

And, yes, all of this stuff goes both ways. We all need to be respectful of each other's opinions. But, look, we are not talking here about activity that, by its very nature, is so harmful that it warrants the use of blunt political force in the form of an arrest.

I cannot fathom a circumstance in which it is ever appropriate to arrest another human being for not wearing a mask, COVID or no COVID. That is not arrest material.

In Congress and across the country, what we need now is a return to American graciousness. Our way of life and our precious Republic are at stake.

Thank you.

The PRESIDING OFFICER. The Senator from Tennessee.

Mrs. BLACKBURN. Mr. President, I am pleased to come and join my colleagues on the floor today and have a discussion about what is taking place here in this Capitol Building.

Now, my colleague from Utah just mentioned something that I think is so important: being able to disagree agreeably, having a difference of opinion, and showing respect to other people.

This Nation has remained strong and vibrant and free because we believe in robust, respectful, bipartisan debate. We do not lock up or silence or push or disappear people who disagree with us and our beliefs—and what we see happening in the House, where the Capitol Police would have the ability to haul staffers and visitors to jail for their decision not to wear a mask.

Now, think about that. It would be not wearing a mask—a choice, making a choice to not wear a mask. So it is important for us to realize this is a difference of opinion.

We have told the American people: Get vaccinated. I have chosen to be vaccinated. So have most of my family. Get the vaccine. That is kind of like your ticket to freedom from wearing a mask, if you choose. You don't have to put that mask on if you get vaccinated.

But now what are we hearing? Masks are coming back. The science is very divided on the value of a mask. Is it just to protect you? Is it to protect others? Do masks serve as a disincentive for people to actually get the vaccine? Which is what we have encouraged people to do: Talk to your physician, make certain the vaccine is right for you, and get the vaccine so you don't have to wear the mask.

Now, one of the things that we know is this: COVID is here to stay. We are going to continue to have COVID-19 in our presence. We know that, but we also know that this that is happening today is not necessarily about masks. This is about continuing to perpetrate these lockdowns; that we have had a series of lockdowns and scares and things where we are pulling back on freedom and giving power to the government and lessening the ability for individual choices. That is what this is about.

There is no deliberation that appears to have gone into this newest mandate from the Speaker of the House, but you don't need deliberation when you have decided that you can just resort to threats such as this: locking up staffers and visitors if they do not wear a mask on the House side.

Just over the past few days, we have seen high-profile Democrats buying right into this new tactic. Here is some of what we have been hearing. And, you know, as a mom and a grandmother, I hear a lot from moms and grandmothers. And my text threads and email and phone calls—Mr. President, you just wouldn't even believe it. They feel like

our colleagues across the aisle are just forgetting that science—science—has weighed in on this issue.

And now they are hearing these threats, threatening to keep our children out of school, not letting them go back to school in September. We don't need to go to school. Teachers unions, not sure they want to go back to school in September. But, oh, by the way, if you do go back to school, they might want to put your children in masks.

Children, little kids in school, we have heard it from pediatricians, we have all read the articles—there are truly some adverse side effects to little children being told to wear a mask every day. There are physical, there are emotional, there are psychological adverse effects to these children—not mentioning some I have heard from pediatricians about the danger of children not knowing how to wear the mask. And they touch the mask, and then they put a dirty mask back up over their nose and their mouth and the concerns that that brings.

What we are hearing about our children in school is of tremendous concern to the moms who are out there. We are hearing they are threatening families and small businesses with yet another lockdown to come.

I have a lot of friends who are in the retail industry. And right now, you know what they are doing? They are beginning to get in merchandise for the fourth quarter. They have used their lines of credit to make certain there is merchandise in their stores.

These are mom-and-pop stores. These are small businesses. They are on Main Street in every small town in this country, just like they are in Tennessee. And the decisions that are being made here make them very nervous and very uncomfortable because they are thinking: All right. What if we go into a lockdown? What if people can't get into my store? And here I have finally made it through COVID and I am looking forward to a good fourth quarter, and now we are getting this kind of information out of Washington, DC.

All of this is not rational. There is no evidence—none—to suggest that yet another about-face on masking is going to keep people healthier, is going to make them healthier. There is no evidence for that.

So let's call it what it is. This is left-wing hysteria. This is hysteria. Frighten people. Make them think a lockdown is coming. Make them think things are worse than what they are.

No. This is the United States of America. We do not lock up people we disagree with. We don't push forward with this type of activity. We don't silence our opponents. We believe in free speech. We believe in individuals being able to make their choices.

And I think that it is fair to say what the Speaker of the House has done is not trusting the science that brought us this vaccine. And thank goodness President Donald Trump brought about

Operation Warp Speed and issued a challenge to our Federal Agencies, issued a challenge to our pharmaceutical companies, and said: Let's see if we can find a way to defeat this virus.

There is a vaccine there. I think what you see happening with the Democrats and with the Speaker of the House is what we in Tennessee call having a good old-fashioned come-apart because they are not getting their way.

And the American people do not believe that they are getting serious about doing serious business that the American people want to see: addressing out-of-control spending, addressing the needs of this country.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Mr. President, in 1887, Lord Acton wrote a series of letters to Bishop Creighton, letters that would echo down across the centuries. Lord Acton wrote:

I cannot accept your canon that we are to judge Pope and King unlike other men, with a favourable presumption that they did no wrong. If there is any presumption it is the other way against holders of power, increasing as the power increases. Historic responsibility has to make up for the want of legal responsibility. Power tends to corrupt and absolute power corrupts absolutely. Great men are almost [exclusively] bad men, even when they exercise influence and not authority: still more when you superadd the tendency or the certainty of corruption by authority.

Mr. President, those words were true in 1887, and they are true today. If you want to understand how power corrupts and absolute power corrupts absolutely, look no further than the other Chamber in the U.S. Capitol.

Speaker NANCY PELOSI is drunk on power. The orders that Speaker PELOSI is issuing are abusive and unprecedented. Speaker PELOSI has decreed to Members of the House of Representatives, elected by the people, that: If you dare walk onto the floor of the House of Representatives without a mask, I, Speaker PELOSI, shall fine you.

Who the hell is she to be fining Members of the House?

But you know what? She is not done with that. She is not done with disrespecting our Constitution, disrespecting our democratic system that elects leaders. She goes further, to the good men and women who work here in the U.S. Capitol. We are surrounded by men and women who have chosen to come and work for the public good, and here is what Speaker PELOSI has decreed: If you dare walk in the hallway without a mask, I, Speaker PELOSI, will arrest you. I will put you in jail. I will fine you.

That is an absolute and complete abuse of power. She has no authority to disrespect the men and women who work here, to threaten you with physical harm, to threaten you with imprisonment.

And why does she do so?

She does so for one reason: political theater.

We are coming through a very difficult year and a half. Our Nation and the world has endured a pandemic. We have collectively taken extraordinary steps to defeat this pandemic, and we are coming out on the other side. We saw our Nation, we saw the private sector come together with remarkable inventiveness and produce vaccines in record times, and we have seen hundreds of millions of people getting those vaccines. We are in the process of beating this pandemic.

Not too long ago, the CDC recognized what was obvious then and is obvious now: vaccines work. And if you are vaccinated, you don't need to wear a mask.

The CDC issued that ruling, and I remember that day well. I had been vaccinated a couple of months before then, and after allowing the time for the vaccine to become effective, I decided I was going to stop wearing a mask. Why is that? Because vaccines work, because I believe in science. So I stopped wearing a mask. And there were a handful of Senators on the Senate floor who had been vaccinated, who stopped wearing masks.

Then the CDC, like the Oracle of Delphi, issued its proclamation. Hold on to your seats now. The CDC said that vaccines work, that if you are vaccinated, you don't need a mask. It was truly miraculous in this Chamber watching what occurred, as within days, every Senator in the Chamber began removing their masks, one after the other, after the other—not just Republicans; Democrats too. We all had our masks off.

Mr. President, I ask you, the day before the oracle of Fauci spoke, did vaccines not work? Did science not operate? No. It was obvious then and it was obvious on the day that the oracle of the CDC spoke that vaccines work, which is why every Democrat took their mask off.

But fast-forward to this week. The CDC issues the new proclamation. Apparently, according to the CDC, vaccines don't work anymore. That science thing? Inoperative. We have more important things to worry about, like politics.

As an aside, has there ever been an institution in American public life that has more discredited itself more rapidly than the CDC? A year and a half ago, the CDC was one of the most respected medical and scientific organizations on the face of the planet. Today, the CDC has willingly allowed itself to be politicized, to behave as an arm of the DNC, and their credibility is in tatters. It is a joke.

We have seen the emails from Dr. Fauci where he said in the midst of the pandemic: Masks don't work. They are not effective. People shouldn't use them.

Then we saw him say: Oh, no, no, no; masks work. But I lied to the American people when I said they didn't

work because I didn't want them to wear masks because I wanted first responders to get them.

Now, pause for a second and think, what the heck is a scientific leader doing lying to the American people supposedly for our own good? The willingness to twist facts to meet political expediency has been stunning.

The CDC's ruling this week is not accompanied by any data. They did not roll out studies. They did not roll out facts. They did not say suddenly vaccines aren't working. Instead, they just said: Trust us. We have double-secret studies that we are not going to tell you based on double-secret-super data that we are not going to show you, but trust us because we behave like political hacks and obey us anyway.

By the way, the CDC plays an interesting little game. The CDC says: These are recommendations. These are just recommendations.

Then their faithful little foot soldiers, the Democratic officeholders, come in and make those recommendations mandates. And there is no one more willing to do so than Speaker PELOSI. And then, by the way, the local government Democrats who mandate "you must obey the CDC," they throw their hands up and say: Hey, we are just following the CDC. And the CDC says: Hey, we are just making recommendations. And no one is accountable for anything.

This makes no sense.

One of the things the CDC rolled out this week is an edict that in schools, everybody must be masked—child, adult. It doesn't matter if you are vaccinated; it doesn't matter; you must wear a mask. Why? Who knows? It is not based on science, not based on medicine.

This virus has been unusual. We have seen that in certain populations, COVID-19 can be profoundly deadly. If you are very elderly, if you have serious comorbidities, this virus can and has been deadly. But we have also seen among children that the odds of children getting seriously ill from COVID-19 are extremely low. We have seen that children have not proven to be a meaningful vector in the spread of this disease. The science doesn't support special rules for schools, but do you know what does? Politics. Because the teachers union bosses came to the CDC and said: We want this rule in place. And the partisan enforcers at the CDC said: Ma'am, yes, ma'am, we will issue the order demanded by the union bosses.

Mr. President, give me any plausible argument that that is science, that that is medicine, that that is anything but rank politics. If a Democratic politician wants to say "We are going to obey the union bosses," fine; that is their prerogative to do so. They can be held accountable by the voters. But the CDC is supposed to be following science. This is an abuse of power.

Let me point out my view. I think we should not have government mandates

concerning COVID-19. There should be no vaccine mandates. Joe Biden wants to mandate Federal employees must get the vaccine. Who the heck is the Federal Government to tell people they must stick a needle in their arm and inject themselves with a vaccine? We should have no vaccine mandates. We should have no mask mandates. We should have no vaccine passports.

Let me be clear. I am someone who believes in vaccines. I have been vaccinated. Heidi has been vaccinated. My parents have been vaccinated. Heidi's parents have been vaccinated. But I also believe in individual choice. I believe in freedom. I believe in responsibility. It is your choice if you want to get vaccinated. It is not some drunk-on-power Democrat in Washington's choice to force you to do it.

Doesn't anyone in the Democratic Party believe in medical autonomy? Doesn't anyone in the Democratic Party believe in medical privacy, or are you so willing to exert power that it doesn't matter what the people say?

You know, one of the great ironies of the CDC's order: It will decrease the rate of vaccination in the United States. The CDC is telling America: Hey, this vaccine stuff doesn't work very well because, you know, if you get a vaccine, it doesn't matter; you have to put the same mask on, and you have to behave exactly the same. When the CDC rightly said "If you are vaccinated, take your mask off," it encouraged people to get vaccinated. Hey, I want to take my mask off. Hey, I want to live my life. I want to go back to doing things that I like to do.

Let me point out one particularly ridiculous argument. This week, one of the commentators on one of the news networks said—I am paraphrasing here, but I am paraphrasing pretty closely—that anyone who isn't vaccinated is arrogant and rude and inconsiderate.

I want to point out how imbecilic that argument is. So let's go back to this thing called science, which actually works. So here is the science: If you have been vaccinated, the odds of your getting COVID-19 are exceptionally low. Depending on which vaccine you got, the percentages vary but let's say on the order of 3 to 5 percent. Even if you do get COVID-19, the odds of your getting a serious case of COVID-19, a case of COVID-19 resulting in hospitalization or death, are extremely low. This vaccine has been very, very successful.

If you understand that basic fact, then the next fact follows from it. If someone is unvaccinated and has COVID, they are little to no threat to someone who is vaccinated. If you have gotten your vaccine, you ought to be fine. The odds are very low that you are in jeopardy.

Now, could someone who is unvaccinated give COVID to someone else who is unvaccinated? Absolutely. That is why we are encouraging people to get vaccinated. But, you know what, the person who is unvaccinated—it is

their damn choice. We don't have to be a nanny state, making decisions for everybody else.

I have to tell you, in my family, my dad didn't want to get vaccinated. My father, like the Presiding Officer right now, is a pastor. My dad is 82.

When I got vaccinated, I called him and said: Dad, I want you to get vaccinated.

He said: No, I don't want to. I don't trust it. It is new. I don't know. I don't want to.

I spent about a month trying to convince my dad to get vaccinated. My father can be pretty stubborn. I know that is hard to believe. For those of you who know my dad, you know exactly that is the case.

But, ultimately, I told my dad—I said: Look, you have been largely staying home during this pandemic. You want to get out. You want to be preaching in churches again. You want to be traveling. You want to be with people. Get the vaccine, and you will have the freedom to go do that.

You know what. He did, and he did. He is now back in the pulpit. He is back preaching. He has freedom again. That was his choice.

Why don't Democrats believe in individual choice anymore? Why do Democrats believe they can abuse power?

And let me be clear. NANCY PELOSI is telling someone who is an employee of the House: If you are vaccinated and you don't wear your mask—she will arrest you and throw you in jail.

How dare she? That is an abuse of power. And I will tell you, the American people are watching this political theater play out in Washington, and they understand what is coming next. They understand the same CDC that said, even though there is no science to back it up, even though there is no data to back it up, because the teachers union bosses want masks for everyone in schools, we will decree it. They understand the risk of what is coming next is that authoritarian status Democrats will order more shutdowns. We will order businesses shut down. We will order schools shut down. We will order churches shut down.

As we look at the past year and a half, few things are clearer than that the shutdowns were a catastrophic mistake. The politicians who ordered the shutdowns committed a catastrophic mistake. They destroyed millions of small businesses—restaurants, bars, stores gone out of business.

You look at great cities like New York City that became practically a wasteland. You look at something like Broadway. You think of all the actors and actresses, all of the writers and musicians, all of the sound and lighting engineers, all the carpenters, everyone who worked on Broadway—with a dictatorial flick of a pen, their jobs were destroyed. The American people are watching Democrats and recognize they are ready to do that again.

For people who go to church, we have seen Democratic officeholders discriminate against churches and say: Worshipping God in church is a public

health menace. We have all seen the hypocrisy of the so-called experts who say: If you go outside and march and chant “Black lives matter,” zero risk of COVID transmission. Perfectly safe. If you go to church and sing “Hallelujah,” oh my God, everyone is going to die. People understand the hypocrisy of that.

This virus isn’t political. I recognize perhaps you could tongue-in-cheek make an argument that since it originated in Wuhan, China, maybe it is a Communist. But the last I checked, viruses don’t have political views. Do you know who does have political views? Politicians who are interested in their own power and want to convey a narrative regardless of the facts.

What Speaker PELOSI is doing is wrong. What the CDC is doing—corrupting science with politics—is wrong. And it is time for the U.S. Senate and the U.S. House to stand on the side of the American people, to stand on the side of freedom, and to say: It is your choice to go to work, to go to school, to go to church, to live your life free of Lord Acton’s abuse of absolute power.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, as we have undertaken this conversation, I can’t help but reflect on the fact that we are here in a representative body. We are here in order to have an exchange of ideas. We are here to engage in political speech, not the kind of political speech that people think of when they think of the word “politics,” where they think of something necessarily unpleasant. You know, when people hear the word “political” or “politics,” they think of the two great roots of the word “politics.” You have poly, which means many; and ticks, which are blood-sucking parasites. And they assume if it is political, it is unpleasant.

But I am using the word “political” here in a different sense, the sense that refers to the body politic. It refers to the fact that we are doing the people’s business. The exchange of information, of ideas is essential to everything we do.

Then it occurs to me that the mask discussion does carry a deeper meaning here, a deeper meaning that takes into account the fact that when we communicate—sometimes with words, sometimes without words, sometimes in print, sometimes with the spoken word, sometimes without any words at all—we are engaging in activity that is protected by the First Amendment.

Now, this is important to note in a wide swath of areas. It is important for how we worship or decline to do the same. It is important in how we express our viewpoints in our news, in our entertainment, media. In every aspect of our lives, it is important.

It is regarded as especially important in a body politic that people be able to express their feelings about government and about the role of government. It is also especially important

here that people be able to speak and otherwise communicate in a way that is clear and unvarnished, unfiltered.

In fact, we go so far even as to protect Members of Congress from liability in what they would say on the floor of the Senate or the House of Representatives. We do that because we feel that a full, frank, informed discussion is important. We don’t want Members being threatened with some sort of action, civil or criminal, based on things that they would utter here.

So freedom of speech is important for all citizens. It is also important to make sure that that freedom of speech is protected here.

It occurs to me that with the question of masks, the decision whether to wear a mask is not only deeply personal, but it is also, in this context, quite arguably expressive. Even before you utter a single word and regardless of whether you utter a single word, in many respects, your decision to wear a mask or not wear a mask is, itself, a form of expression. And as a form of suppression, it is protected.

In a long line of cases, the Supreme Court of the United States has identified conduct that is expressive and therefore protected by the First Amendment, notwithstanding the fact that it doesn’t necessarily involve words.

When you merge that with another line of analysis under First Amendment jurisprudence, we remember the fact that it is a problem whenever government suppresses speech in one way or another. It is especially problematic when the government tries to compel speech. When the government tries to direct an individual that he or she must utter certain words in order to be compliant with the dictates of the government, that implicates the compelled speech doctrine, and the compelled speech doctrine is an especially rigid one. It is an especially rigid one with very good reason.

You don’t want to force people to say stuff. That is the not government’s role. That is the whole idea behind the First Amendment, is that the government needs to stay out of our headspace. It needs to stay out of where we worship; it needs to stay out of our relationship with God; it needs to stay out of printing presses; and it needs to stay out of what we say.

Sometimes what we say can consist of things that don’t even involve words, something as simple as whether or not to wear a mask. In addition to all of the other public policy reasons, in addition to all the problems with having a CDC issuing these sweeping mandates and edicts without bothering to back up those edicts with scientific justification—even after months and months of receiving inquiries from Members of the U.S. Senate that they do so—separate and apart from all of those issues, I think it is important for us to look at the speech element, the expressive conduct that is inherent in whether or not you wear a mask, and

whether or not by compelling people to wear a mask, you are compelling people to engage in state-sponsored speech. You are telling them that they must send a message, a message with which they may well disagree.

Now, if I am wrong on this, if this is strictly a medical issue, then it will be backed up by scientific medical evidence. That is the nature of the problem that I have with the CDC’s mandate, its ever-fluctuating mandate, its mandate that, as recently as a few days ago, flip-flopped yet again. If, in fact, it were medical and scientific, it would be backed up as such, but it is not.

This is a form of compelled speech, not as we traditionally understand it because compelled speech usually involves the utterance of specific words. But we know that speech can be protected, even if it doesn’t involve words, if it is a type of expressive conduct, which wearing a mask is, especially if as here. We don’t have scientific evidence making it a medical issue.

So I would ask the Speaker of the House: Are you really going to arrest people for not saying what you want them to say? That is not OK. If it would never be OK for you to arrest people for not saying words that you have prescribed for them, why is it OK for you to compel them to engage in expressive conduct now amounting to speech? It is not.

Make no mistake, this isn’t medical. This isn’t scientific. If it were, we would have evidence of such. We don’t.

In light of that, separate and apart from all the other problems—problems that inhere in our form of government, problems that inhere in the fact we do, in fact, have three distinct branches of our Federal Government, that most laws are not Federal laws to begin with. Most laws originate in the States and in the localities. Most laws are not Federal, and they should never be.

But for those things that should be Federal laws, we have got one and only one branch of government that makes laws. It is no coincidence that the very first clause of the very first section of the very first article of the Constitution provides:

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.

Article I, section 7 then goes on to outline the formula contemplated in article I, section 1. In article I, section 7, it says that you can’t make a law under our form of government—at least not a Federal law—without passage in the House of Representatives and passage in the Senate and presentment to the President of the United States.

In many respects, these recommendations issued by the CDC end up carrying the force of generally applicable Federal law. That is wrong. And in many, many respects, that is on us. We have done a horrible job over the last few years—I would say over the last few decades—I would say over the last 80, 85 years, really. I won’t lay the

blame entirely at the feet of either party. In fact, this has happened under the control of different parties. It has happened with Senates and Houses of Representatives and White Houses of every conceivable partisan combination. We have seen the de facto outsourcing of our lawmaking authority to unelected, unidentifiable bureaucrats; men and women who, while well-educated, well-intentioned, hard-working, and highly specialized, don't work for the people. They don't work for you. You do not have the ability to elect them or unelect them.

You don't have the authority to replace them. That is why it is so dangerous for us to give them this sweeping authority. And even where they don't technically have authority that extends very far—and in this case, it is far too far, as evidenced by the fact that anytime you get on an airplane or other mode of public transportation, you are told that, under penalty of Federal law, you must wear a mask.

But I would ask, where is the act of Congress providing that? In what year did the Congress of the United States pass through the House and through the Senate and submit to the President of the United States for signature or veto a law stating that you must wear a mask on a plane or a train or a bus or in a bus depot or in a train station or in an airport under penalty of Federal law? There is no such law. You will not find it.

Now, you will find some other stuff in which we delegated far too much authority and given broad authority to the executive branch—to people like the CDC—to issue regulations. But as a matter of proper form, whenever they exercise that power, it is not appropriate for that to take effect by itself. It is not really a law in the constitutional sense of the word unless Congress has enacted it.

We have given them far too much power anyway. That is on us. We shouldn't do that. That is why I have been calling for years for reforms to this; why I have been calling for years for reforms, including but not limited to the REINS Act, which would require for any economically significant Federal regulation, before it takes effect, it must be passed by both Houses of Congress and presented to the President for signature or veto. It is why I have introduced the Global Trade Accountability Act, which would do for trade policy what the REINS Act does for regulatory policy. It is why we need to reform so many aspects of our laws, where we, as a practical matter, made the unelected and the unaccountable the supreme lawgivers, the lawmakers, law interpreters, and law enforcers.

This is not just something that can lead to tyranny; it is the very definition of tyranny, as every signer of the U.S. Constitution understood well. It is why they went to great lengths to separate out these three branches of government.

In addition to those problems with these edicts not based on science or

medicine but based on political considerations that are ever-changing—it is why they are so sweeping. It is why they are so troubling.

But they are maybe even more troubling, still, for the additional constitutional reason that, at the end of the day, to whatever degree these are not rooted in medical science and fact—which I believe they are not or at least the CDC hasn't established as much, and they really do amount to something compelling expressive conduct, the suppression of an official orthodoxy mandated by the government—we shouldn't accept this. We shouldn't accept any affirmative legal obligation placed on those we represent, to whom and for whose been we have sworn an oath to uphold, protect, and defend the Constitution of the United States, which requires us to make any law we force on the American people. We have an obligation to them, a solemn obligation to make sure they are not subject to laws made by those not of their own choosing.

It is these very features that James Madison had in mind when he authored Federalist No. 62. When he wrote, and I am paraphrasing a little bit here: It will be of little benefit to the American people that their laws may be written by men of their own choosing if those laws be so voluminous, complex, and ever-changing, if they can't reasonably understand what the law means and predict what it will say from one day to the next.

Today—this week even—we have seen the law be so unpredictable and ever-changing, that we can't expect what the law says from one day to another. But even worse, contrary to what Madison assumed would always be the case because the Constitution required it, the laws aren't even being written by men and women of our own choosing but instead by unelected, unaccountable bureaucrats who, despite how well-educated, well-intentioned, hard-working, and highly-specialized they may be, don't work for you, nor do they have authority under this document, to which we have all sworn an oath, to make laws.

That is our power. Shame on us if we relinquish to them the power that only we can exercise, that is, itself, nondelegable. Shame on us, further, if we allow those same people who, lacking the authority to legislate in the first instance, then transgress another affirmative constitutional command by compelling compliance with official government-mandated orthodoxy.

This cannot be. This cannot stand. I will not stand for it, and I will continue to draw attention to this issue until we have resolved the problem.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. HEINRICH. I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, and all nominees on the Secretary's desk in the Air Force, Army, Foreign Service, Marine Corps, Navy, and Space Force; that the nominations be confirmed en bloc; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; and that the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed are as follows:

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Paul T. Calvert

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Donna W. Martin

IN THE NAVY

The following named officer for appointment as Judge Advocate General of the Navy and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 8088:

To be vice admiral

Rear Adm. Darse E. Crandall, Jr.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

to be vice admiral

Rear Adm. Daniel W. Dwyer

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Anthony J. Cotton

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Christopher J. Mahoney

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C. section 601:

To be lieutenant general

Maj. Gen. Stephen D. Sklenka