

And the Democrats are uniting around yet another multitrillion-dollar taxing-and-spending spree? I guess our colleagues think they can inflate their way out of inflation. That is going to be an extraordinarily painful experiment for the middle-class families of our country.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

LEGISLATIVE SESSION

PROMOTING PHYSICAL ACTIVITY FOR AMERICANS ACT—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the House message to accompany S. 1301, which the clerk will report.

The legislative clerk read as follows:

House message to accompany S. 1301, a bill to provide for the publication by the Secretary of Health and Human Services of physical activity recommendations for Americans.

Pending:

Schumer motion to concur in the amendment of the House to the bill.

Schumer motion to concur in the amendment of the House to the bill, with Schumer amendment No. 3835, to change the enactment date.

Schumer amendment No. 3836 (to amendment No. 3835), of a perfecting nature.

Schumer motion to refer the bill to the Committee on Finance, with instructions, Schumer amendment No. 3837, to change the enactment date.

Schumer amendment No. 3838 (to (the instructions) amendment No. 3837), of a perfecting nature.

Schumer amendment No. 3839 (to amendment No. 3838), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I ask consent to speak as if in morning business.

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

DEBT CEILING

Mr. DURBIN. Madam President, I listened closely to the speech by the Republican Senate leader, and I have heard statements made over the weekend on television. I think this is a moment where we might consider for just a minute or two a lesson on Senate 101 so there is an understanding of where we are and why we are at this place.

There are 100 Members of the Senate. Currently, there are 50 Democrats and 50 Republicans. Under the ordinary course of business, which has become extraordinary in this Chamber, a majority rules, so 51 votes will pass an amendment or a bill in most cases.

However, there is a creature in the Senate known as a filibuster, and the filibuster requires that 60 votes be found in order to prevail on a motion or a measure.

The filibuster raises the requirement from a simple majority to 60 votes. The Senator from Kentucky knows that as well as I do, he has been here longer than I have, that filibuster makes all the difference in the world. So to argue “The Democrats have the majority; why don’t they just take this majority and do their business?” is to ignore the obvious.

What the Republicans have decided to do is, for the first time perhaps ever—I don’t want to say that without checking the record for sure—but certainly in modern history, to require that when we pass the debt ceiling, we need to have 60 votes on the floor of the Senate. Well, it is no great revelation that with 50 Democrats, we would need 10 Republicans, and the Senate Republican leader has made it clear: He ain’t giving us a vote, not one. So we have come to a standstill.

We are 2 weeks away from a default. For the first time in the history of the United States that we would default on our debt, it is as if America had a big home and a big mortgage and decided one month not to pay on the mortgage. Well, let’s hope the day would come when the payment would be made, but in the meantime, there is a serious question then raised about the credit reputation of the United States, and that is exactly the fire that the Republicans are playing with by imposing a filibuster on this simple measure. They know that they can stop us as long as 60 votes are needed and they give none.

One of our colleagues, Senator WHITEHOUSE, made an interesting observation in our caucus lunch last week. I hope he will forgive me if I try to paraphrase it. He said: Many people argue that we need a filibuster because it really encourages bipartisanship. We have to come together. We have to look for compromise.

Well, how do you compromise when the debt ceiling question is whether you do it or don’t do it? And that is what is at stake here. Are we going to acknowledge the debt of the United States to its creditors far and wide and continue the business of this economy and this government? Republicans say: No, we would rather play fire with it. But they leave out that one element that is so critical: It is their decision, their filibuster that stops this.

I believe that Senator SCHUMER and the Democrats will offer them this opportunity again this week. Senator SCHUMER said as much. But it really troubles me that we are at a point in our history, recovering from this pandemic, businesses getting back on their feet, employees need to go back to work—and the Republicans have taken this strategy of defaulting on the national debt.

As far as the characterization of what reconciliation will do, Senator

MCCONNELL continues to come to the floor repeatedly and say: “It will hurt families.” Well, one of the provisions in the reconciliation bill, which I hope survives our compromise negotiation, will help families find affordable, quality daycare.

When you look at the fact that the vast majority of those who are not returning to work are women, you understand the circumstances. Many of them question whether or not school is going to be in person or by Zoom. They question whether or not they can find affordable daycare in any direction, and they question whether they can afford it once they find it.

If we took that worry off the family plate and said “We are going to make sure that you have accessible, affordable childcare for your children,” think of the relief it would give and the fact that many would return to the workplace.

According to the Senator from Kentucky, Senator MCCONNELL, that hurts families. Hurts them? It helps them in ways that many of us don’t even understand. Can you imagine frantically leaving a child at home in the care of someone you don’t quite trust because you have no alternative but to go to work and try to earn a paycheck to feed that child and pay the rent? I wouldn’t want to be in that desperate situation. I wouldn’t want anyone in family to face it. To say that hurts families, to do that, is certainly wrong. It would help them if reconciliation includes that measure.

We also have a pre-K program to give kids who struggle a helping hand and a fresh start. We know the Head Start Program—it was created I guess almost 60-plus years ago—has had positive results in preparing people to go to college. Yes, Head Start Programs when they are young children—3, 4, and 5 years old—can make difference in their lives, how they learn, and what they do. So we want to make that the official policy of this country, that we have 2 years of pre-K education available to families. I think they will thank us for it, and in the future, generations that are helped with this will thank us as well.

The notion of extending the school year from K-12 through K-14, to put 2 years of community college without cost for families, is an extraordinary commitment.

There was a time in the turn of the 19th to the 20th century when America decided to make a big, bold experiment. It was called high schools. Up until that point, most families were lucky to get kids through eighth grade. The rich families, the ones well-positioned, would take them to high school. Well, we decided to make high school a universal, national experience in America. So you wouldn’t quit at the 8th grade; you would finish in the 12th grade. Did it result in anything good for us? Take a look at the 20th century. With an educated, motivated workforce, America led the world. It is

no accident that extending education brought us to that moment.

Now, Joe Biden and many of us agree the 21st century is a brandnew set of challenges and putting 2 more years that you don't have to worry about going deep in debt affording on to a person's education gives them a better chance. Some will go to college. Some will develop skills that they need to get into the workforce and succeed. Some will have an experience that will change their lives. That is what this additional 2 years will be.

Senator MCCONNELL thinks an additional 2 years of free higher education hurts American families. What is he thinking? I don't know what it is like in the Commonwealth of Kentucky, but just north of it, in Illinois, we appreciate education and how it liberates, motivates, and educates young people to be part of the future.

So I would say to Senator MCCONNELL: Understand Senate 101. Your filibuster is stopping the extension of the debt ceiling, and stopping the extension is going to jeopardize our credit rating, raise interest rates, and cost 6 million American jobs, according to the best economists. Why would we do that to America at this moment in history? We should be doing just the opposite, helping everybody we can.

Madam President, I ask unanimous consent to return to my statement that I was making earlier when I voluntarily surrendered the floor.

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

U.S. SUPREME COURT

Mr. DURBIN. Madam President, I noted that the shadow docket in the Supreme Court was a subject of the Senate Judiciary Committee last week. It is one of those esoteric subjects you wonder if anybody will even notice. We thought it was important enough to talk about it in light of the Texas abortion statute.

We noted the fact that in the last 4 years, there were 36 times when the Trump administration asked for the shadow docket to be used. The Court granted 28 of those Trump Justice Department administration requests. In the previous years, under George W. Bush and Barack Obama: 16 years; 8 requests; 4 were granted—4 versus 28 out of 36.

You can tell that something is happening in the Court. The day after our hearing, someone happened to notice. That person was Justice Samuel Alito. He made headlines for a speech he gave at Notre Dame Law School criticizing lawmakers—I suppose that is myself and the Presiding Officer—journalists, and scholars who raised concern about the Court's use of the shadow docket.

There doesn't appear to be a publicly available transcript or video of the full speech given by Justice Alito, so I ask unanimous consent to have printed in the CONGRESSIONAL RECORD an article from The Hill newspaper entitled "Alito bristles over criticism of Supreme Court's 'shadow docket'."

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

[From The Hill, Sept. 30, 2021]

ALITO BRISTLES OVER CRITICISM OF SUPREME COURT'S SHADOW DOCKET

(By John Kruzel)

Justice Samuel Alito on Thursday bristled over recent criticism of the Supreme Court's handling of emergency matters under its so-called "shadow docket," a phrase the justice said plays into a warped portrayal of the court as a "dangerous cabal."

The staunchly conservative 71-year-old justice said he welcomes substantive debate over the court's rulings, but takes exception to what he characterized as a distorted depiction commonly found in media reports on the court's emergency activity.

"The catchy and sinister term 'shadow docket' has been used to portray the court as having been captured by a dangerous cabal that resorts to sneaky and improper methods to get its ways," Alito told students during a speech at Notre Dame Law School.

"And this portrayal feeds unprecedented efforts to intimidate the court or damage it as an independent institution," he said.

The phrase "shadow docket," originally coined by University of Chicago Law School professor William Baude, has come to refer to the court's use of a truncated process to issue rulings on an emergency basis. The procedure departs from the court's regular operations by forgoing a comprehensive set of paper briefs and oral arguments in favor of ruling quickly on an emergency application.

Although Alito's speech Thursday gave the impression that the principal critics of the court's shadow docket were observers and politicians, three of his fellow justices have criticized the shadow docket's recent use as a vehicle for rulings of major significance.

In recent weeks, the court's three more liberal justices—Stephen Breyer, Sonia Sotomayor and Elena Kagan—have either individually criticized the procedure's use or joined a dissenting opinion that did so.

The liberal jurists denounced the majority's use of the shadow docket in August to block an eviction freeze put in place by the Centers for Disease Control and Prevention (CDC) to shield cash-strapped renters from the coronavirus pandemic. Likewise, a 5-4 majority court refused to block Texas' six-week abortion ban from taking effect earlier this month.

Kagan took direct aim at the practice in a dissent from the majority's Texas ruling that was joined by her two fellow liberals.

"[T]he majority's decision is emblematic of too much of this Court's shadow docket decisionmaking—which every day becomes more unreasoned, inconsistent, and impossible to defend," Kagan wrote.

The shadow docket itself is nothing new. But the Supreme Court had previously used the abbreviated process only sparingly to render decisions of major consequence, according to a report by The Economist, which found the practice became more common during the Trump administration.

Alito conceded in his Thursday speech that the emergency docket has seen an increase in activity.

"Now it is true that we have issued more emergency rulings in recent years, but there is a simple reason for that and it's not part of a nefarious strategy: it's because we had been receiving more emergency applications," he said.

"We would much prefer to have days or weeks or months to think about these matters before we have to do anything," he added. "But we don't have that luxury. The world will not sit still while we cogitate."

Mr. DURBIN. In his speech, Justice Alito reportedly zeroed in on our Senate Judiciary Committee hearing last week and criticized one of the experts who testified, University of Texas law professor Steve Vladeck. He also reportedly criticized an article by a respected journalist who writes about the Court frequently for a major magazine.

Justice Alito derided the phrase "shadow docket" as a "catchy and sinister term" meant to convey something "sneaky and dangerous." In fact, the phrase "shadow docket" was coined by a University of Chicago law professor, William Baude, who, incidentally, clerked for Chief Justice Roberts and has spoken more than 30 times in Federalist Society events.

Justice Alito dismissed concerns about the shadow docket. He said:

The media and political talk about the shadow docket is not serious criticism.

What he failed to mention, however, is that some of the strongest warnings about the Court's changing use of the shadow docket have come not from politicians like ourselves or journalists but from Justice Alito's colleagues on the Court.

Our hearing in the Judiciary Committee highlighted how Justices Kagan, Sotomayor, Breyer, and even Chief Justice Roberts sounded the alarm about the Supreme Court's shadow docket ruling on the Texas abortion ban.

Justice Sotomayor said of the Court's shadow docket decision on the Texas law:

The Court's order is stunning. Presented with an application to enjoin a flagrantly unconstitutional law engineered to prohibit women from exercising their constitutional rights and evade judicial scrutiny, a majority of Justices have opted to bury their heads in the sand.

That is from Justice Sotomayor.

How about Justice Kagan? Justice Kagan expressed alarm that the Court's shadow docket decisionmaking "every day becomes more unreasoned, inconsistent, and impossible to defend."

The Justices made it clear that the Court's shadow docket handling of S.B. 8 in Texas raises urgent concerns that American people should be aware of. That is why we had the hearing. Chief Justice Roberts noted that Texas has now created "a model for action," in his words, showing how States can undermine constitutional rights by using a bounty hunter enforcement scheme that avoids judicial scrutiny, thanks to the shadow docket. Lawmakers in a number of States are eyeing this procedure to try to copycat Texas's enforcement model. That ought to trouble anyone who cares about our Constitution.

With its order on the Texas abortion ban, the Court's majority has also shown its willingness to use the shadow docket to allow "flagrantly unconstitutional" laws, in the words of Justice Sotomayor, to take effect, at least when the laws align with the majority's ideological beliefs. As a result,

millions of Texans have had their constitutional rights stripped away, and the rights of all Americans are less secure. That is a major change that demands serious discussion.

Justice Alito may bristle at perceived criticism of the Court's practices, but that doesn't mean the Court should be immune from scrutiny from the American people, a free press, even legislative branch of government.

Historically, Congress has played an important and essential role in debates over the proper functioning of the courts.

First and foremost is the Senate's advise and consent role that results in the appointment of men and women to the Supreme Court. In addition, many aspects of the Supreme Court's operation, including the starting date of the Court's fall term, are established by an act of Congress. In fact, much of the Court's jurisdiction is set by Congress.

Congress is asked regularly by the Judicial Conference to pass new legislation governing the operations of the judiciary, and Justices have routinely come before Congress to discuss the requests and a wide range of other matters. In March 2019, for example, Justice Kagan testified before the House Appropriations Committee about such topics as whether the judicial code of conduct should apply to the Supreme Court. With her that day was none other than Justice Alito.

The Senate Judiciary Committee has frequently and appropriately been the forum for many debates over the Supreme Court's operations. I remember in 2011 when Justices Scalia and Breyer appeared before the Judiciary Committee for a wide-ranging discussion of the role of judges under the Constitution.

Our committee also has robust debates about the appropriate degree of transparency for the Court's operation. Earlier this year, the committee approved bipartisan legislation to allow cameras in the Supreme Court so that all Americans can see what is going on.

We are going to continue this debate in the Judiciary Committee over the shadow docket. It is not politicizing the Court to do so. And Republicans have no standing to accuse Democrats of politicizing the Court, especially after their unprecedented, politically motivated blockade of President Obama's Supreme Court nominee in 2016 and their haste to confirm a third Trump Justice mere weeks before the 2020 election—both acts of raw, political power.

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

The PRESIDING OFFICER (Ms. DUCKWORTH). Without objection, it is so ordered.

AFGHANISTAN

Mr. TUBERVILLE. Madam President, in the winter of 2010, American intelligence picked up the chatter of Afghan fighters in Pakistan.

"Why are you back?" asked the Taliban leaders. "You are supposed to be fighting the Americans."

"Yes," one of the fighters said, "but the Americans run toward the bullets."

That story captures the American fighting spirit. If you ever find yourself questioning the greatness of this country, I encourage you to go talk to one of our young servicemembers.

I am not talking about our older generals or warhorses you often see on TV or around here on Capitol Hill. They won't renew your faith in America. They may even worry you.

I am talking about the young people. It is the door kickers, the tank drivers, the trigger pullers. Some of them are still just kids. I am talking about the ones fresh out of college; ones hoping to pay for college by signing up for our great military. These young people are America's future.

They are the Americans who fought so hard for us in Afghanistan over the last 20 years, and they are the ones so disappointed today of how we abandoned our mission in Afghanistan.

Many of them did not remember the bright blue morning on September 11, 2001, when evil itself boarded four planes here on the east coast and took the lives of 2,977 of our fellow Americans in just a matter of hours.

They were just infants when President Bush demanded the Taliban hand over Osama bin Laden and shut down the terrorist training camps that littered Afghanistan. And when the Taliban refused, the United States and our most loyal ally, Great Britain, invaded Afghanistan.

We were soon joined by 46 other nations. It was the first time Article 5 of NATO had been invoked, which states: An attack on one is an attack on all.

America, in her righteous might, launched Operation Enduring Freedom and rained hell on the Taliban on October 7, 2001. We lost 12 brave American soldiers that year, but by December 17, we controlled a country few Americans could have found on the map months before.

To call Afghanistan in 2001 "stone age" would be an insult to the rocks on the ground. We saw diseases only found in textbooks. Eighty-five percent of the population was illiterate. No girls were allowed to attend school. Cell phones and computers were nonexistent.

We were not there to conquer. We didn't want to nation build. Our presence was needed because we wanted to keep Afghanistan from yet again becoming a training sanctuary for every would-be terrorist on Earth.

After all, the United States and our politicians of the 1990s looked the other way and failed to recognize Afghanistan as a threat. Thirty years ago, Afghanistan was a training ground for some 10 to 20,000 terrorists.

From Afghanistan, al-Qaida attacked the World Trade Center in 1993; two of our Embassies in Africa; and bombed the USS Cole, a ship that was docked.

The Clinton administration thought it could handle al-Qaida and their terrorist threat with over-the-horizon capabilities. September 11 showed us that strategy doesn't work. But, unfortunately, the Biden administration has forgotten those lessons of our past.

During World War II, my father landed at Normandy and fought the Nazis in Europe. Hitler and Germany had the will to win, but, thank God, America and our allies had more will.

From the time my dad landed at Normandy to when he reached Berlin, he earned five Bronze Stars and a Purple Heart. He was lucky. More than 400,000 other Americans would never return home. Their blood, sweat, and tears saved Europe and the free world.

Yet the work of the Greatest Generation didn't end on May 8, 1945. Americans stayed in Germany. We stayed to prosecute Nazi leadership. We stayed to build and rebuild their businesses and banks.

If you drive a BMW today, it is because America worked to change the behavior of millions of Nazis who were still living in Germany after the war. And we are, today, still in Germany.

It is the same success story in Japan and in South Korea. America's commitment to freedom and democracy didn't end when the shooting stopped. Today, Germany, Japan, and South Korea are some of our most vibrant economies and democracies across the world. Those nations are also among our closest allies.

That, ladies and gentlemen, was our hope for Afghanistan. Every American wants to see war come to an end. War is ugly. War is brutal. War robs lives and destroys property. But freedom is certainly worth fighting for.

Like World War II, our war in Afghanistan was completely justified. We took the end fight to the enemy who started it: the Taliban and al-Qaida.

Our war in Afghanistan ended in 2014. Operation Enduring Freedom transitioned to a supporting role called Operation Resolute Support.

That support trained the Afghan Army, intelligence, and police forces to fend for themselves. It allowed for greater educational opportunities for young boys and girls all throughout Afghanistan.

And as the Afghan security forces became increasingly capable, America withdrew her forces. By January 2021, we had reduced our presence to just 2,500 from a high of 98,000 in 2011.

President Trump also wanted to go to zero, but his military advisers said it would be unwise. So President Trump listened and maintained troop levels at 2,500.

President Biden claims he doesn't remember his generals telling him to keep 2,500 troops in Afghanistan. Yet the President's principal military adviser, General Mark Milley, says he

wanted to see 2,500 troops in Afghanistan. The top commander for the Middle East, General Frank McKenzie, said he wanted to see 2,500 troops remain in Afghanistan. The top, longest-serving, and most decorated commander in Afghanistan, General Scott Miller, wanted to see 2,500 troops in Afghanistan.

They clearly told President Biden that, to remain stable and protect the U.S. and our allies, Afghanistan needed a small American presence of 2,500 troops.

So when the President says he doesn't recall or he doesn't remember, is he telling the truth?

Well, I don't know. But what I do know is that President Biden didn't listen to his military advisers. He didn't listen to troops on the ground. He ignored military advice and, instead, made a political decision.

You can't run a war from Washington with an 8,000-mile-long screwdriver. If you do, you will screw it up—85 billion in equipment captured by the Taliban; valuable air bases abandoned in the middle of the night; American citizens still left behind enemy lines to this day; journalists and aid workers abandoned; innocent Afghan partners and allies left to the will of our enemy; chaos and disorder at Kabul airport; desperate Afghans falling from our aircraft, as people across our Nation and the world watched in horror; 13 American soldiers dead.

None of this should have ever happened. But now we must reckon with the worst foreign policy decision ever made. Our credibility has been eroded and respect from our allies has been destroyed.

America must return to the peace-through-strength leadership that has guided us throughout history. It has made our enemies fear us, our allies value us and what it means to have us as a partner on the world stage.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. BLACKBURN. 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 LEE GREENWOOD

Mrs. BLACKBURN. Madam President, many artists and entertainers have staked their claim to fame by bending the rules and changing the conventional wisdom that defines their craft. But not many can claim to have made an impact on American culture that is at once musical, political, and spiritual.

This month, my friend and fellow Tennessean Lee Greenwood is enjoying some well-deserved recognition for doing just that. Next week, he will celebrate the 40th year of one of the most significant and successful careers in country music history.

On behalf of the entire Tennessee delegation, I want to thank Lee for his ar-

tistry, his patriotism, and his belief in the power of a song to heal our deepest wounds.

We thank him for his friendship, for his commitment to our great State of Tennessee, and we wish him even greater successes in his career.

GOVERNMENT FUNDING

Madam President, over the weekend, my Democratic colleagues put on a terrific show for the American people, arguing over which multitrillion-dollar spending bill they wanted to pass first—not if they were going to pass one, but which one they wanted to pass first. And from what I am hearing in Tennessee, they are saying: We don't want either of these. None of this should ever be passed and signed into law.

Those that I spoke with also wanted me to pass on a message. It doesn't matter if they were Democrat, Republican, Independent, Libertarian. They said what happened here in Washington over the weekend was just about the most tone-deaf and disrespectful thing that they had seen take place in Washington in a long time.

All year, Tennesseans have been asking themselves why is it that the Democrats are pushing so hard to spend more than a trillion dollars on a so-called infrastructure package that really isn't about infrastructure? Why are they fighting so hard for a multi-trillion-dollar social spending package that prioritizes all the wrong things?

Tennesseans have caught on to this insanity. They know with absolute certainty that every time Joe Biden's government steps in to take control over an aspect of their lives, the goal is not to make their lives easier. The goal is to complicate their lives. The goal is to take away some of their individual freedom, some of their choice.

There is no other explanation as to why they would do this in the face of some of the issues that we have, like serious supply chain vulnerabilities, unsustainable inflation—no, it is not temporary—and levels of divisiveness and mistrust that have made even the most unplugged, apolitical people that I know sit up and speak out.

The fact that more people are paying attention is really a problem for my Democratic colleagues. They know that there is no chance that the majority of the American people will just go along with what it is that they are proposing.

As I said, it doesn't matter if they are Democrat, Republican, Independent, Libertarian. They are looking at this and they are saying: Hey, wait a minute. These guys that are over there, every one of them—what are they trying to do? They are trying to drive this socialist agenda, tear down our institutions, and build it back as a socialist state—which is exactly why the Democrats are opting for a power grab rather than an honest debate.

By seizing that control and taking away that freedom, they are slowly but surely setting themselves up to rede-

fine the relationship between the people and the government. Eventually, this will allow the Democrats to destroy our most important institutions and remake them in the image of the grand socialist future that they are so desperate to build.

If you can't beat them—and the Democrats haven't been able to beat the people—then what do you do? They go about—the Democrats—and they just move the goalpost.

They have shown this intent time and again over the course of decades, but let's start with more recent events. The Federal healthcare takeover destroyed the concept of the doctor-patient relationship and replaced it with layers of bureaucracy and, now, rationing.

Over the past 3 years, my Democratic colleagues have tried multiple times to force through an election takeover bill that would federalize voting. That is right—not local control like we have had but federalizing elections, intentionally exposing conservative voters to an unhinged and violent opposition and making the ballot box vulnerable to fraud. That is what they are trying to do.

Earlier this year, we discovered that the Democrats thought that opening up everyone's pocketbook for scrutiny by the IRS would be an acceptable way to pay for their so-called infrastructure package. It is a neat trick. It is also completely and utterly despicable, and people are not buying what the Democrats are selling. They do not want socialism ruling their life. They do not want the United States of America to be a socialist nation.

The majority in this Chamber have accused the Republicans in this Chamber of many things, and most of them untrue. But what is true is that we are indeed getting in the way of this reckless, destructive agenda. That is because it is our duty to protect this country and to protect our freedoms.

Joe Biden and the Democratic Party control the entire U.S. Government. That is right. We had an election, and you are in charge. That government has already made it clear that—mandate or no mandate—they have their eye on the prize. And that prize is to take away your freedom, give that over to the government, and leave you living in a socialist nation. All it would cost is all of your money, all of your principles, all of your freedom. That is right.

That is the future that they, the Democratic Party, envision for you and your family—they, the Democratic Party, making all the decisions; they, the Democratic Party, winning all the elections because they federalize them and they let the Federal Government decide who wins, with them in charge.

If the Democrats wish to make those sacrifices, they are more than welcome to go about trying to do it, because the American people are not buying the agenda that they are pushing.

Every day I talk to Tennesseans. What do they want? Freedom—balanced freedom that allows them to experience their version of the American dream, that allows their children to dream big dreams and then live in a country where they can work to make those dreams come true. Preserving that is a worthy fight.

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. PAUL. 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 New Jersey.

UNANIMOUS CONSENT REQUEST—H.R. 5323

Mr. MENENDEZ. Madam President, in May of this year, terrorist groups in Gaza launched more than 4,000 rockets at innocent Israelis. For 11 days, Hamas and others fired off thousands of various rocket systems with little guidance into heavily populated areas across Israel with no regard, indeed, likely with the intention of killing civilians.

In the face of this barrage, once again, Israel deployed the Iron Dome missile defense system, which intercepted 90 percent of these incoming attacks. Because of this purely defensive system, Israel is able to protect its own citizens and also direct its response to more carefully target those in Gaza who are responsible for launching these brutal attacks.

Now, I have been clear: We should all mourn the loss of innocent Israelis and Palestinians who were killed during this conflict. Beyond a lack of regard for innocent Israeli civilians, Hamas further endangers Palestinians by hiding their stockpiles and themselves in densely populated areas.

But I am not here today to relitigate thousands of years of conflict; I am here to point out two simple facts: Hamas is a terrorist organization that routinely threatens innocent civilians; Iron Dome, a purely defensive system that protects civilians. It saves lives, regardless of religion or ethnicity, period.

Furthermore, by saving those lives, Iron Dome also preserves diplomatic space for deescalation, communication, and further negotiations about Israeli and Palestinian long-term security and the future of a negotiated two-State solution.

There is no conceivable reason why anyone in this Chamber, on either side of the aisle, should stand in the way of U.S. support for this lifesaving defense to be fully ready for the next attack.

I strongly urge my colleagues on both sides of the aisle to join the House of Representatives in passing this funding on a broadly bipartisan effort.

So, therefore, Madam President, I ask unanimous consent that at a time to be determined by the majority lead-

er, following consultation with the Republican leader, the Senate proceed to the consideration of Calendar No. 140, H.R. 5323; that there be up to 2 hours for debate; that upon the use or yielding back of time, the bill be considered read a third time and the Senate vote on passage of the bill without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. PAUL. Madam President.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Reserving the right to object, I join the chairman of the Foreign Relations Committee in being supportive of Iron Dome, but I think it should be paid for.

I think the American taxpayer dollars that pay for it should come from money that could go to the Taliban. There is a fund with over \$6 billion in it that was designated for the Afghan Government, and that money, I think, could be spent on the Taliban if we do not rescind that money.

The justification for my proposal for paying this is simple: Only an economically strong United States can be a militarily strong ally of Israel.

I support Israel. I voted for hundreds of millions of dollars to support Iron Dome. I am glad the United States has a strong bond with Israel. But the United States cannot give money it does not have, no matter how strong our relationship is.

The United States is approaching \$30 trillion in debt. Our out-of-control spending added \$3 trillion to this debt just in this fiscal year.

A day of reckoning is coming, sooner than you think. Interest on the debt will be larger than what we spent on national defense in just a few years. If the debt weakens us to the point where we have difficulty funding our own military needs, how can the United States continue to be a reliable ally to Israel?

Getting our fiscal house in order does not mean that we are failing to support Israel—far from it. The billion dollars under consideration today is on top of the more than \$1.6 billion the United States has already given for Iron Dome, and that is not all.

The United States provides Israel with just under \$4 billion in aid annually. To date, the United States has provided over \$146 billion in aid to Israel. In addition to Iron Dome, the United States has helped Israel fund other missile defense systems as well. We spent \$2 billion on David's Sling and \$3.7 billion on Arrow programs. That means the United States has contributed \$7 billion to Israel's missile defense systems.

Iron Dome is an indispensable defensive tool that not only saves Israeli lives but Palestinian lives. I want an Israel strong enough so that it does not have to rely on American support. But if we are here to add an additional billion dollars in aid, all I ask is that we make sure that it is paid for.

My amendment would rescind \$6 billion in Afghanistan reconstruction money that otherwise might go to the Taliban. Secretary Blinken said as recently as 2 weeks ago that this money may well go to the new Taliban government.

Under this arrangement, we would devote \$1 billion to Israel's Iron Dome and return the rest to Treasury. This is clear to all of the Republicans. So it needs to be very clear today that Republicans support paying for Iron Dome, and they support paying for Iron Dome with taking away money that would go to the Taliban.

I hope my colleagues will work with me to strengthen Israel, strengthen the United States, and strengthen our alliance.

UNANIMOUS CONSENT REQUEST—PAUL
AMENDMENT

Madam President, I ask unanimous consent that the Senator modify his request so that instead of his proposal, the Senate proceed to the immediate consideration of Calendar No. 140, H.R. 5323; further, that the only amendment in order be my substitute amendment, which is at the desk. I further ask that there be 2 hours of debate, equally divided between the two leaders or their designees, and upon the use or yielding back of the time, the Paul substitute amendment at the desk be considered and agreed to, the bill, as amended, be considered read a third time, and the Senate vote on passage of the bill, as amended, with no intervening action or debate.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. MENENDEZ. Reserving the right to object. While I respect the Senator from Kentucky's consistent approach to foreign aid spending, his substitute to H.R. 5323 is problematic for the following reasons: This amendment would unleash an array of adverse consequences for our broader foreign policy and national security objectives.

This amendment ultimately proposes to rescind funds from the Departments of State and Defense. And this amendment would not reallocate funds that would allegedly go to the Taliban, as the Senator from Kentucky suggests. The reality is that U.S. dollars are not going to the Taliban, nor will they.

Let me be clear and echo what the administration has said: No U.S. foreign aid will go to a Taliban-controlled Afghan Government. This does not mean that we remain any less committed to supporting the Afghan people. On the contrary, U.S. humanitarian aid could be routed through highly vetted partners, like the World Food Programme that we trust to put the interests of the Afghan people first.

So let me be clear. Senator PAUL's amendment would actually raid the funding that delivers lifesaving humanitarian aid to the Afghan people. And they need it more than ever.

Secondly, Afghanistan is in the grips of a dire humanitarian crisis. The economy has collapsed. One in three Afghans do not know where their next

meal will come from. People are afraid to leave their homes.

And so for those reasons, as well as the following—this amendment would also slash refugee assistance being used at this very moment to evacuate and resettle the U.S. allies and partners who served alongside Americans in the War on Terror.

Likewise, Senator PAUL is proposing we rescind the funding that supports important bipartisan priorities like promoting regional security, countering Chinese influence, and ending this pandemic.

And that is not all. The amendment also jeopardizes funds being used to recover and secure U.S. military equipment.

We may no longer be funding the Afghan National Army, but we still urgently need these repurposed funds to keep American equipment out of the wrong hands.

In short, Senator PAUL's amendment could undermine U.S. national security; it would abandon the Afghan people in their darkest hour; and it would betray the American people's commitment to supporting our Afghan allies.

Finally, let me just say that this body overwhelmingly supports the swift passage of Iron Dome. Despite what others may have said, even on this floor, Democrats in the Senate are not holding up this critical funding. In the House, there may have been a very small handful of bipartisan opposition. And the only reason it is being held up in this body is because of this amendment. He is not a member of the Democratic caucus.

This is a defensive, lifesaving system built on years of cooperation with our ally Israel. I am disappointed we are in this situation. But because of all of these reasons, I must object to the Senator's substitute amendment.

The PRESIDING OFFICER. Objection to the modification is heard.

Mr. PAUL. Madam President.

The PRESIDING OFFICER. Is there objection to withdrawing the request?

Mr. PAUL. Madam President, reserving the right to object, I think it is very clear, and very important that it be very clear, that I have offered to fully pay for the Iron Dome system with an extra billion dollars. The objection is coming from the Democrat side. They are objecting to it being paid for.

We have offered this fund of \$6 billion. We have offered to modify it and make it less so there will still be some remaining money in this system. We have offered other funds. We have offered a basically open invitation to the other side that we just think it ought to be paid for. So the objection from the other side is to paying for Iron Dome, to paying for the billion dollars.

Interestingly, aid is already going to Afghanistan while the Taliban is in charge. Now, allegedly, that aid is going to charitable organizations. But the history of the Taliban has been to withhold, control, manipulate, and corrupt charitable organizations as well.

I think it is a mistake to have money already flowing into the new government under the Taliban and to charitable organizations because it basically makes their job easier. It will make the public more pacified if they are being fed by the Western world. They wouldn't be as happy if the money is destroyed in this chaos. So, really, in some ways, you do help to stabilize the Taliban by sending more money there.

But Secretary Blinken was asked this very question in committee by myself: Can you guarantee the \$6 billion will not be released at any time to the Taliban?

And he said no; the implication being that if the Taliban behaves, he sees this \$6 billion going to the Taliban. I think it is a big mistake.

This is a big issue. Iron Dome is a big issue, but it is also a big issue whether we send money to the Taliban. They already have \$80 billion worth of our weapons. I think it will be a real big mistake to send money indirectly or directly to the Taliban so I object.

The PRESIDING OFFICER. The objection is heard.

Mr. MENENDEZ. Madam President.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Let me just simply say, this is a figleaf.

We could have, today, passed Iron Dome as the House of Representatives passed it, send \$1 billion, and make sure that Israelis and Palestinians would be safer as a result of the terrifying actions that Hamas and others take. There is no reason for this.

I know my colleague has not been particularly supportive on foreign aid in general, and in this case in particular, but the reality is that we have an opportunity here.

Now, I am convinced that Iron Dome will get done. We will get the resources to our allies, the State of Israel. But it is a shame that we have to have the uncertainty that is pending as a result of the objection that has been had.

We don't need to find a pathway in this particular way, which, you know, is only going to undermine our own national security interests as it relates to Afghanistan.

With that I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Madam President, I request that I am able to make my remarks prior to the vote.

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

NOMINATION OF JONATHAN EUGENE MEYER

Mr. PETERS. Madam President, I rise in support of Jonathan Meyer's nomination to be general counsel at the Department of Homeland Security, or DHS.

Mr. Meyer understands the unique challenges facing DHS, and he has the legal and management experience and vision needed to succeed in this important role. Throughout the confirmation process, Mr. Meyer has demonstrated that he understands the complex legal

issues facing DHS and the importance of ensuring the Department cooperates with congressional oversight.

DHS has not had a Senate-confirmed general counsel for over 2 years. DHS needs qualified, Senate-confirmed leaders in place to effectively carry out its critical mission of safeguarding our Nation. Mr. Meyer is an accomplished lawyer and dedicated public servant who is well qualified to serve as the Department's chief legal officer.

I urge my colleagues to join me in supporting the confirmation of Jonathan Meyer to be general counsel for DHS.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Jonathan Eugene Meyer, of Ohio, to be General Counsel, Department of Homeland Security.

VOTE ON MEYER NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Meyer nomination?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Arizona (Mr. KELLY) are necessarily absent.

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 403 Ex.]

YEAS—51

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

NAYS—47

Barrasso	Cruz	Kennedy
Blackburn	Daines	Lankford
Blunt	Ernst	Lee
Boozman	Fischer	Lummis
Braun	Graham	Marshall
Burr	Grassley	McConnell
Cassidy	Hagerty	Moran
Collins	Hawley	Murkowski
Cornyn	Hoeben	Risch
Cotton	Hyde-Smith	Romney
Cramer	Inhofe	Rounds
Crapo	Johnson	Rubio