

It matters when we put a former public defender and civil rights lawyer on the Federal bench. It matters quite a bit, I think, when a Federal judge has represented clients who couldn't afford to hire their own lawyer. It matters that Ms. Lin has represented Washington State farmworkers dealing with wage theft. It matters that Ms. Lin stood up for refugees and immigrants against unconstitutional Executive actions, and that she had successfully challenged discriminatory hiring practices, and has a long career of standing shoulder to shoulder with working people at every turn in her career.

Ms. Lin's legal qualifications are excellent. She graduated from Cornell University and New York University School of Law, working multiple jobs during both college and law school. She began her career as a public defender in the District of Columbia. She went on to work at the Civil Rights Division at the Department of Justice, and later the United States Equal Employment Opportunity Commission. She spent multiple years at the Michigan Poverty Law Program until she finally moved to Seattle.

In Washington State, Ms. Lin currently serves as president of the Board of Directors of the American Civil Liberties Union, and also works in private practice where she fights for the rights of employees and consumers.

She is deeply involved in our local community, mentoring the next generation of lawyers and dedicating her time to a range of pro bono projects in the region.

Ms. Lin's legal experience is unquestionable, but I also believe it is important that judges who sit on our Federal bench are reflective of the communities that they serve.

Our State is home to more than 1 million immigrants and nearly 1 million Asian Americans and Pacific Islanders, and Ms. Lin, who emigrated here with her family from Taiwan at the age of 3, will proudly serve as Washington State's first-ever Asian-American judge to sit on the Federal bench. That is a big deal.

Ms. Lin will bring integrity, independence, and compassion to the Seattle courthouse. Americans deserve a justice system that will uphold the rights of everyone, not just the wealthy and well-connected. Let's build a more fair court system and let's do that by appointing more public defenders and more civil rights lawyers like Ms. Lin as Federal judges.

NOMINATION OF DOUGLAS L. PARKER

Mr. President, I would also like to speak about President Biden's nominee to serve as Assistant Secretary of Occupational Safety and Health, Doug Parker.

This pandemic has put OSHA's critical work in the spotlight and underscored the Agency's responsibility to act and keep our workers safe. I am so glad President Biden has called on the Agency to take the critical step of setting forward an emergency temporary

standard to require large employers to use appropriate tools, like vaccines and testing, to keep our workers safe from COVID-19.

I hope to see progress on this front soon. Actions like that can save countless lives and are a reminder of why it is so critical we have an experienced leader at OSHA who will do everything in their power to champion worker safety.

Mr. Parker's record shows he has been doing that his entire career. Mr. Parker has worked to protect workers in his State throughout this pandemic as chief of California's Division of Occupational Safety and Health, starting with his move to swiftly issue health guidance back in February of 2020, when there were only 13 cases of COVID-19 in the entire country.

Even well before this pandemic, he had an established record fighting for worker safety as an attorney of the United Mine Workers, a partner at a labor and employment law firm in Washington, DC; and senior official at the Department of Labor's Mine Safety and Health Administration during one of the best streaks of safety in the industry's history.

When he previously left the Department of Labor, he went on to serve as the executive director of Worksafe. That is a legal aid nonprofit focused on worker health and safety.

At every step in his career, Mr. Parker has been a dogged advocate for worker safety. I have no doubt he will continue when he is confirmed to lead OSHA. Given the urgency of this pandemic and the clear qualifications of this nominee, I hope all of our colleagues will join me in voting in support of Mr. Parker's nomination.

APPROPRIATIONS

Mr. President, today, while I am here, I would also like to discuss the fiscal year 2022 appropriations bill for the Department of Labor, Health and Human Services, and Related Agencies, which we released this week.

A budget is a reflection of values. This bill shows exactly where Democrats' values are when it comes to help our working families and communities. This bill will help us respond to this pandemic and other health challenges by increasing funding for mental health and substance abuse disorders; maternal health and family planning; preventive care services; biomedical research, including a cutting-edge research agency; and public health, with the largest increase to CDC's budget authority in nearly two decades. This bill would also take the long overdue step of repealing the Hyde and Weldon amendments, which restrict people's ability to exercise their constitutional right to abortion just based on how they get their insurance.

It would invest in our children and students by increasing funding for childcare programs, early education programs, HBCUs and other minority-serving institutions, and Pell grants, and even doubling key funding for our

public schools, helping to close those important achievement gaps and making a quality public education available to every single child in our country.

As we work now to rebuild our economy, this bill would strengthen our workforce and support workers across the country with increased investments in workers' safety, the protection of workers' rights and wages, and virtually every workforce development program.

In short, this bill would support the health of our economy, our communities, and our families.

I will be pushing to make sure we get this across the finish line, and I hope Republicans will work with us to make these critical, commonsense investments.

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

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

UNANIMOUS CONSENT REQUEST—S. 2988

Mr. LEE. Madam President, as if in legislative session, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 2988 and that the Senate proceed to its immediate consideration. I further ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Washington.

Mrs. MURRAY. Madam President, reserving the right to object, once again, I am here to oppose a bill that would undermine our efforts to end this pandemic.

There are already State laws that address parental consent for vaccines, but this bill would trample on those laws and the rights of young adults across the country who are currently able to get vaccinated.

This bill does not take into account the rights of children who are experiencing homelessness but want to get vaccinated nor does it consider children who are emancipated and want to get vaccinated, and it could make getting vaccinated even harder for children who can currently make that decision for themselves under their States' laws.

We are trying to safely open schools, protect our communities, and end this pandemic that has killed over 700,000 people. Making it harder for anyone to get vaccinated and protect themselves is not helpful.

Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Utah.

Mr. LEE. Madam President, I am here on the Senate floor today, for the eighth time now, to oppose President Biden's sweeping vaccine mandate. I have introduced a dozen bills to, one way or another, limit, clarify, or counteract this still unpublished mandate.

Now, make no mistake. I am opposed to the mandate categorically. I strongly dispute even the contention that one man—the President of the United States—has the authority to do this. He doesn't. I also fundamentally push back on the idea, the basic moral premise, that it is acceptable to put people in this position—to tell people that they have to choose between having a job and being able to put bread on the table for their children, on the one hand, or, on the other hand, accepting a medical procedure that they don't want either because of a religious objection or a specific medical condition or otherwise.

I am categorically opposed to this being done. It shouldn't be done through the Federal Government. It certainly shouldn't be done by one person, the President of the United States, who doesn't have the authority to do that.

And to highlight how concerned I am about this, I am coming down to the floor day after day to offer a different legislative proposal that, at a minimum, would make some of the effects of the mandate less severe, less painful, less cruel, less draconian.

Each time I have come to ask the Senate to pass what would, frankly, be uncontroversial measures—that should be uncontroversial—and each time I have done that, one of my colleagues or another from the other side of the aisle has objected.

This is unfortunate for a number of reasons. His mandate—which is still unavailable to be examined by the public, by the way—is already showing the terrible power that even the threat of a government-imposed vaccine mandate wields.

Businesses across the country are suspending, punishing, or firing employees who haven't had the COVID shot. Even without government enforcement, the mere threat, the mere talk of the possibility of a threat of the mandate is making it harder for everyday American families to put food on the table in increasingly difficult economic times, times fraught with uncertainty.

This isn't fair. This isn't right. Deep down, we know it.

Now, lest anyone try to dismiss the victims of this misguided and ill-founded effort, these aren't people you can just otherize. These aren't people you could just imagine to be someone you don't like, no.

These are mothers and fathers. They are our neighbors. They are people who, like far too many Americans these days, are just trying to get by. I am going to continue to fight this for them. I am going to continue to push

back on this unlawful, misguided effort for them.

And, you know, in the meantime, it is important that we be very clear and that we be very consistent. In this effort, I have been supremely clear. I am not, in any way, shape, or form against the COVID-19 vaccine. I have been fully vaccinated. Every member of my family has been fully vaccinated with my encouragement. I encourage people all the time, and I repeat that encouragement this very moment from the U.S. Senate floor, that I encourage people to get vaccinated.

I see the development of these vaccines as a miracle; one that is helping, and has already helped, countless Americans to avoid the harms of COVID-19.

That doesn't undercut the fact that this mandate is pushing government and government control far beyond constitutional limits and into distinctively private decisions, decisions that belong to the American people and not to their government. It is why I am fighting against the mandate, and that is why I have come to the Senate floor eight times now, to help.

So, today, I offered up a bill that should have itself been supremely uncontroversial. It is a reaffirmation of parental rights that our government has respected and honored from the very beginning.

My Parental Consent for Vaccination Act would simply require that any COVID-19 vaccine mandate issued by the Federal Government must include a requirement that informed parental consent be provided before the shot is administered to a minor.

What would be controversial about that? On what planet would we not want to have parents involved in that decision? On what planet would it be OK to administer a shot to a child without parental notification and consent?

Allow me to put this in some context. Parental consent is required for field trips. Your child is going to the zoo or the park or anywhere else for a field trip, parental consent form. Parental consent forms are familiar to every parent and every child and every teacher in America. It is what we do. You are going to go on a field trip? You have got to have your consent form. No parental consent form, no field trip.

Parental consent is required for extracurricular activities, for sports, student government, club activities, all sorts of things.

Parental consent is required before most schools can administer a Tylenol to a child; and that is, after all, the right approach.

Despite what some candidates have said in recent political campaigns, parents are people who should be informed, and they should be involved in their children's education and in their health decisions.

There is good reason for this. Through thousands of years of human civilization, we have come to an under-

standing, quite appropriately, that parents are simply better equipped to make these decisions than are other people; certainly better than the impersonal arm of a government.

Parents are people who know their children. Parents are people who know their children's medical history. Parents also love their children. Parents have their children's best interests at heart when they make decisions regarding involving or affecting them.

Government cannot do any of these things like parents can—not in any way, shape, or form.

There is a good reason for this, and it is because government doesn't love their children. It is not that government categorically always means them harm. That is not it. Government isn't a person. It is not a being. Government doesn't have arms with which to embrace or shelter or protect their children. Government doesn't have a heart with which to love their children.

Government, when reduced to its core, when we really break it down to what it is, government is simply force—politically permissible, officially sanctioned, coercive force. It is violence or the threatened use of violence with a badge under the cover of official authority.

Now, we need government—we need government to protect life, liberty, and property. We need government to protect people from harm. But we have got to use it carefully. When we misapprehend what government is and we lose sight of this relationship between the people and the government, with the understanding that the government is there to serve the people and not the other way around, when we lose sight of the fact that government is just the official use of coercive force, when we start to revere it as some sort of benevolent, omnipotent, omniscient presence, bad things happen.

Because government, while necessary, is also dangerous; no less so than other things that are necessary, like water and like fire, like electricity, like wind, like oxygen. All these things, if not controlled, if not managed in one way or another, if not accounted for, can become dangerous and inevitably can prove deadly.

So thank Heaven above that Almighty God assigned primary care of children to parents and not to government. And thank Heaven above that Almighty God endowed each and every human being with these inalienable rights and with the understanding that government is there to serve and protect them and not the other way around.

Unfortunately, in some places, like right here in our Nation's Capital, the government seems almost to have completely lost the plot.

Right here in the District of Columbia, the DC Public Schools system is one in which minors can receive medical procedures without the school obtaining the consent of the parents or even informing the parents.

In other places across the Nation, this slippery slope is already leading governments to consider life-changing, school-provided medical procedures without parental notice or consent.

As a parent and, for that matter, as a human being, as a citizen of this country, this thought sends shivers down my spine, and not at all in a good way.

You see, while the Federal Government has almost no legitimate role in making decisions in our primary and secondary education systems, these are to be left for States and local governments. Very, very little role for the Federal Government to play in that area at all. It is an area that should be left to parents and students and teachers; and where government is involved, it nearly always is supposed to be State and local officials, not Federal ones.

With this bill, we make sure that the Federal Government doesn't endorse or, Heaven forbid, mandate this dangerous approach to medical decisions for minors. It is not something that we should do.

And so that is why I came here, to ask precisely that. I came here to ask that we provide assurances for parents and for children—once again, make no mistake, I am for the vaccine. I am categorically against the mandate. The mandate should not happen. The mandate is wrong. The mandate is without legal foundation. It is constitutionally indefensible, especially when exercised by one person at a level of government not equipped to deal with these things who are constitutionally authorized to do so.

But more than anything, the mandate is itself immoral. It is telling American moms and dads that they have to choose between getting a vaccine—even if to do so would cause significant problems for them because of a unique health condition, a religious objection or otherwise, they have got to choose between getting that unwanted vaccine on the one hand and losing their job on the other.

Are we really going to tell them that to honor their own personal autonomy, their own ability to decide what is best for them, we are going to order their employer to fire them, rendering them unemployed, for the time being unemployable?

And in some cases, because of the way some of these companies—in anticipation of the yet-to-be-announced mandate, some of these companies that have already started firing people are actually putting them on unpaid administrative leave, such that they can't even collect unemployment.

This is just mean. It is mean-spirited. So when you peel back all the layers of all the constitutional arguments, of which there are many, you are left with some policy arguments. But more than anything else, we are left with some basic moral arguments, arguments involving fundamental fairness. This is not who we are.

Look, when we disagree, we can be—we should be able to disagree without getting someone fired. But we should certainly be able to disagree without subjecting potentially hundreds of millions of people to unemployment based on a personal medical decision, one that may have profound health consequences or religious consequences to them personally.

I didn't think any of these things were all that controversial. I still don't believe they are. If any of us could talk to people at random from our home States, whether they are from communities or families or households that lean left or right or somewhere else, most people have a basic sense of fairness that transcends political ideology and partisan affiliation.

That basic shared sense of fundamental fairness is utterly at odds with doing this. We are better than this.

President Biden, you are better than this. President Biden, you and I don't agree on everything, but I know that you know, President Biden, that this isn't fair. Let's not do this to the people.

So all I was asking today in trying to pass this legislation is that we reaffirm our commitment to supporting parents in making decisions for their children. I tried to pass that uncontroversial measure, and it is a source of great disappointment and even some surprise that we couldn't even pass that. There has got to be something that is a bare minimum.

I appreciate the insights provided by my friend and distinguished colleague, the Senator from Washington, who, in objecting to the passage of this measure, shared her thoughts on why she opposes it. But I don't agree with her. Among the arguments she raised was a suggestion that under existing State laws, there are already ways of figuring out when, whether, and in what circumstances parental consent might be required. Now, this is—this is great.

I love federalism arguments. I am happy anytime someone raises a federalism argument. I think that is the kind of argument that doesn't get made nearly enough around here because it is kind of a watershed structural issue within the Constitution, one that outlines the difference between Federal power and State power.

You see, our constitutional Republic is one in which multiple layers of sovereignty exist. States and their subdivisions enjoy what we call general police powers, the power to enact legislation, generally, as States and their subdivisions deem appropriate for the protection of health, safety, and welfare. States, in the absence of an expressed U.S. constitutional prohibition or in the absence of some restriction in their State constitution—States are presumed to have general police powers. They may enact legislation as they deem fit to benefit their citizens.

We, as lawmakers in the Federal Government, have a narrower view. We have a narrower task. We have a nar-

rower area of authority. We can't just enact something as Federal law simply because we think it is a good idea. We have to connect it to one of the enumerated powers made Federal by the Constitution. Most of those powers—not all of them but most of them—can be found in one portion of the Constitution written in relatively plain English nearly two and a half centuries ago, still easy to read today, still makes sense today—article I, section 8 makes that clear. We are in charge of national defense, regulating trade or commerce between the States and with foreign nations and with the Tribes; trademarks, copyrights and patents, bankruptcy laws, immigration laws, naturalization laws. There are a few others, but that is the basic gist of it—things that are distinctively national and designated as such by the Constitution. That is within our power. And everything else, as the 10th amendment reaffirms, stating again what the original Constitution made clear implicitly and was made explicitly in the 10th amendment, that powers not made Federal by the Constitution and not prohibited to the States by the Constitution “are reserved [for] the States respectively, or to the people.”

That is no accident that they put that phrase in there in the 10th amendment, “or to the people.”

When you reserve power to the States, you are, in a sense, reserving it for the people, and the people are the ultimate sovereigns. We are authorized to act as a Federal sovereign only in those narrow areas.

So I get back to the argument that my friend and distinguished colleague, the Senator from Washington, made moments ago. She referred to the existence of State laws delineating circumstances in which parental consent for a medical procedure, including a vaccine, might be acceptable or appropriate. I appreciate the federalism argument. We ought to have more of those. There are far too few of them here. The great irony here is that this focuses on the fact that we shouldn't be operating in this space in the first place.

To the degree that she is right, as she absolutely is to be focusing on the distinction between State power and Federal power, that same principle argues a fortiori in favor of us not deciding this on a national level. In other words, if it is true, as it is, that we ought to be focused on State law and what State law requires or allows or contemplates or permits, heavens, yes, let State law apply.

But you can't have it both ways. If you are going to make this Federal, as the President of the United States has purported to do, even though it isn't, then we not only may, I believe, we must weigh in. We must weigh in as the people's elected lawmakers. It is our job to make policy, and it is our job to decide when, whether, and to what extent Federal policy is unacceptable and needs to be curtailed. So, absolutely, the Senator from Washington

is absolutely right that we should be concerned about what State law says. And State law should be the beginning and the end of the inquiry here.

You see, this is what is different between this vaccine mandate and others that have been mandated in the past. We have never seen one that is Federal—not applied to the American population as a whole, not as to the general public. We have never seen one done federally, and there are good reasons for this. It isn't a Federal beast.

So my friend from Washington has expressed concern for not trampling on those laws. She couldn't be more right in the fact that we should respect State sovereignty and the sovereignty of the people. That is all the more reason why we should have passed S. 2988 today.

S. 2988 is yet another example of a simple modification, that if—if we are going to go down this road of a Federal vaccine mandate—which we should not, but if we were going to, at bare minimum, we ought to be making this a decision that has to be done in consultation and with the approval of—not just the notice but also the consent of parents. That is not too much to ask.

The American people have been asked over and over again, especially over the last 18 months with the COVID-19 pandemic, they have been asked to settle. They have been asked to settle for this brooding omnipresence in Washington that tells them what to do. They have been asked to settle for multitrillion-dollar annual deficits. They have been asked to settle for limited freedoms.

The American people shouldn't have to settle for those things. They certainly shouldn't have to settle for a Federal Government acting without authority through one person who has the ability to take away one of the most sacred, one of the most fundamental, one of the most cherished God-given rights, which is the right to make decisions involving and uniquely affecting their own children.

For anyone within the sound of my voice or reading this, I implore you, don't settle—don't. Don't settle for multitrillion-dollar annual deficits. Expect Congress to start to care about the inflation that it is causing through reckless spending.

Don't settle for this brooding omnipresence of a Federal Government that is purporting to have the ability to dictate every aspect of your lives. No. Expect a government that operates within the space carved out by the Constitution. Don't settle for a government that knows no boundaries around its authority. Expect the government to respect its own limitations. It is time to expect more, and it is time to expect freedom.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

INTERNAL REVENUE SERVICE

Mr. CASSIDY. Madam President, the IRS should not have the right to spy on American bank accounts, period.

We all know the list of reasons why the Democrats' \$3.5 trillion tax-and-spend spree is a disaster. It will bury the American people in a mountain of debt, crushing inflation, and require new taxes. The Committee for a Responsible Federal Budget, nonpartisan, warns that this spree could exceed \$5 trillion in terms of the deficit.

But aside from the economic disaster of this tax-and-spending spree, the White House and congressional Democrats want to force banks to report details of every American's bank account to the IRS. This is nothing less than mass, indiscriminate government surveillance of Americans, giving IRS bureaucrats unfettered access to Americans' personal private finances, which is a gross invasion of privacy and an abuse of power.

Democrats said that this reporting requirement will only target the rich. But, according to the New York Times, the Biden administration's original plan was to have banks "provide data for accounts with total annual deposits or withdrawals worth more than \$600." That is \$600 over the course of a year.

I don't know if I can think of anyone other than maybe the 8-year-old child whose parents opens an account for them to have an account. No one else who has an account will have less than \$600 in transactions over the course of a year. This would lead to almost every American's financial banking information being transferred to the IRS, and this is what the Biden administration is advocating for.

If you are a small business owner, it will be as if you are spied upon. If you are a family looking to buy your first home, you will be as if spied upon. If you sell your neighbors some fishing rods, hey, the IRS is going to know about it. If you are a single working mom trying to take care of your children paying for daycare, they will know about it.

But now some are saying we will raise the cutoff to \$10,000. But that doesn't mean that they will limit their espionage, if you will, to transactions over \$10,000. No, this will say that anyone with more than \$10,000 transactions on an annual basis, cumulatively, out of a single bank account, that will have to be reported. And there is the rub. It changes almost nothing. Most Americans still fall within this category and will be caught within the surveillance scheme.

If you pay rent, you will be spied upon. If you buy a new car to drive your child safely to and from school, the IRS will know it. This is wrong. On top of a clear violation to our right to privacy, it is also just terrible policy. The reporting requirements in the \$3.5 trillion Democratic only, no Republicans, tax-and-spend spree will create an unreasonable burden on banks and credit unions to report and record massive amounts of debt.

Lastly, let's think about why this bill—reconciliation, Democrat-only play—why it wants keys to your bank

account. They need it to help spend for the \$3.5 trillion tax-and-spending spree—3.5 trillion, with a "t", dollars. They say they are only going to catch ultrawealthy tax cheats. That will be a good thing, but that is not what this legislation does. This legislation doesn't look at the ultrawealthy. It looks at all of us.

Now, no one wants people to cheat on their taxes. The people who are cheating should be caught. Republicans have always supported people paying the taxes they owe. What we oppose is a bill with not a single substantive committee hearing in the Senate, which will be pushed through on a strictly party-line vote, in which the American people's concerns about this level of surveillance of their bank accounts goes without comment and in which the bill directs the IRS to know details of almost every single American's bank account. That is what we object to.

Democrats are showing us the harm government can do when they don't care about citizens' privacy. They are showing their real priority. It is having an ability to look into our lives on a scale previously unimaginable. It is unacceptable, un-American, and should be opposed.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. HICKENLOOPER). The Senator from Nevada.

LEGISLATIVE SESSION

MORNING BUSINESS

Ms. CORTEZ MASTO. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

NOTICE OF A TIE VOTE UNDER S. RES. 27

Mr. DURBIN. Mr. President, I ask unanimous consent to print the following letter in the RECORD.

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

To the Secretary of the Senate:

PN807, the nomination of Jennifer Sung, of Oregon, to be United States Circuit Judge for the Ninth Circuit, having been referred to the Committee on the Judiciary, the Committee, with a quorum present, has voted on the nomination as follows—

(1) on the question of reporting the nomination favorably with the recommendation that the nomination be confirmed, 10 ayes to 10 noes; and

In accordance with section 3, paragraph (1)(A) of S. Res. 27 of the 117th Congress, I hereby give notice that the Committee has not reported the nomination because of a tie vote, and ask that this notice be printed in the Record pursuant to the resolution.