



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 117th CONGRESS, FIRST SESSION

Vol. 167

WASHINGTON, WEDNESDAY, DECEMBER 1, 2021

No. 207

Senate

The Senate met at noon and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Great God and Father, whose goodness lasts a lifetime, open our eyes to the wonders of Your grace. Help us to see the majesty of Your inclusive love to people everywhere, inspiring us to do Your work on Earth.

Today, accept the gratitude of our lawmakers for Your generous blessings. Lord, keep them so dedicated to You that Your peace will abide in their hearts. May faith replace fear, truth conquer falsehood, and love prevail over hate.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDENT pro tempore. The Senator from Minnesota.

Ms. SMITH. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2022—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4350, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 4350) to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Reed/Inhofe modified amendment No. 3867, in the nature of a substitute.

Reed amendment No. 4775 (to amendment No. 3867), to modify effective dates relating to the Assistant Secretary of the Air Force for Space Acquisition and Integration and the Service Acquisition Executive of the Department of the Air Force for Space Systems and Programs.

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

BORDER SECURITY

Mr. CORNYN. Mr. President, back in September, a small little Texas border town, Del Rio, TX, was thrown into the national spotlight. This is a small town on the U.S.-Mexico border of 35,000 people, and over the course of several days they had 15 to 20,000 Haitian migrants show up, camping out underneath a bridge.

Migrants huddled under the bridge to escape triple-digit temperatures. It is still hot in September in Texas. And they had minimal access to sanitation, food, and clean water. The images of

this crisis looked like they were taken from a Third World country, not from the United States of America.

This massive surge should not have caught the Biden administration off guard. As a matter of fact, they should know that their policies have incentivized and encouraged this sort of influx of humanity across our border.

Border Patrol had been asking their leadership for more resources as far back as June, but come September, those resources weren't available; and despite the warnings, the Biden administration was completely unprepared.

So what is the Border Patrol supposed to do when you see this mass influx of humanity come across the border for which the administration is completely unprepared in a town that lacks the infrastructure to deal with this influx?

Well, the Border Patrol did what they needed to do. They were pulled off the front lines to provide humanitarian relief. But what that means is it leaves huge stretches of the border unprotected against illegal immigration or, perhaps even more dangerous, illegal drug smuggling coming across the border.

And the criminal organizations that operate these smuggling operations, whether they are migrants or they are drugs, they understand this. This is part of their game plan. But it is like they are playing three-dimensional chess while the U.S. Government is playing checkers. It is just not a fair fight or a fair matchup. But so far it has not, apparently, sunk into the Biden administration.

Fortunately, we did have some organizations, like the Val Verde Border Humanitarian Coalition, step up to feed, house, and arrange transportation for these migrants. You could imagine what the challenge was just to feed 15 to 20,000 people. There wasn't a Porta-Potty to be had for 300 miles after they consolidated there to deal with the sanitation issues alone.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S8837

If not for the dedicated Border Patrol agents, U.S. Customs and Border Protection, and the incredible community organizations in Del Rio, this crisis could have been much, much worse. As a matter of fact, the sector chief of the Del Rio Sector told me that the fact that they did not have a loss of life was a miracle.

I want to publicly express my gratitude to those who, in countless ways, went above and beyond the call of duty to mitigate this crisis the best they did. They don't receive the gratitude they deserve, but they need more than our gratitude. They need our help. After the makeshift camp under the bridge was cleared, the national news died down. The reporters and cameras went away, but the problem did not. It is not a question of "if" there will be a repetition of what we saw in Del Rio in September; it is a question of "when" because none of the reasons those 15,000 to 20,000 Haitian migrants have shown up has been fixed.

Last week, I visited Del Rio, and I met with leaders in the community who told me about the challenges they are facing. The new chief of the Border Patrol sector, whom I mentioned a moment ago, told me that, while there were 15,000 to 20,000 migrants in that one episode in September, they are still averaging about 1,000 migrant encounters a day. So, in about 2 weeks' time, they had the equivalent of what we saw last September in terms of the 15,000 to 20,000 migrants because they are still getting 1,000 people a day. Yet it doesn't command the attention of the news media and of the Nation like this incident in September did.

So things are not getting any better. Agents are still being diverted from their normal duties to care for migrants, including unaccompanied children, which leaves, again, vast swaths of the border unprotected through which drugs are run—drugs that last year alone took the lives of more than 100,000 American citizens, because the vast majority of fentanyl, methamphetamine, heroin, cocaine, and other illegal drugs come across our southwestern border.

The cartels understand, if you flood the zone and overwhelm the capacity of the local Border Patrol to deal with it, you are going to leave unprotected areas, and that is exactly the plan of these transnational criminal organizations.

I spoke with a group of about 30 Border Patrol agents at muster. That is when they show up for their shift, from one shift to the next, where they learn, sort of, what is the latest information they need to know before they go out on patrol. When they were asked to raise their hands if they would be working out in the field that day, patrolling the border, not a single hand was raised. That is because these 30 Border Patrol agents were going to be pushing paper and processing migrants instead of being out on the frontlines, protecting our country against illegal

immigration and the influx of illegal drugs.

Again, the cartels understand this. This is part of their game plan, but, apparently, the Biden administration and the powers that be here in Washington, DC, are completely oblivious to what the push and pull factors are for illegal immigration and illegal drugs across our border.

These men and women of the Border Patrol are brave professionals, and they would normally be out on the frontlines, stopping dangerous people and substances from sneaking across the border, but now they are primarily tackling administrative duties—processing paperwork, watching children, transporting migrants—and trying to clean up the mess created by a failed border security policy by the Biden administration. This is a dangerous situation that puts our entire country at risk.

While these highly trained and dedicated agents are pushing paper, who knows what is coming across the border?

There is a clear and urgent need for Congress to take action to address this crisis in a meaningful and responsible way. Everybody, from Secretary Mayorkas on down, says that this is what is required under current policies. So my humble suggestion is those policies need to change, and that means only Congress can pass new laws to change those policies.

So far, our Democratic colleagues, especially the leadership, have shown zero interest in engaging at all on how to solve this problem. They have spent the bulk of this year trying to figure out how you could break the rules of the Senate to reform our entire immigration system by using the budget. This process wasn't designed to fast-track partisan legislation or to circumvent responsible policymaking. It is not a loophole that allows the majority party to do whatever it wants.

The Senate Parliamentarian has already confirmed several times that our Democratic colleagues cannot use this budget reconciliation process to grant citizenship to millions of undocumented immigrants, but they keep coming back, and, for some reason, the very people who would benefit from these policies don't seem to hold our Democratic colleagues accountable for showing up empty-handed, notwithstanding their promises of help to people who are here in an undocumented status.

Our Democratic colleagues continue arguing among themselves about how much of the population should receive some form of legal status without their putting one ounce of thought or ounce of effort into how the population got so big in the first place. They are certainly not considering what we need to do to prevent the number of people living in the shadows from continuing to increase.

I have said repeatedly that there is a clear and urgent crisis on our southern

border, and President Biden and his administration have proven to be either unwilling or incapable of addressing it. The numbers tell the tale. Last year, border crossings hit a record high—more than 1.7 million border crossings in a single year. That is a 30-year high. The backlog of immigration court cases has grown to nearly 1.5 million—that is 1.5 million pending court cases before immigration judges—and the average wait time for a single case to be decided is more than 2½ years.

Congress has a duty to take action to create change in this broken system, and it can only be done in a bipartisan way. It is not too late for our friends on the other side of the aisle to work with us and to abandon this attempt to do an "amnesty by partisan vote" on a Budget Act. It is not too late for them to work with us to address the crisis at hand, and I have a suggestion about a good place to start.

Earlier this year, I introduced a bipartisan-bicameral bill with a fellow border State Senator, Ms. SINEMA, called the Bipartisan Border Solutions Act. We have also been proud to work with two of our House colleagues, Congressman HENRY CUELLAR, a Blue Dog Democrat from Laredo—as the Presiding Officer knows in having been to Laredo recently—and TONY GONZALES, who represents the 23rd Congressional District, the largest contiguous congressional district to the U.S.-Mexico border. This legislation makes two modest but important changes to alleviate the strain on law enforcement and improve the way we process and care for these migrants.

One would establish four regional processing centers in high-traffic areas along the border. These would be, in effect, a one-stop shop for the various government Agencies involved in processing the migrants. Migrants can receive medical screenings, have their identities verified, and go through a criminal history check—all in one place. They can also begin the legal process of seeking asylum. They will complete their "credible fear" interviews, go through legal orientation, and receive the documents and information they need for their future court dates.

Right now, in the absence of regional processing centers, that all takes place wherever the bodies come across at a given location along the border. That is what takes the Border Patrol off the frontlines, opening up these huge gaps in our border security for illegal drugs to come across. So the very modest step of creating regional processing centers will at least help with that.

Second, our bill addresses staffing shortages that have made this situation even more challenging, and, indeed, that is the goal of these criminal organizations that move millions of migrants across our border. But it will require the hiring of hundreds of Customs and Border Protection officers and Border Patrol processing coordinators so agents, like those I spoke of in Del Rio, can get back on the frontlines.

This legislation calls for 150 new immigration judges. Given the size of the backlog of the immigration docket, we need more help. We need 300 asylum officers, ICE litigation teams, and other personnel to help adjudicate asylum claims and work through the immigration court backlog.

But make no doubt about it. These criminal organizations are smart, they are well organized, and they understand the gaps and know how to exploit them. It is because they have become experts at exploiting the gaps, in the absence of any action by Congress, that what we have seen in this last year is going to continue into the foreseeable future. What we saw in Del Rio last September will be repeated at some point unless we change the way we handle these migrants.

These are commonsense reforms, like I said, that have received bicameral and bipartisan support, which, for 10 months, has completely bewildered the Biden administration. It is not a solution to every problem we are facing today, but it is a place to start. I would yield to anybody who has a better idea or to anybody who has any ideas at all, but, so far, all we hear from the Biden administration is crickets—pretending like the problem doesn't exist and will, hopefully, go away.

Meanwhile, the President's poll numbers, when it comes to the border and illegal immigration, continue to plummet. You would think self-interest alone and the political future of the Democratic Party and of this administration would cause them to wake up and decide: Hey, what we are doing now isn't working; so let's try something different.

Well, I hope that Senate Democrats, who have the majority in the Senate and who set the agenda both here on the floor and in committees, will consider the bipartisan-bicameral bill that Senator SINEMA and Congressmen CUELLAR and GONZALES and I have proposed.

Only the chairman of the committee—the Judiciary Committee—can actually set a hearing on a bill and schedule a markup where we can vote on it, where we can offer amendments and shape the bill according to the will of the Members of the Senate. So far, Senator TILLIS from North Carolina and I have written a letter to Senator DURBIN, the chairman of the Judiciary Committee, asking him to hold such a hearing and a markup. We are not suggesting we can dictate the outcome, because every member of the Judiciary Committee would be able to offer any additional suggestions or amendments that they might have, but we are asking him to get off the dime, to get out of neutral, and actually do something to help improve the broken situation at the border.

Senate committees used to be the usual place for debates on critical issues and legislation, but now it seems like the Democratic chairmen have ceded all of their power to the authors

of the reckless tax-and-spending spree bill that has now passed the House. They complain about which policies were cut out of the latest bill without stopping to consider the fact that they could move these same policies through the normal committee process.

After the Parliamentarian confirmed that Democrats cannot grant legal status or citizenship through the budget process, the chairman of the Judiciary Committee professed to be deeply disappointed, but he wasn't surprised. He knows the rules as well as anybody else, and it seems disingenuous to me to say he was deeply disappointed in not being able to move immigration law changes through a partisan budget reconciliation process when he himself has the authority to schedule a markup and a hearing of a bill that would actually make things better. There is nothing that prevents Chairman DURBIN from holding a hearing on these proposals in the Judiciary Committee this week.

Make no mistake. Republicans want the Judiciary Committee to start working on legislation to address the failures of our immigration system and not just the border crisis. As I suggested a moment ago, this summer, Senator TILLIS from North Carolina and I asked the chairman of the committee to take up a targeted DACA bill, Deferred Action for Childhood Arrivals, that only addresses the active DACA population.

We weren't holding these young people who have done nothing wrong but find themselves now in an unstable future because of the litigation that is still pending. We didn't ask for anything for that. We just asked that the Senate Judiciary Committee actually do its job by taking up a bill and voting on a piece of legislation and making it available for floor action.

Many of our Democratic colleagues have been promising the Dreamers, sometimes known as the DACA population—same difference. These are people who came across the border illegally as children, but in America we don't hold children responsible for the mistakes their parents make. There are many of us on our side of the aisle who would be happy to engage in a discussion and debate and vote on relief and a more stable future for these young people who, as I have said, did nothing wrong but now find themselves in a legal conundrum. These are the young men and women whose fate has hung in the balance of every court ruling for the last 10 years, and the chairman of the Judiciary Committee is advocating giving them legal status.

Now he has two Republican Senators asking him to bring up a bill that achieves that goal, but he refuses, even went so far as to say he was disappointed we asked him to do his job. Instead, he insists on tying the fate of these young people to the Democrats' impossible-to-pass mass legalization proposal.

Our Democratic colleagues seem to think this massive partisan bill is the

only way they can prove to voters that they know how to govern, but they have got it backward.

In reality, Democrats' burning focus on this one reckless bill has kept them from achieving anything else, including immigration reform.

Our colleagues have done nothing to address the border crisis, so far have done nothing to fund the government, have done nothing to lift the debt ceiling, have done nothing to support our military, and have done nothing to meet the Senate's most basic responsibilities.

It is true that by virtue of a 50-50 Senate and a Democrat Vice President that our Democratic colleagues control the majority in this body and they control a majority in the House of Representatives and they have the White House. But one thing is for sure, this is a far cry from living up to our responsibilities to govern wisely and appropriately for the American people.

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. 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.

RECOGNITION OF THE MAJORITY LEADER

The majority leader is recognized.

GOVERNMENT FUNDING

Mr. SCHUMER. Mr. President, there is a lot of work to get done in this Chamber today and for the rest of the week, and Democrats are committed to working with the other side in good faith to get them done.

First, we need to fund the government before the December 3 deadline. On that front, negotiations continue on a bipartisan, bicameral basis, and we are making good progress toward passing a funding measure.

When a CR reaches the Senate, Democrats are going to support it and work to pass it as quickly as possible.

Our Republican colleagues, meanwhile, can either work with us to move the process quickly through the Chamber or they can engage in obstructive tactics that will make a government shutdown almost a certainty.

Sadly, this second option seems to be the path that a few on the other side are choosing, and I hope they see the light quickly and not cause a needless Republican government shutdown.

If every Member of this Chamber used the threat of a shutdown to secure concessions on their own interests, that would lead to chaos for the millions and millions of Americans who rely on a functioning government.

So I urge those Republicans who are thinking of poisoning this entire process for their own items to take a step back. There are other arenas and opportunities to have a debate. In the meantime, we have a responsibility—a responsibility—to fund the government

so it can fulfill its basic duties to serve the American people.

And we have a responsibility to support our troops, support their families, and keep Americans safe by passing our annual Defense bill. On that front, we also need bipartisan cooperation.

H.R. 4350

Last night, both parties ran a hotline in order to reach consent on holding floor votes on 21 amendments to the NDAA. This is even more amendments than Chairman REED and Ranking Member INHOFE offered a few weeks ago.

To put this proposal in historical context: In the first year under President Trump, the Senate held votes on 22 amendments on all legislation.

Not only that, our latest vote includes votes on the items Senator MCCONNELL said just yesterday were “the only reason that [Republicans] pushed the pause button on this bill.”

Well, it is time for Republicans to hit the play button. Democrats have been exceedingly reasonable by offering robust amendments with ample input from the other side of the aisle.

Again, let me repeat, we have more amendments on the floor that we have offered on this NDAA bill than the total amount of amendments for 4 years under Leader MCCONNELL on the NDAA bill—more here now.

People say we are moving too quickly. You know what we did on those bills? We sat on the floor for days without doing anything. We sat on the floor the last few weeks getting nominations through, even as difficult as some others are making it. So to sit on the floor and do nothing and then only do three amendments over 2 weeks didn't make sense.

Here we have 19 amendments—21 amendments that we are willing to do—again, to repeat, more than all the total amendments on the four NDAA bills that passed in 2017, 2018, 2019, and 2020, when MCCONNELL was leader and Donald Trump was President.

So let us get to the voting today. Let the Republicans hit the play button. Democrats have been exceedingly reasonable by offering robust process with ample input from the other side. Democrats want to get this done. I know many on the other side want to get this done as well. That is good, and we will keep working until we have a deal to move forward.

NOMINATION OF DALE HO

Mr. President, now on Dale Ho, earlier today, I had the honor to come before the Senate Judiciary Committee to introduce a remarkable candidate to sit on the Federal bench: Dale Ho, who I proudly recommended to President Biden as a nominee to the district court of the Southern District of New York.

Mr. Ho is a graduate of Princeton, Yale Law School, and clerked for two judges, including in the same district court for which he has now been nominated. But it is his experience at the NAACP Legal Defense Fund and at the

ACLU, where he currently serves as Director of Voting Rights, where Mr. Ho has set himself apart as one of the best election and voting rights lawyers in America.

He has argued two cases before the U.S. Supreme Court. In one, he challenged the exclusion of undocumented immigrants from the population count used to apportion the House of Representatives. In the other, which made the front pages of most newspapers in America, he successfully challenged the inclusion of a citizenship question on the 2020 census.

And beyond his cases before the Supreme Court, he also led the successful challenge of a Kansas law requiring people to show a birth certificate or passport when registering to vote.

As voting rights come under assault across the country, it is only fitting that we elevate one of the country's top voting rights experts to sit on the bench to safeguard our democracy and preserve our most fundamental right as U.S. citizens.

Voting rights is in jeopardy. There could be no finer person on the bench than Dale Ho, one of the great experts in America at both understanding and litigating voting rights for the people. If confirmed, I have no doubt he will make an excellent Federal judge, and I am proud to support his nomination.

WHITE HOUSE MENORAH LIGHTING CEREMONY

Mr. President, now on a different matter, this evening, it will be my honor to join the President, Vice President, First Lady, and especially our Second Gentleman for the annual White House menorah lighting ceremony.

This year, Hanukkah comes at a poignant moment not just for our country but for myself as well. I will be proud to participate at the White House as the first Jewish majority leader in history. I will join bearing in mind the passing of my wonderful father. And across America, we observe Hanukkah after a year and a half marked by both loss and then renewal.

This season is a reminder that, in the face of awful adversity, we cannot lose faith in God's providence. In the face of darkness, Hanukkah teaches that, rather than curse the darkness, we must light a candle.

In the story of Hanukkah, the Maccabees triumphed after facing enormous adversity. This year, we take heart from the lesson of that story. We, too, shall triumph over the challenges our country faces today.

So as we observe the fourth night of Hanukkah, I want to wish my colleagues and the American people a happy Hanukkah, and I look forward to joining the White House for tonight's candle-lighting event.

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

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

RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

THE ECONOMY

Mr. MCCONNELL. Mr. President, inflation is hammering working families from coast to coast, but Democrats want to print, borrow, and spend billions more. Our economy is already sputtering on their watch, but Democrats want to wallop the country with massive tax hikes that would kill American jobs and discourage industry from locating here in our country.

Everybody with a lick of common sense knows the massive, reckless taxing-and-spending spree that Democrats are writing behind closed doors is crazy. A supermajority of Americans—67 percent—say that inflation and rising costs are harming everyone in the country and government should cut back on spending and printing money as a result. Sixty-seven percent of the American people—two in three Americans—want Washington Democrats to step back from the precipice—an overwhelming consensus.

But a few loud voices on the far left are yelling at Democrats to ignore the people and take the plunge. The sheer financial cost of what Democrats want to do to our country is literally jaw-dropping.

Even when the Congressional Budget Office had to swallow all the Democrats' budget gimmicks and fuzzy math at face value, they still found that this reckless taxing-and-spending spree would add—listen to this—\$800 billion to the deficit in the next 5 years; even with swallowing all the gimmicks, another \$800 billion in deficit spending during a time of inflation.

But even that almost certainly undershoots the impact. The Democrats' legislation pretends that liberals will let all of these huge new entitlements simply expire after a few years. We all know that is a total accounting fiction. They are marketing these new welfare programs as moral imperatives. Democrats don't want them to expire, but they draft bills with these fake expiration dates to make it appear like it costs less.

Outside experts have tried to estimate the real cost of the bill. So listen to this: If all these new welfare entitlements did not magically fall away after a few years, they say the bill would actually cost double—double—what Democrats say and leave us with \$2.8 trillion in new debt. Nonpartisan experts who look past the Democrats' fictional accounting and fake assumptions find the bill would add \$2.8 trillion to the deficit.

So that is how you risk turning a couple years of inflation into a full-on lost decade—a full-on lost decade.

But the problem with their reckless taxing-and-spending spree is not just the pricetag. It is not the case that Democrats have cooked up a great list of investments that would strengthen America but we just can't afford it at

this particular moment, no. Our colleagues want to ram through a far-left wish list that would hurt families and help China.

So, look, there is no grand national project waiting on the other side of all these trillions, no 21st-century version of the Hoover Dam or the Interstate Highway System or the space race, nothing to really make us proud; just a mediocre assortment of new welfare programs, new transfers, and new bureaucratic power grabs.

And somehow it all seems tailor-made to take existing problems in our country and actually make them worse. Take, for example, the nationwide labor shortage facing our economy right now.

One of the most vocal of the House's self-styled Democratic socialists said last year that even after workplaces were once again safe, people should simply refuse to go back to work—refuse to go back to work. Forget science, forget economic recovery; just say no.

Well, this spring, the far left got their wish: a massive, unnecessary spending package that stunted our comeback and literally paid people to stay on the sidelines. By summertime, unfilled positions were setting new all-time highs.

Yet Washington Democrats now want to double down with a plan that would shatter a decades-old consensus about the link between welfare and work. They want to massively expand access to welfare, including to people in this country—listen to this—who are in this country illegally by hijacking the child tax credit that was designed for working families with actual tax liabilities. That is what the child tax credit was for: to help working families who had actual tax liabilities.

Or look at the ongoing obsession with the Green New Deal policies. President Biden's cave to the far-left's climate agenda started on day one: canceling American jobs, the Keystone XL Pipeline, and freezing exploration on new sources of domestic energy.

Last year, the United States was a net energy exporter. Now, on Democrats' watch, we have doubled our imports of Russian oil, and American households are staring down an historic spike in home heating costs.

Was it time to pump the brakes on green radicalism? Not if you ask Washington Democrats. Their reckless taxing-and-spending spree would heap a fresh batch of fees and mandates on producers of the most affordable domestic energy while showering incentives on the pricey and unreliable alternatives blue State liberals prefer.

Pouring government subsidies into green pet projects like electric cars and solar panels would mean handing a massive windfall to Chinese producers that dominate the markets for a slew of the rare earth materials these products require. So it would hurt our families and help China.

Look at education. The same Democrats who let their Big Labor bene-

factors rob kids of in-person schooling are now letting the Justice Department of the Biden administration scrutinize parents who dare to question woke propaganda. Their reckless taxing-and-spending spree would go even further to take power and control away from parents. Democrats want to bring even more of kids' learning, down to pre-K, under the thumb of woke bureaucrats and Big Labor.

Even prior to pre-K, Democrats have cooked up a crazy new labyrinth of regulations and subsidies and mandates for daycare. President Biden and Speaker PELOSI want to tell the American people how to raise their kids and how to structure their private family arrangements. These liberals want to take families' most personal life decisions and have Washington pick winners and losers.

So listen to this: The cost of childcare would actually be driven up. Families who have made different sets of sacrifices to have a parent or grandparent raise their young kids would get absolutely nothing. Oh, and listen to this: Many Americans' faith-based providers would be intentionally shut out from important funding, and the culture warrior Secretary Becerra would be calling the shots.

So it is like I said. The actual substance of their bill is as awful as the pricetag. Democrats' plan wouldn't just waste trillions and exacerbate inflation; it would also make American families' lives considerably worse.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

WAUKESHA CHRISTMAS PARADE

Mr. JOHNSON. Mr. President, on Sunday, November 21, 2021, a Christmas parade in Waukesha, WI, meant to usher in a season of peace on Earth, good will toward men, turned into a nightmare. An 8-year-old child and 5 adults were murdered, 62 others were injured. Some of the injured, including three children, remain in critical condition, their lives forever altered.

Families with their children who came to see Santa Claus, high school bands, the Dancing Grannies instead witnessed a horror that will leave lifelong psychological scars. First responders and law enforcement who rushed in to administer first aid and compassionately deal with the tragedy will be burdened by their terrible memories for the rest of their lives.

But as is so often the case, in the midst of an awful event caused by the worst of humanity, the absolute best of humanity is fully revealed. This is what we are witnessing in Waukesha. The healing process has already begun. It began immediately as members of the community came together to help the victims and survivors.

The very next evening, hundreds of people gathered at an interfaith prayer vigil to pray for healing and strength. I had the privilege of attending that vigil and speaking to members of the community, first responders, and those who knew the victims. It was a moving experience that I will never forget—sorrowful and yet hopeful.

From that experience, I have no doubt that the citizens of Waukesha will recover from this tragedy, but it will take time and a great deal of effort. It will also be the responsibility of civil society to administer justice for this heinous act of evil because the victims and the community of Waukesha deserve justice.

Unfortunately, there is nothing we can do to bring back the six innocent lives who perished: Virginia Sorenson, Leanna Owen, Tamara Durand, Jane Kulich, Wilhelm Hospel, and Jackson Sparks, who was only 8 years old.

We can pray for healing for those broken in both body and spirit and also pray for those who helped them heal. We can also show our support by offering a moment of silence here on the floor of the U.S. Senate, which I will ask for following the remarks of my colleague from Wisconsin whom I now yield to.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Mr. President, on Sunday, November 21, the joy and celebration of Waukesha's annual Christmas parade was shattered by a horrendous, senseless act of violence that took the lives of six individuals and injured scores of others.

Immediately, the community responded. Waukesha police and firefighters leapt into action, as did other first responders and so did parade-goers, providing aid and comfort to the injured and their families and those who witnessed such horrendous violence. They escorted some to safety. Many used personal vehicles to bring victims to area hospitals. These were acts of extraordinary heroism at a moment of immense tragedy.

I, too, joined in the interfaith vigil the following evening, where I joined hundreds upon hundreds in Waukesha and the surrounding area. This is a first step of an infinite number of steps in both the grieving and healing process. And while the entire vigil was moving in so many ways, I just remember the end where neighbor turned to neighbor to light their candles, and the light was passed on and on.

In that night, after dusk had passed, the area lit up, a symbol of both hope and unity, as well as grief and remembrance.

I want to be very clear where I stand, as I stand together with the Waukesha community. I think it is simply wrong and disrespectful to the innocent lives that were taken away for anyone to play politics with this horrific tragedy. We know this is not a political issue asking for division; it is a community standing together in unity, asking for

support to heal and asking for our love and support as we move forward together.

So we remember Wilhelm “Bill” Hospel, Virginia “Ginny” Sorenson, Leanna “Lee” Owen, Tamara Durand, Jane Kulich, and 8-year-old Jackson Sparks.

I yield back to my colleague to ask for a moment of silence in their memory.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, I now invite the Senate to observe a moment of silence in memory of and to recognize those killed, injured, and forever impacted by the attack on the Waukesha Christmas parade on November 21, 2021.

(Moment of silence.)

Mr. JOHNSON. Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

BUILD BACK BETTER

Mr. BARRASSO. Mr. President, as I was home last week for Thanksgiving, traveling the State of Wyoming, talking to many folks, I heard a lot, got an earful from people about the Democrats’ reckless tax-and-spending bill that is being proposed and that Senator SCHUMER has said he wants to get passed before Christmas. Well, if that is the case, it is going to be a long December.

The people of Wyoming do not like this bill because they are finding out more and more about what is in it and how it is going to impact their lives. So I come to the floor today to talk about a couple of things that the American people have heard and the people in Wyoming have been tuned in to dramatically, and that is wanting to know what does it cost.

Just before Thanksgiving, the non-partisan Congressional Budget Office released its report about the cost of the bill, and the report confirmed what Republicans who had read through it have expected. It is jam-packed with phony accounting gimmicks, and it seems like the Democrats have used just about every trick in the book to deal with the true cost of the massive amounts of money the Democrats are trying to spend in this bill with one giveaway after another and, additionally, entitlements—new entitlements that the country cannot afford.

Even with all the gimmicks used, the spending is still hundreds of billions of dollars added to the debt—not just hundreds of billions of dollars of spending, hundreds of billions of dollars added to the debt. This is a violation of the speech that Joe Biden has given repeatedly, that his press people have

said repeatedly, that the Speaker of the House has said repeatedly, because they continue to say and the President has said and the Secretary of the Treasury just yesterday said the cost of the bill would be zero. I can remember seeing President Biden on television saying the cost is zero, zero, zero. The budget office even says it is hundreds of billions of dollars added to the debt.

But watching this unfold, as the President and the Democrats have tried to force this bill onto the American public, there have been three big lies coming out of the President’s mouth repeatedly on this. One is, he said it would cost zero. The second, he said it wouldn’t raise taxes on anybody making less than \$400,000 a year. The third thing, he said it wouldn’t add to inflation.

Well, the President has been wrong on all of those. Hundreds of billions of dollars onto the debt—hundreds of billions of dollars. It does raise taxes on the middle class. The budget analysts and the tax analysts who looked at this say at least one in three Americans in the middle-income areas will be paying more in taxes. And it will certainly increase inflation.

I would point out that the people at home are feeling the biting impacts of inflation. It is hitting their lives. It is hitting their pocketbooks. They noticed it over the Thanksgiving holiday. People in Wyoming are going to the gas station to fill up their truck, and it is \$100—\$100 dollars every time you fill up.

People drive great distances to work in Wyoming. I think we are the State that has the most miles driven, average, for any State over the course of a year, more miles driven in Wyoming by Wyoming residents, so we know what happens when gas prices go up a dollar and a quarter.

Prices are up at the store as well, up a dollar and a quarter at the grocery store. I don’t know if you know that the Dollar Tree store has actually changed it to a dollar and a quarter for what they are charging for things.

That is what we are getting under this administration with its reckless positions and policies.

Yesterday, the Treasury Secretary, at the Banking Committee, said that this would not add to the debt. You know, the American people don’t believe it. Poll after poll says the President is not being honest with them, in their opinion. That is what they are seeing, and the budget report confirms it. The American people do not want more debt, more taxes, and more spending which results in higher costs for them.

When the President said it wouldn’t actually raise taxes on people making up to \$400,000 a year, there are the direct taxes, which the budget analysts point out to us, but there are also the taxes that are going to be raised by the IRS fund, putting the American people under the microscope, because in this

bill that the Democrats are proposing, it super-sizes the Internal Revenue Service to go after American taxpayers to try to squeeze more money out of honest people so they can spend it on things like five new entitlements for illegal immigrants. The bill would nearly double the size of the IRS, and the money is going to enforcement.

Now let’s talk about some of the tax breaks that are in this. Who is going to benefit the most with tax cuts that are actually in the bill? Because the President says there are tax cuts in it. Well, there are. NANCY PELOSI’s California—the millionaires there benefit a lot. People of New York benefit a lot. People of New Jersey benefit a lot. The millionaires in those three States will see significant cuts in their taxes, as middle-income people pay more, which gets us to the third big concern about what the President is continuing to say to the American people, which is where he says that it will not add to inflation.

People can see through this. They see what they are paying. They see that inflation is coming.

I would note that yesterday, the Chairman of the Federal Reserve said that this idea about temporary inflation is wrong. Oh, no—here to stay. People get it, and they don’t like it. They don’t like it when they are thinking about what is going to happen if they are trying to shop for Christmas. Can they get what they want to buy, and what is it going to cost?

Well, the President has said that 17 Nobel laureates said the bill wouldn’t add to inflation. But then his comments were fact-checked, as so many things we say are fact-checked, and what those economists, the Nobel economists, actually said was that it wouldn’t add to inflation if the bill were fully paid for, and it is not, because the budget officials have pointed out that the bill is going to add hundreds of billions of dollars to the debt.

As I started this, I talked about the fact that I was home for Thanksgiving. Well, this Thanksgiving has been the most expensive ever for the American people, and people are now really worried about what is going to happen come Christmas.

The price of gas is at a 7-year high. Natural gas is at a 7-year high. It is getting colder. Winter is here. What is going to happen with heating costs?

Hard to believe that in just 10 months as President, Joe Biden has taken inflation to a 30-year high. According to one estimate, families are paying about \$175 more each month because of inflation since President Biden took office. That is about a \$2,000 bite out of the paychecks for every working American over a year.

Now, it is interesting, when you kind of dig into the meat of what is in this bill, the Democrats want to make energy even more expensive than it is now. So if we are at a 7-year high for the cost of gasoline and a 7-year high for the cost of natural gas, what is

going to happen when the new taxes and regulations on American energy go into effect at a time when President Biden is begging Russia, Vladimir Putin, and Saudi Arabia to produce more oil to sell it to us? It is a jackpot for Putin. That is what we have—Joe Biden's jackpot payday for Vladimir Putin at the expense of the American people. So there are families who are going to have to decide this winter whether they are going to be able to afford to eat or to heat their homes.

The Democrats' tax-and-spending bill is going to raise taxes across the board, and a lot of it is aimed at small businesses, mom-and-pop operations. What are they going to do with the taxes that come at them? Well, of course, they are going to pass them on to the customers. What is that going to do to the cost when the customer comes in? The cost is going to go up, and therefore you have inflation.

Another part of what the Democrats are proposing, which will make inflation worse, is they are going to increase government spending. More spending. More debt. More printing of money by the Federal Reserve. More dollars facing fewer goods. Prices will go up.

One of the things that we are starting to hear about as people learn more about it is the increased cost of childcare under the President's proposal, by about \$13,000 per family. Look, this is already a huge expense for working families, but the bill could nearly double it. That is because it includes a Federal takeover of childcare in America.

In total, the bill would create more than 150 new government programs. It is interesting that it uses the words "tax," "fee," and "penalty" 637 times.

When the President said Build Back Better, I looked at this as a bill that is going to break the back of American families 637 times—tax, fee, penalty. From top to bottom, this bill is a laundry list of more taxes, more debt, more government control over our lives. The people of Wyoming do not like it and do not want it. This is not what the American people are asking for. They don't like its content; they don't like its cost; and the more they learn about it, the less they like it.

It is interesting because the day after the budget office came out with their report, the Democrats rushed the bill through the House, saying: We have got to get this through here before people see what is in it. Every Republican is united against it. Every Republican voted against it in the House, and actually, there was a Democrat who voted against it as well. So the opposition is bipartisan.

Now, the bill comes to the Senate. Here we are. I promise you it will hit a buzz saw of resistance from Republicans in this body.

So Democrats in the Senate have to make a decision. As people in our States struggle to pay for Christmas, the Democrats who are pushing this

reckless proposal have to decide whether or not they want to ignore the suffering that has been created by this administration with increased prices, by causing prices to go up even higher as well as taxes to go up as well.

The American people know that President Biden has not been truthful with them about the bill—about what he has said about the cost, about what he has said about taxes, about what he has said about inflation. Poll after poll says they don't believe him because they know the bill is going to add hundreds of billions of dollars to the debt; they know it is going to raise taxes on the middle class; and they know it is going to make the pain of inflation even worse.

If Democrats pass this bill, everyone in this country will end up paying for it, one way or another.

The last thing the American people need for Christmas is higher taxes, more debt, and higher prices. The last thing the American people are asking for is this reckless tax and spending.

I yield the floor.

The PRESIDING OFFICER (Ms. ROSEN). The Senator from Mississippi.

UKRAINE

Mr. WICKER. Madam President, I rise this afternoon in support of the freedom-loving people of Ukraine, our friends and our allies in Europe, and in warning to my fellow Americans, to my colleagues, about a threat coming from Vladimir Putin's Russian regime. I rise in support of this American ally whose right to democracy is being threatened. Its right to self-determination is being threatened. And I rise at this moment, when there are negotiations going on in this building between Republicans and Democrats as to how to urge the President of the United States to respond to a buildup of 90,000 to 100,000 Russian troops on the border of this sovereign country who is our ally.

The world has watched in recent weeks not understanding, not knowing what Vladimir Putin has in mind. But there is no question about it, there is the amassing of troops. They are moving in place all the supplies and troops it would need if they decide to launch an invasion of this Member of the United Nations, of this Member of the Organization for Security and Co-operation in Europe, this sovereign nation who wants self-determination.

Our Ukrainian friends are sounding the alarm. They warned us that Russia could be ready to invade their country by land, air, or sea as early as next month or February of 2022. I heard their concerns along with a bipartisan delegation of Senators who attended the Halifax International Security Conference just a couple of weeks ago in Nova Scotia.

These are concerns that were voiced today at a bureau meeting of the Parliamentary Assembly of the Organization for Security and Co-operation in Europe. The threats are serious. The troops are there on the border of

Ukraine, and we have a right to be worried and mindful about Mr. Putin's latest move in his long campaign to undermine Ukraine's freedom and sovereignty.

We should never forget what happened in 2014, when troops that he disavowed but were clearly under his direction invaded the Ukrainian territory of Crimea. Since then, Russia has provoked a shooting war in Eastern Ukraine which has cost the lives of more than 13,000 people. More than 13,000 human beings have died because of the war Vladimir Putin has caused Russia to make against the people of Ukraine.

Moscow tries to deny and obfuscate the truth, but the world knows the truth. The OSCE Parliamentary Assembly plainly spoke overwhelmingly in a resolution that Russia had violated every precept of the final agreement of the Organization for Security and Co-operation.

Now is the time—and I know many of my colleagues on the other side of the aisle agree with this—now is the time for the President of the United States to send a strong signal to Vladimir Putin and his oligarchs, his ruling inner circle, that there will be serious consequences not so much for the Russian people, there will be serious consequences for Mr. Putin and his henchmen on day 1 if he goes ahead with this invasion—on day 1.

And it troubles me to hear that our friends on the Democratic side of the aisle and my colleagues on the Republican side of the aisle would like to pass an amendment on the NDAA that makes this clear and sends a clear message that on day 1, sanctions will be imposed by our Chief Executive—by the Commander in Chief of our Armed Forces—and yet we are stuck on language that might have unintended consequences.

The purpose of my statement this afternoon is to urge the leaders of the Armed Services Committee, of the Foreign Relations Committee, on both sides of the aisle, to get together and get the language right so we make it clear what our consequences will be on Nord Stream 2. I think Nord Stream 2 should be disallowed on day 1 when Vladimir Putin invades Ukraine. And I think we can stop this.

I don't want a war with Ukraine and neither do my colleagues and neither does the President of the United States. The clearest way to prevent an invasion of our friends in Ukraine is for the United States to stand strong, to be resolute, to send a signal to the world that Vladimir Putin's invasion of Ukraine will not be tolerated and that intolerable consequences will be meted out upon the Putin regime if this takes place.

We are not where we need to be on the language. There are negotiations, and I am hopeful the NDAA will be on the floor for amendments. But the way it is positioned right now, is that a Democratic amendment will be offered,

and it will not pass because we think there are holes in it. A Republican amendment will be offered on Ukraine on sanctions. It will not pass because, for some reason, the White House believes it is improper or inadequate. This doesn't have to happen when a clear majority of this body wants to send a strong signal to Mr. Putin.

I hope that happens, and I urge that on the leadership of this Senate and on the leaders of these two very important committees.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

THE ECONOMY

Mrs. BLACKBURN. Madam President, yesterday, in a hearing before the Senate Banking Committee, the Federal Reserve Chairman Jerome Powell finally confirmed what we have all known for a long time; that the threat of persistently higher inflation has grown and that the risk of more persistent inflation has risen.

He acknowledged to the committee that use of the word "transitory" in the media has caused confusion and that it is probably a good time to retire that word and try to explain more clearly what is actually happening with the economy.

Now, that is bad news for the spin doctors over in the Biden administration who have spent months trying to convince Tennesseans and the American people that we will be out of the woods any day now, that this is all coming to a fast end. It is back to the drawing board for the White House comms shop. They cannot split hairs over vocabulary words pertaining to inflation.

The inflation that we are seeing is real; it is felt; and the consequences of ignoring this are very real.

Of course, Tennesseans could have told Washington, DC, this long ago. Out in the real world, they have been dealing with the cost of inflation. Contrary to what the White House would have you believe, inflation isn't just a problem for the rich, and it certainly won't fade into the background after the holidays.

I have spoken at length about how inflation has affected Tennessee families and their budgets. Just a few weeks ago, I used the price hike on your average Thanksgiving dinner as an example of how a dollar here and a dollar there can add up to a massive grocery bill that we wouldn't have thought possible even a year ago.

But when I tell you that Tennesseans are worried about inflation, I don't want you to think they are only worried about the little extras. It is a helpful visualization, but it is a serious issue. This isn't about the price of turkey. This is about an out-of-control administration pursuing an agenda that has forced families to choose between food and fuel.

This is beyond out of touch. It is intentional, reckless activism that started the very moment that President

Biden walked into the Oval Office, sat down at the desk, pulled out a pen, and started to sign Executive orders, beginning with killing the Keystone Pipeline.

If we forgot everything we know about the modern Democratic Party, it would be easy to write off the administration's pursuit of big spending packages as politics as usual, but we know and have known for a long time, actually, that the Democrats in power view the next few years as an opportunity to tear down what we have and rebuild this country in their own socialist image. That is right. Radically transforming the country, that has been their goal for more than a decade.

Now, this is not just bad economic policy; it is a full-blown power grab. How else could you possibly explain the administration's commitment to the idea that we can spend our way out of this current crisis in spite of the mountains of evidence there to the contrary?

How else can you explain their decision to respond to collapsing supply chains with a vaccine mandate that we knew was going to make these bottlenecks worse?

It only makes sense if you abandon the assumption of good faith, and that is truly a disheartening revelation.

The American people are vulnerable, and they are angrier than I have ever seen them become. They are angry because this administration's motivation for pursuing these reckless policies is coming into focus.

As a Tennessean told me yesterday, "I supported President Biden. I thought he was going to be a moderate, and I feel like he became something else immediately."

The people know with absolute certainty that their President and his allies in Congress are taking advantage to force us down a path that the people have consistently rejected.

This is not what they want. They feel like they have lost control of the country, and they have no faith that the leaders of the Democratic Party here in Washington, DC, have their best interests at heart.

The American people deserve better than this. This is not what they voted for. This is not what they wanted to see. The White House and congressional Democrats must abandon this disastrous Build Back Broke agenda before the possibility of true recovery slips away from us and before the American people lose all faith in those who asked for and then squandered the privilege of leading this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

UNANIMOUS CONSENT REQUEST—S. 2842

Mr. LEE. Madam President, I was going to give a speech first. I am now going to invert the order and do my unanimous consent request first in deference to my friend and colleague, the Senator from Rhode Island.

Madam President, I ask unanimous consent that the Committee on Armed

Services be discharged from further consideration of S. 2842 and that the Senate proceed to its immediate consideration. I further ask 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?

Mr. REED. Madam President, reserving the right to object, I object.

I also want to thank the Senator from Utah for his consideration.

The PRESIDING OFFICER. Objection is heard.

Mr. LEE. Madam President, our Armed Forces have been asked to work miracles over the last 18 months. During a global pandemic, in the face of natural disasters, and facing dangerous missions, our men and women in uniform have risen to the challenge just as they have so many times throughout our history. Many of our servicemembers have contracted and then recovered from COVID. Now these heroes—the same heroes—are being placed in a corner by this administration.

President Biden's COVID vaccine requirement for the Armed Forces does not grant our soldiers, sailors, airmen, and marines the respect that they deserve. As the Senate debates our annual National Defense Authorization Act, it would be a huge mistake not to consider this mandate's impact on our retention and recruitment of servicemembers and, thus, on our military's readiness to secure our national security.

This mandate, tied with President Biden's more sweeping general vaccine mandate, is something that, in combination, has put millions of Americans in so many difficult, untenable, unfair positions. In most cases, these are hard-working, everyday Americans. They are mothers and fathers, husbands and wives who are just trying to put food on the table during difficult economic times. These mandates are forcing millions of our fellow citizens into second-class, unemployable status, placing countless of our neighbors on the economic and social fringes of our society, even more than what they were already experiencing with rampant inflation caused by excessive government spending to the tune of trillions of dollars.

Now, I have heard from hundreds of Utahns, in recent days, who are concerned about losing their jobs—losing their jobs not just in general, not just in the abstract, but specifically due to these mandates. Some of these individuals are heroic members of our military. These servicemembers were rightly praised for serving during a pandemic and serving in dangerous conditions, on dangerous missions, but now they are being forced out, often with limited or no retirement benefits because of the President's mandate.

Let me share with you just a few of their stories.

One soldier told me his story. He has been in the Army now for 18 years—

nearly two decades. He never received a single reprimand, whether written or otherwise. He honorably and proudly served his Nation. All along, he was planning on retiring upon reaching two decades of service. He is almost there at 18 years—just 18 months shy, in fact, of reaching that really important milestone in his career. Now, because of the vaccine mandate, he is at risk of losing his benefits and of not even receiving an honorable discharge.

Regarding his situation, he said: “This will cause a substantial loss in pay and quality of life for myself and a large number of others I know.”

Another soldier who reached out to my office has served for 10 years in the military. He has been informed, despite his many years of successful, faithful Active-Duty service, that he will not receive an honorable discharge if he declines to comply with the vaccine requirement. Accordingly, he asked to resign from the military. Now, his commanders made clear that he would be barred from resignation. He sought a personal religious exemption. He was summarily told his exemption request would be denied.

Of his situation, he said: “To be backed into a corner with two very bad options is both disheartening and sad, especially with what I have sacrificed and what my family has sacrificed on behalf of the military.”

Another soldier reached out to my office in a similar situation. This soldier has children who experienced complications with receiving the vaccine. This soldier also has a child with significant learning disabilities, whom he is worried about providing for.

He said:

This really could be a life-changing event for my family, and I feel strongly enough about it that I will risk all my benefits not to take it. I just wish I had a choice.

These stories are just barely scratching the surface of the countless thousands of servicemembers in similar positions.

The Department of Defense has begun prohibiting unvaccinated members of the National Guard from receiving Federal pay or benefits. These guardsmen risk being marked absent from training drills if they are not vaccinated. This move has the effect of pushing the unvaccinated out of the National Guard. Approximately 10,000 marines remain unvaccinated. That is around 6 percent of the Corps. Losing these capable servicemembers and showing unvaccinated Americans that they should not join our Armed Forces makes our military less capable. It threatens its ability to do what only the military can do. In total, there are reports of approximately 60,000 unvaccinated servicemembers who risk discharge under less than honorable conditions due to this mandate—60,000.

The Department of Defense, for its part, refuses to provide the number of servicemembers who have applied for vaccine exemptions, but there are reports that even some of the few Ameri-

cans in military uniform who have received exemptions are seeing those exemptions revoked. That is chilling to say the least. Relatively few of them are getting them granted, and some of those who have had them granted are seeing them revoked. Now, these servicemembers, like millions of other Americans whose employments have also been put at risk, all deserve a better option.

That is why, today, I am asking that the Senate pass my Respecting Our Servicemembers Act. That is why I came to the Senate floor and why, a few moments ago, I asked unanimous consent that we pass it. I know not everyone is going to agree on every issue here and that we are not going to agree, perhaps, on every issue pertaining to the mandate, but I think we at least ought to be able to agree on this one. We ought not to be mistreating those upon whom our safety depends.

This bill that I brought forward to try to pass today would prohibit the Secretary of Defense from requiring COVID vaccination for our military. I am grateful to my colleagues Senators BRAUN and TUBERVILLE for joining me. This is now the 18th time I have come to the Senate floor, asking that the Federal Government take a tempered, reasoned approach—an approach that is noticeably absent from that which the President has chosen to pursue.

As I have said every time I have done this, I am not anti-vaccine. I believe the development of the COVID vaccines is something of a medical miracle. I am vaccinated, my family is vaccinated, and I have encouraged everyone around me to get the vaccine. I have also acknowledged that it is not my decision, and it is certainly not a decision that should be forced on them by the Federal Government and certainly not by a single person acting within the Federal Government who shouldn't be exercising that authority unilaterally.

Whether or not vaccines should be mandated by the Federal Government is, of course, an entirely different, free-standing question. Our military servicemembers deserve the right to make this medical decision for themselves without the threat of losing the ability to care for themselves and provide for their families. They currently face being forced out of the military—out of military service and also out of the benefits that they have earned. To add insult to injury, they are also threatened with the risk of a less than honorable discharge, all for the supposed grave sin of deviating—of daring to deviate—from Presidential, medical orthodoxy.

We are better than this. This is not something we should be doing. Everyone knows it. Deep down, we know it is wrong. You know, according to a recent Axios poll, only 14 percent of the American people agree with President Biden's apparent assumption that someone should be fired as a consequence of declining to get the vac-

cine. That is wrong. That is why I came here today. That is why I will be back as many times and as long as it takes to end these mandates.

It is unfortunate that this legislation, which should be easy to pass, wasn't able to pass today. It is unfortunate that it drew an objection. The American people don't want this, and our national security is undermined by it. I find that most unfortunate, and I will continue to fight it.

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.

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

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

ABORTION

Ms. CORTEZ MASTO. Madam President, this morning, the Supreme Court heard arguments about whether it is constitutional for Mississippi to ban abortions after 15 weeks of pregnancy. This is by far the biggest threat to Roe v. Wade in almost three decades.

I am here today to sound the alarm and call on my colleagues to stand with me to protect the health of America's women.

There is every reason to think that extreme Justices on the Supreme Court are poised to either overturn Roe or fatally undermine it. If the Supreme Court gets rid of Roe, which has been the law of the land for five decades, each individual State will decide whether to let women control their own bodies and their own lives.

Without Roe, abortion will be immediately illegal in about 12 States, and more than a dozen others will likely put severe abortion restrictions in place. It is even possible that a future Republican Congress would try to restrict abortion nationally.

Now, you know reproductive rights have been protected for so long in the United States that it has been easy for us to forget what happens when we don't safeguard them. But when women cannot control what reproductive care they receive, their health suffers—their physical, emotional, and economic health—and the health and welfare of their entire families.

We can see that now in Texas, where a new law creates incentives for vigilantes to pry into their neighbors' lives by letting anyone sue who would aid and abet abortions and get a \$10,000 reward for doing so.

Texas doctors have reported that they are afraid to give essential medical advice to women at risk of life-threatening complications in their pregnancies. One woman in Texas was even refused care for an ectopic pregnancy, which cannot be carried to term and must be terminated to save the patient's life.

Women seek access to reproductive care for all kinds of reasons—reasons

that are personal and intimate and sometimes heartbreaking. And Americans understand this. They get it. Three out of every four of us, including the vast majority of Nevadans, agree that the people who should be making decisions about pregnancies are women and their doctors.

It is unthinkable to me, then, that the Court is on the verge of taking that decision away from women and medical professionals and giving it to politicians instead.

If *Roe v. Wade* is overturned, nearly half of women nationwide will see the nearest clinic close. The average distance to the nearest reproductive healthcare clinic will go up by more than 10 times, from 25 miles to 279 miles.

Now, if you have ever worked for minimum wage, you know that taking days to travel across State lines for healthcare is a luxury that many Americans can't afford. That is reality for many low-income women, including women of color.

We have to stop treating women's healthcare as optional.

In Nevada—and I say to the Presiding Officer, you know this better than anyone in the Senate—we have worked hard to protect reproductive health. In the nineties, we passed a ballot initiative to enshrine choice into law.

More recently, in Nevada, we have done away with the kind of restrictions on abortion that are popping up in State after State. But make no mistake, as long as there are active efforts to eliminate the right to choose, whether in the courts or in Congress, the reproductive freedom of women everywhere is in jeopardy.

We must do everything we can to protect a woman's right to choose. That is why it is so vital that Congress pass the Women's Health Protection Act. This bill would outlaw bans and other medically unnecessary restrictions on abortion across the country. It would mean that States could not impose medically unnecessary ultrasounds, excessive waiting periods, and other extreme burdens on healthcare providers intended to limit abortion access. It would guarantee women control over their reproductive decisions, in consultation with medical professionals.

Now, that is what three-quarters of us think is right. I will do everything I can in the Senate to protect women in Nevada and across this country, and I would hope that our colleagues would join us.

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

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

GUN VIOLENCE

Mr. BOOKER. Madam President, today should not be a normal day.

Today should be a day of national grief and pain and horror at what happened yesterday.

Yesterday, in Oxford, MI, there was yet another school shooting. Within the span of just 5 minutes, four children were shot dead by a fellow student; seven more people—six students and one teacher—were wounded.

Reports are that more than 100 9-1-1 calls were made in the span of minutes. Imagine the horror, imagine the fear, imagine the terror, imagine the pleas for help on those 9-1-1 calls as students listened to gunshot after gunshot ring out, killing their fellow students. The students huddled in corners as their teachers desperately tried to lock doors, barricading them with desks, fearful of what was happening outside—some escaping through windows and sprinting and running for safety.

And what should outrage every single American is that this is not unusual in our country. This was not a one-time occurrence. We know the names—that should be hallowed names of pride—of our children, but, no, they are names that speak to horror when we think about Parkland and what happened there, when we think about Newtown and what happened there, and so many other communities that have been ripped apart by that nightmare that happened yesterday.

We live in a distraught present in America. More people have died in my lifetime from gun violence than have died in all of our American wars combined—from the Revolutionary War to the Civil War, to World War I and II, and Vietnam and the 20-year war on terror. More have died in gun violence in just the last 50 years.

Our gun murder rate is 25 times higher than the next closer country—not double, not triple, not quadruple, but 25 times more high than the next closest country. And 90 Americans are dying every day from gun violence, not to mention the many more like the seven from Oxford, MI, who have had their health shattered by gunshot wounds tearing through their bodies.

And our kids, our American children. According to Everytown for Gun Safety, firearms are the leading cause of death for American children and teens—the No. 1 cause of death. We know that teens are dying at alarming rates due to gun violence and suicide rates, which are rising faster and faster than in any other group, near an all-time high.

So the question that I must ask today—the urgent question that we must ask is: What will be our response?

We cannot keep telling our children that we will protect you and then the only thing we are doing throughout our schools is teaching them how to hide—these drills that are now as common as fire drills, that are teaching our children that we won't stop the gun violence but we are going to teach you how to barricade yourself in, how to hide under desks, how to shelter for cover if someone comes through your

school that should never have had a gun in the first place.

I am tired of hearing the simple utterance of “thoughts and prayers” but there being no action. I am a person of faith, and I know, as it teaches, that faith without works is dead. And we have seen enough death.

But now, after what happened in Oxford, what will be our response?

My Republican colleagues in the Senate seem content with the status quo. There doesn't seem to be an urgency to save lives, to end the nightmare, to stop the fear and terror—the continued work to block compromise gun safety laws that the majority of Americans, including most Republican voters, including most gun owners, including most NRA members—blocking compromise laws that are supported by the majority of us Americans that would keep more guns out of the hands of people that would do our children harm.

What is our response?

We can pass universal background checks that are supported by 84 percent of voters. We can provide resources and support to help cities across America implement evidence-based gun violence intervention, proven programs that keep our children safe.

We can start to heal the communities that have been shattered by gun violence by not just expressing our thoughts and prayers but investing in their healing and their help.

It is no longer acceptable to have a culture of fear of gun violence in our country. It is no longer acceptable to teach our children just to hide while we do nothing. It is not acceptable that we are normalizing gun violence in our country at rates that have never before been seen in humanity.

This is not normal. It demands a response. And what will be our response?

Now is the time not to surrender to fear. Now is the time not to accept this as normal. Now is not the time just for thoughts and prayers. It is the time to act. It is time to lift our voices to take more collective responsibility, to stand up to the corporate gun lobby.

It is time to work tirelessly to show our children that love is a demanding, active verb; love is sacrifice. And if we are willing to truly love our children, we won't just teach them fear; we will show them our strength.

Are we going to wait?

This is a cancer, and it is spreading. It is being seen in cities and churches and synagogues and nightclubs, concerts.

Are we going to wait?

Is there such a poverty of empathy that gun violence has to visit upon us, our communities, our schools, our places of worship, our families before we think this is an issue enough for us to stand up and fight for change?

Will we wait? What will be our response? How many more times will Members of this body have to come to this floor and speak to the unspeakable, talk about children murdered in

the greatest nation on the planet Earth, to know that our children's greatest threat to their lives, their top cause of death is gun violence?

I pray. I do have thoughts and prayers not just for the victims but for this body. I hope more will join together not in a do-nothing caucus but join together to pass laws that reflect the will and the majority of the American people and end this national nightmare once and for all.

This is a moment that demands a response, not business as usual. This is a moment that demands the best of who we are, not to cower in fear but to stand for change.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. BALDWIN). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

CHINA

Mr. GRASSLEY. Madam President, it is typical for commentators to talk about how China is no longer really a communist nation. Of course, only the most ardent China apologist would question that China is still a one-party, authoritarian state. It is just that the economic policies pursued since the early 1980s are hard to square with Marxism-Leninism.

I want to say to everybody: Not so fast. The sixth plenary session of the Central Committee of the Chinese Communist Party contained a brand new historical resolution. This is only the third such paper since the founding of the Chinese Communist Party. The first, historians will remember, was when Mao Zedong put out one in 1945, and the second one was Deng Xiaoping in 1981.

Now, revising the historical narrative has been used in the past to set a stage for a whole new era in China and a whole new era for the Communist Party. Most China watchers see this paper as a consolidation of power by the General Secretary of the Chinese Communist Party, Xi Jinping. But to what end does he pursue? His rhetoric sounds more like Mao than the Chinese leader—any Chinese leader since Deng Xiaoping. General Secretary Xi's historical resolution reads as a break from China's economic policies—what we thought was moving towards a free market system since the 1980s, and until the last few years, I would say it was moving towards a free market system. But it is too late to turn back now, right? Well, don't be so sure. The Soviet Union pursued its New Economic Policy as a short-term effort to strengthen the state before returning to a more pure Marxism.

In a similar vein, General Secretary Xi has been cracking down on non-state-owned businesses, giving seemingly no care to the cost to the Chinese

economy. General Secretary Xi's recent policies reportedly wiped out up to \$1 trillion in stock value. He is doing this under the banner of so-called "common prosperity," giving a socialist ideology backbone to what seems to be a power play to put him in a position of forever, the rest of his life, governing China.

American businesses need to pay attention to all this. Even if they don't care about the slave labor camp full of Uighurs, even if they don't care about the suppression of democracy in Hong Kong, if our business leaders don't care about China's increasingly aggressive military posture—even willing to look the other way to China's stealing intellectual property and trade secrets—considering all that for American business over there, I would urge extreme caution to any business that still sees the Chinese market as a cash cow.

Many people thought China would become very democratic once it was sufficiently capitalist. Maybe General Secretary Xi is worried about just that—being too capitalistic, making too many people successful without the help of the government. So if anyone thinks that General Secretary Xi would not dare sacrifice economic growth in the pursuit of power, think again.

Emerging market funds with a lot of exposure to China ought to think about rebalancing. Pension funds that are overexposed to the Chinese market are risking wiping out the retirement savings of American workers, just like we have seen so far—\$1 trillion less value in Chinese stocks because of General Secretary Xi's policies.

My advice, then, to American business is that China is not a safe bet—surely, not the safe bet that many American businessmen thought it was. So a little bit of advice: Anyone investing in China ought to go in with open eyes and a big tolerance for risk as long as General Secretary Xi goes down this line of accumulating political power and not caring about destroying what private sector is left there.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST—S. 3263

Mr. SCOTT of Florida. Madam President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 3263 and the Senate then proceed to its immediate consideration. I further ask 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?

Mr. PADILLA. Madam President.

The PRESIDING OFFICER. The junior Senator from California.

Mr. PADILLA. Madam President, reserving the right to object, this bill is yet another attempt by our Republican colleagues to stoke fear about the migrations we are seeing at the southern border rather than work collaboratively with us to actually address the issue and their stated concerns.

For a decade now, we have seen increasing arrivals at the southern border, especially of vulnerable populations. I am talking about families and unaccompanied children, many who are fleeing horrific conditions in their home countries, such as gang violence, drug trafficking, corruption, a global health pandemic, or the devastating effects of climate change, if not a multitude of these dangers. It is unsafe for many of them to remain in their countries, and so they make the arduous journey to the United States to seek asylum and, heaven forbid, a better future.

Asylum seekers aren't just seeking a better life; they are simply trying to not die or to not be killed. Too many policymakers act like asylum seekers are simply choosing to come here, but, given the horrific conditions in their home countries, it is really no choice at all. So I am deeply disappointed to see Republicans in both the House and the Senate distorting these desperate young children and families at the border into some sort of threat to our Nation.

Responsibly addressing migration requires going beyond partisan finger-pointing. We must, instead, thoughtfully address the root causes of migration and reform our border to ensure an orderly, secure, and well-managed process that treats migrants fairly and humanely. I have been frustrated that, despite numerous—and I mean numerous—bipartisan meetings on immigration reform, our Republican colleagues seem more interested in scoring political points rather than in pursuing meaningful solutions. They simply refuse to truly engage.

This bill would create onerous, repetitive, and unnecessary reporting and investigative requirements for the inspector general of the Department of Homeland Security and require the inspector general to report on these items every 60 days for the foreseeable future, not to mention that many of the requirements in the bill are frivolous, irrelevant, or duplicative. For example, the bill would require the Department of Homeland Security to report on the number of migrants resettled when the DHS isn't even the Agency that handles the resettlement of migrants. The DHS already has an Office of Immigration Statistics that does report on many of the same statistics that this bill would now require the inspector general to report on.

Finally, much of the rhetoric from my colleagues has centered around the

large increase on the number of encounters at the border. Let me emphasize the word “encounters” at the border. However, these numbers ignore the large rates of recidivism that we are seeing. The ongoing use of title 42 to block and expel asylum seekers at the southern border has led to an increase in the number of people crossing the border more than once. Under title 42, single adults are rapidly processed at the border and sent right back to Mexico without a deportation order. What this arrangement has, in essence, done is incentivize repeated attempted crossings. According to the Migration Policy Institute, the recidivism rate is somewhere between 28 and 38 percent. So this encounter statistic that is being called for is actually misleading.

I am more than willing to work with my colleague here to try to develop actual solutions to address migration at our border, but when I say “solutions,” I mean real solutions—solutions that recognize the fundamental humanity of the desperate children and families who simply want to live to see their next birthdays and solutions that stay true to the values of our Nation.

So, yes, I object.

The PRESIDING OFFICER (Mr. HICKENLOOPER). Objection is heard.

The Senator from Florida.

Mr. SCOTT of Florida. Mr. President, the crisis at the U.S. southern border is raging out of control.

Last week, I traveled down to the southern border to hear from local leaders, law enforcement, and our brave Border Patrol agents in Yuma, AZ. I saw the border at night and during the daylight hours with Arizona Department of Homeland Security Director Tim Roemer, Yuma County Sheriff Leon Wilmoth, Yuma Mayor Doug Nicholls, and County Supervisor Jonathan Lines. I got to talk with Border Patrol in Arizona and heard from them about how hard this job has become thanks to Joe Biden's radical open border policies.

Let me just say that these men and women who work at the Border Patrol are our absolute heroes. In Yuma, Border Patrol agents are encountering illegal immigrants every day, some of whom are dangerous criminals, traffickers, drug cartel members, or even terrorists. Others are families who have been victimized by the cartels. I encountered a family from Haiti while I was there. I watched them cross the border through a massive hole in the border wall caused by Joe Biden's decision not to complete the already paid-for wall—not to complete an already paid-for wall.

These families are victims of the cartels. Once in America, many of them live a life of indentured servitude and debilitating debt in which they have to send nearly all of their money back to the savage cartels. Many of the children are trafficked, made to pose as the children of people they don't know. We know that so many women and children who make this journey are bru-

tally victimized and raped, but, still, the cartels push these families across the border. It is all just money to them, and Joe Biden's actions are making the cartels richer.

I saw it firsthand last week. Dozens of migrants crossed into our country right in front of me while I was in Yuma, and we could see the savage coyotes watching them from across the river. That is what our brave Border Patrol is up against each and every day. There are about 200 Border Patrol agents across the entire Yuma Sector, but that same area is seeing more than 700 illegal crossings every day.

It is sad how many of our Democrat colleagues don't give these brave agents the respect they deserve, and they certainly are not getting it from the White House. So I want to be clear here on the floor of the U.S. Senate: In America, we respect our Border Patrol, we respect law enforcement, and we are incredibly thankful for their hard work and for their bravery. This was not my first time visiting the border since being elected to the Senate, but it was definitely the worst I have ever seen it.

Secretary Mayorkas testified in the Homeland Security Committee that the border is closed. He said the border is closed. He is, maybe, the only person in America who is going to say that. No one in this country believes the border is closed, and it is clearly not. I saw it with my own eyes, and many of the Members of this Chamber have seen it also. Secretary Mayorkas has repeatedly lied to me and to other Members, and he must resign now.

Just this fiscal year, there have been 1.7 million illegal border crossings. That is the highest ever on record. That means that, by the end of this year, about 1 out of every 150 people in this country will have come here illegally—this year.

In Florida, we are an immigration State, and we are very proud of it. We love immigration. It has helped build our State, but it has to be legal.

Illegal immigration threatens our safety, undermines our legal process, and hurts those who are waiting to come here through legal channels. But under Biden's system of open borders and illegal immigration, we are seeing dangerous individuals trying to come into this country.

Of the 1.7 million people apprehended, which does not even include the getaways, we know that more than 10,000 have criminal records. Now, if you are not going to be apprehended and you try to get away, are you probably more inclined to have some past record that you don't want the Border Patrol or law enforcement to know about? There are 10,000 of the ones apprehended who have prior criminal records. Nearly 1,200 have prior convictions of assault or domestic violence. There are 2,100 who have prior drug convictions. Nearly 500 have prior sexual abuse offenses. And the Biden administration can't even tell us where they are. They can't tell us where any

of these individuals are, anything about what has happened to them, if they are being held or if they have been deported—nothing.

I want to be clear: These are dangerous criminals who can harm our families—American families—and even one is too many.

Along with those border crossings, our Border Patrol agents have seized more than 11,000 pounds of fentanyl in the last year—11,000 pounds. That is four times as much as was confiscated in 2019. Now, let's think about this: 2 milligrams of fentanyl is a lethal dose—2 milligrams—and 1 pound is enough to kill nearly a quarter of a million people. If you do the math, just the amount the Border Patrol has confiscated this year is enough to kill 2.5 billion people. There are 100,000 Americans who have died of drug overdoses this year; 100,000 Americans are dead because of drug overdoses just this year. That is 1 out of every 3,000 Americans. It is hitting Florida and every community across this country. Floridians, like everyone in this country, want to live in safe communities where their families can thrive and prosper.

Where is Joe Biden? He is missing. He is hiding from the crisis he created. I heard him say recently that he hasn't had time to get to the border. He didn't have time to get to the border. Well, I hope he enjoyed his vacation in Nantucket last week and had plenty of ice cream.

What makes you even more angry is that, while drugs and illegal immigrants are flowing in, Secretary Mayorkas has the audacity to come to the Homeland Security Committee and tell us that the border is closed when it clearly is not. It is shameful, and Secretary Mayorkas should resign.

Simply holding Mayorkas accountable isn't going to solve this crisis. We need to do more to make sure our laws are being upheld. This crisis and the administration's refusal to do anything about it is why I have introduced the Upholding the Law at Our Border Act. This simple bill would require the inspector general of the Department of Homeland Security to investigate the vetting and processing of migrants apprehended along the southwest border and ensure that all laws are being upheld.

It is a simple question that the inspector general can and should answer: Is the Biden administration following all of the laws with respect to immigration at the U.S.-Mexico border?

My colleague said he wanted to change the immigration laws. In the meantime, you enforce the laws. When I was the Governor of Florida, I had to enforce all of the laws whether I liked them or not. That is exactly what the Border Patrol should be doing right now and what the Biden administration should be doing right now.

It is the kind of question everyone in this body should be interested in: Is the executive branch doing its job in following and enforcing the laws that the legislative branch has passed?

When the executive branch doesn't enforce those laws, they should be held accountable.

This was a simple bill to find out if the Department of Homeland Security is following all of the laws. It is pretty simple: Follow all of the laws in place as they relate to immigration and customs enforcement on our southern border. Yet my colleague objected to finding out just this basic information.

There is clearly a crisis on the border, and we all know it. Instead of ensuring that the laws that this body has passed are being enforced and doing something about the influx of drugs that are killing American citizens and traffickers coming into our country, my colleague wants to hear nothing about it.

There were 100,000 Americans who died of overdoses this last year. Every person who dies of an overdose impacts a family. It seems the Democrats in Washington would rather stick their heads in the sand and pretend that nothing is wrong.

I want to ask my Democratic colleagues: How do you explain 100,000 lives lost in drug overdoses to a parent who just lost a son or a daughter, and how do you explain Biden's decision to open our borders to our brave Border Patrol agents?

Our Border Patrol agents have no idea why these decisions are being made. I wonder if any of my Democratic colleagues has talked to a family who has lost a son or a daughter to a fentanyl overdose or has talked to a member of Border Patrol recently. Or do they just have to follow the lead of the "open borders" Biden, and they can never object to whatever Biden wants and can ignore our laws and our law enforcement?

We have already seen that Joe Biden's policies of open borders and amnesty have been a total disaster for our Nation. He has laid out the welcome mat for traffickers and cartel members and has ignored U.S. laws that are designed to keep American families safe—to keep American families safe—including not fully enforcing title 42.

It is clear that law enforcement in Yuma and across our southern border need help, and every day that Joe Biden and Secretary Mayorkas fail to provide it, they fail the American people. Secretary Mayorkas doesn't work for Joe Biden. He works for the American people, and he needs to do his job and secure this border.

It is a shameful decision to forsake the responsibility the American public has entrusted to Members of this body and to this executive branch. Enforce the law. It is a decision to stand against our Border Patrol agents and our law enforcement, who are putting their lives on the line every day to keep dangerous drugs and violent criminals from entering this country. That is their job, and they need help in doing it.

We can't let this stand any longer, because the American people deserve

better than having 100,000 people, this last year, dying of drug overdoses.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. SCOTT of Florida. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as if in morning business.

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

ABORTION

Mrs. MURRAY. Mr. President, today, abortion rights are hanging in the balance at the Supreme Court, and the threat to Roe is very real. Why? Because, for decades, extreme Republicans have attacked abortion rights from every angle, and they are continuing their nonstop efforts to build a country where patients are forced to remain pregnant and carry their pregnancies to term against their will.

But I want to make it clear that is absolutely unacceptable because the majority of Americans don't agree with extreme Republicans. The majority of Americans want a country where everyone can choose if and when to start a family, free from political interference.

So I will not sit silently while Republicans try to end the abortion rights affirmed by Roe v. Wade. No matter what happens, I will never stop fighting for reproductive rights, and that starts by passing the Women's Health Protection Act to ensure the right to abortion is finally protected at the Federal level.

But that is not all. I am also fighting for working families across the country who are struggling to balance caregiving and work, and who are counting on us to deliver, because we cannot build an economy that works for everyone if new parents can't take the time they need to welcome a new child, or if workers can't get paid leave when their loved ones are seriously ill.

We can't rebuild our communities when seniors and people with disabilities are not able to access the services and support they need to live in their homes and in their own communities.

And we simply cannot put our economy back on track and can't get people back to work, we can't return from this crisis stronger and fairer if we don't, at long last, address our Nation's childcare crisis.

For parents across the country, childcare is unaffordable, unavailable, and absolutely essential. Childcare costs more today than many families pay for rent or mortgage or even college tuition.

But even for those who can afford it, many can't even find it. Nearly half of

families nationwide, including 60 percent of our rural families, don't have enough childcare providers in their communities. And as any parent knows, you can't go to work if you don't have any options to make sure your kids are taken care of.

That is exactly what we saw before this pandemic, when data showed 2 million parents with kids under 5 had to quit a job, turn down a job, or change their job due to childcare challenges.

We have seen that dynamic kicked into high gear during this pandemic. And as is too often the case, Black women, Latinas, women who are paid low incomes, and single mothers have been the most affected.

While the pandemic underscored how essential childcare is for families, it also made childcare harder to get by forcing many providers to close their doors. Twenty thousand childcare providers closed during this pandemic, and the childcare workers hurt by those closures were mostly women and, in particular, women of color. And even as childcare providers try to reopen their doors now, childcare workers are struggling to make ends meet.

The result of all of this is clear in headlines across the country. Watch KING 5 in my home State of Washington: "Closures in Washington's child care industry could hinder economic recovery."

Read the Yakima Herald: "13% of child care providers in Washington state have closed because of pandemic."

Take a look at My Northwest: "Washington's child care crisis poised to get even bleaker post-pandemic."

Across the country, it is the same story in paper after paper.

NEXTpittsburgh: "Staffing crisis at Pennsylvania child care centers is disrupting families and slowing economic recovery."

The Jamestown Sun: "Child care shortage at root of workforce issues in North Dakota."

Business Insider: "'Childcare deserts' are a secret driver of the labor shortage—and half of Americans live in one."

I could go on and on, but the takeaway should be pretty clear: Addressing the childcare crisis is a necessity, not just for families but for everyone.

We have employers who can't find workers. We have parents who can't go back to work without quality, affordable childcare. We have childcare providers who are struggling to stay open and childcare workers who are struggling to make ends meet.

Fixing this is make-or-break for our economy. That is why Build Back Better includes historic investments to lower families' childcare costs, to help States invest in opening new childcare providers, raising wages for the early childhood workforce, and adding more childcare openings.

Under Build Back Better, working families in this country will see their

childcare costs capped at 7 percent of their income, starting with those who need it the most. So what does that mean? It means that, in the very first year, two-thirds of our working families in this country—about 13 million children—could be eligible to get childcare at a lower cost. It means, by the fourth year, 9 in 10 working families could be eligible to send their child to a provider they choose and see their childcare costs cut by thousands of dollars each year.

For a single mother with three children in my home State of Washington making \$53,000, it would mean paying nothing for childcare. For our country, it would mean we have a stronger, fairer economy that works for working people, with higher wages and better jobs and less stress for working parents—especially moms, who have been doing so much throughout this pandemic and before.

Importantly, all this will be fully paid for by making sure the wealthiest and those at the very top finally pay their fair share.

Every Republican who has said that they are worried about the workforce crisis, worried about the challenge of rebuilding our economy, and worried about how families are struggling to get by should be clamoring to get this done. It is telling about their priorities that, instead, they are now smearing it with false, bad-faith attacks: pretending it is somehow not paid for—not true; pretending it won't cover certain childcare providers—not true.

I have heard from so many parents in my State about how important childcare is. I have heard from small businesses about how important this is. And I know my colleagues across the country have heard it too. So we are going to show families we are listening. We are going to show families that we care. Democrats are going to pass Build Back Better and get this done.

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.

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

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

Ms. CANTWELL. Mr. President, I come to the floor and join my colleague from Washington to support a woman's right to choose and to make sure that we are making our voices heard loud and clear about the discussion that is happening before the Supreme Court and why it is so important to have the full reproductive health care choices for women in the United States of America.

In 1973, the Supreme Court decided the Constitution protects a woman's right to privacy and, thus, the choice to have a safe and legal abortion without excessive government restrictions. And so now that these cases are before

the Court, it is important for our colleagues to know that the majority of Americans support *Roe v. Wade*.

In my State in 1970, the people voted to legalize early abortions and in 1991, by a vote of the people in an initiative process, we supported that "Every individual possesses a fundamental right to privacy with respect to personal reproductive decisions," codifying *Roe v. Wade* into State law. That was in 1991.

So it is concerning to people of the State of Washington to hear now that these other States, once coming here to talk about just certain restrictions, are now coming to talk about overturning *Roe v. Wade*. Women should be allowed to have these fundamental rights dependent not where they live, but to make sure that they have access. And my colleague from Washington just expressed why it is so important for women and families to have access to those full reproductive rights.

Women across the country for 50 years have come to rely on these constitutional protections to make decisions for themselves, about their reproduction, their families, and their bodies. That is why it is important to realize that *Roe* is based on our privacy protections in the Constitution. The Justices wisely understood that, that a woman's right to choose was about privacy, a personal issue, a medical choice, one in which the State had very limited roles subject to the highest standards and scrutiny of the Court.

But some of my colleagues believe that it is their choice to make. They believe they should decide for all women; they believe that they should not make the decision for just themselves, but for other people and for other people's family when to have a child. I know that in Mississippi legislators have decided that rather than viability after 15 weeks, the State should take the choice away from women.

In Texas, the legislature decided that the choice should be taken away at 6 weeks, typically long before a woman might know she is pregnant. Why are these people who claim that they should be making decisions for women across the country now supporting efforts to take away these important rights. The Court in *Casey* said, "The proper focus of constitutional inquiry is the group for whom the law is a restriction, not the group for whom the law is irrelevant."

But let's look at what happened in Mississippi. In 2018, Mississippi enacted a State law which banned abortion after 15 weeks. Notably, there is no exception for rape or incest, and no exception for the health of the mother. They say that is their government's choice. Well, I asked them, where is the right of the mother and the individual? Where is the right for that family to ask about the life of the mother.

To quote an amicus brief to the Court on behalf of over 500 public health professionals, "Any ban on pre-viability abortion such as Mississippi, carries major public health implica-

tions, because it forces a woman to carry pregnancies to term under adverse circumstances marked by substantially greater increases to their health and that of their families." Any ban, continuing to read from the quote, "any ban will disproportionately affect young women, women of color, low-income women, and communities who are already vulnerable to elevated health and social risks and reduce access to necessary health care."

This is what we are talking about. A woman's right to choose. Her family's right to choose. And people want to see these rights eroded. I think that these are public health concerns that we all should be concerned about. I think we should be concerned that a legislature wanted to change these laws. In 2018, some in the State legislature may have just had had the objective of narrowly undermining *Roe*. But now, they recently are changing their position and are asking that *Roe v. Wade* be overturned.

So all of these are important decisions. As the *Casey* Court held, overruling precedent would come "at a cost of profound and unnecessary damage." I couldn't agree more. Because of *Roe* and *Casey*, abortions are safe and are available. Women are in control of their bodies. Families can plan. These are important issues for every woman in America. These are their choices. This decision, a very difficult decision can be theirs and theirs alone. And that is why it is a matter of choice.

So I hope our colleagues will be paying close attention to what is happening at the Supreme Court. I guarantee you, the people of the State of Washington are who as I said, codified *Roe v. Wade* into statute by a vote of the people. The majority of Americans support *Roe v. Wade*. And this is now a law that people are trying to overturn and overturn our privacy constitutional rights.

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

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

BUILD BACK BETTER

Mr. CASEY. Madam President, I rise today to talk about legislation that we are going to be considering in this month of December, critically important legislation for the country. The name of this legislative proposal, which as many people know has passed the House of Representatives, is the Build Back Better Act, which will lower costs for families in ways that I, certainly, have never seen in the time I have been in the Senate. It will also cut taxes for families with children, especially, but for other families as well.

I wanted to start today by talking about a Pennsylvanian because I think

sometimes the only way that we can make sense of some of the policy that we are talking about is to talk about it in terms of its impact on individual Americans and in this case, my case, individual Pennsylvanians.

This is about a mom and her son from a town in Southeastern Pennsylvania, not far from the great city of Philadelphia, Downingtown, PA. Victoria Farrell. There is Victoria and her son Cole. Her son Cole was born with a mitochondrial disease. Cole faces health challenges every single day of his life.

Now, because of her son's condition, Victoria receives help from nurses day and night. Here is what Victoria said about the impact of those nurses on her son Cole and their lives together. She said those nurses are the "key-stone of our lives." Victoria also said that the nurses have "become family." That is what these nurses mean to these families every day.

Now, in the case of Victoria and Cole and their family, home- and community-based services allow Cole to remain an active part of his community and to stay at home—to stay at home where he belongs, certainly where Victoria, as any mom, would want him to stay. She is able to have Cole at home instead of being at a place far from their home. These services keep their family together and strengthen their bonds, the bonds between a mother and her son and the bonds between and among other family members.

At its core, Build Back Better is about helping families. But in a particular way, Build Back Better is about caregiving and whether or not we are going to meet our obligations to invest in caregiving in ways that we have talked about a long time here in Washington but have never done. For far too long, our Nation has viewed caregiving as a personal problem for each family to solve on their own.

Caregiving is an economic issue. It is not just an issue for one family to solve. It is an economic issue that affects all of us. And if quality caregiving isn't provided to one family, we are all diminished by that failure. And that is why Build Back Better provides such an opportunity, such a bright opportunity to provide better caregiving.

Caregiving is an economic issue, and it is also a workforce issue. This is one of the problems that stands in the way, a real impediment to getting people back to work, especially in the grip of—and we hope soon in the aftermath of—the pandemic. Caregiving is about getting people back to work, and caregiving is about preparing the workforce of the future.

We know that the pandemic, as horrible as it has been—all of the death, all of the suffering, all of the suffering endured by families, either suffering by way of death or disease or suffering by way of job loss or loss of a small business—with all of that horror, a spotlight was put on some problems that,

frankly, a lot of people knew about before, and we all may have pointed to or talked about, but the spotlight finally was imposed upon so many challenges. The spotlight on the Nation's caregiving crisis was one of the most pronounced spotlights that we saw in the whole pandemic.

American workers, but women in particular, are leaving the workforce. This is not out of choice. It is because they cannot find quality, affordable childcare or they can't find quality care for an aging parent or even the option of getting quality care for a parent, a loved one, in a home- or a community-based setting. Many parents can't find the care they need for a child with a disability. Many families don't have the same opportunities that Victoria and other moms have benefited from.

I am the first one to say that it was a great breakthrough when we got the infrastructure legislation passed. I could rattle off all the examples of how it would help Pennsylvania. I will just give you one. That bill we know is separate from Build Back Better, but we are going to be able to repair and replace a lot of bridges in our State. That is a good thing. We are going to have a lot of money to do that. But for some families, for some Pennsylvanians, that bridge to work won't simply be a physical bridge that connects that person to their work—where they have to physically get to work—for other people, their bridge to work will be quality, affordable childcare. Too often because of where we are in America today, it is not their bridge to work; it is her bridge to work. Her bridge to work will literally be quality, affordable childcare. The physical bridge won't be enough. She is going to need—her family is going to need, for her to get back to work, quality, affordable childcare. Too many families don't have that today.

Her bridge to work also might be making sure or having the peace of mind to know that there is someone home with her mom providing quality care in her mom's home or in another setting. Her bridge to work might be care for a son or a daughter who has a disability or might have multiple disabilities. That is the peace of mind that every mother should have—every parent who is trying to get to work every day—the peace of mind that we can provide by making the right investments. So their bridge to work and her bridge to work is caregiving and so much else.

We also know that we can, in the midst of debating legislation about getting people back to work and lowering costs for families and, frankly, cutting taxes for families raising children—we can also lift up the workforce. The workforce is paid just \$12 an hour doing work for all these people we claim to care about.

Every politician that any one of us know, every leading policy advocate will talk about how much we have to

care for children, how much we have to invest in better caregiving for seniors and people with disabilities. But then there is no action or hasn't been action until this legislation to lift up the pay of the people who are providing that care. If we really care about those people, we will lift the pay of those taking care of them. You have to ask yourself in America: Who is taking care of the caregiver? We are not taking care of caregivers if they are making 12 bucks an hour to do the most difficult, heroic, and always essential work. We can do that as part of this legislation.

Let me go to some numbers because I think these are relevant. The numbers that I am talking about are waiting lists. You have people on waiting lists who are technically eligible for home- and community-based services, but they are waiting. They are not waiting days or weeks or months; many of them are waiting years on a waiting list. The latest number we saw—and I think this is a big understatement or undercount, but I will just go with the latest number we have—820,000 Americans on a waiting list. Here is the map of the United States. There are 820,000 older Americans and people with disabilities on waiting lists. They are on waiting lists for that section of Medicaid, Medicaid section 1915(c), home- and community-based services waivers. They are waiting for a waiver from their State to have the benefit that Medicaid would provide.

Now, if they were going to a nursing home, they wouldn't have to wait for any waiver. They would be granted that opportunity to have care in a nursing home. A lot of families choose that, and there is great care in those settings. But we should have a similar policy in place—and we don't, but we will, I hope, by the end of December—that doesn't have that waiver, I will just say, impediment or that step that these families are waiting for.

Here are some of the numbers across the country. You can see Pennsylvania. There are about 1,600 on the waiting list. That is a big number. Here are some bigger numbers. I have three for you, just three States that tell a big part of the story: Florida, Louisiana, and Texas. Florida's waiting list is 70,000 people. Seventy thousand seniors and people with disabilities are waiting for services; Louisiana, 65,000 people are waiting; Texas, 385,000 people. They make up, obviously, the largest share of that 820,000-person waiting list.

So you have three States—just three States, those three—that comprise two-thirds of the waiting list in the United States of America. Those three States have something else in common. They are not just three States with big waiting lists—Texas, Louisiana, and Florida—but they are three States represented by Republican Senators, six to be exact, two in each State, as we know. Republican Senators represent these hundreds of thousands of Americans who are waiting for care.

I hope, when it comes time for voting—because that is how you demonstrate what you are for around here. It is great to give speeches, but it is how you vote that indicates what you support. I hope that when voting starts on Build Back Better, the Republican Senators from Louisiana, Texas, and Florida will vote in support of this legislation. The more important thing is they are voting to support those seniors and people with disabilities in their States on waiting lists.

We have some work to do when it comes to persuading some of our colleagues who today, we have no one on the record saying they are even willing to consider this legislation. We will see. There is still some time, still a couple of weeks for consideration.

I mention the home care workers making \$12 an hour. These essential workers that I spoke of earlier are mostly women of color doing this back-breaking, heroic, essential work. They are long overdue for a raise. We have some work to do to make sure that we bring that to the attention of the American people.

I wanted to make one—tell one final story. Then we will move to some of our colleagues who are joining us here today. This story is particularly meaningful for me because I just happened to be with, in this case, Brandon and Lynn, and the person on the left side of this picture is the President of the United States. He just happened to be in his hometown of Scranton, PA, where I still live. We were talking about all of these issues under the broad heading of either infrastructure or the Build Back Better legislation, all the benefits that would come from passing these bills. At the time, there were individuals who were lined up in this old train station in Scranton greeting the President, in many cases, telling the President about their own families, their own struggles, their own challenges and how Build Back Better would help them.

At the very end of this long line, Brandon—right here sitting in a wheelchair—came right next to the President, and then Lynn, his caregiver, was right behind him. Brandon Kingsmore is his name and Lynn Weidner is his caregiver. I met Brandon months earlier—we were all doing Zoom calls, right—talking about issues in Zoom calls and other ways of getting the message out.

But I knew that the President had not met Brandon, and I knew that he had not met Lynn, and I knew that he had not heard their story, because it is a story of two people. It is someone who is a caregiver and someone who is the beneficiary of that caregiving, that heroic work.

So I knew that the event was about to end, and I knew that it would be wonderful for the President to greet Brandon and say hello, but sometimes at these things there is a greeting and an exchange of conversation and then people have to move on.

So just before the end of our greetings of people coming through the line, I leaned over to Brandon, because I knew his story, and I said, “Brandon, before we go”—we were literally ready to head out the door—I said, “Please tell the President what you told me about what Lynn means to you, what her caregiving means to you.”

And that is what it says right there. He was talking about the importance of the caregiving that Lynn provides to him, and I quoted him on the poster right here:

I would not be able to live the life I have.

And then he broadened it to all caregivers later on in his discussion with the President. He said: “They”—meaning caregivers, “They give us a substantial life.” “A substantial life.”

I think Brandon’s words, more than any long speech, reminds us of our obligations. If we care about people with disabilities—truly care—if we care about seniors, if we care about those workers, like Lynn and tens of thousands of them across the country, we will pass this legislation because we can help all three and even a lot of other Americans. We can help seniors have opportunities to get care in their home. We can help people with disabilities get the care they need, either in their home or in a community setting, and we can help the workers to lift them up, to invest in them because we claim to value them by our statements year after year, decade after decade.

We have an opportunity with this legislation to give meaning and integrity to what Brandon said to the President of the United States.

The President of the United States has met a lot of people in his time as the U.S. Senator from Delaware, as Vice President, and now as President.

All of us know when the words spoken by one person in a setting like this has an impact on someone. And I knew Brandon’s words had an impact on President Biden that day, and those words should be ringing in our ears, that these caregivers give someone like Brandon Kingsmore—in this case, it is Lynn who gives him this—a substantial life, that is a great American idea—that we are going to advance policy that is consistent with the values we claim to hold as Americans, that we really care about seniors, we really care about people with disabilities, and we really care about those who are providing that care.

So we will have more time a little later to cover some other topics, but I wanted to—if the Senator from Maine is prepared to speak—

Mr. KING. Go ahead.

Mr. CASEY. We will come back to him because we have some other colleagues who are going to be here later.

I wanted to tell another story about another Pennsylvanian, Theo Braddy.

Now, Theo is another person I met because we were talking about these policies back home, and we had a lot of Zoom calls, and I hadn’t heard Theo’s story until—I guess the first time was June 2020.

And one of the points we have tried to make in this whole debate about quality, affordable childcare, care for seniors and people with disabilities, a whole range of caregiving issues we are trying to address and policies we are trying to advance, one of the refrains that so many of the advocates who have been traveling the country and knocking on doors and making the argument all across the country about why caregiving is important, they have been saying over and over again that care can’t wait, that there should be an urgency to providing better caregiving.

So “care can’t wait” is a pretty good way of expressing it. And when I think of Theo, I think of that phrase, “care can’t wait,” because Theo has a story that a lot of families can identify with.

He is now a resident of south central Pennsylvania—Harrisburg, PA, our State capital. And he came before our Aging Committee back in June, and I heard his story then, and I have heard it more than once since then.

Theo was injured in a football game in the late 1970s. Theo and I happen to be the same age—I think almost exactly—and that is where his story really began, with that football injury. And as he was telling the story, I was thinking about myself. I was thinking: My goodness.

He was talking about high school, and I thought: All these years he has lived with that injury.

And this is what it means to him: He ultimately started talking about what it meant to him years later when he was sitting on the third floor of his apartment building. He said: “Just looking out the window for weeks at a time.” “Looking out the window.”

And there are a lot of Americans who have a disability who are doing something very similar: looking out a window, hoping, praying maybe, waiting for a better day when they are not limited to that room and that one view of the world.

That is, for many of them, the full scope and full expanse of their world because they are limited to that one place. A lot of them want to get good care in their home or in the community where they can be close to the people they love and still be the beneficiary of good care.

So Theo talked about looking out that window for weeks at a time. Now, when he completed his physical rehabilitation, he was still not able to feed himself or push his manual wheelchair. So even despite some help, he still had a long way to go.

You know what changed his life?

Home- and community-based services.

Here is what Theo’s life has been since receiving those home- and community-based services: He was able to obtain both his undergraduate and graduate degree. He has been a professor. He has been an advocate. He has, in essence, run businesses. He is, because he received those services, leading a full life.

He is one of our best advocates for this policy because he doesn't just talk about it in a personal way, he can talk about the mechanics of the policy. He can talk about the challenges that are in the way of so many people with disabilities.

So Theo has been able to, as he said, because of these services, "live a full life."

Sounds a lot like what Brandon said about, because of the care that Lynn provides to Brandon, he is able to lead—and so many others are able to lead—a life that is a "substantial life."

So these stories highlight why caregiving is an investment in that great American idea. A simple idea, but significant in the context of what we are talking about: the idea that we are going to have policy that is consistent with the values we claim to hold.

No one would say to us we have the—we have a value in America of advancing the cause of freedom—freedom here at home and freedom around the world. That is what America has stood for all these generations. No one would say that you only have to express that; you don't need a policy to advance it in furtherance of that goal of promoting freedom.

Same is true here. If we say we care about those Americans, we care about Brandon, we will help Brandon and Lynn providing this care.

We will care and advance policy that will benefit Theo. Thankfully, Theo has already received those kinds of benefits.

We will advance policies that will help mothers like Victoria have the peace of mind to know that her son Cole is going to get the care that he needs in the setting that she prefers and that anyone would prefer, that they have that choice.

I am going to turn to our colleagues in a moment.

I talked earlier about that bridge to work—her bridge to work, the bridge of quality, affordable childcare; her bridge to work being care for her mom and care for a son or a daughter who has a disability, or other bridges to work that allow her to get to work.

Well, this bill, fortunately, has so much in it that will lift up families in addition to caregiving, that in so many ways this bill can be a bridge to the future for families, can be a bridge to the future for workers.

Once again, I mean, we can't simply talk around here about having the best workforce in the world. We can't simply talk around here about outcompeting China or any country. We have to advance policy in furtherance of that goal, that value.

And that is one of the reasons why this bill is a bridge to the future. It keeps our promise—the promise we claim to make—or we do make and claim to uphold for families, for seniors, for people with disabilities—really, just for families across the country.

So I think, in a very real sense, this legislation will advance the cause of

justice—the justice that comes with knowing that you can lead a full life. You can have a substantial life because you are an American, and we have expressed these common values and we have passed legislation and moved policy in furtherance consistent with and paying allegiance to those values.

So I want to thank our Democratic colleagues who are working on this bill with us as we just begin the debate over the next couple of weeks.

And I will turn first to the Senator from New York, who has been a great fighter for families all the years that she has been in the Senate. I know that because I remember when she got to the Senate. I was only here about 1 year—2 years, I guess, when Senator GILLIBRAND came to the Senate. And I want to thank her for her leadership and her strong voice for families and for caregiving.

Mrs. GILLIBRAND. Thank you. Thank you so much, Senator.

Madam President, I rise to join my colleagues in calling for the Build Back Better bill to include provisions that will solve the problems that working people are facing every day because of the magnitude of the problems caused by the COVID pandemic.

Paid leave is a perfect example of this. Today, nearly 8 in 10 workers in America don't have access to paid leave. Those numbers are even worse for lower wage workers, just 12 percent of whom had access to paid leave before the pandemic.

But we know nearly every single worker will need paid leave at some point in their lives, whether they are dealing with another pandemic or a personal emergency.

We have to recognize that workers are people first, people who get sick, have babies, adopt children, who need care for their children when they get sick, who have parents who will age and die.

They work to provide for those families, but providing for your family means, first and foremost, being able to care for that family member when they need you. Without paid leave, most people can't. They are forced to make the impossible choice of either providing for their family by going to work or leaving their job to meet that need. And nobody should have to make that choice between earning a living and providing for an urgent family need.

We send new mothers back to work when they are literally still bleeding, while they have stitches and they are still healing, before they can even recognize that they have postpartum depression. We force them to leave their infants when they are just days old. They can't nurse their infant. They can't bring them to work with them. They can't bond with them. They can't even put them in a childcare or a daycare center because most require an infant to be at least 6 weeks old.

Right now, many women get less time with their babies than dogs get

before they are separated from their puppies. That is how we are valuing women workers right now, less than we value dogs.

This issue extends far beyond new moms. New dads should also be able to have time with their new children. Parents with sick children should be able to care for them without fear of losing their job. And workers who need to move a parent to a memory care facility or take them to chemotherapy or take them to doctors' appointments or nurse them when they are in very urgent care need—those are choices that families are making every day, and in this era of COVID, it is happening far more often. You shouldn't have to risk your job or professional future to meet those urgent needs. Without paid leave, far too many workers have to make that very choice and either risk losing their job or having to quit or not meeting that family need. It is inhumane.

Not having a paid leave program also leaves us vulnerable to future health crises. If we had paid leave in place before the pandemic, millions of people could have stayed home from work when they got sick, limiting the spread of COVID, or they could have stayed home with their children when they were forced to learn remotely, limiting the number of people who have lost or had to leave their jobs when a child had to stay home.

I heard from one New Yorker named Amir whose son's health and special needs were becoming significantly complex and required his or his spouse's full time attention around the clock for weeks. At a time of great stress, they were not only worrying about how they could best care for their son but also how they could maintain their livelihoods.

Luckily, they were able to turn to New York State's paid leave program. He told me it saved their family. They were able to focus on being good parents without harming their ability to earn a living and be good professionals.

Your ability to access that kind of support should not be dependent on where you live, but right now just nine States and DC have enacted paid leave legislation, leaving far too many Americans vulnerable. The numbers prove that paid leave keeps people employed, providing stability to their families and the companies they work for.

A study in the *Journal of Population Economics* found that women who take paid leave are 40 percent more likely to return to work after having a new child than those who don't take it. And, in general, workers who can take paid leave return to their job up to 97 percent of the time. That makes paid leave a good business investment. It helps ensure that the time and money companies invest into an employee doesn't walk out the door when the employee gets sick. Furthermore, when paid leave was implemented in California, nine out of ten employers said it either did not change or improved

their profitability, employee productivity, and morale, and many said it decreased turnover.

Major corporations already know that offering paid leave helps them attract and retain the best talent. By making this program universal, we can level the playing field and allow small businesses to compete with them and hire the best of the best. In fact, the same survey of California employers found that small businesses were actually more likely to report seeing no change or an improvement in their productivity and profitability when paid leave was implemented. So it is not surprising to see that 70 percent of small business owners and operators support the creation of a national paid leave program—70 percent of small business owners.

State programs have also shown us that the programs are not targets for fraud. In California, 91 percent of employers said that they were unaware of any instances where their employees abused the State leave program. And in a study of New Jersey employers, none were aware of any instances of employees abusing the State's paid leave program.

Creating a national paid leave program makes economic sense. Every year that we go without paid leave costs American workers and their families \$22.6 billion in lost wages. That is \$22.6 billion that could be going back into our economy, helping families get groceries, pay bills, buy homes, start families, and live their lives. And it is estimated that the mass exodus of women from the workforce during COVID could have long-term costs as high as \$64.5 billion in lost wages and economic activity every single year.

We can stem those losses now if we take action.

I would also like to note, for those who are worried about the pricetag of this bill, that paid leave was included in the House version of the bill, which CBO found essentially pays for itself. There is a reason every industrialized nation in the world has this kind of system. It has paid leave because it works. Most of them offer far more leave than this bill would, and their economies are proof that it is net positive. We cannot be a global economic leader when we are not even in the game.

Beyond all of that, this is what the American people, the people who send us here, actually want. Seventy percent of all voters support paid leave, including 81 percent of Democrats and 58 percent of Republicans, who have said that paid family medical leave should be included in this reconciliation bill. This is an up-to-date survey. The bill is designed to help the American people, and this is what they are actually asking for.

This is a once-in-a-generation opportunity to reshape the workplace. We shouldn't squander it.

To my colleagues who say we should not proceed on paid leave until we can

do so in a bipartisan manner, I say the American people cannot wait for us to have the same conversation for another year that lead us to the same result—offers of a plan that is not universal or mandatory. A voluntary plan is not what the American people want or need. They need a plan that covers all workers for all life events.

There is good bipartisan work that can be done, and I will do that. But I believe this is a moment in time, if we want to have a universal plan that can cover low-wage and medium-wage workers in small States, in rural States, and in States that don't have their own paid leave plan.

This is that one chance—that one chance in a generation. It is now in this reconciliation bill. We should not miss this chance. We should include a national paid leave plan.

REMEMBERING ABE SCHUMER

Madam President, I rise to include one additional thought into the RECORD, and it is to recognize the life of Abe Schumer, Majority Leader CHUCK SCHUMER's father and a lifelong New Yorker, who passed away on November 24, 2021, at the age of 98.

Abe grew up in Utica, NY, and most recently resided in Queens. He was a devoted husband to Selma, a wonderful parent to Chuck, Fran, and Robert, and a loving grandparent and great-grandparent.

Abe Schumer represented the values and service that he instilled in his son. He served in World War II in Burma as a radar operator in planes that flew over the Himalayan Mountains. As a child of the Depression, Abe knew what it meant to work hard and deal with financial struggles. When he returned to Brooklyn, NY, he took over a small exterminating business from his father in order to support his mother and younger brothers, and then his own wife and three children.

As Senator SCHUMER has said, Abe "personified the greatest generation."

We are thankful for Abe's devotion to his country and his family. Learning about Abe's background and life, it is clear where my friend and colleague Chuck got his devotion to family, his commitment to service, and his work ethic.

I send my deepest condolences to his wife of 72 years, Selma, and to his entire family. May his memory be a blessing.

With that, Madam President, I yield to my colleague from Pennsylvania.

BUILD BACK BETTER

Mr. CASEY. I want to thank my colleague from New York, both for her remarks about paid leave and the compelling case that she made. Just as we were talking about earlier, paid leave is not only a care issue, it is an economic and workforce issue. I want to thank her for her advocacy and the fight she has waged. And, of course, I thank her for the wonderful comments about the majority leader's dad, who just passed away.

I will turn to my colleague from Maine next.

Senator KING has been fighting battles on behalf of the people of Maine for a lot of years now, but I am particularly grateful for his most recent advocacy for home- and community-based services. He was one of a small group of Senators and staff that came together week after week after week on Zoom calls to talk strategy and to advance the policy. And I am grateful for Senator KING's leadership and advocacy on home- and community-based services, as well as on so many other issues.

Mr. KING. I thank the Senator, and I particularly want to thank Senator CASEY for his steadfast, dogged perseverance in pursuit of this issue. He has stayed with it. He has advocated for it. He has been persistent and persuasive, and I just want to thank you. You have really exemplified what this body should be all about. It should care about the American people and should take steps to alleviate their pain. When they are in trouble, they have a friend in Pennsylvania. The people of America have a friend in Pennsylvania, and I deeply appreciate it.

Madam President, I used to teach a course in college called Leaders and Leadership. I used case studies of different people, and it was a very eclectic group. It ranged from Ernest Shackleton to Joshua Chamberlain, to Winston Churchill, to Margaret Thatcher, and to a guy named Jack Welch who was the President of General Electric and one of the great business leaders of the late 20th and early 21st century.

One of Jack Welch's favorite quotes, which is also one of my favorites, is that "the essence of leadership is to look reality in the eye and then do something about it"—"look reality in the eye and then do something about it."

I want to talk about some realities this afternoon. The reality is that we are an aging population. Ten thousand people a day qualify for Medicare—10,000 people a day. We are an aging population. My State of Maine is, in fact, the oldest State in America. How old are we? Our junior Senator is 77. The State of Maine and the country are aging. That is a reality. We can wish it away and act like it is not really happening, but that is an enormous demographic wave that is coming at us right now. As the baby boomers retire and enter their sixties and seventies, this is a reality that we have—10,000 people a day.

Another reality is that more and more of these people require care. That is in the nature of our physical being. The older people get, they require care. So the real question is, How are we going to care for these people?

Thousands of them—hundreds of thousands—end up in nursing homes, in long-term care, and those facilities do a yeoman's work, and they take wonderful care of people. But 60 percent of the people in long-term care are paid for by Medicaid. Sixty percent of the

people in long-term care are paid for by Medicaid. That is important because I am going to be making the argument that the investments that we are making in this bill are, in fact, investments that will actually diminish expenditures in other areas.

Here's another reality. It costs about \$26,000 a year to provide home- and community-based services for a person with disabilities or a senior who needs those services—\$26,000 a year. Long-term care in a nursing home is over \$90,000 a year, almost four times as much.

So let me add one more reality and then I will come to the conclusion—not the conclusion of the whole remarks. I don't want to get your hopes up, Madam President—but my conclusion on this point.

Part of the reality is that most seniors don't want to go to nursing homes until they have to. I used to go around Maine with my commissioner of human services with groups of seniors and say: How many of you want to go to a nursing home? No hands went up. Not that nursing homes don't give good care or provide an essential need, but most people would like to stay in their houses, in their homes, close to their community, close to their family as long as they can.

So if you take the financial reality that it is almost one-fourth, 25 percent or maybe 30 percent, as expensive to keep them in their homes, the taxpayers are paying 60 percent of the cost of nursing homes. People want to be home. All of that argues in favor of enabling people to stay home.

Every day that someone stays out of a long-term care facility it saves the taxpayers about almost \$200, every day for each day. So if you can keep people in their homes longer, it is a good financial investment.

It also provides preventive care and services. That is one of the realities.

The other reality, as Senator CASEY mentioned, is people with disabilities, people who are trapped.

As he was making his remarks, I was thinking about the fundamental promise of America and the Declaration of Independence—life, liberty, and the pursuit of happiness. Abraham Lincoln once said that every political opinion he had derived from the Declaration of Independence. In my case, every political opinion I have is derived from Abraham Lincoln, but the Declaration of Independence talks about life, liberty, and the pursuit of happiness.

If you are disabled—if you can't walk up these stairs and you don't have some help—you don't have much of a life, and you certainly don't have liberty. All we think of as liberty is to be able to walk out your door, go to the store, go to church, interact with our children. If you can't do those things, you don't have liberty, and you certainly don't have much happiness. So we are talking about the fundamental promise of America—life, liberty, and the pursuit of happiness. It simply

means giving people the help they need, and they need it through no fault of their own.

It is nobody's fault when they get older. That is not your fault, and disability isn't your fault. The fellow who Senator CASEY talked about who was injured while playing football in high school wasn't at fault. He wasn't at fault. This kind of thing can happen to anybody. So that is really what we are talking about.

The reality is that we have a demographic tidal wave coming at us, and the question is, Are we going to deal with it actively and confront it or are we simply going to sit back and say, you know, "It is like it has always been"? It is not like it has always been. We have never had a demographic boom in the seniors like we are going to have in the next 20 years. Our generation—my generation—is the pig and the python of the demographics of this country, and we are going to have to confront it.

So how do we confront it? We confront it in a number of ways. We confront it in several ways.

The home care provisions of this bill are one of the ways to confront it. There is also a hidden economic benefit here. If people need care, they are going to get it one way or another. They may well, in many cases, be getting it from their children who then can't go to work. We desperately need workers in this economy right now, but they are locked up because they can't leave home. They can't leave their elderly moms. So to have the home-based services liberates people in order for them to participate in the economy.

What can we do about it?

We can do something about the wages of these people—of the people working in this industry who are providing this essential care—who are making \$12 an hour. They are among the lowest paid in our society. How do we know that the pay is inadequate? When a 50-percent turnover in a home-based care company—in a home-based care exercise—in the community is considered good. To have 100 percent turnover in a year is not unusual. That tells you there is a real problem in the compensation of the workforce. So this bill provides funds to improve the living standard of the people who are providing these services. It provides training. It provides a career path. It provides hope for people, not only those who are giving the services but those who are needing the services.

I believe this is an investment. This is the right investment in the right people at the right time, and I deeply hope that our colleagues will come together to support this investment in a timely way and not wait until it is too late. Why wait until thousands of lives are restricted and constrained? Let's do the right thing now. We know what the reality is. This bill provides us a golden opportunity to meet it.

I yield the floor.

Mr. CASEY. Madam President, I thank my colleague from Maine.

I want to turn now to the chairman of the Finance Committee, the Senator from Oregon. Senator WYDEN has been with us every step of the way in Build Back Better but, in my case, in working on home- and community-based services. This would not be possible without his leadership.

Madam President, I ask unanimous consent to add 5 more minutes to our time.

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

Mr. WYDEN. Madam President, before my colleague leaves, let me just tell him what a wonderful speech he gave. That was the kind of talk we dreamed of back in the days when I was the director of the Oregon Gray Panthers. What Senator KING has basically laid out—much more eloquently than I could have—is that what Senator CASEY's legislation is doing is giving older Americans the opportunity to get more of what they want—good quality care at home at a price that doesn't begin to approach the alternative that Senator KING is talking about with institutional care. So I want to commend him for it. It reminds me of my Gray Panther days. It was a great speech.

To my friend Senator CASEY, I have been so proud to be a part of this effort because, as you and I have talked about, this is what we always hoped for. This was always the long-term agenda of advocates for seniors.

I just want to tell the Presiding Officer and colleagues who are following this that Senator CASEY has been everywhere on behalf of this cause.

You have shown up at virtually every caucus meeting to say how important it is. You have come to our Finance Committee to stress it to colleagues on a bipartisan basis. We go together to rallies. You have been, basically, everywhere on this, and that, of course, is one of the reasons we are here on the floor—because it was your effort that did so much to get it into our bill.

Now, I am going to turn to the legislation in just a quick moment, but I want to respond to one question I have been asked nonstop over the last couple of days, and that is, Why is it so important for the U.S. Senate to pass the Build Back Better legislation before the end of the year?

I am just going to respond with one sentence: With the Omicron COVID variant now in our country, it is urgent business to strengthen America's economic foundation. That is what Build Back Better is all about. That is what Senator CASEY's provisions are doing.

Now I am going to kind of turn to some of the aspects of what our effort has been all about. Obviously, Oregonians and Americans from sea to shining sea have their hands full these days with school, work, family, with probably trying to get in a little Christmas shopping as well, and it is hard to follow day-to-day policy debates on the floor of the Senate. So I am just going to touch on some of the big picture issues that Senate Democrats are focusing on here.

First, we are all about breaking down barriers to good jobs that support American families. That is what this is about—more support for families. That is how everybody in America gets the opportunity to get ahead. Now, this is the second time in a decade that Democrats have had to rebuild the economy after a Republican President has crashed it like a kid on a joyride. This time, families and businesses are still dealing with a pandemic. That is a lot of upheaval to deal with, and it is why we have said breaking down the barriers to good jobs that support American families is the one-sentence description of our effort.

We want to create opportunity for good jobs and infrastructure; we want to create opportunity for good jobs and clean energy; we want to create opportunity for good jobs in manufacturing here at home; and we want to create the conditions for small businesses and entrepreneurs to succeed. The key to unlocking those opportunities for working people in America is to make sure that families start in a position to succeed.

This afternoon, my colleagues were on the floor to talk about the importance of investing in childcare and home-based care for seniors and those with disabilities. For me, this brings to mind a conversation, a recent one, with a neighbor of mine at home in Oregon. She and I sat down in Portland for a socially distant chat in her backyard. We talked about what it has been like for families like hers, not just during the pandemic but over the last several years, as costs for education and housing and childcare have just soared into the stratosphere.

Megan is about as impressive as anybody I have met. She is smart; she works hard; she has got a good job. But even people who seem to have the world by the tail come up against real challenges.

For example, Megan told me about the decision she made when her mom came down with a cancer diagnosis in 2015. She decided she had to set aside her career and move home to the Midwest to help out her mom with treatment. Caring for a loved one who is in a fight for their life is just about the most important work you can do. But, as Megan said, there is no paycheck—no paycheck, I would say to the Presiding Officer—that comes with that gig, and you have still got to find a way to pay the bills. Fortunately, Megan's mom got better. The two of them made the decision—we happen to think it was a no-brainer—to move back to Portland. They wanted to make sure that their family would have a chance to get ahead.

Megan has now got two kids of her own. One of her kids is a wonderful little guy who has got special needs. Childcare is another major challenge. In Oregon, this is the case of so many places. It is a struggle to find childcare at all and even harder to find childcare that is affordable.

Megan told me about all of the people she knows—just about all of them women who were forced to make the hard decision of leaving their jobs in the last few years to provide daycare for their kids or to care for an elderly parent. That has been happening all over the country because families don't have enough support. They don't have enough support tonight.

Now, people always talk about motivation. What is motivating people?

I will tell you, in Oregon—what I hear at home—people tell me what they want to do is to work hard. They want to contribute. They want to make sure that their kids are growing up happy and healthy, and they want their elderly family members to be happy and healthy too. They would also like to be able to look forward to a vacation once in a while in the summer and a dignified retirement down the road. Who doesn't want all of that?

The reality is, for so many people, the sky-high cost of raising kids and taking care of older family members just holds them back. So that is why Senate Democrats want to help with childcare, why we want to invest in home-based care, why we believe in paid leave. That is what the new child tax credit is that so many on the Senate Finance Committee, on the Democratic side, have worked for. It is that basic level of support that helps families get ahead.

People ought to be able to stay in their careers, if that is what they want to do, instead of handling childcare themselves. They ought to have the financial security at home to seek out a new job with higher pay or better benefits. People shouldn't have to choose between taking care of family and starting that small business—that small business that their entrepreneurial eye always was dreaming of. These priorities that need addressing on childcare and home-based care aren't just morally right, but as Senator KING pointed out—pointed out just now—they are commonsense economics.

Since when, Senator KING, did it become, somehow, a partisan issue to say that you ought to work for people to get more of what they want—good care at home at a lower price? That is, obviously, not partisan. That is commonsense economics. It is what you laid out, and it is what Senator CASEY has been leading us on over these last few months.

It is disappointing to me that colleagues on the other side aren't interested in working with us on these issues. By the way, it didn't used to be that way.

I would say to my friend from Maine that Senator Olympia Snowe, when she was on the Senate Finance Committee, always worked with us. My staff used to joke about bipartisan bills. They were called Snowe-Wyden or Wyden-Snowe or one or the other, but you could almost set your clock by it. It was a constant. Unfortunately, we are

missing that on this legislation. What we are hearing from colleagues on the other side is of tax cuts for those at the top. They don't do much for people like me. We can do better.

There are signs that the economy is ready to take off. COVID-19 caused the biggest economic crash and jobs collapse in a century, but the unemployment rate is now 4.6 percent. Wages are going up. The economy added over 440,000 jobs per month over the fall.

There is no questioning the work ethic and productivity of the American people. Our job in the Congress is to make sure they have the support so they can seize those opportunities to get ahead. That is what we are going to be working on in the weeks ahead. That is what Senate Democrats are doing on the Finance Committee. That is what we are doing in our caucus.

I just want to thank my friend and colleague Senator CASEY for being the spark of the cause here. He and his persistence are the reason we are here and why this legislation has passed the other body.

I am telling you, I think this is a really big moment for all those seniors and all those families who are basically saying, are we ever going to see these kinds of opportunities for healthcare, as Senator KING talked about, better care at a price that gerontologists, for example—you don't have to take the word of a bunch of Senators; people in the field—I taught gerontology. When I saw those experts you lined up, I said: Senator CASEY is really getting it right. So I just want to thank him.

With that, I yield the floor.

Mr. CASEY. Madam President, I want to thank the Senator from Oregon.

The chairman of the Finance Committee had to work, obviously, not simply on the better care and better jobs provisions to the home- and community-based services provisions but so many others as well and also to work on the financing of the bill, so a big job to undertake.

I want to thank him for his continuing leadership and thank all my colleagues today for making the case for Build Back Better and in this case, one of the component parts, but mostly our discussion was about home- and community-based services. But there is so much more to talk about. We don't have time tonight to get to all of it.

I think what you heard from our colleagues—from Senator KING, from Senator GILLIBRAND, from Senator WYDEN, and I know the Presiding Officer shares these concerns and has made these issues a priority—we heard it right from the mouths of Americans, whether they live in Oregon or Maine or New York or Pennsylvania, wherever they live, and, I will remind our colleagues, all those folks on the waiting list in those three States I mentioned—Florida, Texas, and Louisiana, where two-thirds of the waiting list is, just three States.

When you hear Brandon talk about a substantial life that Lynn's caregiving

provides him; when you hear Theo Braddy talk about the life that he has because of home- and community-based services; when you heard Senator KING talk about the savings—you want to pay \$90,000 or \$26,000 in terms of what taxpayers will pay over time in the case of 1 year's care, \$90,000 versus \$26,000. Twenty-six thousand is what they pay for home care.

So when you hear from individual Americans what these services mean; when you hear about the arguments we are making on cost and that this is an investment—this is an investment in America in furtherance of those values that we claim to hold. Senator KING spoke so eloquently about life, liberty, and the pursuit of happiness. That says it all. That is what Brandon Kingmore was talking about, that Lynn, his caregiver, allows him to have a shot at life and liberty and the pursuit of happiness.

So we have a lot of work to do between here and there, between our advocacy and our work on a bill and passage, but we are going to get there because this kind of care can't wait any longer. The American people have been waiting for this for all the years that Senator WYDEN has made the case when he was a slightly younger man, making the case with the Gray Panthers all across the State of Oregon. People have been waiting for a long time. It is about time we deliver.

Let's pass Build Back Better, not only because of home- and community-based services but for other reasons as well, which we will get to in the days ahead.

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.

(Whereupon, Mr. KING assumed the chair.)

(Whereupon, Mr. KELLY assumed the chair.)

(Whereupon, Mr. LEAHY assumed the chair.)

(Whereupon, Mr. KELLY assumed the chair.)

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

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

UNANIMOUS CONSENT REQUEST

Mr. REED. Madam President, now I would ask unanimous consent that it be in order to call up the following amendments to the Reed-Inhofe substitute amendment No. 3867, as modified, in the order listed, and that these be the only remaining amendments in order: 1, Cruz No. 4656; 2, Kaine No. 4133; 3, Peters-Portman No. 4799; 4, Scott of Florida No. 4831; 5, Marshall No. 4093; 6, King-Rounds No. 4784; 7, Hawley No. 4140; 8, Hassan-Cornyn No. 4255; 9, Paul No. 4395; 10, Sanders No. 4654; 11, Daines No. 4236; 12, Menendez No. 4786; 13, Luján-Crapo No. 4260; 14,

Lee No. 4793; 15, Sanders No. 4722; 16, Portman-Shaheen No. 4540; 17, Menendez No. 4860; 18, Risch No. 4859; 19, Durbin-Lee No. 3939; 20, Shaheen-Collins No. 4584; 21, Kennedy No. 4660; 22, Ossoff-Tillis No. 4802; 23, Lankford No. 4100; 24, Cardin-Wicker No. 3980; that the Senate vote at 10 a.m. on Thursday, December 2, in relation to any first-degree amendment offered in the order listed above, with 60-affirmative votes required for adoption of the above amendments in this agreement; further, that upon disposition of the above amendments, the Senate vote on cloture on amendment No. 3867, as modified, upon reconsideration; and the motion to invoke cloture on H.R. 4350 be withdrawn; that if cloture is invoked upon reconsideration, the Reed amendment No. 4775 be withdrawn and the Senate vote on the substitute, as modified and as amended, if amended; that the bill be considered read a third time and the Senate vote on the passage of the bill, as amended, if amended; and that there be 2 minutes for debate, equally divided in the usual form, prior to each vote, all without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The junior Senator from Oklahoma.

Mr. LANKFORD. Madam President, in reserving the right to object, here is my problem.

Yesterday—and I mean yesterday—the Secretary of Defense released out a memorandum. The memorandum was about pay for National Guard members and the vaccine. We have National Guard members in very large numbers and percentages all around the country who have not been vaccinated at this point.

Now, there are two sets of rules for the National Guard—one for the Air National Guard. Their deadline for the vaccination is tomorrow. Now, remember, this memorandum came out yesterday. Their deadline for the vaccination is tomorrow, December 2. For the Army National Guard, their deadline is the 30th of June—so two sets of rules for the Air National Guard and for the Army National Guard. They are completely different—6 months apart, plus.

For the Air National Guard, this word came out yesterday with this statement:

No Department of Defense funding may be allocated for payment of duties performed under title 32 for members of the National Guard who do not comply with Department of Defense COVID-19 vaccination requirements.

Then there is this statement:

No credit or excused absence shall be afforded to members who do not participate in drills, training, or other duty due to failure to be fully vaccinated against COVID-19.

What does this mean in real life?

Well, in real life it means, as of tomorrow, members of the Air National Guard, not the Army National Guard—they have 6 more months, plus. But members of the Air National Guard, as of tomorrow, even if they are not on

Federal duty, will no longer be paid, will no longer be allowed to drill. That means, this coming weekend, Air National Guard members who were headed to drill who have not been vaccinated can't drill.

What does that mean in real life?

Well, National Guard members don't get TRICARE free and taken care of and provided for by the taxpayers like Active Duty does. To get TRICARE from them, it comes out of their checks, but if they are not getting a check, then it interrupts their payments.

So what the Secretary of Defense did yesterday was announce that Air National Guard members, as of this weekend, will not be paid anymore, will not be allowed to drill anymore, and we have thousands of them all over the country. At the last check, the Guard had about 50 percent compliance on the vaccination.

In some areas of the Guard, they have very serious concerns—well, let me just identify this—not just as a readiness issue in that we have individuals who have served in the Guard for years who now are, suddenly, not going to be paid and are going to have their insurance at risk. It is not just that, but this is also a federalism issue. I know this gets lost in the conversation, but the National Guard is not Active Duty. They are not reservists. The National Guard, when they are under title 32, actually work for the State. The National Guard in my State works for the Governor of my State. The Governor of my State is their commander in chief. According to the U.S. Constitution, for the Guard members, their officers are selected by the Governor of the State. That is how we set up the National Guard. It is not the Active Duty. It is not the Reserves. They are different. The time when they are federally connected is in what is called title 10, and the U.S. President actually calls them up, and they shift from title 32, under the States' authority, to title 10.

Do you want to know what the separations are even in funding? Let me make it clear.

The way the statute actually lays this out under title 32, section 108, is, if there is a Guard unit that is not complying, then the DOD can cut funding to the State, not to individual members. What is this memorandum? It is not cutting funding to the State; it is cutting funding to individuals who are within the Guard. That is not allowed under title 32, section 108. The consequences for a Guard unit not being ready is to cut off funding to the State. That is how the section works. In fact, even just a few years ago, in an NDAA just like what we are debating, there was a section to allow the DOD to be able to reach into units and to be able to take on and punish individuals with their pay, and that was blocked here in this body. It was not allowed. But this administration is going around Congress, around the States, reaching into

individual airmen and docking their pay, and, so far, this body is letting them.

That is a terrible precedent. That is terrible for the families in this National Guard unit. It is terrible for the morale, even because the Pentagon gave one set of rules to the Army Guard and another set of rules to the Air Guard, and these individuals, as of this weekend, will not be paid anymore unless this body acts.

So my request is very straightforward. The amendment that I bring to the floor protects the National Guard not just in my State but all over the entire country because there are Air Guard members in every one of our States who are worried about what is going to happen tomorrow to them when they have been faithfully serving their country.

All that I ask is we file this simple amendment; that we allow a vote on this simple amendment in this body; and that we prohibit the discharging of the withholding of pay and benefits to National Guard members based on their COVID-19 vaccination status.

It is very straightforward. It is very clean. It does nothing but say: We stand with our National Guard members, and we will not allow their pay to be cut, not only because we stand with them individually, but we also disagree with the interpretation of the Pentagon, which is not allowed to reach into a unit, select individual members, and not pay them. That is not the way that it works under title 32, section 108.

So, yes, I ask to modify the request to include my amendment No. 4863.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. REED. Madam President, I object to the modification.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the original request?

The senior Senator from Florida.

Mr. RUBIO. Madam President, in reserving the right to object, let me explain what is going to happen here in a second.

We have all heard the stories, right? In China, in the Xinjiang Province, Uighur Muslims are taken from their homes and their families. They are forced to work in their factories as slaves. They are forced to renounce their religion, to change their names. There is forced sterilization, forced abortions. It has been characterized—rightfully so—as genocide.

So I filed a bill with bipartisan support, and this bill says that any product that is made in a factory in that part of China has the presumption that it is made by slaves. It passed the Senate unanimously, and it is sitting over in the House. So I am trying to get it here as an amendment on this bill.

Here is what happens.

In the House, they have this thing where they come forward and say: Under the Constitution, if it generates any revenue, it has to start in the

House. The problem I have with that is that they interpret it very differently than how the Supreme Court has interpreted that clause in the Constitution: very broadly—in fact, so broadly that they can basically use it on virtually anything. They can just apply it to anything they don't like. So this is really not about being revenue-generating. The CBO says it is insignificant, really. This is about the fact that they don't want this bill to pass over in the House.

I understand why. Listen.

There are some big companies out there, some very big companies. We know that, for a time, Apple and Nike and a lot of big companies have been pushing against it. They are not going to admit it. Who is going to go out lobbying in favor of slave labor? But this is their bottom line: They make a lot of money by making stuff by people who aren't paid to make it, and they are lobbying against this thing. I am sure they have got a rationale for it that they have given people. The bottom line is, the House doesn't want to pass it or, at least, some people over there don't. The reason I know that is because we passed it here unanimously, and we sent it over there.

Let me tell you what: If this were a revenue issue—this was the issue. The issue was, we are in favor of the policy. You are right. There shouldn't be slave labor, and we shouldn't be participating in it, but—but—we can't do it in this bill because it impedes on our prerogative as the House.

If that were really their position, it would be very simple. You would pass our version, take the House version, pass the House version of our bill, and send it over here, and it becomes the law. Why haven't they done that? Let it originate over there, and send it here. They haven't offered to do that. Do you know why they haven't done it? Because they are not for this—they are not for it—and they wield this blue-slip thing to mean whatever they want it to mean.

I support many but not all of these amendments on here. Some of them have bigger revenue implications, but, apparently, those don't have blue slips because they are for them. The blue slip cannot mean it applies when I am not for the policy, and it doesn't apply when I am for it. That is the bottom line. That is the way to answer it.

So I am going to renew what I did here a few days ago, and that is that I am going to ask to modify the request to include my amendment, which is the body of this bill that every Member of the Senate has already voted for, amendment No. 4330.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. REED. Madam President, in reserving my right to object, the Senator from Florida is right.

The key issue here is the blue slip, which originates from the constitutional language mandating that all revenue bills must begin in the House

of Representatives. If it is determined by the House that it is a revenue bill, then anyone—I am informed in the House—can object, not just to the amendment of the gentleman from Florida but to the entire bill.

Essentially, if we pursue this, we would put at risk the entire National Defense Authorization Act for reasons that could be related to the issue the Senator from Florida brings up, but it could be related to many other issues, and there are quite a few issues in this bill.

So, for that reason, I would object to the modification.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the original request?

Mr. RUBIO. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REED. Madam President, 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. SCHUMER. 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. SCHUMER. Madam President, so let me inform the Members and the public as to what has happened here, which is just a sad, tragic, and almost absurd point.

Now, last week, we in the majority offered to have an open process, and we agreed to 18 amendments—more amendments than has been done on the Defense Act under 4 years of Leader McConnell's leadership. They objected—seven Members objected.

So when we came back this week, we worked all week to try and come to an agreement. Now we were up to 25 amendments. And the leader, Mr. INHOFE, and Senator REED, who has done a great job, came to an agreement to go forward, which we thought we might do. But one Senator, the Senator from Florida, stood in the way of us moving forward.

The Senate rules—some may call them absurd by now—allow any one Senator to block us from moving forward. And the Senator from Florida insisted on his amendment.

The irony, the sort of absurdity, and the sadness of this is, if his amendment were on the bill, it would automatically kill the bill because it would be what is called blue slipped in the House, which means any bill that produces revenue must start in the House, and the House will kill a bill that has an amendment that contains it.

So Senator RUBIO prevented these 30 amendments from being voted on, the Senate from moving forward on the Armed Services bill, because he insisted that we add his amendment, which was a killer amendment, which would kill the bill altogether.

Can you get more absurd than this?

It makes no sense—no sense whatsoever.

I would ask MARCO RUBIO to sleep on this overnight, Senator RUBIO.

His bill, which already passed the Senate separately, will not accomplish what he wants because it will just blow up the entire bill—the entire Defense Authorization Act.

But, instead, he came to the floor and objected when both Democratic and Republican leaders said we want to move forward, and so we can't move forward. This will be the first time that an NDAA bill has not moved forward, and it all falls on the shoulders of one Senator, MARCO RUBIO.

Now, I would hope my Republican colleagues who are listening to this, who have things in the bill they want, would go to Senator RUBIO and ask him to back off so tomorrow morning we might get started. But the odds of that are slim. The odds of that are slim.

I must say, Leader MCCONNELL, Senator INHOFE, the ranking member, as well as JACK REED, and myself have worked hard together to accommodate Senators whenever we can, and that is why we had a list of 25 amendments. That is why we were prepared to sit here in 15-minute intervals and churn through those amendments.

But the Rubio amendment is a poison pill in the sense that it blows up the whole bill. Any one Member of the House can say, "I object to the bill," and, of course, one would, and that would be it.

So how does it help move forward on the NDAA bill? How does it even help Senator RUBIO's goals with the Uighurs by insisting on preventing anything from moving forward unless his proposal gets in the bill, which would destroy the bill?

That is the absurd place we are in tonight. It is regrettable. It is sad. It undoes the work of so many Senators on both sides of the aisle, and it speaks to the need to restore the Senate and change these rules.

MEASURE READ THE FIRST TIME—S. 3299

Mr. SCHUMER. Madam President, I understand that there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The senior assistant legislative clerk read as follows:

A bill (S. 3299) to prohibit the Department of Defense from discharging or withholding pay or benefits from members of the National Guard based on COVID-19 vaccination status.

Mr. SCHUMER. Madam President, I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

MORNING BUSINESS

NOTICE OF A TIE VOTE UNDER S. RES. 27

Mr. CARPER, Madam President, I ask unanimous consent to print the following letter in the CONGRESSIONAL RECORD.

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

U.S. SENATE, COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,

Washington, DC, December 1, 2021.

To the Secretary of the Senate:

PN722, the nomination of Carlton Waterhouse, of Virginia, to be a Assistant Administrator, Office of Solid Waste, Environmental Protection Agency, having been referred to the Committee on Environment and Public Works, with a quorum present, has voted on the nomination as follows—

On the question of reporting the nomination without recommendations, 10 ayes, to 10 noes.

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.

THOMAS R. CARPER,
Chair.

NOTICE OF A TIE VOTE UNDER S. RES. 27

Ms. CANTWELL. Madam President, I ask unanimous consent to print the following letter in the CONGRESSIONAL RECORD.

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

U.S. SENATE, COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,

Washington, DC, December 1, 2021.

To the Secretary of the Senate:

PN1156, the nomination of Mr. Alvaro Bedoya, of Maryland, to be a Commissioner of the Federal Trade Commission, having been referred to the Committee on Commerce, Science, and Transportation, 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, 14 ayes to 14 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 on Commerce has not reported the nomination because of a tie vote, and ask that this notice be printed in the Record pursuant to the resolution.

Your assistance is greatly appreciated.

Sincerely,
MARIA CANTWELL,
Chair.

WORLD AIDS DAY

Mr. CARDIN. Madam President, on December 1, we mark the 33rd anniversary of World AIDS Day, which gives us an opportunity to pause and reflect on the lives lost to HIV/AIDS, how far we have come in the fight against this virus, and what we need to do to ensure an AIDS-free future.

Since the first cases of AIDS were reported domestically in June 1981, more than 700,000 Americans have tragically died due to AIDS-related complications. Significant scientific advances, brought about by public and private partnerships, led to the development of antiretroviral therapies—ARTs—which have been instrumental in decreasing AIDS-related mortality rates by more than 80 percent since they peaked in 1995. Investment in U.S. disease surveillance, prevention, and public education has similarly led to an almost 50-percent decline in the incidence of infection since 2010.

We are fortunate to have premier scientific research institutes within my home State of Maryland working together to combat this deadly virus. The National Institutes of Health, the Walter Reed Army Institute of Research, and the Institute of Human Virology at the University of Maryland all lead U.S. and global research on developing treatments and a vaccine for HIV/AIDS. The world-class research institutions housed in Maryland have not only substantially led the scientific advancements with respect to HIV/AIDS; they have also played a significant role in reducing the number of new cases among Marylanders and affording those who contract HIV/AIDS to continue living full lives. Across Maryland, more than 30,000 adults or adolescents were living with HIV at the end of 2020.

Though my State ranks seventh among all U.S. States and Territories in HIV diagnosis rates per 100,000 people, we are making great strides to prevent new infections. Last year, Maryland recorded fewer than 1,000 new cases of HIV infection for the third consecutive year and a significant decrease over the peak of 2,612 new HIV infections among Marylanders in 1991. Public health initiatives the Maryland Department of Health implemented have been instrumental in reducing new infections, including programs like safe-sex education programs, condom distribution, access to prophylactic medication, and a statewide needle-exchange program for injection drug users.

Today, approximately 1.2 million Americans are living with HIV, and they are able to lead healthier and safer lives due to increased access to care under the Patient Protection & Affordable Care Act, ACA. The ACA has led to increased patient protections such as the prohibitions on rate-setting tied to health status, the elimination of preexisting condition exclusions, and an end to lifetime and annual dollar limits. Still, there are challenges ahead. Increasing prescription drug costs for ART regimens and health insurance benefit designs that shift out-of-pocket costs onto patients risk the progress we have made to end the HIV epidemic in the U.S.

Although Federal financial support to Medicaid, the largest source of insurance coverage for people living with