

## NAYS—45

|           |            |            |
|-----------|------------|------------|
| Barrasso  | Fischer    | Paul       |
| Blackburn | Grassley   | Ricketts   |
| Boozman   | Hagerty    | Risch      |
| Braun     | Hawley     | Romney     |
| Britt     | Hoeven     | Rounds     |
| Budd      | Hyde-Smith | Rubio      |
| Capito    | Johnson    | Schmitt    |
| Cassidy   | Kennedy    | Scott (FL) |
| Cornyn    | Lankford   | Sullivan   |
| Cotton    | Lee        | Thune      |
| Cramer    | Lummis     | Tillis     |
| Crapo     | Marshall   | Tuberville |
| Cruz      | McConnell  | Vance      |
| Daines    | Moran      | Wicker     |
| Ernst     | Mullin     | Young      |

## NOT VOTING—3

|           |       |            |
|-----------|-------|------------|
| Feinstein | Kelly | Scott (SC) |
|-----------|-------|------------|

The PRESIDING OFFICER (Mr. LUJÁN). The yeas are 52, the nays are 45.

The motion is agreed to.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:16 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. LUJÁN).

## EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Rita F. Lin, of California, to be United States District Judge for the Northern District of California.

## VOTE ON LIN NOMINATION

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

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

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Carolina (Mr. SCOTT).

The result was announced—yeas 52, nays 45, as follows:

[Rollcall Vote No. 232 Ex.]

## YEAS—52

|              |              |          |
|--------------|--------------|----------|
| Baldwin      | Gillibrand   | Murphy   |
| Bennet       | Graham       | Murray   |
| Blumenthal   | Hassan       | Ossoff   |
| Booker       | Heinrich     | Padilla  |
| Brown        | Hickenlooper | Peters   |
| Cantwell     | Hirono       | Reed     |
| Cardin       | Kaine        | Rosen    |
| Carper       | King         | Sanders  |
| Casey        | Klobuchar    | Schatz   |
| Collins      | Luján        | Schumer  |
| Coons        | Manchin      | Shaheen  |
| Cortez Masto | Markey       | Sinema   |
| Duckworth    | Menendez     | Smith    |
| Durbin       | Merkley      | Stabenow |
| Fetterman    | Murkowski    | Tester   |

|            |            |       |
|------------|------------|-------|
| Van Hollen | Warren     | Wyden |
| Warner     | Welch      |       |
| Warnock    | Whitehouse |       |

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| Braun     | Hawley     | Romney     |
| Britt     | Hoeven     | Rounds     |
| Budd      | Hyde-Smith | Rubio      |
| Capito    | Johnson    | Schmitt    |
| Cassidy   | Kennedy    | Scott (FL) |
| Cornyn    | Lankford   | Sullivan   |
| Cotton    | Lee        | Thune      |
| Cramer    | Lummis     | Tillis     |
| Crapo     | Marshall   | Tuberville |
| Cruz      | McConnell  | Vance      |
| Daines    | Moran      | Wicker     |
| Ernst     | Mullin     | Young      |

## NOT VOTING—3

|           |       |            |
|-----------|-------|------------|
| Feinstein | Kelly | Scott (SC) |
|-----------|-------|------------|

The nomination was confirmed.

The PRESIDING OFFICER (Mr. WELCH). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

## MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2024—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session and the consideration of H.R. 4366, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 4366) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes.

Pending:

Schumer (for Murray-Collins) amendment No. 1092, in the nature of a substitute.

Murray amendment No. 1205 (to amendment No. 1092), to change the effective date.

Murray motion to suspend rule XVI for the consideration of Schumer (for Murray-Collins) amendment No. 1092 (listed above) to the bill.

Schumer motion to commit the bill to the Committee on Appropriations, with instructions, Schumer amendment No. 1230, to change the effective date.

The PRESIDING OFFICER. The Senator from Kentucky.

## UNANIMOUS CONSENT REQUEST—S. RES. 336

Mr. PAUL. Mr. President, the Senate still mandates a COVID booster vaccine for pages. The Senate COVID vaccine mandate for pages continues despite the fact that the Senate voted 83 to 11 to repeal the military COVID vaccine mandate. So why in the world would we continue a mandate on pages that we have repealed for our soldiers? Is there any science to support continuing this mandate? The answer is an emphatic no.

The science has been clear since the early spring of 2020. Healthy children are not seriously affected by COVID. In fact, several large studies show that healthy children are rarely hospitalized and that deaths from COVID in

healthy children are virtually nonexistent.

Dr. Martin Makary of Johns Hopkins describes a large, nationwide study in Israel that found that the risk of COVID death in people under 30 with two vaccines was essentially zero. A nationwide study from Germany showed zero COVID deaths among children over 5 who had no comorbidities. Even the head of the WHO, Soumya Swaminathan, concluded that there is no evidence right now that suggests healthy children and adolescents need boosters. Yet here we are, with Democrats desperately clinging to COVID vaccine mandates for young people who have essentially zero risk of dying from COVID.

Common sense should prevail, and the Senate should repeal this mandate, just as we did for our young soldiers. We shouldn't allow politics to infect and cloud commonsense judgment.

The vaccine committees that make recommendations for vaccines actually don't recommend COVID boosters for young, healthy individuals. The FDA's Vaccines and Related Biological Products Advisory Committee voted to limit COVID vaccines to adults over 65. They wanted, because of the risk profile of the COVID vaccine, to limit it to people who were at risk for dying from COVID. A CDC vaccine panel also voted against recommending boosters for young, healthy individuals. But these committees that have lifelong scientists on them who voted not to advise the booster vaccine for adolescents were overruled by a political appointee, Biden appointee Rochelle Walensky.

Dr. Paul Offit, who is the director of the Vaccine Education Center and professor of pediatrics and infectious disease at Children's Hospital in Philadelphia, wrote that "a healthy young person with [two COVID vaccines] is extremely unlikely to be hospitalized with covid, so the case for risking any side effects—such as myocarditis—diminishes substantially." Dr. Offit, a lifelong proponent of vaccines, even advised his own son not to get the COVID booster.

The argument against mandating COVID boosters on young, healthy people is not just that they are unnecessary but that the COVID boosters may actually harm young individuals. Reports of heart inflammation or myocarditis after COVID vaccines have been consistent and worldwide.

A study in the Journal of the American Medical Association Cardiology examined 23 million people across Denmark, Finland, Norway, and Sweden and found that the risk of myocarditis increased with COVID vaccination, particularly after the second dose. This is exactly why several European countries, including Germany, France, Sweden, Denmark, and Norway, restrict the use of COVID vaccines among young, healthy people. Some countries, such as South Africa and England, recommend only one COVID vaccine to avoid the risk of myocarditis.

A study in the *Journal of Medical Ethics* similarly found about 1.5 cases of myocarditis per 10,000 COVID vaccines but with 80 percent of the kids who suffer from a heart inflammation still having symptoms 3 months later.

Drs. Prasad and Knudsen looked at 29 studies across 3 continents and also found an increase in myocarditis after COVID vaccines. The studies reviewed by Prasad and Knudsen showed a little more than 2 cases of myocarditis per 15,000 vaccines.

Even the CDC admits that myocarditis occurs about once per 15,000 vaccines.

Dr. Tracey Beth Hoeg looked at the Vaccine Adverse Event Reporting System and found 1.62 adverse cardiac events per 10,000 vaccines. Now, that doesn't sound like a high number, but we are talking about a perfectly healthy kid. How would you feel if your perfectly healthy young football player or band member is given the vaccine and comes home with a heart inflammation? It is actually diagnosed with rising heart enzymes the same way that a heart attack is diagnosed. Hoeg found that the risk of myocarditis was five times greater than the risk of hospitalization from COVID.

So you are asking yourself, well, could my kid go to the hospital or could he get a heart inflammation? Both are rare, but the chance of your kid getting a heart inflammation from the vaccine is five times greater than your kid being hospitalized from COVID.

The Vaccine Safety Datalink similarly found a little over 2 cases of myocarditis per 15,000 vaccines.

This is across the scientific literature, across all the continents, across the world, and is a consistent finding that even our government admits to. But the Democrats want submission. They don't want you to have the choice to keep your kid safe and make a decision whether or not your kid, who may well have already had COVID, needs yet another vaccine.

Why are we forcing these kids to do something that I would say is against medical advice to be a page in our program here? The Senate continues to look away from all the evidence of myocarditis. In each of these studies, the risk of myocarditis increases with each vaccine. About 90 percent of the myocarditis or heart inflammation occurs after the second vaccine. Yet, inexplicably, the Senate pages are being mandated to take three vaccines. There are all kinds of compromises. You could say one; you could say two; but three—you are increasing the risk with each successive vaccine. Not only are three COVID vaccines unwarranted for young, healthy individuals, this mandate actually risks their health.

It is the height of malpractice to subject young, healthy kids to three COVID vaccines. In fact, nowhere in the examination or discussion of whether they should have the vaccine is there any discussion of whether they have had COVID.

So what is a vaccine? It is meant to simulate having had the infection. Shouldn't they tell us the data on children or adults? If you have had the infection, what is your chance of getting it again? What is your chance of going to the hospital? What is your chance of dying from COVID if you have already had it? They won't tell us for adolescents because the answer is zero.

Originally, the logic of advocates for the COVID vaccine mandates argue that the vaccines were not necessarily for the children but to protect their parents and grandparents. This argument now holds no water, as even the zealous advocates of mandates, such as Biden's CDC Director Rochelle Walensky, admit that COVID vaccines do not anymore prevent transmission. So the side of the people promoting these mandates admits they don't stop transmission. Now, they may well still reduce hospitalization and death if you are in the target category—the elderly or those with health disease—but for young, healthy kids, there is no effect other than to increase their risk of a heart inflammation.

A Danish study confirms that by December 2021, the COVID vaccine's effectiveness was less than 10 percent. The virus had mutated on, and the vaccine had not been changed.

A study from January 2022 of over 1.2 million children in New York shows that the vaccine effectiveness was 10 percent. It wasn't stopping transmission, it wasn't stopping them from getting the disease, and it wasn't protecting their health.

No serious scientist now argues that COVID vaccines stop transmission—no one. Yet here we are, with Democrats saying: You are not smart enough to make your own decisions. We will make these medical choices for you.

When we look at the effectiveness of the COVID booster, we ask, what is the science toward whether or not a booster is effective? Isn't this booster now formulated against the newer variants? Yes, the booster is directed against newer variants, but about every 3 months or so, the virus changes enough that the latest vaccine is no longer effective.

In fact, the CDC has largely given up testing the boosters and the new vaccines for effectiveness. Instead, in pushing for all children to get COVID booster vaccines, the CDC doesn't argue that the booster stops transmission; it doesn't argue that it prevents hospitalization or death. So what argument does the CDC have for continuing to promote boosters on our children? The CDC readily admits the vaccines don't stop transmission in any group.

As to hospitalization and death, the CDC can't show any evidence that the booster lessens hospitalization or death among young people. Why? Because the rate is already virtually zero. It is hard to prove that the booster is helping anything when no healthy kids are dying from COVID.

The CDC can't prove that the booster helps because it is impossible to improve upon the already low incidence of severe disease among young people. In fact, when the CDC approved the COVID booster for children, they didn't even argue that it was effective or that it prevented anything; what they argued is that the kids will make antibodies if you give them a vaccine, which means absolutely nothing.

I have challenged Anthony Fauci on this, on the lack of effectiveness. An antibody response simply means that the vaccine generates an immune response but tells you nothing about disease prevention. It tells you nothing about infectiousness. It tells you nothing about death rate. In fact, you could give every kid in the country 100 different COVID boosters, and they will make antibodies each time. That doesn't mean they need 100 boosters.

What they have done is they have given up on trying to prove that the booster has any effect on their health, and they just want you to shut your eyes, be quiet, and do as you are told. This is the Democrat policy. This is the Democrat medical policy for you: Shut up and do as you are told. Take the injection. We don't care if your kid might get sick. We don't care if you might have a choice. We don't care if you have any say in your kid's medical care.

In a free society, no one should be forced to undergo a medical procedure against their will. In a free society, no one should be forced to receive an injection into their body that they do not wish to have.

The Democratic Party's support for medical choice seems selective and inconsistent. What ever happened to my body, my choice?

Vaccine mandates for children, who are at virtually no risk for COVID death, create vaccine hesitancy among the public. The public is well aware that healthy children do not die from COVID, and they rightly have resisted COVID vaccines on their children. But the vast overreach of vaccine mandates actually creates among the public a tendency to doubt and disbelieve the government's overall vaccine message. Because of the dishonest, over-the-top mandates on children, the public wonders if the government messengers are downplaying other risks.

It is, however, true that the vast majority of people at risk for serious COVID have indeed already been vaccinated. Over 97 percent of people over 65 watched the news, learned of their friends, watched their neighbors, found out who is dying, and they took the vaccine voluntarily.

If vaccine advocates want the public to continue to listen to public health pronouncements, then they need to end the nonsensical vaccine mandates on our kids. A good start would be ending the ill-advised COVID booster mandate for our Senate pages.

So, Mr. President, I ask unanimous consent that the Committee on Rules and Administration be discharged from further consideration and the Senate now proceed to S. Res. 336; further, that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Connecticut.

Mr. MURPHY. Mr. President, reserving the right to object, I heard a very similar speech last week when Senator PAUL came to the floor to offer this exact same resolution, and I came to the floor to offer the exact same objection. I guess we are going to be here next week and the week after having this same back-and-forth on the Senate floor.

I don't know that this is the most important problem facing the country today, the question of whether a small number of Senate pages has a vaccine or not. I think Senator PAUL's obsession with the page vaccine policy is a little weird and not squared with the actual priorities of the American public. But I will continue to come down here and object because it is important to know that there is no legal mandate that pages be vaccinated. It is a policy, not a mandate. Senator PAUL is proposing a mandate—a mandate—through this resolution that under no circumstances can pages be required to have a vaccination as a condition of their employment here.

I find Senator PAUL's recitation of his body of evidence interesting. I don't dispute the fact that the vaccine today is much more efficacious on preventing serious illness and is not, like prior vaccines, effective at preventing transmission. But here are two things to say about that. Senator PAUL says over and over again that if you are a healthy kid, you have nothing to worry about, that no healthy kids are dying. OK, that is broadly true. It is true that healthy children have very little risk of dying of COVID. But the assumption, then, is that every single page that is part of this program has no pre-existing conditions, that every single page comes here with a clean bill of health. That is not true.

There are pages here—just like our employees—who have preexisting conditions, and we have a responsibility for the young people who work for us. We have a long history in this country of requiring vaccinations for young people. Senator PAUL objects to that policy, but it is long accepted that young people, during their school-age years, should have a set of vaccinations to keep them healthy. And if you have a preexisting condition, even as a child, you have a potential of dying from COVID.

Guess what. COVID is the eighth leading cause of death for young people today. That is not insignificant. And so it is perfectly consistent with the general policy we have in this country of

requiring students to get vaccines to require the same of the page population—who, by the way, are students.

The second thing to say about this resolution is this: Even if Senator PAUL is correct—and I broadly would submit that he is—that this vaccine is really about preventing serious illness, not about preventing transmission, this resolution is permanent. This says that under no circumstances should a Senate page be required to have a vaccination.

But what if a follow-on vaccine is more effective at preventing transmission? What if the next COVID variant is a more significant threat to children?

This is a mandate. This says: No matter what the scientific recommendations are, under no circumstances—under no circumstances, no matter what the scientific recommendation is—can you mandate, can you require that a Senate page, as a condition of working in the Senate, have a vaccination.

That is bad policy. I would rather have this question be up to the Attending Physician, to the adults who run the Page Program, than have mandates from the U.S. Senate about the healthcare policy of our pages.

I think this is really bad policy, but I also think it is super dangerous because, really, the question of whether a handful of pages in the Senate have a vaccine is not worthy of a half an hour of back and forth between two U.S. Senators. What this ends up being is yet another wedge to try to drive apart the American public from a belief in science and vaccines.

This is a longstanding effort by Senator PAUL and others to question the efficacy of vaccines. It feeds into a broader narrative about the efficacy of science writ large, and that has devastating consequences for this country because, as people lose faith in medical recommendations, as fewer people get vaccines because they come under the belief that the vaccine will do more harm than good, people die.

And so, by itself, this is bad policy, because this is part of a broad consensus in this country that students should get vaccinated for significant conditions, and this policy stands no matter what the future recommendations of medical professionals are.

But I object to it just as strongly because of how it fits into this broader, incredibly dangerous narrative to try to undermine people's faith in science and vaccines. And for that reason, I would object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Kentucky.

Mr. PAUL. Mr. President, the accusation has been made that my purpose is somehow to undermine vaccines and have people question vaccines. But, obviously, the arguments were not listened to because in no part of my arguments or any of my public statements have I ever said anything in general

that vaccines are bad. In fact, as a physician, I am most fascinated by the development of vaccines. The stories of the development of the smallpox vaccine and the polio vaccine were all tremendous scientific successes, and there continue to be. My argument is simply for medical freedom.

Now, there has been a disingenuous argument made by the other side. They say that I am proposing a mandate, that this will be a legal mandate and that there is no mandate.

If you want to be a page, there is a mandate. Now, they say you can just choose not to be a page, but this affects the rest of our society.

So if your kid gets into Yale or Princeton or Harvard or the University of Chicago, many of those schools follow the lead of the Senate, follow the lead of the Senate doctors, and say your kid has to have three vaccines. But if you look at the evidence carefully that I have laid out, you will find that the scientific studies across all continents, across the world, across the United States—studies of millions of people—show that the vaccines have some downside and danger, particularly for children.

Not once have I said that the elderly shouldn't be vaccinated. In fact, for my 92-year-old and 86-year-old in-laws, we suggested and tried to get them the vaccine as soon as we could. My wife was vaccinated. Now, I chose not to be vaccinated because I had the disease in the first couple weeks of COVID and had immunity.

And the studies turned out—and these are studies of over a million people in California and New York. The studies turned out to show that actually having had the disease does give you immunity, and it is actually twice as potent as the vaccine.

When I say that, the left gets apoplectic, and they say: Oh, my goodness, you are saying people should just get sick to get immunity.

I am not saying that at all. But I am saying that, if you have gotten sick, you have immunity. And we should be honest with people because some people have had two vaccines and they want to know: Do I need a third one?

Well, let's release the data on people who have had two vaccines plus COVID, and tell us how many people are subsequently getting it again, going to the hospital, or dying. Wouldn't you want to know that before you take your third, fourth, fifth, sixth, seventh, eighth, ninth, tenth vaccine? Release the data. But, in a free country, we make these decisions.

The other side argued that, well, what if one of the pages has health conditions. No part of our resolution says anything about them not getting a vaccine. Anybody in this country can freely get a vaccine. If their parents and they decide to get a vaccine, by all means, do it. Nothing in my resolution would prevent pages or anyone else from getting a vaccine. What I am arguing for is freedom.

As far as the idea that this will be permanent and unwavering and won't be able to recognize what new diseases come upon us, every new disease requires reevaluation—every new disease. It doesn't mean the concept of freedom changes. What would happen is everyone will still evaluate this.

The evaluation of this vaccine when it first came out at the end of 2020, early 2021, was different than it is now, frankly. It is also different if you have had it. People should just be honest with you.

I am not saying don't take a booster or that you can't take a booster. Go take all you want. I am saying the government's job should be to give you information, and I am saying the opposite of what he actually made a point of.

Vaccine hesitancy or people undermining the belief that vaccines work comes from people who tell you things that are dishonest and untrue. There is no science—and I am adamant about what I am saying here. There is no science that the booster for your children reduces the transmission of the disease. There is no reduction in your child's ability to get COVID if they take a COVID booster—zero. The other side accepts this. Rochelle Walensky, Biden's nominee, accepts this—no change in transmission with the vaccine.

How about hospitalization and death? There is still some data that people at risk for this can have reduced hospitalization, not transmission. They can still catch it, but maybe reduced hospitalization and death.

Most of this data came in the previous iterations, when we had the wild variety in 2020. Then we got Delta. Then we got Omicron. But we have now advanced two or three iterations out. And the one thing we are lucky about that the government should be honest with you is that with each successive iteration, with each successive mutation and variant, the good news is this: It has become less deadly. It has become less deadly because the virus is now less deadly but also because the community has more immunity. So immunity has developed; the virus has evolved to become less deadly, and we are in a much better situation.

But government medicine and government health policy shouldn't be about telling Americans what to do. It should be about giving information. The government should never be in the business of mandating, whether it is masks or vaccines or any of this other stuff. You wear it. You do it if you want—your body, your choice.

But there is a lot of conflicting data here, and you really need to be informed to make an informed choice. There is some data the government is still preventing from being released so you can't tell.

With regard to the masks, we now know that there was a meta-analysis of 78 different randomized controlled studies called the Cochrane analysis,

and they found that masks did not prevent the transmission in public. In fact, what they found was there was no evidence that more significant mandates or more significant use changed the transmission at all.

This had been the accepted conclusion by all of the medical world before 2020. We had never advised masks in public for influenza because with influenza, the size of the virus—the same as the size of COVID—is much smaller than the pores of the mask. We found people really cannot wear the masks without touching them. We found that air goes around the mask. But, ultimately, we looked at public, large populations, and we found that they just didn't prevent the disease.

Does that mean you can't wear a mask? No. Wear a mask if you think it makes you more healthy. In the hospital, they said: Well, doctors wear them.

Of course we do. If you go into a COVID patient's room—and I volunteered in the hospital after I got COVID. I got it very early, and I felt comfortable going in there because I had already had the disease. But wearing a mask made sense to go into the room of someone with COVID. We wore the N95 mask because it actually, if worn properly, will protect from the particles. We also washed our hands, wore gloves, and wore gowns. And as we came out, we took off the gloves, the gowns, and the masks and threw them away immediately. And we did it again into the next patient's room.

Done properly, there can be some—it still doesn't work completely because, still, a lot of doctors and nurses got COVID, but it is probably worth a try.

In the public setting, it just doesn't work, frankly. Nobody can do that. A lot of people don't know this, but the N95 mask—in which, actually, the pores are small enough—works with something called an electrostatic charge. And after you breathe into it for about 4 hours, the moisture from your exhaled breath actually changes the electrostatic charge, and it is not as effective in preventing the ingress or egress of the COVID virus.

But, really, what we are arguing here—there can be two sides to every argument. What we are arguing about, what we are discussing is who should make the choice. The Democratic majority believes that they should make the choices for your healthcare and that kids belong to them.

This is the same argument we had in education in Virginia, when you had the parents in Northern Virginia saying, "We want to be involved in our children's education," and you had the Democratic nominee for Governor in Virginia come out in a debate and say that kids don't belong to their parents; the school will make these decisions; it is none of your business; stay out of it.

That is what they are telling the pages and their parents—that it is none of their business, their healthcare.

And it could be different for any of them. If a page had a kidney transplant

or has leukemia and their parents want them to have the vaccine, it is probably a reasonable thing to do. But if they are young and healthy and have no medical problems, it turns out, if you look objectively at the data, that they have five times greater risk of getting a heart inflammation than they do of being hospitalized for COVID. These are the statistics. People should just be aware of that.

And good, honest people could still disagree on this. But what happens in a free country is you make your decision. You make your decision of which doctor you take them to. If you don't appreciate the opinion of that doctor and you don't trust that doctor, you go to another. And sometimes, it is complicated. Sometimes, mothers and fathers don't agree.

But who wants to give a political party the power to make these decisions for your children? How would you feel if your young, healthy football player or band member or choir member got the COVID vaccine and then has a heart problem that permanently impairs them for the rest of their life, when they had zero chance of dying from COVID and virtually no chance of being hospitalized?

Wouldn't you want your government to release the data on what it means if your kid has already had COVID? Let's say your kid has already had one or two vaccines and they have already had COVID. What does that mean? Don't you think having COVID might replace the need for more vaccines?

Your immunity is also broader. The vaccine gives immunity to one protein on the surface, the S protein on the surface of the cell. When you actually get infected, your body destroys the cells that have the virus in, and, as the virus empties out its inner contents, nucleic capsids and nuclear proteins, you actually get a broader immunity.

Now, the left misinterprets this. The left says: You want everybody to get sick, and people are going to die.

I don't want anybody to get sick. All I am telling you is people should be given the information. Most of us have had COVID. What does it mean? What does it mean if you have had two vaccines and COVID? What does that mean toward your future? What does it mean toward your need for more vaccines?

But, ultimately, what we are talking about here is freedom. What we are talking about is who should make the medical choices: the government, the Democratic Party, or whether or not we should leave this to parents and their kids. And I, for one, say that we ought to have medical freedom. In a free country, every individual should be free to make those decisions.

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

#### UNITED AUTO WORKERS STRIKE

**Mr. BROWN.** Mr. President, right after workers for Stellantis—the old name of Stellantis was Chrysler, DaimlerChrysler. Their plant is in Toledo. They make the Jeep Cherokee. It

is made by union workers in Toledo, OH, my State. My wife and I each drive Jeep Cherokees. One of those cars once saved my life when a young high school kid, at 40 miles an hour in the middle of the day, ran a stop sign and hit the side of the car where I was sitting. There were essentially no injuries because these are well-made American cars by union labor.

I was over to the picket line Friday morning. I talked with a lot of workers. I know many of them. There are 6,000 at this plant. And 1,000—actually, 1,100 of these workers are at this Chrysler plant, this Stellantis plant in Toledo. Those 1,100 workers at the Jeep plant are on what is called a tiered wage system where they make fewer than \$19-and-something an hour. They have been at this Jeep plant, some of them for 1 year, some of them 3 years, some of them 5 or 6 years, yet they make less than \$40,000 a year as union workers.

The reason for that is some years ago, when Chrysler—then Chrysler—and GM were in real serious economic trouble, the union—the government helped, but the union, in order to save these plants, in order to save, essentially, the American automobile industry—they did major givebacks of their wages and their benefits.

They set up—management insisted and the workers went along because they wanted to save these companies—they took major pay cuts and set up a tiered wage system. So new workers, hundreds and hundreds—over 1,000 from this plant of 6,000 union workers—were making substandard wages.

That is troubling enough that those workers, years later, are still making those substandard wages. In some cases, you can't support a family on these wages. Yet that is when Chrysler and GM were in such economic trouble.

Since then, we know how well Chrysler—Stellantis now—and GM are doing. We know how well they are doing by a number of measurements. No. 1, Chrysler—sorry, Stellantis; I always think of them as Chrysler and Jeep in my State. Stellantis made \$12 billion just in this calendar alone. This company made \$12 billion. When they were in trouble, the workers, by giving up a lot and making sacrifices, saved them. Now these companies are so profitable—\$12 billion just this year alone, Stellantis—they have essentially given nothing back to the workers, and they are unwilling to provide the workers a decent benefit—benefits, wages, all of those things.

At the same time, I met an entry-level worker there. She just started. The CEO of Stellantis makes 850 times what this worker makes—850 times what this worker makes. The CEO of Stellantis makes 365 times what the average worker in Chrysler—the average worker in Stellantis makes in that plant and other plants around the country.

The fact is, these workers—clearly, we come down on the side of these workers. The industry has done very

well because of America's economic system. The industry has done very well because they have had the opportunity to do well in this country because the workers sacrifice so much. That is why I will go back to the picket line.

There may be picket lines and shut-downs and strikes in other parts of the auto industry. The public clearly sides with these workers. The public understands that these CEOs are making between \$22- and \$29 million a year. The three CEOs have gotten 30-percent, 40-percent increases since the industry did so well.

Again, a decade ago, workers were willing to give up a lot to keep these companies going. Now, they are immensely profitable—\$12 billion in profits this year alone with the CEO making \$22-23 million. The auto industry is simply not willing to come to the table and negotiate in good faith so these workers can share in the prosperity they created.

We know it not only hurts those workers when they are making \$16 an hour; it hurts the community. It hurts Toledo, Lucas County, Wood County—those communities that don't have the taxes they would if these workers were making decent wages. And they don't have the economic prosperity they would if workers were making decent wages and buying—spending a little more at the grocery store, on movies, on clothes, and on all the things that help create a prosperous economy.

No question, I will continue to stand with workers. I think most of the Senate stands with workers. I know most of the American people stand with these workers.

I implore GM and Stellantis and Ford to come to the table and make a good faith, decent offer and get these workers back to work. They don't want to strike. Their backs are to the wall. They had to strike.

I yield the floor.

The PRESIDING OFFICER (Mr. MARKEY). The Senator from Nebraska.

#### BIDENOMICS

Mrs. FISCHER. Mr. President, when it comes to the economy, we hear a lot of statistics. Since President Biden took office and put his Bidenomics plan into action, prices have risen by 17.37 percent. Rent is up by 17 percent, grocery prices by 25 percent, and energy costs by 43 percent. Gas prices have risen by an unbelievable 65 percent.

As alarming as those percentages are, I am most concerned about the individuals who are hurting because of these increases. That is why I was struck by new numbers I saw last week from the Census Bureau. Bidenomics is making life harder for children in Nebraska.

The number of children living in poverty in my home State increased by almost 5,000 from 2021 to 2022—5,000 more kids living in poverty. That is thousands more families who are living below the poverty line, thousands of families who are struggling to pay

bills, to buy food, to afford a place to sleep. Some of these 5,000 children are from families who cannot afford any of these things. They are going hungry. They are couch surfing—or worse. That is Bidenomics in Nebraska.

Bidenomics is making life harder for the more rural parts of Nebraska. Soaring prices caused by inflation are especially affecting those areas in my State. They are especially affecting kids in more rural areas. According to an analysis by an Omaha nonprofit, from 2021 to 2022, there was a 25-percent increase in the number of kids below the poverty line who are located in nonmetro areas of Nebraska. A quarter more kids living outside urban areas come from families that are barely getting by.

Some of these children live in sparsely populated areas where it can really take hours to get to the grocery store, the pharmacy, or to a hospital. When gas is 65 percent more expensive and groceries will break the bank, families are going to struggle with those long trips. They are in dire need of resources. But inflation is ripping away their ability to access those resources. That is Bidenomics in Nebraska.

Bidenomics is making life harder for anyone who pays rent, mortgage, or utilities in Nebraska. The most basic of necessities—affording a place to live—is now a huge financial strain. Close to half of the renters in Nebraska are spending more than 30 percent of their income on housing. Almost 20,000 more renting households are considered “financially burdened.” That is 20,000 more in just 1 year. That is Bidenomics in Nebraska.

Bidenomics is making life harder for businesses and their employees. As rent encroaches on a larger percentage of people's incomes, the incomes themselves are getting smaller. Nebraska's median income declined by 3.6 percent in 2022. Businesses can't pay their employees as much when all of their money is being spent on rising utility and rent prices. Rising inflation means higher costs, lower salaries, and a harder time earning a living. That is Bidenomics in Nebraska.

Mr. President, I am thankful that my home State of Nebraska has many nonprofits that are ready to help those who are struggling from inflation. These organizations make a real difference in people's lives, and they are part of a rich tradition of charity in my State. Charities can do good work to minimize damage, but they cannot do surgery on an injured economy. The only way to stitch our economy back up is to get rid of this administration's suffocating regulations once and for all. The Biden administration must hear. It is time for a new approach to the economy.

So how do we heal the economy? We roll back the regulations that are still poisoning it, including those from the ironically named Inflation Reduction Act. We unleash American energy, which will lower the gas prices that

have climbed by 65 percent. We can heal our economy by turning the page on Bidenomics and adopting a new economic strategy, one focused on getting rid of wasteful policies and bringing down costs for everyday Americans.

Nebraskans are experiencing Bidenomics. The American people are experiencing Bidenomics. Bidenomics is an economic plan that inflates prices, hurts real families, real children, real businesses, and real employees. The American people don't want to experience Bidenomics anymore.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

#### BORDER SECURITY

Mr. CORNYN. Mr. President, I remember when title 42 went away—the COVID public health order that the Border Patrol used to expel people from the border region in the interest of public health. There were many people who expected a surge of migration recognizing what a moneymaking opportunity that human smuggling and drug smuggling is for the cartels that control much of the U.S.-Mexican border.

And for a while it looked like maybe—just maybe—that surge would not happen. But despite the administration's best efforts to downplay or distract from the situation at the southern border, we now see the Biden border crisis in full flower.

Preliminary data secured by the Washington Post shows that last month—last month—a record number of migrant families illegally crossed the southern border.

In August, the Border Patrol arrested more than 91,000 migrants—in August—people who entered the United States as part of a family unit, the highest number we have seen in a single month. But it is not just the families; apprehension numbers have increased dramatically over the past couple of months in all categories.

We have gone from just under 100,000 detentions in June to 132,000 in July, to more than 177,000 in August. I would point out that much of the migration we have seen into Texas has been seasonal because it has been very hot, and it is dangerous for migrants to make the dangerous trip from their home to our border. But that hasn't happened this year. It got worse and worse the hotter the summer months got.

So when you include migrants processed through the ports of entry, the Washington Post is estimating roughly 230,000 migrant encounters in August—230,000.

This would make it the busiest month for border crossings this calendar year. As I said, since title 42 ended in May, the Biden administration has tried to spike the ball and declare victory. They pointed to a temporary drop in border crossings and said this is the proof that their situation was under their control, but that is obviously not the case.

We have just experienced the busiest month in family crossings on record

and likely the busiest month for overall crossings this calendar year. As the New York Times reported, in August alone, nearly 82,000 migrants passed through the Darien Gap, the sole land route to the United States from South America, describing it as “by far the largest single-month total on record.”

And the border crisis isn't getting any better. If anything, it is getting worse, and communities in Texas and those across the Nation are beginning to feel the strain. El Paso, for example, right across the border from Juarez, in West Texas, is in the midst of a surge in border crossings. It is seeing an average of 1,200 encounters per day.

The leader of Rescue Mission El Paso, which provides migrants with food, clothing, and shelter, said:

We've lost track of what capacity means. We are beyond full.

Further down the Texas-Mexico border is Eagle Pass, which experienced a mass crossing earlier this week. Between midnight on Sunday and Monday morning, more than 2,200 migrants crossed illegally. That is 2,200 in 1 night. The migration surge is happening along the entire U.S.-Mexico border, but two areas in particular are under tremendous strain. One is the Tucson Sector, which covers most of the Arizona-Mexico border. Border crossings in this sector have been on the rise, with agents apprehending as many as 2,000 migrants a day. This includes migrants from all over the world, even those from Senegal.

It reminds me of, when I was in Yuma, AZ, with four Democratic Senators and four Republican Senators, we were welcomed by the Acting Border Patrol Chief, who said: Welcome to the Yuma Sector. Last year, we encountered people from 174 countries, speaking more than 200 languages.

Senator KELLY, the Senator from Arizona, was there and noted that Mexicali is a city in Northern Mexico with an airport. And so it was explained to us that what likely was happening is that human smugglers were facilitating the travel of migrants to Mexicali, where they could simply Uber over to the Border Patrol and claim asylum, and the Biden administration would make sure they were successfully deposited in the United States of America, perhaps to await an asylum hearing that may never occur.

Well, given the spike in border crossings, the Border Patrol—it is no surprise—is struggling. The Agency doesn't have the facilities, the resources, or the personnel to manage an influx this large, and, actually, that is part of the plan.

If you are a transnational criminal organization that profits from smuggling migrants and drugs across the border, what a tremendous idea: Let's flood the zone with migrants, and then when the Border Patrol is distracted or diverted elsewhere, then here come the drugs. And we saw last year alone 108,000 Americans died of drug overdoses, 71,000 from synthetic opioids like fentanyl.

We know where it is coming from. The precursors come from China. It goes to Mexico. It is manufactured there, largely, to look like traditional pharmaceuticals, but they are contaminated with fentanyl. I was in Houston just last week, meeting with some parents who lost their children to fentanyl poisoning. I wear on my wrist—I typically don't wear things like this, but I have for the last 9 months. A father in Carrollton-Farmers Branch asked me to wear this band around my wrist in memory of his daughter who lost her life to fentanyl poisoning. It says, among other things, “One pill can kill.”

Now, the children who die of fentanyl poisoning, they don't know they are taking fentanyl. They think it is maybe something more innocuous, and that is part of the insidiousness of what the cartels are doing. They are using industrial-sized pill presses to make it look like things that certainly wouldn't kill you. Maybe it is not optimal, things like Xanax or Percocet or some other pharmaceutical drug, but, in fact, it is counterfeit and contaminated with fentanyl. And as I said, 71,000 Americans died last year alone as a result of synthetic opioid poisoning.

So the Border Patrol can't keep up with the flooding of the zone, and here come the drugs, only to be distributed across the country in each of our communities by various criminal gangs. Well, because the Border Patrol can't keep up with the influx of people, they simply are now releasing them. That is right. Instead of returning them across the border, they are releasing them onto U.S. streets every day.

And it is unclear, really, who these individuals are or how they are being released. How many of these migrants are asylum seekers who have completed a credible fear screening? How many are simply being paroled into the country with flimsy instructions and told to appear at an ICE office, Immigration and Customs office, in the interior at their destination.

How many are given a date to appear before an immigration judge, and how far away is that court date? I read recently in New York, an immigration court date could be as far as 10 years off. We don't have answers to these questions because the Biden administration has not been candid about exactly what is happening.

They basically have hoped nobody is noticing what is going on, but we are noticing. And, oh, by the way, people like the Governor in Massachusetts, the mayors of New York City, of Chicago, and Washington, DC, they are noticing because these migrants, once they pass the border region, they go somewhere, and what we are seeing is the impact on cities very far away from the southern border.

Well, the Biden administration keeps sweeping the problem under the rug and expecting us not to ask questions and conduct appropriate oversight. Last week alone, agents released 100 to



200 migrants a day near Nogales, AZ. The Tucson Sector is not alone. San Diego is also seeing a spike in border crossings. Last week, Customs and Border Protection closed one of two pedestrian crossings at the San Ysidro Port of Entry so personnel could help with the migration surge.

Again, the Border Patrol doesn't have the space or the personnel to accommodate the flood of humanity coming across. Videos show hundreds of migrants are being released into the streets and sidewalks of San Diego, including migrants from as far away as Pakistan and China.

Now, one of the things that amazes me, when President Biden appointed Vice President Kamala Harris as the border czar, she claimed that all of the flow of illegal immigration was as a result of local circumstances in Mexico or South America and as if we couldn't fix our border problems without basically nation building in one of those states. But either she does not understand or is unwilling to acknowledge that this is a global phenomenon. And who can blame some of these people coming across? If you think, Well, for a few thousand bucks, maybe I can make my way into the United States and stay there—well, maybe it is a good bet.

But it is a disaster when our immigration system is basically handed over to transnational criminal organizations that care nothing about the people and that care nothing about the drugs that are coming across; all they care about is the money. And they are getting richer by the day as a result of Biden border policies.

Well, if there was any question about whether the Biden administration understands what is going on, recently, a migrant asked an agent if he could travel to Chicago, and the agent replied:

You can do whatever you want. You're free.

That is the Biden administration's border enforcement policies.

You can do whatever you want. You're free.

If there was any confusion about the Biden administration's catch-and-release policies, well, that statement cleared it up.

You can do whatever you want. You're free.

This interaction happened to be captured on video, and it has made the rounds on social media and national news. And it has been viewed by people around the world. And, you know, when other people see that, do you think they are discouraged or deterred from coming to the United States through this illegal route? No. They are encouraged. It is like a magnet, which is why we are seeing the huge numbers that we continue to see.

Again, it makes me think the Biden administration simply does not understand the dynamics at the border or, which is more likely the case, they

simply don't care. You have to imagine there are people out there who are debating whether or not to make this dangerous journey.

If they had any doubts about whether or not their journey would be successful, well, this video statement pretty much cleared that up. The secret is out.

You know, it is ironic when I hear Secretary Mayorkas of the Department of Homeland Security or the President or the Vice President say: "Don't come. Don't come," when almost every other message that people around the world are receiving is "Come. You can make it. Just pay the money; take the dangerous journey; take the risk; pay these criminal organizations the cash they demand; and you can make it into the United States."

And, boy, have they come. People around the world see that America's borders are open. They see videos of migrants from all over the world being released in the United States and told "you're free."

The Biden administration continues to create new incentives for migrants to make the dangerous journey to the border. President Biden has proven he is not only incapable of addressing this crisis, he is completely uninterested. He doesn't care. He apparently has no desire to enforce the law and secure the border. And the reason I conclude that is because if he did care, if he were willing to work with us to solve that problem, we are here ready to meet him halfway, but all we hear are crickets.

He would rather appease the open borders base in his political party than take the steps needed to protect the American people.

Border communities have endured the Biden border crisis for more than 2½ years now, and they are bracing for yet another migration surge.

Given the administration's complete and utter failure to address the crisis, it is time for Congress to step up. I am proud to cosponsor the Secure the Border Act, which was introduced by my friend and fellow Texan, Senator CRUZ. This legislation would give the Border Patrol the tools they need in order to secure the border and safeguard the American people. It includes more agents to enforce the law to stop anyone or anything that doesn't legally enter the United States.

It restricts the Biden administration's ability to release thousands of migrants into the United States under the weak guise of parole. This is not parole in the criminal law sense where somebody is released from jail. This is a mechanism under our immigration laws where people are simply released and told: You have 2 years in the United States, and come back and check with us later on about staying longer. There is no such thing as a temporary program. All of this becomes permanent.

But this legislation tightens asylum standards that prevent migrants with

frivolous asylum claims from gaming the system. This legislation implements a range of reforms that address the humanitarian and security crisis at the border. It passed the House in May and has been cosponsored by more than half of the Republican conference in the Senate.

My hope was that this would serve as a starting point for the Senate to begin discussing ways to secure the border and protect the American people. It would also be nice—and I have had this conversation with the chairman of the Senate Judiciary Committee, on which I serve, the Senator from Illinois, who so far has declined to consider a markup of any immigration bills or border security bills. In the Senate, that is the committee of jurisdiction on which I sit, and I happen to be the ranking member of the Immigration and Border Security Subcommittee.

Well, it is clear that President Biden's approach to the border is not sustainable. His administration has rolled out one incentive after another to encourage—not discourage, not deter, but to encourage—people from around the world to come to our borders and enter our country.

That is the reason we are experiencing a humanitarian and security crisis. The record migration levels of the last year have tested law enforcement, tested our cities and nonprofits in ways that I have never seen before—a record number of migrants, soaring demands for resources, dwindling budgets, overworked personnel—and we haven't even talked about the impact of this uncontrolled migration on our local hospitals and our education systems and the like. All of them have been operating under incredible strain for more than 2 years. So it is past time to adopt policies that impose consequences. That is what the Border Patrol said we need, is we need consequences to illegal immigration.

Look, I think that legal immigration—orderly, humane legal immigration—has been one of the greatest things that America has ever embraced. It has made us the country we are today, the most prosperous in the world, the most diverse. But surrendering our legal immigration system to drug cartels and human smuggling organizations is a recipe for disaster—what we are seeing right now.

Well, any time the Biden administration would like to engage on this topic, I am standing ready, willing, and able to do that, but so far, even when we have bipartisan legislation like the Bipartisan Border Solutions Act that Senator SINEMA and I and Congressman CUELLAR and Congressman TONY GONZALES introduced a couple of years ago, there has been zero interest by the Biden administration and no markups in the Judiciary Committee simply to consider that and come up with some consensus on how to deal with this disaster.

I yield the floor.

The PRESIDING OFFICER (Ms. DUCKWORTH). The Senator from Vermont.

FEMA

Mr. WELCH. Madam President, I want to thank my colleagues, and I want to thank the administration for the response to the devastating floods that we experienced in Vermont this August.

I am here to make a report and also to make a plea that we replenish the Disaster Relief Fund in the FEMA budget so that the work that needs to be done in Vermont to help our farms, our families, our communities recover will continue to be done.

Today, I had a telephone conversation that was set up by Senator SANDERS. Our Governor was on the phone, and my colleague Congresswoman BALINT was on the phone with the FEMA Administrator. And she has been doing a tremendous job. She has been extremely responsive. We are all grateful to her for that work. But what she did make very clear is that it is absolutely essential to the well-being of FEMA's capacity to continue to provide a response that this budget be supplemented and the FEMA supplemental be passed.

So I urge my colleagues—and, again, I want to thank them—from both sides of the aisle who have approached me and said: Peter, your folks have been hammered by the natural disaster, and we will be here to help you. But there is a long way from where we are with the precarious activities going on in the House.

First of all, we are pretty proud of the response. President Coolidge, who was our President in 1927 and was a Vermonter from Plymouth, VT, toured the flood damage when we had a catastrophic flood in 1927. And he nicknamed the State “a brave little State.” And that is who we are in Vermont. And his appellation of that term was his recognition of the indomitable spirit that our people in Vermont have to pick themselves up, to pull together, and to rebuild.

Nearly a century later, of course, this August we experienced another devastating flood. What we experienced in July and August was nothing short of catastrophic. Towns across the State were devastated, with homes and businesses and farms completely destroyed.

You can see here, this is our capital, Montpelier. And that was right after the rains that were parked over Montpelier and just would never leave. It is dry now, but these businesses along Main Street have not reopened. Some have; many haven't. To some extent, their decision is, will the FEMA aid be there so that they have a chance to open those doors and make up for the lost income and, hopefully, revive that downtown.

Damage estimates are still coming in; but, currently, it is totaling in the hundreds of millions of dollars for our very, very small State.

The impact on Vermont's farmland is stunning. This is Paul Mazza's farm.

That farm, with vegetables, row crops, that was under tremendous amounts of water. When the water receded—the crops, the berries, the pick-your-own crops are not only important to families and nutrition, but it was a revered activity by families in Vermont to come to Paul's farm and pick their berries with their kids. He is not going to be able to harvest any berries this year.

By the way, in terms of the damage that was done, USDA's Natural Resources Conservation Service estimates anywhere between 145,000 and 686,000 acres of agricultural land in the State was impacted by flooding.

The Conant's Riverside Farm, which I visited along with the Governor and Senator SANDERS, half their hay and corn was impacted by the flooding—silk from the flood-covered corn that was used to feed their cows. There is real question about how they are going to make it through the winter because what they do is grow the crop and store it to feed to their animals over the winter.

The Foote Brook Farm, which is owned by Joie and Tony Lehouillier in Johnson, VT, is one of the main services of food for that community in Johnson. The grocery store in that town was totally flooded out but will be reopening. Their farm was flooded, too. They had over \$100,000 in losses. And what was really bad this time, they also lost a lot of their equipment.

I do thank the administration, President Biden, and FEMA. I acknowledge the tremendous work that Governor Scott and his team have been doing staying on top of this. And there has been a tremendous effort on the part of Senator SANDERS, who has been the leader of our delegation of three here in the U.S. Congress, but we have got to get that FEMA supplemental passed.

While \$16 billion in FEMA's Disaster Relief Fund is critical, the Vermont delegation, as I mentioned, is pushing for more because, with what has happened, regrettably, to our colleagues in Hawaii and the hurricane in Florida has added to the challenge and of the need. We need to increase FEMA's cap for hazard mitigation. We need to make small business loans forgivable.

If you are a small business and you have just implemented a plan to expand and you borrowed money from the bank in order to do it, you can't afford to take out more loans. So it is really essential that we make it possible for folks to get grants—these businesses that are so critical to our communities—rather than saddle our small businesses with more debt.

We also need to expand the USDA's Emergency Grant Relief Program for our farmers.

(Mr. MARKEY assumed the Chair.)

Mr. President, even if the world has moved on for other parts of the country, Vermont still needs help.

One of the heartbreaking situations that you see, we visit when there is a farm, there is a family whose home has

been destroyed, a business that can't open, and do all we can to make certain the relief gets there. But if it is your home that you can't get back into, if it is your business that you are not certain at all you can reopen, if it is your farm where the crops have been destroyed, there is a lot of suffering that continues. And it takes an immense amount of courage. What we have to do is make certain that folks who are willing to rebuild and come up from the floodwaters to do their work again, that we make certain we do our work here. That means getting the FEMA supplemental passed and enacted into law with the signature of President Biden.

Our farmers, like the seventh generation Conant family farm, they need the support of Congress to get through the flooding. Our businesses on Main Street that hope to reopen need the support of Congress and the FEMA resources. And, of course, our homeowners, including folks who have mobile homes that were washed away, they absolutely need the assistance in order to get back into a safe and secure home.

So my request to my colleagues is to do what all of us have done for each other when the people we represent have been on the receiving end of a catastrophic natural disaster, and that is to make certain that we come to the aid of our fellow citizens. And the way we can do that is by the passage of the FEMA supplemental request.

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

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

The Senator from Rhode Island is recognized.

U.S. SUPREME COURT

Mr. WHITEHOUSE. Mr. President, I will call this my “let's say” speech. Lawyers know what a hypothetical is. We will talk about some hypotheticals related to the scheme to capture the Court.

Let's say, Mr. President, that you are a creepy billionaire and it is your plan to capture and control the Supreme Court, to take it over just like 19th-century robber barons would have taken over and captured the railroad commission that set the rates for their own railroad.

Let's say you sent millions of dollars—secret dollars—to the Federalist Society for it to funnel money to its employee and your operative, Leonard Leo.

Let's say that Leonard Leo got his cred with you and your rightwing billionaire pals when he helped you kill the nomination to the Supreme Court of President George W. Bush's friend and White House Counsel Harriet



Miers—a political hit job from the far right against a Republican President's nominee, which produced none other than Sam Alito.

Let's say you also sent millions of dollars to Leonard Leo's Judicial Crisis Network, a fictitious-named front group for another front group operating out of the same hallway, on the same floor, in the same building as the Federalist Society.

Let's say you sent the Judicial Crisis Network secret millions of dollars—checks as big as \$15 million, checks as big as \$17 million—to run ads against Merrick Garland to help MITCH MCCONNELL block his confirmation by the Senate.

Let's say you also sent millions of dollars, secret dollars, identity-laundered through front groups, like 501(c)(4)s and Donors Trust, which exist for the purpose of scrubbing off your identity from your money, and through the 501(c)(4)s and through Donors Trust to Republican political groups, like super PACs controlled by MITCH MCCONNELL.

Let's say, with those secret millions funneled into those super PACs, you acquired loyalty and obedience from Republican political figures.

Let's say that worked. Let's say that for your millions of dollars to the Federalist Society, the Federalist Society allowed you to use its name on a list of Supreme Court nominees that you and your rightwing billionaire pals and Leonard Leo cooked up—a list that the Federalist Society never considered or approved, never an agenda item, never a vote, but a list from some back room of the Federalist Society, pulled together by Leo and the billionaires that Candidate Trump promised to follow.

Let's say that for that Trump promise to let you pick Supreme Court Justices, you agreed to hold your nose and not object to Trump's candidacy.

Let's say that Trump kept that promise and nominated your chosen ones to the Supreme Court, and let's say that when Trump kept that promise and nominated your chosen ones, you sent millions more to the Judicial Crisis Network and to MITCH MCCONNELL's political operation, not just to stop Merrick Garland but to push the confirmation of your chosen ones: Neil Gorsuch, Brett Kavanaugh, and Amy Coney Barrett.

Let's say that you funded dozens of front groups to bring cases and to file briefs at the Supreme Court at your orchestrated direction—10, 11, 12, and in one case, it is 50 at a time—like piano keys on the piano, and you sent that message through those front groups in those briefs to remind your chosen ones what it is exactly that you wanted them to do in those cases.

Let's say that the chosen ones produced an amazing, statistically stunning record of doing, in the opinions they produced, just what your front groups asked.

Let's say you and your fellow billionaires played your front groups like

piano keys and your chosen Justices harmonized perfectly with their direction.

Let's say that to keep your chosen ones loyal and happy and entertained, you secretly paid for their personal lives. You paid for family tuitions. You bought family houses and let family members live rent-free. You paid for “Lifestyles of the Rich and Famous”-level vacations, including free travel to resorts on private jets, travel on private yachts. You gave them expensive gifts, and you directed money to their spouses, and, of course, you hung out with them.

Let's say that last part—keeping them loyal and happy and entertained with all those gifts—was illegal. Illegal.

Let's say that your loyalty gifts program required the chosen ones to file false Federal disclosure forms and perhaps even false tax returns.

Let's say that your loyalty gifts program might put you in trouble with the tax man for claiming false business expenses. How could that be?

Let's say that the chosen ones were calling this bonanza of freebies “personal hospitality.” “Personal hospitality”—a term of art allowing non-disclosure under the disclosure laws.

Let's say that they were all calling it “personal hospitality,” but you were calling the bonanza “deductible business expenses of corporate yachts and jets.” Then it wouldn't all add up.

That is a lot of “let's say.” I know, but that is about what we are looking at with the Supreme Court right now. We know it is not one rightwing billionaire but a little bunch of them. We don't know all the freebies yet. Maybe we only know 10 percent of the freebies. We know that there has been no meaningful investigation of this, so there is lots left to learn. That is our job in Congress, to investigate malfeasance in government and expose abuse so the citizens can see what has been going on and laws can be changed to better protect against that kind of abuse.

So let's say Congress starts doing its job and starts asking nosy questions. What is a creepy billionaire to do? That is easy. You lawyer up. You refuse to cooperate. You are a billionaire, remember, so you can pay lawyers a thousand dollars an hour until the cows come home and not even notice it. A thousand hours of thousand-dollar lawyering wouldn't cost you a thousandth of your wealth. You live above the law, sheltered by your billions. You actually direct the law through your chosen ones on the Supreme Court.

The impertinence of being investigated is insufferable, so this is what you send.

Here are two actual lawyer letters. One was sent by the lawyer for the billionaire Harlan Crow. The other was sent by the lawyer for the billionaire's operative and his painting mate, Leonard Leo.

When I say “painting mate,” I mean this painting that Harlan Crow, the bil-

lionaire, has of his time with Clarence Thomas, one of the chosen ones, and Leonard Leo, the operative. Couldn't be more cozy.

So you send these letters.

Leo, by the way, has himself joined your billionaire boys' club. He did so when one of your billionaires, Barre Seid, set him up with his own \$1.6 billion slush fund, held through a Utah 501(c)(4) front group confected for that transaction.

Let's walk through what these letters say because the arguments are so preposterous, it is hard to imagine they could be made in good faith.

As you can imagine, when letters come from lawyers for billionaires in the billionaire Court-packing boys' club, the letters are pretty alike.

The first one for Crow says:

Congress does not have the constitutional power to impose ethics rules and standards on the Supreme Court.

The second one for Mr. Leo says:

Your inquiry exceeds the limits placed by the Constitution on the Committee's investigative authority.

Then there is a third one for another billionaire where they just did one paragraph. Basically, it just says: Yeah, what Leonard Leo's lawyer says.

This inquiry exceeds the limits placed on the legislature by the Constitution.

We refer you to the relevant portions of the letter . . . directed to you on behalf of Mr. Leo.

I feel kind of bad for these lawyers because I don't think you can bill very much for one paragraph, whereas these guys can bill quite a lot. Anyway, poor fellas.

So let's look at these other letters

I ask unanimous consent that the first page of the letter of lawyer Bopp for billionaire Crow and the first page of the letter of lawyer Rivkin for billionaire operative Leo—as exhibits at the end of my remarks—with the short, one-paragraph letter, the tagalong letter from attorney Clark, be printed in the RECORD.

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

Mr. WHITEHOUSE. Lawyers Bopp and Rivkin both tell me that investigating their clients' activities is unconstitutional under the separation of powers. We can't legislate about Supreme Court ethics, so we can't investigate Supreme Court ethics.

First, remember that alongside separation of powers is its twin, checks and balances, which requires branches, like the legislative branch, to check and balance the behavior of other branches, like, in this case, the judicial branch.

That is what we are doing here—checks and balances. Let's dive down into the specifics a little bit more.

There are primarily three topics. One, did the billionaire or the operative take improper advantage of the Tax Code in their dealings with the Justices? That is what we are looking into. The Finance Committee has its own investigation, along with the Judiciary Committee, to focus on the tax side of this.

Well, I have to say it is hard to see how abuse of the Tax Code by a private citizen in his tax filings could raise any separation of powers concern. That is between the tax filer, the government, and the law. The Justices are simply not a party to that. Even if we were looking at the Justices' own tax filings, were it to come to that, they would be investigated in their roles not as Justices but as taxpayers. Being a Justice doesn't allow you to violate the tax laws or immunize you from tax investigation or permit you to make actionable false statements in your tax returns any more than being a Justice would allow you to commit any other offense. So there is tax abuse, issue 1—no visible separation-of-powers angle to it.

Issue 2, did the Justices receiving gifts and emoluments from the billionaire or the operative properly report them, or did the judicial gifts reporting system fail here? The billionaires' lawyers say that is not our business. Well, that is Congress's business for two pretty obvious reasons. First, the reporting requirements are a law passed by Congress whose implementation we can absolutely oversee like any other law passed by Congress, and this law includes Justices. Second, the implementing body of that law is the Judicial Conference, a body created by Congress whose activities we can absolutely oversee—we created it. The notion that Congress cannot investigate to see if an Agency it created is properly implementing laws Congress passed is ludicrous on its face.

Peripherally, it is worth noting that the Supreme Court has never objected on constitutional grounds to that body or to those laws. The Chief Justice actually chairs the Judicial Conference without objection to its congressional nature.

When questions about Justice Thomas's first round of free yacht and jet travel from Harlan Crow were raised a decade ago, those concerns went, under the law, to the Financial Disclosure Committee of the Judicial Conference for review, without objection to the power of review by Justice Thomas.

And when Thomas's recent round of billionaire-funded free yacht and jet travel—Crow-Thomas 2.0, you might call it—raised questions anew, again, those questions went to the Financial Disclosure Committee of the Judicial Conference for review, where those questions pend now, again, without objection. Nobody said: The Judicial Conference is unconstitutional. The reporting laws are unconstitutional. You can't look at this. Congress could never pass those laws. Congress could not create judicial conflict.

Nobody said that.

Additionally, when Justice Scalia's trick came to light of obtaining dozens of free hunting vacations and not disclosing them because it was supposedly a "personal invitation," which sup-

posedly made it "personal hospitality" that didn't have to be disclosed, the question of that trip's propriety went to the Financial Disclosure Committee of the Judicial Conference for review. The conference shut that trick down firmly, and Justice Thomas conceded he would abide by the Judicial Conference's determination—again, with no assertion that there was anything unconstitutional about it. So the separation-of-powers argument, in addition to making no sense, founders on the decades-long acceptance in real life by Supreme Court Justices of our congressional role through these laws and through the Judicial Conference.

Here is another argument they make. This is an interesting one. We have been too mean. We have been too mean looking into these facts. They tart that argument up in constitutional terminology, but that is it in a nutshell. I have used the analogy, describing Leonard Leo's role, in the billionaires' Court-capture scheme, of a spider in a web. They think that is too mean.

The problem with that "too mean" argument is that it assumes the result. If, in fact, there is a secret operation to capture and control the Supreme Court for the benefit of special interests, and if, in fact, Leo is its key operative, it is not actually all that mean to make an analogy to a spider and a web. It is actually pretty mild and quite descriptive.

The accusation that we are doing this just to be mean and it is unfair to ask questions presumes that there is nothing secret and sordid and wrong that would be revealed by our investigation. It is a little like saying the police can't investigate me because it would be unconstitutionally unfair because I am so innocent. Well, that is what the police investigation would reveal, just as this congressional investigation, unless successfully obstructed by the billionaires, might very well reveal a dark episode of secret corruption of our highest Court—perhaps, even the most covert, most persistent effort at judicial corruption in our country's history.

To be continued. I will be back with more of this story.

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

GIBSON DUNN,  
*Confidential, May 22, 2023.*

Re Response to May 8, 2023, Letters to Harlan R. Crow, CH Asset Company, Carey Commercial Ltd., and Topridge Holdings, LLC.

Hon. DICK DURBIN,  
*Chairman, U.S. Senate, Committee on the Judiciary, Washington, DC.*

DEAR CHAIRMAN DURBIN: We represent Harlan Crow in relation to your letters of May 8, 2023 (the "Letters"). Today, we also are responding on behalf of CH Asset Company, Carey Commercial Ltd., and Topridge Holdings, LLC. We recognize the important role the Senate Judiciary Committee has in considering legislation related to our federal court system, and we appreciate the opportunity to engage with the Committee.

After careful consideration, we do not believe the Committee has the authority to investigate Mr. Crow's personal friendship with Justice Clarence Thomas. Most importantly, Congress does not have the constitutional power to impose ethics rules and standards on the Supreme Court. Doing so would exceed Congress's Article I authority and violate basic separation of powers principles. That precludes the Committee from pursuing an investigation in support of such legislation.

Separately, the Committee has not identified a valid legislative purpose for its investigation and is not authorized to conduct an ethics investigation of a Supreme Court Justice. The Committee's stated purpose of crafting new ethics guidelines for the Supreme Court is inconsistent with its actions and the circumstances in which this investigation was launched, all of which suggest that the Committee is targeting Justice Thomas for special and unwarranted opprobrium. Moreover, any information the Committee might legitimately need to draft legislation on this subject is readily available from other sources, the use of which would not trigger the same separation of powers concerns created by the Committee's requests to Mr. Crow.

We address each of these points in greater detail below.

BAKERHOSTETLER,  
*July 25, 2023.*

Re Response to July 11, 2023 Letter to Leonard Leo.

Hon. RICHARD DURBIN,  
*Chairman, Senate Judiciary Committee, U.S. Senate, Washington, DC.*

Hon. SHELDON WHITEHOUSE,  
*Chairman, Subcommittee on Federal Courts, Oversight, Agency Action, and Federal Rights, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN DURBIN AND SENATOR WHITEHOUSE: We write on behalf of Leonard Leo in response to your letter of July 11, 2023, which requested information concerning Mr. Leo's interactions with Supreme Court Justices. We understand this inquiry is part of an investigation certain members of the Senate Judiciary Committee have undertaken regarding ethics standards and the Supreme Court. While we respect the Committee's oversight role, after reviewing your July 11 Letter, the nature of this investigation, and the circumstances surrounding your interest in Mr. Leo, we believe that your inquiry exceeds the limits placed by the Constitution on the Committee's investigative authority.

Your investigation of Mr. Leo infringes two provisions of the Bill of Rights. By selectively targeting Mr. Leo for investigation on a politically charged basis, while ignoring other potential sources of information on the asserted topic of interest who are similarly situated to Mr. Leo but have different political views that are more consistent with those of the Committee majority, your inquiry appears to be political retaliation against a private citizen in violation of the First Amendment. For similar reasons, your inquiry cannot be reconciled with the Equal Protection component of the Due Process Clause of the Fifth Amendment. And regardless of its other constitutional infirmities, it appears that your investigation lacks a valid legislative purpose, because the legislation the Committee is considering would be unconstitutional if enacted.

ERICKSONSEDERSTROM,  
ATTORNEYS AT LAW,

July 25, 2023.

Re Response to Letter Dated July 11, 2023, to  
Robin P. Arkley, II, Our File No.:  
00018.010802.

Hon. RICHARD DURBIN,  
*Chairman, Senate Judiciary Committee, U.S.  
Senate, Washington, DC.*

Hon. SHELDON WHITEHOUSE,  
*Chairman, Subcommittee on Federal Courts  
Oversights, Agency Action and Federal  
Rights, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN DURBIN AND SENATOR  
WHITEHOUSE: We write this letter on behalf  
of Robin P. Arkley, II in response to your  
letter dated July 11, 2023, which requested in-  
formation concerning Mr. Arkley's inter-  
actions with Supreme Court Justices. While  
we respect the Senate Committee's oversight  
role, we believe that this inquiry exceeds the  
limits placed on the legislature by the Con-  
stitution. For our stated reasons, we refer  
you to the relevant portions of the letter  
dated July 25, 2023, from Baker & Hostetler  
directed to you on behalf of Mr. Leo.

Thank you very much.

Sincerely,

SAMUEL E. CLARK.

Mr. WHITEHOUSE. I yield the floor.  
I suggest the absence of a quorum.

The ACTING PRESIDENT pro tem-  
pore. The clerk will call the roll.

The senior assistant legislative clerk  
proceeded to call the roll.

Mr. REED. Mr. President, I ask unan-  
imous consent that the order for the  
quorum call be rescinded.

The PRESIDING OFFICER (Mr.  
OSSOFF). Without objection, it is so or-  
dered.

## MORNING BUSINESS

### HONORING LAVERNE PARRISH

Mr. TESTER. Mr. President, today I  
would like to honor the life and service  
of a distinguished Montanan and one of  
Montana's five World War II Medal of  
Honor recipients: Technician Fourth  
Grade Laverne Parrish.

Laverne and his family moved to the  
Mission Valley of Montana in 1934, and  
he graduated from Ronan High School in  
1937. Never one to shy away from  
service or sacrifice, Laverne joined the  
Washington Army National Guard in  
the March of 1941, just months before  
the attack on Pearl Harbor. He served  
as a medical aidman in Company C of  
the 161st Infantry Regiment where he  
achieved the rank of technician fourth  
grade, the noncommissioned officer  
equivalent of sergeant.

In August of 1942, his Army National  
Guard unit was activated and deployed  
to Hawaii for training. Soon after, his  
unit was mobilized and deployed to the  
Pacific Theater with the 25th Infantry  
Division. Known as "Tropic Lightning"  
for specializing in jungle warfare, his  
division saw combat in five different  
military campaigns, moving from Gua-  
dalcanal, to the Northern Solomon Is-  
lands, and eventually joining General  
MacArthur's campaign to recapture  
the Philippines.

In January of 1945, his division land-  
ed on the island of Luzon in the Phil-

ippines. During heavy fighting in  
Binalonan, Laverne risked his life  
rushing onto the battlefield to bring in  
his wounded brother in arms to safety.  
While treating casualties, he noticed  
two wounded soldiers from his com-  
pany still in the field. Without hesi-  
tation, he crawled back onto the bat-  
tlefield amidst intense enemy fire to  
successfully rescue both men.

Six days later, under withering  
enemy fire, Laverne's unit was ordered  
to withdraw to the cover of a ditch.  
Seeing two wounded soldiers unable to  
move, Laverne quickly left his position  
and pulled them to safety. In that same  
field, he also delivered aid to 12 casual-  
ties, crossing and recrossing an open  
area raked by enemy fire in the process  
and finally bringing an additional  
three men who were critically wounded  
back to the unit.

Shortly after treating nearly all 37 of  
the casualties suffered by his company,  
Laverne was mortally wounded by mor-  
tar fire and died on the battlefield, just  
6 months before the war ended. He was  
26 years old, and his body was returned  
to Montana, where he was laid to eter-  
nal rest at the Mountain View Ceme-  
tery in Ronan. While Laverne passed,  
the story of the heroic "Montana  
Medic" quickly spread through the  
25th Infantry Division as they bravely  
carried on facing more continuous  
combat than any other Infantry Divi-  
sion in the 6th Army.

Laverne pitted heroism and bravery  
against great odds, saving the lives of  
many of his fellow soldiers at the cost  
of his own. In honor of his incredible  
bravery and sacrifice, Laverne was  
awarded the Medal of Honor by Presi-  
dent Harry S. Truman, our Nation's  
highest military awarded to the men  
and women in uniform who have gone  
above and beyond protecting our free-  
doms. He was one of just six medical  
corpsman to receive this honor in  
World War II, and the six were credited  
with saving the lives of more than 150  
military personnel.

In the fall of 1948, the town of Ronan  
came together to honor Laverne by  
naming the athletic field the Sergeant  
Laverne Parrish Memorial Field. Nam-  
ing this field in Laverne's honor was a  
small token of our appreciation for his  
heroic service and sacrifice, but it en-  
sured he will be remembered genera-  
tion after generation in Ronan—and all  
across the Treasure State.

Seventy-five years later, Laverne's  
memory lives on in each of us—in the  
freedoms of our children, our children's  
children, and right here with us on this  
football field.

On behalf of myself and a grateful na-  
tion, I commend Mr. Laverne Parrish  
and extend our deepest appreciation to  
him. He is a true patriot who made  
Montana proud, and we will never for-  
get him.

Today and every day, let us remem-  
ber that we are standing here today, in  
a free country, because of Laverne, the  
sacrifices he made, and the sacrifices of  
our military men and women have  
made every generation since.

### TRIBUTE TO PETTY OFFICER FIRST CLASS DUANE B. PEARSON

Mr. LANKFORD. Mr. President, I rise  
today to honor Navy Petty Officer  
First Class Duane B. Pearson. HM1  
Duane Pearson originally hailed from  
the Bronx, NY, and as an Army family,  
he moved throughout the Nation; in  
Lawton, OK, he decided to enlist in the  
U.S. Navy and follow his family history  
of military service.

His initial oath was in November 2001  
in Oklahoma City, OK; he completed  
Navy boot camp and Hospital Corps  
School in Great Lakes, IL, and went on  
to Expeditionary Medical Facility  
Training, Cherry Point, NC, and Phys-  
ical Therapy Technician School, San  
Antonio, TX, where he was also pro-  
moted to third class petty officer.

His enlisted assignments include  
Naval Hospital Cherry Point, NC; Na-  
tional Naval Medical Center Bethesda,  
MD, where he was deployed to Camp  
Lemmonier to Djibouti, Africa; Naval  
Hospital Yokosuka, Japan; and the Of-  
fice of Attending Physician, Wash-  
ington, DC.

While at the Office of Attending Phy-  
sician, he continued providing expert  
physical therapy services, but also  
managed an emergency response med-  
ical call center, and provided advanced  
cardiac life support response to mul-  
tiple Nation special security events, in-  
cluding three Presidential inaugura-  
tions, nine State of the Union Address-  
es, seven Peace Officers Memorials, and  
scores of gold medal ceremonies and  
summer concerts. Additionally, he was  
instrumental in administering over  
30,000 Covid vaccines in direct support  
of both the Supreme Court of the  
United States, and U.S. Congress.

His military decorations include the  
Navy and Marine Corps Commendation  
Medal, Navy and Marine Corps  
Achievement Medal, Joint Meritorious  
Unit Award, Navy Unit Commendation,  
Navy Meritorious Unit Commendation,  
Armed Forces Service Medal, Humanitar-  
ian Service Medal, and various  
other personal and unit awards.

His military career has been success-  
ful because of the support and con-  
fidence of Jasmine, his wife and best  
friend of 18 years. He also has two sup-  
portive children, who are both talented  
athletes—Micah and Imani.

In May 2019, he received his bachelor  
of arts Degree, with honors, from  
Southern Illinois University in  
healthcare management and will com-  
plete his master's in healthcare admin-  
istration from the University of Balti-  
more this December.

## ADDITIONAL STATEMENTS

### RECOGNIZING THE HISTORIC WESTSIDE SCHOOL

• Ms. CORTEZ MASTO. Mr. President,  
I rise today to commemorate the cen-  
tennial celebration of the Historic  
Westside School in Las Vegas, NV. This