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No. 15

## House of Representatives

The House was not in session today. Its next meeting will be held on Thursday, January 28, 2021, at 9 a.m.

## Senate

TUESDAY, JANUARY 26, 2021

The Senate met at 10 a.m. and was called to order by the Honorable RAPHAEL G. WARNOCK, a Senator from the State of Georgia.

### PRAYER

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

Let us pray.

Eternal God, the Lord of all, prepare our lawmakers today to serve You and country. Give them grateful hearts for Your daily blessings as they comprehend that their times are in Your hands. Lord, inspire them to make a right relationship with You their top priority. Like a potter with clay, mold and make them as You desire, so that they may be vessels of honor for Your Kingdom. May they daily seek You and find joy in Your presence.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The Presiding Officer 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.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 26, 2021.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RAPHAEL G. WARNOCK, a Senator from the State of Georgia, to perform the duties of the Chair.

PATRICK J. LEAHY,  
President pro tempore.

Mr. WARNOCK thereupon assumed the Chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### NOMINATION OF ANTONY JOHN BLINKEN

Mr. SCHUMER. Mr. President, as we move through the first full week of the Biden administration, the Senate will continue the important work of confirming President Biden's Cabinet.

Today, the Senate will hold a confirmation vote for Tony Blinken to be the next Secretary of State. Mr. Blinken is just the right person to rebuild and reassert America's national security prerogatives on the global stage and reestablish the first instrument of American power: diplomacy.

For 4 years, the failed diplomacy of the Trump administration weakened our alliances, strengthened and emboldened our adversaries, and tarnished America's reputation abroad. We must reaffirm our commitment to NATO and other critical alliances around the world. We must hold Russia accountable for its malicious interference in democracies. We must confront China's economic, political, and human rights abuses. And we must work with the family of nations to combat the existential threat of climate change.

Once confirmed, Mr. Blinken will also inherit a State Department workforce in desperate need of a leader who knows that everyone on the team plays a critical role in advancing America's interests abroad. Under President Trump, our Nation's diplomats and State Department civilians were relegated to the sidelines, and too many positions in the State Department were left vacant or relegated to irrelevance.

None of this will be easy, but I am confident that Mr. Blinken is exactly the right person for the job. I look forward to seeing this Chamber confirm his nomination later today.

After that, both parties must keep working together to confirm the rest of President Biden's outstanding Cabinet. We are off to a decent pace with the confirmations of the President's Secretaries of Defense, Treasury, and Director of National Intelligence. I appreciate the Republican leader's cooperation and hope it will continue because our country needs that.

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



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That pace must continue this week with the confirmation of the Secretaries of Homeland Security and Transportation. After that, we need a Health and Human Services Secretary installed to oversee the public health response to COVID; an Education Secretary to facilitate the safe reopening of the schools, guided by the science; and a Secretary of HUD to help America's struggling families stay in their homes during this horrible economic crisis. The Senate is working at an encouraging pace, and we will not let up.

#### ORGANIZING RESOLUTION

Mr. SCHUMER. Mr. President, now on the organizing resolution, well, since the last time I addressed this Chamber, there has been notable progress in my discussions with the Republican leader about organizing the Senate. Last night, the Republican leader dropped his demand for additional provisions on the organizing resolution and will agree to the 2001 rules that last governed the 50-50 Senate—exactly what Democrats proposed from the start.

I am glad the Republican leader finally relented, and we can move forward now to organize the Senate, Senate committees, chairs, and ranking members, and the process for moving bills and nominees to the floor from committees with an evenly divided number of Members. I am glad we are finally able to get the Senate up and running. My only regret is that it took so long because we have a great deal we need to accomplish over the next several weeks and months.

#### CORONAVIRUS

Mr. SCHUMER. Mr. President, now on COVID, in addition to the confirmation of critical Cabinet nominees, the Senate will soon move forward with legislation to address the twin crises facing our country: the public health crisis and the economic crisis.

In December, Congress took the important step of passing interim emergency relief to the country, but we left the job unfinished. I understand that recent opposition from the political right for more spending has increased in volume now that there is a Democrat in the White House, but the pandemic doesn't particularly care that there has been a change in the administration. The needs of our country are still great, and the urgency to act is clearer than ever.

The Congressional Budget Office told us last fall that the COVID-19 pandemic has taken more than \$17 trillion out of our economy—\$17 trillion. No doubt, Congress has passed substantial relief, but looking at the data, we are nowhere close to filling the COVID-sized hole in our economy. Expanded unemployment insurance will once again expire in March. State and local governments, which have already cut over a million jobs, are still reeling

from budget deficits and have not received direct assistance. The amount of direct payments to the American people in the previous bill was regrettably much lower than many of us, including myself, wanted. We must continue supporting the rapid and massive distribution of the vaccine to finally crush this virus once and for all.

So the Senate is going to press forward on another COVID-relief bill. We want to work with our Republican colleagues to advance this legislation in a bipartisan way, and the work must move forward—preferably, with our Republican colleagues, but without them if we must.

We are still in the midst of a once-in-a-century crisis that has reshaped our economy and altered nearly every aspect of American life. Americans are still getting sick. Americans are still dying. Americans are still losing their jobs. We must not suffer timidity or delay. There is great urgency to continue the work of COVID relief, and that is exactly what the Senate will do.

I yield the floor.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### FILIBUSTER

Mr. MCCONNELL. Mr. President, yesterday, two Democratic Senators confirmed they will not provide the votes to eliminate the legislative filibuster. The senior Senator from West Virginia issued a public "guarantee": "I do not support doing away with the filibuster under any condition."

Any chance of changing his mind? "None whatsoever."

The senior Senator from Arizona made the same commitment. She opposes ending the legislative filibuster and "is not open"—not open—"to changing her mind." Our colleague informed me directly last night that under no circumstances would she reverse course.

Now, it should not be news that a few Members of the majority pledge they won't tear up a central rule, but the Democratic leader was reluctant to repeat the step I took as majority leader in unified government when I ruled out that step on principle.

Rather than relying on the Democratic leader, I took the discussion directly to his Members. Basic arithmetic now ensures that there are not enough votes to break the rule. This victory will let us move forward with the 50-50 power-sharing agreement containing all the elements of the 2001 model because it will sit on the very same foundation.

I want to discuss the precipice from which the Senate has stepped back. In 2013, Senator Harry Reid began the "nuclear" exchange over nominations. I said Democrats would regret it. A few

years later, we have many Federal judges, including three Supreme Court Justices, who were confirmed with fewer than 60 votes.

The back-and-forth exchange over nominations had one institutional silver lining, because, routinely, filibustering nominations was itself a modern invention pioneered by Senate Democrats in the 2000s. So, on nominations, for all the fighting, the Senate just simply circled back to the simple majority threshold that had been our longstanding norm on nominations; that is, on the Executive Calendar.

Legislation is very different. When it comes to lawmaking, the Framers' vision and our history are abundantly clear. The Senate exists to require deliberation and cooperation. James Madison said the Senate's job was to provide a "complicated check"—a "complicated check," he said—against "improper acts of legislation." We ensure that laws earn enough buy-in to receive the lasting consent of the governed. We stop bad ideas, improve good ideas, and keep laws from swinging wildly with every election.

Our friend, Lamar Alexander, put it this way in his farewell speech. He said: "The Senate exists to produce broad agreements on controversial issues that become laws most of us have voted for and that a diverse country will accept."

More than any other feature, it is the Senate's 60-vote threshold to end debate on legislation that achieves this. It ensures narrow interests cannot ignore the rest of the country. It embodies Jefferson's maxim that "great innovations should not be forced on slender majorities."

The bar for lawmaking is high. It should be high, even if both bodies take turns at being slightly frustrated by it. If your legislation can't pass the Senate, you don't scrap the rules or lower the standards. You improve your idea, take your case to the people, or both.

Four years ago, Republicans had just won unified control. President Trump and others pressured us heavily—me, in particular—to scrap this rule when it was protecting the Democratic minority. But we stood firm. I stood firm and endured many tweets on the subject. I said we would not do that to our colleagues in the minority.

No short-term policy win justifies destroying the Senate as we know it, especially since laws would become so brittle and reversible. So Democratic Senators used the 60-vote threshold to shape and block legislation. They stalled COVID relief, they blocked police reform, and they stopped even modest measures to protect innocent life because I chose not to destroy the tool that allowed them to do that.

That same tool that some Democrats now want to destroy, they used freely and liberally throughout their years in the minority, and I protected their ability to do that. Republicans understand you don't destroy the Senate for a fleeting advantage. Our friends across the aisle must see the same.

I have talked a lot about principle. We should also make this a little more tangible. So let's take a look at what would happen if in fact the legislative filibuster were gone. If the Democratic majority were to attack the filibuster, they would guarantee themselves immediate chaos, especially in this 50-50 Senate. This body operates every day and every hour by consent, and destroying the filibuster would drain comity and consent from this body to a degree that would be unparalleled in living memory.

So let's look at some examples.

The Constitution requires the Senate to have a quorum to do any business. Right now, a quorum is 51, and the Vice President does not count to establish a quorum. The majority cannot even produce a quorum on their own, and one could be demanded by any Senator at almost any time.

Our committees need quorums to function as well. They will also be evenly split. If this majority went scorched-earth, this body would grind to a halt like we have never seen. Technically, it takes collegiality and consent for the majority to keep acting as the majority at any time they do not physically—physically—have the majority.

In a scorched-earth, post-nuclear Senate that is 50-50 like we have today, every Senate Democrat and the Vice President could essentially just block out the next 2 years on their calendar. They would have to be here all the time.

It takes unanimous consent to schedule most votes, to schedule speeches, to convene before noon, to schedule many hearings and markups. As Democrats just spent 4 years reminding us, it takes consent to confirm even the lowest level nominees at anything beyond a snail's pace.

None of us has ever seen a Senate where every single thing either happens in the hardest possible way or not at all. Heck, once or twice every day the majority leader reads through an entire paragraph of routine requests. Objections could turn each one into multiple, lengthy rollcall votes.

None of us on either side wants to live in a scorched-earth Senate. The institution and the American people deserve a lot better. But there is no doubt—none—that is what we would see if Democrats tear up this pivotal rule. It would become immediately and painfully clear to the Democratic majority that they had indeed just broken the Senate.

This gambit would not speed the Democrats' ambitions. It would delay them terribly, and it would hamstring the Biden Presidency over a power grab which the President has spent decades warning against and still opposes.

Finally, at some point, the shoe would find its way to the other foot. When Republicans next control the government, we would be able to repeal every bill that had just been rammed through, and we would set about de-

fending the unborn, exploring domestic energy, unleashing free enterprise, defunding sanctuary cities, securing the border, protecting workers' paychecks from union bosses—you get the picture.

But a few years later, the Democrats would try to flip it all back. So instead of building stable consensus, we would be chaotically swapping party platforms, swinging wildly between opposite visions that would guarantee half the country is miserable and resentful at any given time. We would have inherited resilient institutions but left behind a chaotic mess.

We are in a politically charged period, but when factional fever runs hot, when slender majorities are most tempted to ram through radicalism, these are the times for which the guardrails exist in the first place.

Republicans said no—emphatically no—to pushing the Senate over this precipice. When I could have tried to grab the power, I turned it down. I said: "President Trump, no," repeatedly, because the Nation needs us to respect the Framers' design and the Senate's structure, and because, as I said in a different context on January 6, we have a higher calling than endless partisan escalation.

We have placed our trust in the institution itself, in a common desire to do the right thing. I am grateful that has been reciprocated by at least a pair of our colleagues across the aisle. I am glad that we have stepped back from this cliff. Taking that plunge would not be some progressive dream; it would be a nightmare. I guarantee it.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### EXECUTIVE SESSION

##### EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Antony John Blinken, of New York, to be Secretary of State.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12 noon will be equally divided between the two leaders or their designees.

The ACTING PRESIDENT pro tempore. Senator from Illinois.

##### FILIBUSTER

Mr. DURBIN. Mr. President, it has been my good fortune to serve in the

Senate for 24 years. I have great respect for this institution and continue to believe that the men and women who serve here are extraordinary examples, by and large, of public service and that we have done great things of a historic nature.

I think of the days of the Obama Presidency, when we had to rescue our economy, make reforms on Wall Street that made a difference, and build a public health system that we have aspired to for decades. We achieved those goals—not easily—with hard work and determination. I am glad to have been a part of it.

When I hear the Republican leader come to the floor and talk about his memory of the Senate, I hasten to add: There is another side to the story. I will come to the floor in a few days to outline the history of the filibuster, but I am sure the Senator from Kentucky, who has been in the Senate—and his staff—in elected capacity for decades, would concede this point: Up until the 1960s, the filibuster was rarely used in this U.S. Senate. The demand for, once, 67 votes, then 60 votes was rare.

Oh, it was remembered that, in the 1960s, civil rights legislation foundered on the floor of this U.S. Senate because of the filibuster, but it was rarely applied. That changed. It changed under the Senator from Kentucky's leadership. It became so commonplace—the filibuster was being used so frequently—that it led to Senator Reid, then the Democratic leader, making some fundamental changes in the Senate rules.

I remember that day very well, and I remember the anguish that Senator Reid felt at the time. But he felt he had no recourse because the filibuster had become commonplace, the 60-vote requirement commonplace.

I don't know exactly what the argument is from the other side at the moment, but I think any fairminded Senator would concede the Senate is capable of doing great things; it is capable of being deliberative; yet it still can be decisive.

There comes a time when we should act. And to merely let every issue get mired down into a 60-vote requirement and filibuster and nothing come out of this Chamber as a result cannot be what our Founding Fathers envisioned for the world of the U.S. Senate.

I want to address that issue at another time in more detail, with facts and figures on the use and misuse of filibuster, but at this moment I would like to raise another question, which is related.

#### NOMINATION OF ALEJANDRO NICHOLAS MAYORKAS

Mr. President, we are in the midst of a global pandemic. More than 420,000 American lives have been lost. Just 3 short weeks ago, 20 days ago, this Capitol, this age-old symbol of America, was attacked by homegrown domestic terrorists. It was overrun for the first time since the British invasion in the War of 1812.

After this horrific attack on this Capitol by this mob—insurrectionist mob—I hope the United States can finally come to grips with the reality of terrorism today.

I remember 9/11 very well. Who could forget it if you lived through it? I was in this building and fully expected an attack on this structure. We ran out, down the steps onto the grassy lawn, and stood, wondering what to do next. This was going to be the next target. Thank goodness for the heroism of those who came forward and took control of the plane—at least diverted it into Pennsylvania.

Some would dismiss the insurrectionist mob as just another rowdy political crowd not unlike many other political demonstrations. In fact, I have heard comparisons of Black Lives Matter rallies to the terrorist attack of January 6.

But there was a fundamental difference 20 days ago. That fundamental difference is the fact that five Americans died as a result of that mob invading the Capitol, including one Capitol policeman. We have heard rumors of the details of how he died. I am sure we are going to hear more as the investigation continues. But this was just not another political demonstration. It was an example of terrorism, period—American-grown, American-sponsored.

The security of our Nation is still at stake. There was a demonstration yesterday in downtown Chicago by White supremacists. Over 80 of them gathered—over 80 of them—in downtown Chicago to stand up and defiantly show that they were still alive and well and ready to act.

The very least we can do is to ensure that the Agency responsible for our protection against this sort of terrorism has leadership. That Agency is the Department of Homeland Security.

President Biden has suggested a man to lead that Department: Ali Mayorkas. He is an extraordinary public servant. The Senate has confirmed him three times. He previously served for 7 years at this Agency. He has been nominated now to lead it.

Most recently, he served as the Department of Homeland Security Deputy Secretary, the agent second in command and chief operating officer. He was in charge of counterterrorism, cyber security, border security, emergency management, and other critical matters. He did the job and did it well.

We need him again. We need his expertise and experience at the Department of Homeland Security today—today.

Perhaps the Republicans have forgotten about the last 4 years of failed policy and chaos at the Department of Homeland Security. Just a little reminder: It was under President Trump that the Agency experienced an unprecedented leadership vacuum.

Consider this: The Department of Homeland Security lurched from one Secretary or Acting Secretary to the next. Six—six people headed that Agen-

cy during the Trump administration. Only two of them were confirmed by the U.S. Senate. That is more Agency heads in the last 4 years than in the 13-year history of the Department of Homeland Security before the Trump administration.

They couldn't keep a leader in place. The President was firing them, and they were resigning right and left. For over a year, that Agency, the Department of Homeland Security, was led by an unlawfully appointed Acting Secretary, Chad Wolf. Then, just 9 days before Donald Trump left the White House, Mr. Wolf resigned, replaced by yet another Acting Secretary.

An Agency with the critical task of keeping America safe, keeping our families safe, couldn't even agree on who would head the Agency.

Four former Secretaries of Homeland Security—two Republicans and two Democrats—every person who served as a Senate-confirmed DHS Secretary prior to the Trump administration, say that Ali Mayorkas is the man for the job. They said he is “a man of character, integrity, experience, and compassion,” and “a proven leader to right the ship.”

In their endorsement of Mr. Mayorkas, they went on to say: The leadership vacuum and turmoil at the Department of Homeland Security may have contributed to the failure to anticipate and adequately prepare for the attack on the Capitol.

That is the reality. After 4 years of disorder and disarray at the Department of Homeland Security, the security of America, including the security of this very building, suffered because of lack of leadership under the Trump administration.

Over the last 4 years, we have watched the politicization of the Department of Justice and the Department of Homeland Security. We have seen some horrible things occur: Operation Zero Tolerance—2,700 infants, babies, and children separated from their parents at the border of the United States, cast into a bureaucratic system and forgotten until a Federal judge in Southern California said: Enough. I want to know who those kids are, and I want to know why they haven't been reunited with their parents. That was months after they had been separated.

I went to an immigration court in Chicago, downtown in the Loop, in a big high-rise office building. I didn't expect to find a court, but I did. I got off the elevator, and the walls were lined with people. The hallways were packed with those waiting for a hearing before this immigration court.

I met the judge. She had been on the bench there in the immigration court for almost 20 years. She was a good person. You could tell. She said: Senator, I wish you would stay for the docket call this morning in this immigration court.

This was in the middle of this zero-tolerance separation from their parents.

I want you to see the first two clients who are going to come before us.

I waited. They called the docket, and they said that everyone in the courtroom should be seated. There was difficulty seating one of the persons on the docket. Marta was her name. She was 2 years old. She had to be lifted into a chair and handed a stuffed animal. Luckily, the little boy, who, coincidentally, had the name Hamilton, was enticed to climb up on the chair when they put a Matchbox car on the table—two of the children separated by the zero-tolerance policy of the Department of Homeland Security under President Trump.

There was, of course, a decision to postpone any hearing on their case for 6 months. They were put back into the system. I don't know what ultimately happened in the meantime. But I can tell you this: It was months before Marta was returned to her parent. Some of these separated children would not even let their own mothers hold them after they were reunited. They felt that they had been abandoned.

But they had not been abandoned by their mothers. They had been abandoned by anyone with a conscience at the Department of Homeland Security. That is what happened, and that is what happened under that Agency in a Trump administration.

Is it any wonder that we need new leadership, that we need an accounting of these children? There are still reports, heartbreaking reports that more than 600 children are still adrift in the system, never reunited with their families. I will tell you, if it is within my power, the Senate Judiciary Committee will certainly investigate that.

The failure of the Department of Homeland Security in that instance is going to be one of the most shameful chapters in the modern history of the United States. The failure of our Nation's national security leaders to address the threat of violent White supremacists and other far-right extremism really gives evidence as to why we need to fill this spot immediately.

What is the problem? President Biden has nominated Ali Mayorkas. Ali Mayorkas has turned in his paperwork required by law, has submitted his name for a hearing, and appeared before a committee of Congress. Why isn't he being approved here?

One Senator, a Senator from Missouri, has a hold on his nomination. Why? Well, he may disagree with him on some policies, he said publicly. I am sure he does. I am sure he disagrees on many policies. Is that enough? Is that enough to say that this critical Agency will not have a leader because the Senator of Missouri disagrees with him on a policy?

Occasionally, I tune in to FOX to see what folks are saying there. The other night, last week, when I tuned in, there was this breathless reporting of a Brown-skinned invasion at our border—thousands in caravans destined for the United States. Over and over

again we have heard that story. What Agency is responsible for making sure that their arrival on our border is orderly, that they do not cross the border improperly? It is the Department of Homeland Security—the same Agency that is being denied leadership by one Senator on the other side of the aisle. It is time to get over it. It is time to give President Biden the leadership we need at that Agency as quickly as possible.

We, in contrast, know that America is a unique nation, and what makes it special is that people from all over the world can come to our shores and become Americans, not because of their race or ethnicity but because they embrace America's democratic ideals.

The son of a Holocaust survivor and an immigrant from Cuba, Mr. Mayorkas knows firsthand that America can be a beacon of hope and promise to those facing persecution. Mr. Mayorkas is an experienced national security leader who can restore integrity and decency at the Department of Homeland Security.

I personally appreciated the skill and dedication he showed as Director of the United States Citizenship and Immigration Services. There, in the year 2012, he implemented DACA—the Deferred Action for Childhood Arrivals—that allowed for more than 800,000 young people to have a chance to be part of America. As Deputy Secretary, Mr. Mayorkas oversaw a \$60 billion budget and led a workforce of 230,000 individuals. He is the right man for the job, and he should be on the job today.

He excelled in that role, receiving the Department's Distinguished Service Award—the highest civilian honor—the U.S. Coast Guard's Distinguished Service Award, and a special commendation from the National Security Agency for his achievements in national security and cyber security.

Among his numerous responsibilities, he led the Department's response to the Zika and Ebola outbreaks—highly relevant and timely expertise we could use now in this COVID-19 pandemic.

He served as a Senate-confirmed U.S. attorney to California earlier in his career.

The national president of the Fraternal Order of Police has enthusiastically endorsed Mr. Mayorkas and said, "His professionalism, integrity and commitment to just and fair enforcement of the law makes him an ideal candidate to lead the department. Mr. Mayorkas has pursued criminal wrongdoers and has protected the rights of the innocent with indefatigable vigor. His work reflects all that is right in the government."

That was the statement from the Fraternal Order of Police about this nominee. He is an outstanding nominee to be Secretary of Homeland Security. His experience, qualifications, expertise, and integrity will serve America well at a time we desperately need him.

I ask the Senator who is holding his nomination to release the hold today.

Let Mr. Mayorkas go to the head of this Agency where he is desperately needed and show the kind of leadership he has over and over again for this country.

I urge my colleagues to expeditiously confirm Mr. Mayorkas so that he can serve as the next Secretary of Homeland Security.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican whip is recognized.

#### FILIBUSTER

Mr. THUNE. Mr. President, there has been a lot of talk about the legislative filibuster here in the Senate over the last few days. As we started the new Congress evenly divided between Republicans and Democrats, the Republican leader had proposed that the Democrat leader include a commitment to preserving the legislative filibuster and the power-sharing agreement the leaders have been working out. This should have been easy.

Less than 4 years ago, with a Republican President in the White House and Republicans in control of the Senate and the House of Representatives, a bipartisan group of 61 Senators affirmed their support for retaining the legislative filibuster, stating: "We are united in our determination to preserve the ability of Members to engage in extended debate when bills are on the Senate floor."

There are 26—26—current Democratic Senators—a majority of the current Democratic caucus—who signed that defense of the legislative filibuster when they were in the Senate minority. It is disappointing that the Democrat leader failed to express his support for this essential Senate rule.

Nevertheless, thanks to the recent commitment from two Senate Democrats to oppose any attempt to eliminate the filibuster—a commitment which secures this key protection for minority rights—Leader MCCONNELL is now moving forward without a statement from the Democrat leader.

But it is worth taking a moment to reiterate why the legislative filibuster is so important. The legislative filibuster, of course, is essentially the requirement that 60 Senators agree before the Senate can end debate and vote on a bill. In other words, you need 60 percent of the Senate to agree before you can pass a bill. This usually means that you need the support of at least some Members of the other party before you can move legislation.

The party in power doesn't always enjoy that rule. All of us would like the opportunity to pass exactly the legislation that we want. But most of us recognize that it is a good requirement.

The legislative filibuster ensures that the minority is represented in the legislation. This would be important even if elections tended to break 60 to 40 or 70 to 30 in favor of one party or another. All Americans, whether or not they are in the majority, deserve to be

represented. But it is particularly important when you consider that our country is pretty evenly split down the middle.

While the advantage sometimes goes to Democrats and sometimes to Republicans, the truth is that our country is pretty evenly split, which means any attempt to disenfranchise the minority party means disenfranchising half of the country.

Of course, the party in power generally gets to accomplish more than the minority party—and that is appropriate. The country may be fairly evenly divided, but sometimes it wants to move more toward one side or the other.

What is not appropriate is to eliminate meaningful minority representation, which would be the consequence of eliminating the legislative filibuster. Our Founders recognized the importance of putting safeguards in place to ensure that majorities wouldn't curtail or eliminate minority rights.

That is why the Founders created the Senate. They made the Senate smaller and Senators' terms in office longer, with the intention of creating a more stable, more thoughtful, and more deliberative legislative body to check ill-considered or intemperate legislation or attempts to curtail minority rights.

And as time has gone on, the legislative filibuster is the Senate rule that has had perhaps the greatest impact in preserving the Founders' vision of the Senate. Thanks to the filibuster, it is often harder to get legislation through the Senate than the House. It requires more thought, more debate, and greater consensus—in other words, exactly—exactly—what the Founders were looking for.

I am grateful to my Democrat colleagues who have spoken up about their commitment to preserving the legislative filibuster. Republicans were committed to protecting the vital safeguard of minority rights when we were in the majority—despite, I might add, the then-President's calls repeatedly to eliminate it—and I appreciate that a number of my Democrat colleagues share that commitment.

I am particularly grateful to the Senator from West Virginia and the Senator from Arizona for their uncompromising defense of minority rights and the institution of the Senate here in recent days.

Again, however, I am disappointed the Democrat leader chose not to express his support for this essential Senate rule. I would point out that when Democrats were in the minority in the Senate, they made frequent use of the legislative filibuster.

I hope that the commitment to the legislative filibuster expressed by President Biden and a number of Senate Democrats means the end of any talk of eliminating the filibuster. No matter how appealing it might be in the moment, destroying this longstanding protection for minority rights

would be a grave error that both parties would live to regret.

I hope that all Senate Democrats will recommit themselves to preserving this fundamental feature of the Senate and to find compromise. We have work to do.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. PADILLA). Without objection, it is so ordered.

#### NOMINATION OF ANTONY JOHN BLINKEN

Mr. PAUL. Mr. President, today we will be considering the nomination of Antony Blinken to be President Biden's Secretary of State.

The problem I have with this nomination is that, for decades now, we have been at war in Afghanistan. The war is now called "the forever war." People lament that it goes on so long, and people say: How could it possibly keep going on?

Sixty-five to seventy percent of the American people, 65 to 70 percent of American veterans—veterans who served in the theater—say the war is enough. We should end the war in Afghanistan. How does it go on? We have got a new President. Are things going to change?

Here is the problem: Why do the wars continue? Why do the wars in Syria and Libya and Somalia and Afghanistan continue? Because the more things change, the more they stay the same.

Mr. Blinken has been a full-throated advocate of military intervention in the Middle East for 20 years. We are fooling ourselves if we think we are going to get a new policy. We are going to get more of the same.

In his hearing, I said to him: "The problem isn't that we don't compromise or that we don't have bipartisan consensus; the problem is we have too much bipartisan consensus for war."

For 20 years, he has advocated for military intervention. He advocated for the Iraq war, as did the President. President Biden was also an advocate of the Iraq war.

Now, later on they said: Well, the war wasn't that great of an idea, but we were lied to by George Bush and the intelligence, and I am willing to admit there is some truth to that. But there is a bigger lesson here. The lesson is that regime change doesn't work.

They often get unintended consequences, and you often get the opposite of what you think you are getting. They said: We must go to Iraq to topple Saddam Hussein because he is a terrible dictator. Well, yes, he was a despot, a dictator, an autocrat. You know, he wreaked havoc on his people, probably gassed the Kurds—many different

horrible things. And yet, when he was gone, what did we get? We got a power vacuum. We got more terrorism. We are back in there 10 years later because the government is nonfunctional. And what is the final result? Iran is stronger.

What does everybody talk about? Iran, Iran, Iran. Why do we worry about Iran? Well, because we toppled their biggest adversary. We used to have a balance of power between Iraq and Iran—despot on one side, despot on the other but at least a balance of power.

But who is Iran's best ally now? Iraq. Think about it. Iraq is allied with Iran. Iraq is also allied, in many ways, with Russia, as well as us, but they have also asked us to leave. They are like: Oh, thanks for our freedom, but you all can take off now.

But who supported the war? President Biden, Antony Blinken. We are back where we were 20 years ago.

Now, like I say, there is some retrenchment, there is some backing off of the position, but I don't hear from either President Biden, Candidate Biden, or from Antony Blinken that regime change is wrong.

Now, if it were wrong, you would expect there was a learning from the Iraq war, and they would say: OK. Now that we are in charge, we won't do the same.

But it turns out, when we had an Obama administration, with Blinken and the other military interventionists, in a supposedly progressive administration, we got more war. They went into Libya. Once again, the same sort of idea—the idea that regime change works, and that we will topple this terrible dictator, Qadhafi, and out of the mist, out of the embers, out of the fire will arise Thomas Jefferson. The Thomas Jefferson of Libya will take over and freedom will reign. It didn't work out so much.

So Mr. Blinken, in his hearing, admitted as much. He said: Well, maybe we overestimated the possibility that there would be rivals to replace him. Do you think?

But, see, this is sort of the expected pattern of the Middle East. The Middle East doesn't have this 1,000-year English tradition of trying to control central power, dating back to even before the Magna Carta.

But even 350 years ago, the English had a revolution trying to restrain the power of the King; 250 years ago we had our revolution to further restrain the power of the King. We have this long-standing tradition.

But in the Middle East, there is more of this tradition of tribalism, and so you have an iron fist, but when you get rid of the iron fist, it is replaced by another iron fist or nothing—by chaos.

So in Libya you get rid of Qadhafi—supported by President Obama, Vice President Biden, Antony Blinken. You have the toppling of Qadhafi, but what did you get? Chaos. More terrorism. It is unclear even whom we support—whether we support the current gov-

ernment, the U.N. government, or General Haftar, or whom we support.

The Middle East is divided, arms are flowing in on both sides, and like we always do, we fan the flames by shipping arms to everybody in the region as well. It didn't work.

So Mr. Blinken acknowledges: Yes, we underestimated the possibility there would be a rival government or a rival faction strong enough to rule Libya. Well, yeah.

So did they learn their lesson? No. About this time or a little bit later, they decided: We must go into Syria. So they spent about \$500 million—\$500 million—to train about 60 fighters. They did it in a remote area of Syria and they got them trained and they spent their \$500 million and they sent 10 of them into battle. They were all captured or killed in the first 20 minutes. Five hundred million to train sixty of the so-called moderates. But guess what. The same holds for Syria that held for Iraq, that held for Libya, that now holds for Syria. Guess what. Another despot.

But who are the people fighting against the despot? The most fierce fighters in Syria all along were al-Nusra and al-Qaida. The more jihadists, the more vicious and violent and the better the fighters were.

Were there doctors and lawyers and academics and people who want a secular form of government? Sure. But the people out there fighting and the people winning the battles were the jihadists.

So there was always the danger, if you get rid of Assad, we get another jihadist regime.

So we have to think through the policy of this. But Blinken and Biden both supported the Iraq war. It was an utter failure. They admit as much. They supported the Libyan deposing of Qadhafi and war. Then they acknowledge: Well, maybe it wasn't the best—but then they don't take any learning or knowledge from that and say: Maybe we shouldn't go into the next one—Syria. And yet, they went into Syria.

And what Blinken's response is should tell you a little bit about the danger of what we may get from Blinken as Secretary of State.

He said the problem in Syria was not doing too much but doing too little. He said: What we really should have done is gone in with full might. If we had put 100,000 troops in there, like we did in Afghanistan and like we did in Iraq, if we would have used sufficient enough force, we could have toppled Assad. But in the end, he said: We didn't do enough.

So the lesson to Blinken and Biden and this administration isn't that regime change doesn't work; it is that if we are going to do it, we need to go bigger. We need to go all in.

I would posit that regime change doesn't work; that we should not support evil regimes. If they are despots or dictators, we shouldn't arm them. But I am not for toppling every one of them

either because I am not so sure what you get next.

So how would this be in the real world? Saudi Arabia has shown themselves to be an autocratic, anti-woman, anti-modern administration that would actually kill a journalist and dismember him. They were rewarded by the previous administration with arms. Terrible idea.

But what would we do if there was a rational, realistic—more realism in foreign policy? We would not topple the Government of Saudi Arabia, but we might not sell them arms. I think that would be a reasonable thing.

We also might not sell them arms because they were committing atrocities and killing civilians in the war in Yemen. But if you look back at the war in Yemen, the Obama-Biden administration did not have very strong opposition to the war in Yemen. They do now, but in the beginning, they didn't.

And so the supplying of weaponry and bombs and smart bombs to Saudi Arabia occurred under the Obama-Biden administration and then continued under the Trump administration.

So we have to ask ourselves: We have so many unintended consequences; how will we ever make things different?

Now, our Founding Fathers envisioned something different. Our Founding Fathers envisioned that war should be difficult. It was James Madison who said that the executive branch is most prone to war and, therefore, the Constitution, with studied care, vested that power in the legislature. To declare war was to be split between the House and the Senate and by a majority vote to declare war. We don't do that. It is *passe*. Oh, that is an anachronism, some say.

And when Antony Blinken was asked about this, when he was asked about a use of authorization of force—he was asked: Do you need it? And this was when he was working for the Obama-Biden administration. And he said: Oh, we would welcome discussion and debate and advice from the Senate, but, you know, we don't really need it.

Now, he is not alone in this. This isn't a Democratic or Republican thing. This is most of the foreign policy establishment in both parties, particularly once they work for a President. They will tell you, yes, they will listen to your advice. Oh, we really welcome your coming down. Please come down. We would love to sit down and have tea. But, really, don't tell us what to do. We can do whatever we want under article II.

And you think, well gosh, that sounds harsh. It sounds like you are describing Blinken as some sort of John Bolton. Yeah. There are similarities, but there are similarities between both parties when they get to the executive branch that they don't think they need Congress's permission. This is a real problem.

So some in the Senate have tried to narrow the definition of where a war would be, and I looked at their nar-

rower definition last time and I said: Well, yeah, you would narrow it from the whole world to 24 countries. I don't want to be at war in those 24 countries either.

Think about it. We have more military action in Africa right now than we do in the Middle East. Somalia, Mali, all throughout Africa we have got troops.

We had four soldiers die a little over a year ago in Mali, and people were like: We have 800 soldiers in Mali? No one even knew. People on the Armed Services Committee were like: We have 800 soldiers in Mali? And yet that goes on without our permission. Without a vote of the people's representatives, without consulting the people at all, it just goes on and on and on.

So my opposition of Mr. Blinken to be Secretary of State is not so much because I oppose the administration; it is because I oppose the bipartisan consensus for war.

If we are ever to end these wars, we are going to need to not keep nominating the same retreads who have gotten us into these wars.

So I will vote against Mr. Blinken because I am against war. I am against war that is not declared by Congress. I am against war that is executed primarily by the President. I am against them doing it without the permission of the people.

So I will oppose Mr. Blinken's nomination. I don't think I will get many people from the other side. It is difficult to vote against nominees of one's own party, but I will say that if we are ever to end war, we need to have a real discussion in this body about when we go to war, whether or not we have to declare war, and we have to talk about whether our involvements have worked in the Middle East, whether or not there are unintended consequences. Instead of saying "Oh, it was all George Bush's fault. It was faulty intelligence"—yeah, yeah, there is some truth to that, but it is really about regime change. It is about the idea that we know what is best for everyone else and that by putting a new regime involved in a country in the Middle East, somehow it is going to be better. It usually turns out worse.

So I hope my colleagues will today consider voting against Mr. Blinken because I think he is more of the same.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. RISCH. Mr. President, I ask unanimous consent to speak for 3 minutes on the nomination of Tony Blinken for Secretary of State.

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

Mr. RISCH. Mr. President, I bring to the floor this morning the nomination of Tony Blinken to be Secretary of State. He has been nominated, of course, by President Biden, and this is brought by Senator MENENDEZ and me. We have had the honored privilege of working together to move as rapidly as we could Mr. Blinken's nomination.

Obviously, these things do take some time, and we are fortunate to be able to bring it as quickly as we have to the floor.

This is, in my judgment, certainly the most important nominee that there will be to the President's Cabinet in light of a number of things but not the least of which is they are in the line of succession for the Presidency.

Mr. Blinken has a long and distinguished history when it comes to statecraft and foreign relations matters. Certainly, he is very qualified for this job. Obviously, we don't agree on all things. Nobody ever does.

I will say that there are 200 countries, approximately, on the planet, and each one of them has unique and very distinguished issues.

In speaking with Mr. Blinken on these matters, I find that there is a tremendous amount of agreement that he and I have. Obviously, whenever these things happen, there are areas of disagreement, and obviously the media and a lot of people focus on these.

I should mention that at least one of those—Iran—is a very wide disagreement that we have. In my judgment, the JCPOA was a colossal failure and a real blunder for American policy overseas. In talking with Mr. Blinken, he does not share that view, and obviously he is going to work with the President, carrying the President's water to get us back into the JCPOA. I think that is a mistake. We have talked about this at length, and certainly whatever the consequences of that are, those who do it are going to have to live with it.

I can state that this is not a partisan issue. There are people on both sides of the aisle who have real reservations about going back into the JCPOA, particularly if there aren't very significant sideboards put on that. The effort is going to be made, and we will advise as we can and go down that pike.

Again, I say that this is one issue. Out of the many, many issues that we discussed, there was very little—in fact, no daylight between us on some of them. A good example of that would be Turkey. I think Mr. Blinken shares my reservations about Turkey, and, again, the vast majority of this body, the U.S. Senate, has deep, deep reservations about the direction that Turkey is going.

In any event, we need a Secretary of State, and this is the person for the job.

With that, I yield the floor.

The PRESIDING OFFICER. (Mr. LUJÁN). The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to speak for up to 5 minutes.

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

Mr. MENENDEZ. Mr. President, I just remark how quickly you have risen in the Senate. So we welcome you here.

I rise today in support of Tony Blinken's nomination to be Secretary

of State. I want to thank Senator RISCHE for working with me expeditiously to get this nomination to the floor, and I appreciate his work and common cause to achieve it.

We all know Mr. Blinken has impressive credentials. He was confirmed by the Senate as Deputy Secretary of State, and before that, he served as the Deputy National Security Advisor and as the staff director at the Senate Foreign Relations Committee. But apart from his extensive experience, he showed in almost 5 hours of hearing testimony that he is thoughtful, willing, able to grapple with the most complex challenging issues facing our country, and committed to engaging Congress, and he did so on both sides of the aisle.

Not surprisingly, the Foreign Relations Committee reported him out by an overwhelming bipartisan vote.

Now, some in this body may not be aware of Mr. Blinken's family tradition, which reflects the best of this country in two ways: our history of welcoming those in need of refuge and the contributions that immigrants and refugees have made in the service of our Nation.

Mr. Blinken's family came here fleeing persecution. His grandfather, Maurice Blinken, fled Russian pogroms. His father's wife, Vera Blinken, fled communist Hungary, and his late stepfather, Samuel Pizar, survived Nazi concentration camps and met the first U.S. soldiers he saw with the only English words he knew: God bless America. And from that family, our country has benefitted from the service of two Ambassadors, an Assistant Secretary, and a Deputy Secretary of State—what a testament to the power of the American Dream.

Mr. Blinken must be confirmed so we can start addressing the challenges we face abroad. Every day there is an event or calamity across the globe, and whether it is a massacre in Ethiopia or democratic protests in Russia, we need U.S. leadership and engagement to chart our foreign policy through these troubling times.

We now have a COVID vaccine, but troubling new variants and strains are appearing in the United Kingdom and South Africa. We need a confirmed Secretary of State and a robust State Department to revitalize the traditional U.S. role as a leader on global health issues. This is just one of the many things we have to do to bring this pandemic to an end both in this country and abroad.

It is also important that Mr. Blinken be confirmed to help address the challenges we face closer to home. The State Department is suffering from a historic crisis stemming from low morale, the departure over the past 4 years of many of our most experienced diplomats, and the lack of accountability for the political leadership at the top during the last 4 years. Mr. Blinken's experience and expertise is necessary to begin to repair the damage and rebuild the State Department.

Moreover, the Office of Secretary of State is fourth in the Presidential line of succession and is one of the most important national security positions in the government. To paraphrase former Secretary of Defense James Mattis, if we do not support diplomacy, our Armed Forces will ultimately need more ammunition. He was right. Robust diplomacy means that we are less likely to have to send our sons and daughters to fight wars, and it means more opportunities for Americans and American businesses abroad.

I strongly support Mr. Blinken's nomination today because he is the right person for the job and because we cannot afford to leave this post vacant any longer. I hope my colleagues will all join me.

With that, I yield the floor.

#### VOTE ON BLINKEN NOMINATION

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

Mr. MENENDEZ. 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 bill clerk called the roll.

The result was announced—yeas 78, nays 22, as follows:

#### [Rollcall Vote No. 7 Ex.]

##### YEAS—78

Baldwin	Heinrich	Risch
Bennet	Hickenlooper	Romney
Blumenthal	Hirono	Rosen
Blunt	Hyde-Smith	Rounds
Booker	Inhofe	Rubio
Brown	Johnson	Sanders
Burr	Kaine	Sasse
Cantwell	Kelly	Schatz
Capito	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Leahy	Sinema
Casey	Lujan	Smith
Collins	Manchin	Stabenow
Cooms	Markey	Sullivan
Cornyn	McConnell	Tester
Cortez Masto	Menendez	Thune
Crapo	Merkley	Tillis
Duckworth	Moran	Toomey
Durbin	Murkowski	Van Hollen
Feinstein	Murphy	Warner
Fischer	Murray	Warnock
Gillibrand	Ossoff	Warren
Graham	Padilla	Whitehouse
Grassley	Peters	Wicker
Hagerty	Portman	Wyden
Hassan	Reed	Young

##### NAYS—22

Barrasso	Daines	Marshall
Blackburn	Ernst	Paul
Bookman	Hawley	Scott (FL)
Braun	Hoeven	Scott (SC)
Cassidy	Kennedy	Shelby
Cotton	Lankford	Tuberville
Cramer	Lee	
Cruz	Lummis	

The nomination was confirmed.

The PRESIDING OFFICER. 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 actions.

#### LEGISLATIVE SESSION

##### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session and will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Kentucky.

##### IMPEACHMENT

Mr. PAUL. Mr. President, this impeachment is nothing more than a partisan exercise designed to further divide the country. Democrats claim to want to unify the country, but impeaching a former President, a private citizen, is the antithesis of unity.

Democrats brazenly appointing a pro-impeachment Democrat to preside over the trial is not fair or impartial and hardly encourages any kind of unity in our country. No, unity is the opposite of this travesty we are about to witness.

If we are about to try to impeach a President, where is the Chief Justice?

If the accused is no longer President, where is the constitutional power to impeach him?

Private citizens don't get impeached. Impeachment is for removal from office, and the accused here has already left office.

Hyperpartisan Democrats are about to drag our great country down into the gutter of rancor and vitriol, the likes of which has never been seen in our Nation's history.

Instead of doing the Nation's work, with their new majorities in the House, the Senate, and the executive branch, Democrats are wasting the Nation's time on a partisan vendetta against a man no longer in office. It is almost as if they have no ability to exist except in opposition to Donald Trump. Without him as their boogeyman, they might have to legislate and to actually convince Americans that their policy prescriptions are the right ones.

Democrats are about to do something no self-respecting Senator has ever stooped to. Democrats are insisting the election is actually not over, and so they insist on regurgitating the bitterness of the election.

This acrimony they are about to unleash has never before been tried. Why? Because calmer heads have typically prevailed in our history and allowed public opinion to cast blame where blame is deserved.

This sham of an impeachment will ostensibly ask whether the President incited the reprehensible behavior and violence of January 6, when he said: "I know everyone here will soon march to the Capitol to peacefully and patriotically make your voices heard."

"Peacefully and patriotically"—hardly words of violence.

But what of Democrat words? What of Democrat incitement to violence?

No Democrat will honestly ask whether BERNIE SANDERS incited the

shooter that nearly killed STEVE SCALISE and a volunteer coach. The shooter nearly pulled off a massacre—I was there—because he fervently believed the false and inflammatory rhetoric spewed by BERNIE and other Democrats, such as: “The Republican healthcare plan for the uninsured is that you die.”

As this avowed BERNIE supporter shot STEVE SCALISE, nearly killing him, and shot one of our coaches and two or three of our staff, he screamed: “This is for healthcare!”

Ask me or anyone if that is incitement.

No Democrat will ask whether CORY BOOKER incited violence when he called for his supporters to get “up in the face of Congress people”—a very visual and specific incitement.

No Democrat will ask whether MAXINE WATERS incited violence when she literally told her supporters: “If you see a member of the Trump [administration] at a restaurant, [at] a department store, [at] a gas station, or any place, you create a crowd and you push back on them.” Is that not incitement?

My wife and I were pushed and surrounded and screamed at by this same type of mob that MAXINE likes to inspire. It is terrifying to have a swarm of people threatening to kill you, cursing at you, and literally holding you hostage until police come to your rescue. That night we were assaulted by the crowd, I wasn’t sure if we would survive even with the police protection. But no Democrat has ever considered impeaching MAXINE for her violent rhetoric. In fact, Republicans, to our credit, have never once thought it legitimate to censure or impeach these Democrats.

No Republican has sought to use a government to hold these Democrats responsible for Antifa and Black Lives Matter violence that has consumed our cities all summer, resulting in over \$1 billion of destruction, looting, and property damage. Not one Republican said, “Oh, let’s impeach the Democrats who are inciting this” because it would be ridiculous.

Many on the Democrat side of the aisle cheered them on. KAMALA HARRIS famously offered to pay the bill for those who were arrested. I wonder if she will be brought up on charges of inciting violence for that now that she is Vice President. Should KAMALA HARRIS be impeached for offering to pay for violent people to get out of jail who have been burning our cities down? No. No Republican has offered that because we are not going down the road the Democrats have decided, this low road of impeaching people for political speech.

Should Republicans impeach the Democratic mayor of Seattle who incited and condoned violence by calling the armed takeover of part of her city “a summer of love”? Did any Republicans try to impeach her?

Then on June 8, the New York Post, citing U.S. Justice Department statis-

tics, reported that more than 700 law enforcement officers were injured during the Antifa-Black Lives Matter riots. There were at least 19 murders, including 77-year-old retired police officer David Dorn. Yet Democrats insist on applying a test of incitement to a Republican that they refuse to apply to themselves.

I want the Democrats to raise their hands if they have ever given a speech that says “Take back; fight for your country.” Who hasn’t used the word “fight” figuratively? And are we going to put every politician in jail? Are we going to impeach every politician who has used the word “fight” figuratively in a speech?

Shame. Shame on these angry, unhinged partisans who are putting forth this sham impeachment, deranged by their hatred of the former President. Shame on those who seek blame and revenge and who choose to pervert a constitutional process while doing so.

I want this body on record, every last person here: Is this how you think politics should be?

Look, we have now got crazy partisans on the other side of the aisle trying to censor and remove two of the Republican Senators for their political position. Look, I disagreed. I don’t think Congress should overturn the electoral college. But impeaching or censoring or expelling a Member of Congress you disagree with—is the truth so narrow that only you know the truth? We now have the media on your side saying there is only one set of facts, one set of truths, and you can only interpret it this way.

Now we have seven Senators on the other side trying to expel, censor, or impugn two Senators on this side. I defend them, not because I defend their position—I disagreed with their position—but you can’t impeach, censor, or expel people you disagree with. What is this coming to?

In a few minutes, I will insist on a vote to affirm that this proceeding we are about to enter is unconstitutional, that impeachment of a private citizen is illegal and essentially a bill of attainder, and that no sense of fairness or due process would allow the judge in the proceeding to be a partisan Democrat already in favor of the impeachment.

A sham this is. A travesty. A dark blot on the history of our country. I urge my colleagues to reconsider this kangaroo court and move forward to debate the great issues of our day.

With that, I would like to relinquish the last moment or two of my time to the Senator of Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, I would like to first thank my colleague from Kentucky for his consistent, over the years—consistent fighting, I use that word—fighting for the Constitution. I truly appreciate it, and I appreciate his raising this constitutional point of order in an hour or so.

The issue he raises is one of constitutionality versus unconstitutionality. I have been reading positions on both sides. I understand there are legitimate arguments on both sides of that question. But the fact is, 3 weeks ago, we came together in this body and we collectively decided that it was not wise, it was not smart—regardless of the constitutionality or the ability for us to do so, it was not smart for Congress to overrule, overturn the wishes of voters and of States that certified the electors. We felt that was not wise.

Again, in a couple of hours, we are going to be voting on—we won’t be able to debate, which is why I am rising today or at this moment—we are going to debate whether a trial of someone who is no longer a President, no longer a civil servant, a private citizen, whether that is constitutional or not constitutional. Again, there are good arguments on both sides. Senators will vote differently and have justification for whatever side of that argument they take.

What I would like my colleagues to consider when they decide how to vote on that is not the constitutionality or unconstitutionality of that; I want them to consider, is it wise? Will a trial of a former President, of a private citizen—will it heal? Will it unify? I think the answer is clearly it will not. A trial of a former President is simply vindictive. It will divide. It is like opening up a wound and throwing salt in it. That is not a healing process.

Again, the question when we vote on this in a couple of hours, for every Senator, should be, Is it wise? Is it the right thing to do? I think from that standpoint, the choice is very clear: It will not heal. It will not unite.

Let’s put an end to this now. Let’s dismiss this trial and rule it unconstitutional.

I yield the floor.

## RECESS

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

Thereupon, the Senate, at 12:51 p.m., recessed until 2:15 p.m. and reassembled when called to order by the President pro tempore.

## QUORUM CALL

The PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Mr. President, I suggest the absence of a quorum.

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

The legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 2 Leg.]

Baldwin	Booker	Capito
Barrasso	Boozman	Cardin
Bennet	Braun	Carper
Blackburn	Brown	Casey
Blumenthal	Burr	Cassidy
Blunt	Cantwell	Collins

Coons	Kennedy	Rubio
Cornyn	King	Sanders
Cortez Masto	Klobuchar	Sasse
Cotton	Lankford	Schatz
Cramer	Leahy	Schumer
Crapo	Lee	Scott (FL)
Cruz	Lujan	Scott (SC)
Daines	Lummis	Shaheen
Duckworth	Manchin	Shelby
Durbin	Markey	Sinema
Ernst	Marshall	Smith
Feinstein	McConnell	Stabenow
Fischer	Menendez	Sullivan
Gillibrand	Merkley	Tester
Graham	Moran	Thune
Grassley	Murkowski	Tillis
Hagerty	Murphy	Toomey
Hassan	Murray	Tuberville
Hawley	Ossoff	Van Hollen
Heinrich	Padilla	Warner
Hickenlooper	Paul	Warnock
Hirono	Peters	Warren
Hoehn	Portman	Whitehouse
Hyde-Smith	Reed	Wicker
Inhofe	Risch	Wyden
Johnson	Romney	Young
Kaine	Rosen	
Kelly	Rounds	

### TRIAL OF DONALD JOHN TRUMP, PRESIDENT OF THE UNITED STATES

The PRESIDENT pro tempore. A quorum is present.

Under the previous order, the hour of 2:30 p.m. having arrived and a quorum having been established, the Senate will proceed to consideration of the Article of Impeachment against Donald John Trump, the former President of the United States.

The majority leader.

Mr. SCHUMER. Mr. President, at this time, pursuant to rule IV of the Senate Rules on Impeachment and the U.S. Constitution, the President pro tempore emeritus, the Senator from Iowa, will now administer the oath to the President pro tempore, PATRICK J. LEAHY.

Mr. GRASSLEY. Please raise your right hand. Your hand is on the Bible.

Do you solemnly swear that in all things appertaining to the trial of the impeachment of Donald John Trump, former President of the United States, now pending, that you will do impartial justice according to the Constitution and the laws, so help you God?

The PRESIDENT pro tempore. I do, so help me God.

At this time I will administer the oath to all Senators in the Chamber in conformance with article I, section 3, clause 6 of the Constitution and the Senate impeachment rules.

Will all Senators now rise and raise their right hands.

Do you solemnly swear that in all things appertaining to the trial of the impeachment of Donald John Trump, former President of the United States, now pending, you will do impartial justice according to the Constitution and laws, so help you God?

SENATORS. I do.

The PRESIDENT pro tempore. The clerk will call the names in groups of four. The Senators will present themselves at the desk to sign the Oath Book.

The legislative clerk called the roll, and the Senators present answered "I do" and signed the Official Oath Book.

The PRESIDENT pro tempore. The Acting Sergeant at Arms will make the proclamation.

The Acting Sergeant at Arms, Jennifer Hemingway, made the proclamation as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silent, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the United States the Article of Impeachment against Donald John Trump, former President of the United States.

The PRESIDENT pro tempore. The Senator from Kentucky.

Mr. PAUL. Mr. President, article II, section 4 of the Constitution says: "The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."

Article I, section 3, clause 6 states: "When the President of the United States is tried, the Chief Justice shall preside."

As of noon last Wednesday, Donald Trump holds none of the positions listed in the Constitution. He is a private citizen. The Presiding Officer is not the Chief Justice, nor does he claim to be. His presence in the Chief Justice's absence demonstrates that this is not a trial of the President but of a private citizen.

#### POINT OF ORDER

Therefore, I make a point of order that this proceeding, which would try a private citizen and not a President, a Vice President, or civil officer, violates the Constitution and is not in order.

The PRESIDENT pro tempore. Under the precedents of the Senate regarding constitutional points of order, including those of the Senate while sitting as a Court of Impeachment, the Chair submits the question to the Senate: Is the point of order well taken?

The majority leader.

Mr. SCHUMER. Mr. President, the theory that the impeachment of a former official is unconstitutional is flat-out wrong by every frame of analysis: constitutional text, historical practice, precedent, and basic common sense. It has been completely debunked by constitutional scholars from all across the political spectrum.

Now, the junior Senator from Kentucky read one clause from the Constitution about the Senate's impeachment powers. He left out another from article I, section 3: "Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States."

If the Framers intended impeachment to merely be a vehicle to remove sitting officials from their office, they would not have included that additional provision: disqualification from future office. The Constitution also gives the Senate the "sole power" to try all impeachments.

So what did past Senates decide on this question? In 1876, President Grant's Secretary of War, William Belknap, literally raced to the White House to tender his resignation before the House was set to vote on his impeachment. Not only did the House move forward with the impeachment, but the Senate convened a trial and voted as a Chamber that Mr. Belknap could be tried "for acts done as Secretary of War, notwithstanding his resignation of said office."

The language is crystal clear, without any ambiguity. The history and precedent is clear. The Senate has the power to try former officials, and the reasons for that are basic common sense. It makes no sense whatsoever that a President or any official could commit a heinous crime against our country and then defeat Congress's impeachment powers and avoid disqualification by simply resigning or by waiting to commit that offense until their last few weeks in office.

The theory that the Senate can't try former officials would amount to a constitutional get-out-of-jail-free card for any President who commits an impeachable offense.

Ironically, the Senator from Kentucky's motion would do an injury to the Constitution by rendering the disqualification clause effectively moot. So, again, by constitutional text, precedent, and common basic sense, it is clearly and certainly constitutional to hold a trial for a former official. Former President Trump committed, in the view of many, including myself, the gravest offense ever committed by a President of the United States.

The Senate will conduct a trial of the former President, and Senators will render judgment on his conduct.

#### MOTION TO TABLE

Therefore, the point of order is ill-founded and, in any case, premature. If Senators want this issue debated, it can and will be argued during the trial. Therefore, I move to table the point of order, and I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 55, nays 45, as follows:

#### [Rollcall Vote No. 8]

##### YEAS—55

Baldwin	Heinrich	Padilla
Bennet	Hickenlooper	Peters
Blumenthal	Hirono	Reed
Booker	Kaine	Romney
Brown	Kelly	Rosen
Cantwell	King	Sanders
Cardin	Klobuchar	Sasse
Carper	Leahy	Schatz
Casey	Lujan	Schumer
Collins	Manchin	Shaheen
Coons	Markey	Sinema
Cortez Masto	Menendez	Smith
Duckworth	Merkley	Stabenow
Durbin	Murkowski	Tester
Feinstein	Murphy	Toomey
Gillibrand	Murray	
Hassan	Ossoff	

Van Hollen      Warnock      Whitehouse  
Warner          Warren          Wyden

## NAYS—45

Barrasso      Fischer      Moran  
Blackburn      Graham      Paul  
Blunt          Grassley      Portman  
Boozman      Hagerty      Risch  
Braun          Hawley      Rounds  
Burr          Hoeven      Rubio  
Capito      Hyde-Smith      Scott (FL)  
Cassidy      Inhofe      Scott (SC)  
Cornyn      Johnson      Shelby  
Cotton      Kennedy      Sullivan  
Cramer      Lankford      Thune  
Crapo          Lee          Tillis  
Cruz          Lummis      Tuberville  
Daines      Marshall      Wicker  
Ernst          McConnell      Young

The PRESIDENT pro tempore. On this vote, the yeas are 55, the nays are 45.

The motion to table is agreed to; the point of order is not sustained.

The majority leader.

PROVIDING FOR RELATED PROCEDURES CONCERNING THE ARTICLE OF IMPEACHMENT AGAINST DONALD JOHN TRUMP, PRESIDENT OF THE UNITED STATES

Mr. SCHUMER. Mr. President, I have a resolution to organize the pretrial proceedings at the desk.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 16) to provide for related procedures concerning the article of impeachment against Donald John Trump, President of the United States.

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

The PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 83, nays 17, as follows:

[Rollcall Vote No. 9]

## YEAS—83

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

## NAYS—17

Blackburn      Hyde-Smith      Rubio  
Cotton          Johnson      Scott (FL)  
Cruz          Lee          Scott (SC)  
Daines          Marshall      Shelby  
Hagerty          Paul          Tuberville  
Hawley          Risch

The PRESIDENT pro tempore. On this vote, the yeas are 83, the nays are 17.

The resolution (S. Res. 16) was agreed to.

(The resolution is printed in today's RECORD under "Submitted Resolutions.")

The PRESIDENT pro tempore. The majority leader.

## MOTION TO ADJOURN

Mr. SCHUMER. Mr. President, I move the Senate, sitting as a Court of Impeachment, adjourn until Tuesday, February 9, 2021, under the provisions of S. Res. 16.

The PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

Thereupon, at 3:26 p.m., the Senate, sitting as a Court of Impeachment, adjourned until Tuesday, February 9, 2021.

The PRESIDENT pro tempore. The majority leader.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Ms. SINEMA assumed the Chair.)

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

The PRESIDING OFFICER (Mr. MURPHY). Without objection, it is so ordered.

## MORNING BUSINESS—Continued

## BIDEN ADMINISTRATION

Mr. CORNYN. Mr. President, throughout the Presidential campaign, President Biden spoke often about the need to unify the country. He talked about the need for people across our great Nation to come together to empathize with one another and to mend the divisions that exist in our society. He echoed that same theme in his inaugural address, saying:

Without unity, there is no peace, only bitterness and fury. No progress, only exhausting outrage. No nation, only a state of chaos.

I agree with President Biden that there is an imperative to restore unity and civility throughout our country, but for all of the talk of uniting, compromising, and working together, the early pages of this new chapter read quite differently.

For starters, there are the actions of our Democratic colleagues who are trying to eliminate the legislative filibuster. They have echoed and praised the President's call for unity and bipartisanship while threatening to tear down the very rules that force us to work together in a bipartisan way. We know that the filibuster, or the cloture requirement that requires 60 votes to close off debate, is designed to encourage a fulsome debate of the issues that

confront 330 million Americans. It is what distinguishes the Senate from other legislative bodies. Unlike in the House of Representatives, where you need a simple majority in order to work your will, the Senate requires 60 votes to be in agreement in order to close off debate before a bill can be passed with 51 votes or more. It really forces us to do what sometimes we resist, which is to work together in a bipartisan way. The American people may believe that it is in our best interest for us to pass things on a partisan basis, but it is certainly not in their best interest. So the cloture requirement, or the filibuster rule, is designed to prevent either party from steamrolling the other, and that is a good thing.

The new majority leader, the Senator from New York, has threatened to blow up the filibuster and clear a path for a sweeping, radical agenda—this despite the fact that our Democratic friends have themselves relied on the filibuster over the last 6 years as the minority party and that President Biden himself, based on his 36 years of experience in the U.S. Senate, has affirmed the importance of this 60-vote requirement. I am glad that two of our colleagues on the other side of the aisle—one from West Virginia and one from Arizona—have offered their assurances that they will not vote to end the legislative filibuster, but I am disappointed that only two of our Democratic colleagues have done that. This should not be controversial or newsworthy to begin with. So far, the majority of Senate Democrats has made no legitimate effort to pursue President Biden's call for unity or bipartisanship.

Unfortunately, it is not just the actions of our Democratic colleagues which have caused concern. President Biden himself has acted unilaterally, time and again, by issuing a lengthy list of Executive orders within hours of his inauguration. The policies that President Biden is addressing in his Executive orders should be addressed here in Congress with bipartisan legislation. One of those was a 100-day moratorium on enforcing bipartisan immigration laws, which was enjoined by a Federal judge in my State earlier today.

It would be better for the country if our Democratic colleagues tried to legislate instead of litigate these Executive orders in court. I think the experience with DACA, or the experience with the Deferred Action for Childhood Arrivals, is instructive. President Obama, back in 2012, decided to take it upon himself to enact this new policy. It has been tied up in the courts for the ensuing 8, now going on 9 years. I support providing a permanent solution for DACA recipients, but it has to be done here on a bipartisan basis, not just ordered unilaterally from the Oval Office, or else we are going to see these bogged down in lawsuit, after lawsuit, after lawsuit, which, I think, will be satisfying to virtually no one.

On top of the DACA Program, President Biden has now been piling on additional immigration-related actions, and he is expected to issue more in the coming days, but some of the most aggressive and controversial moves we have seen so far have related to energy policy. Within hours of the inauguration, President Biden canceled the permit for the Keystone XL Pipeline.

There is no question that one of the biggest losers from that decision is the energy worker who stood to benefit from the jobs being created by the pipeline construction, and lest anybody think this is going to stop the flow of oil from Canada to the United States, what is going to happen—and what previously happened—is that oil will be loaded into railroad car tankers and trucks and shipped to their destinations. So it is not really stopping the oil from flowing where it is needed for low-cost and reasonably cost energy. It is just providing a more expensive and, indeed, a more dangerous alternative. At a time when our energy industry is already suffering as a result of the pandemic, this project would have led to a positive, cascading economic impact. Good-paying jobs, tax revenues, and economic benefits to local communities will evaporate because of this move.

I would note that, in the Rio Grande Valley, right along the U.S. Texas border with Mexico, that President Trump performed surprisingly well among Hispanic voters. People wrongly assume that Hispanic voters only care about immigration laws. The truth is they care about jobs and their families and their ability to pursue the American dream, which is why they overperformed what they typically would and why President Biden underperformed what he typically would in a largely Democratic stronghold there in the Rio Grande Valley, but the buck doesn't stop there.

The same day, the Biden administration halted all new leasing permits on Federal lands and waters. Rather than harvest our natural resources, which is one of the greatest benefits that nature has conferred on our country, it appears the Biden administration is carrying out its campaign to transition from oil and gas. I am all for transitioning to cleaner forms of energy, but we have to deal with the reality—for example, the fact that there are 280 million cars with internal combustion engines on our roads. How are families going to get to work, take their kids to school or live their lives if, all of a sudden, the very natural resources they depend on for their cars is no longer available?

This industry, according to one study, directly or indirectly supports one in six jobs in my State and is a pillar of our State's economy. Through higher tax revenue, high-paying jobs, and downstream economic gains, communities across my State reap the benefits of our thriving oil and gas industry every day. It is also what happens

to finance higher education in Texas from a dedicated, permanent university fund. If, in fact, our ability to produce this oil and gas from the ground is going to be curtailed, that is going to have dramatic, unintended consequences, too.

This also makes sure that folks across the country who don't produce this energy can get access to affordable and reliable energy. In November of 2019, for the first time on record, the United States exported more crude oil and fuel than we imported; that is, rather than being dependent on other countries, we exported more than we imported.

Beyond the obvious economic benefits, this provides a serious boost to our national security and that of our allies. There is a reason we have been engaged in the Middle East for a long time. Ever since Winston Churchill, as the Lord of the Navy in Britain, decided to move from coal to oil to power the British Navy, we have been dependent on sources of oil and gas primarily from the Middle East. So this has not only economic consequences; it also has national security consequences.

It also allows us to provide our friends and allies around the world with a dependable alternative. They no longer have to rely solely on the tender mercies of Vladimir Putin, for example, for their energy supplies, which can, obviously, be used as a weapon in and of itself. All of these gains are possible because of the hard-working men and women who work in the field and in the refineries in energy-producing States like Texas.

While COVID-19 has had an impact on American energy producers because demand has dropped precipitously, we don't expect that downtick to last forever. Indeed, it is coming back already as the economy continues to open up and now that more and more people are being vaccinated for COVID-19. We have hope that, later this year, people will resume their daily commutes to work; that the lights in their office buildings will flicker back on; that nonessential travel will pick back up; and that energy producers will be running at full speed once again.

Rather than laying the foundation for a strong recovery, the Biden administration is issuing Executive orders that will harm American energy and send more business to our international competitors.

And the administration is carrying out these changes without any input from Congress.

I understand the President's desire to bolster renewable energy, and I think he would find that if he explored energy policies with us in Congress, he would meet more friends than foes.

I support the effort to drive down emissions, and, in fact, natural gas that transitions from coal-fired powerplants to natural gas has been a big driver of the progress we have made in doing just that. But we shouldn't stop there. We need to continue to invest in

new clean energy technologies that will reduce emissions while providing low-cost access to electricity that the American people need to live and to work.

The United States' energy-related emissions dropped by almost 3 percent in 2019, largely due to the use of natural gas for power generation.

But I am a strong supporter of renewable energy too. We truly, in my State, believe in an "all of the above" energy policy. We are the No. 1 producer of electricity from wind turbines in the country. We produce one-quarter of all wind energy in the United States, and if Texas were a country, we would be the fifth largest wind energy producer in the world.

But even the strongest supporters of renewable sources of energy can tell you that, right now, renewables alone are not feasible to fuel our economy. After all, there are some times when the Sun doesn't shine and when the wind doesn't blow, so we need a backup or baseload source of energy.

Last year, renewables accounted for less than 18 percent of our total electricity generation, and I am all for having that number grow. For comparison, natural gas, though, currently accounts for double that.

While the development and expansion of renewable sources like wind energy are important, we can't shut out our key sources of energy that we need today. We have been supporters of an "all of the above" energy strategy, like I said. My State, I think, is proof positive that you can support the oil and gas energy that is so important for our economy and for people's livelihoods; you can support renewables; and you can support innovative technologies that lower emissions, all while creating high-paying jobs and providing affordable and reliable energy.

I would like to work with the administration and our Democratic colleagues in the Senate, as I have in the past, to enact lasting policies and deliver reliable energy to the American people and our friends and allies around the world while prioritizing conservation.

This is not the time to implement unilateral, heavyhanded, shortsighted regulations. Our energy industry is still reeling from the effects of the pandemic, and the administration and Congress need to take action to support its recovery, not stand in its way.

I agree with President Biden's call for unity, and I hope that the next 4 years will be filled with more bipartisan cooperation than the first days of this new administration have been.

We have learned, time and time again, that the legislative process, which forces us to work together in a consensus-building exercise is far more durable—far better—than unilateral Executive actions. I admit that both parties, when they are in the White House, have used Executive actions, but, frankly, I would think as an institution, we here in Congress would be

leery of encouraging more Executive action. That means most of the power here in Washington is exercised out of the White House and not done here in the people's House, here in Congress.

I encourage the administration to lead by example and encourage all of us to do the same—to try to work together for our shared priorities and create real and lasting change for our country.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### RECOGNIZING UTAH NATIONAL GUARD

Mr. LEE. Mr. President, some of our Nation's finest answered the call of duty here in our Nation's Capitol over the last 2 weeks to assist with the peaceful transition of power and make sure that it was in fact peaceful. These dedicated men and women in the National Guard have taken an oath to protect that bedrock document, the Constitution of the United States, and, indeed, they have fulfilled that duty.

Some of our very finest in the National Guard came here to serve from my home State of Utah; 321 troops that have discharged their duties with distinction and honor came from the Utah National Guard.

The majority of Task Force Utah consisted of soldiers from the 2nd Battalion, 222nd Field Artillery, 65th Fires Brigade, also known as Triple Deuce. Additional soldiers came from 204th Maneuver Enhancement Brigade and the 19th Special Forces Group (Airborne).

I rise today to honor and thank these really selfless women and men. These past weeks, the Utah guardsmen were stationed at the Madison Building of the Library of Congress, just across the street from the Capitol. For many of these soldiers, it was their first time ever visiting Washington, D.C.

Major Brent Mangum of the Utah National Guard remarked that as the soldiers were stationed at buildings, they saw these quotes on the walls—quotes from our Founding Fathers—and as they were working in these buildings, you could see them pausing during the day, reading the quotes, and then stopping to reflect on them.

I, myself, had the great privilege, in a couple of different groups, to give some of these men and women a tour of the Capitol Building before they left to go back to Utah. It was a great honor to meet and get to know these dedicated guardsmen and to learn from their stories and to see firsthand their caliber as people and, most importantly perhaps, their visible commitment to the United States of America.

This idea, this principle, in this great land of ours—the greatest civilization human history has ever known—was something that they are independently committed to defending and protecting, even at the sacrifice of their own security and their own ease, which they would have otherwise enjoyed over the last couple of weeks.

One of the most remarkable things about these citizen soldiers is the way in which they tirelessly serve their communities, and I say that meaning both inside and outside of their Guard duty.

My Salt Lake City office was lucky enough to have one of these fine young soldiers, Alfredo Lopez, as an intern a few years ago.

Alfredo immigrated with his family from Peru at the age of 10, and they began to build a life here in the United States. In addition to serving the people of Utah in my State office, he also was on Active Duty with the Marine Corps before he joined the National Guard. Alfredo, in all of his endeavors in our country, has sought only to give back. He is grateful for this country and wants to make sure it is a strong, safe, and secure place in which to live.

Another guardsman who was here, Jay Bartholomew, is a prison guard at the Gunnison prison in Sanpete County, UT. He is the son of my friend Scott Bartholomew, a county commissioner in Sanpete County. Jay has followed in his family's footsteps to serve his local community.

Other guardsmen in Utah are engaged in their communities in all sorts of ways. Some are teachers, some are firefighters, some are policemen, and some are medical professionals. You name it; they have done it.

Many have now answered the call of duty on the frontlines of another crisis as our Nation faces the current pandemic. These guardsmen have played a significant role in providing testing, moving and storing personal protective equipment, and other support missions to assist Utah's Department of Health COVID-19 response.

Now, Utah Governor Spencer Cox has entrusted them with another critical mission. The Guard will be on the frontlines to help ramp up the delivery of vaccines to our State. The Guard has put together teams that can mobilize throughout Utah to deliver vaccinations and antibody infusions within a matter of hours and save a whole lot of lives and prevent a whole lot of suffering in the process.

I have no doubt that they will continue to administer this duty with dedication and with excellence, just as they do with every other assignment with which they are tasked. In everything they do, members of the Utah National Guard seek to serve and strengthen our communities, our country, and our State, and we are all better off for it.

It has been such an honor to have these selfless men and women in our Nation's Capitol. I have enjoyed get-

ting to know them and look forward to visiting again with them soon, and I thank them for their service.

#### ABORTION

Mr. LEE. Now, Mr. President, I would like to discuss another important matter. This past week, we marked the anniversary of a deadly day in American history. It has resulted in the loss of millions of innocent American lives. That is the anniversary of *Roe v. Wade*.

Since January 22, 1973, more than 60 million unborn children have been lost to the scourge of abortion. This week, we honor and remember those lives, as well as those who have been hurt by the pains of abortion.

In a normal year, tens of thousands of Americans would be marching down Constitution Avenue this Friday to do so. This year, as with so many other things, the March for Life will instead be virtual. But, nonetheless, Americans will continue to march, whether virtually or in person where they can.

The theme of this year's march is "Together Strong: Life Unites!"—a fitting theme following a year ripe with division, violence, and loss. Now, more than ever, we must unite as a nation, turning with hope toward the future—hope that our Nation will heal, hope that justice will prevail, and hope that the grievous act of abortion will be forsaken. Given our country's history, in which we have stubbornly made mistakes but, thankfully, have come around in the end, there is much reason for hope. But we cannot heal and we cannot unite if we don't honor and respect all of the American people, born and unborn.

So many of the deepest injustices in our country's history stem from one dark dangerous thing; that is, when we have rejected the dignity of the human person, when we have denied the humanity of our brothers and sisters, when we have discriminated against others based on the way they look, think, love, or worship, and when, because of that, we have looked at them not as people but as things and as mere objects to be acted upon.

As abolitionist William Lord Garrison put it, the worst kind of oppression to be regarded with the greatest degree of indignation and abhorrence is "that which turns a man into a thing."

Now, we have discriminated against a whole class of people not based on the color of their skin but on their age and development.

But it doesn't change the truth. The truth is that a baby inside the womb can respond to human touch by the age of 8 weeks and feel pain by the age of 20 weeks—who can recognize her mother's voice even before she is born; who has a perfect little nose, fingernails, and a beating, fully functioning heart, her own distinct unique DNA, and her own unique unrepeatable soul.

Science and medicine are only confirming what we know deep down, that unborn human beings are in fact little

persons. The evidence is only getting plainer by the day.

When we deny the humanity of our brothers and sisters, as we have seen throughout our history and over the past year, the inevitable and tragic result is violence. Abortion does undeniable violence to the baby and undeniable violence to the mother. Thankfully, looking back at the past decade, we have made significant strides toward building a culture that respects, values, and even protects all human life, even in its simplest, earliest stages of development.

Many States have ensured that public funds are directed toward pregnancy health centers, rather than abortion facilities, providing life-affirming alternatives to families in need. And in just the last decade alone, States have passed more than 400 pro-life laws—more than one-third of all pro-life laws that States have passed since *Roe v. Wade* was decided. This is indeed reason for hope.

Through our laws and with our lives, we ought to affirm the truth that the lives of both the mother and the baby matter and that healthcare should heal, protect, and preserve both of those lives.

I have introduced legislation to help our laws affirm that very truth. Through my bill, the Abortion Is Not Healthcare Act, we have a chance to stop the tax deductibility of abortions, which are currently categorized as “medical care” by the IRS, because we must be serious: Whatever else it may be, of course, elective abortion is not healthcare. That is why physicians literally take an oath to do no harm. The government should not offer tax benefits for a procedure that kills hundreds of thousands of unborn children each and every year.

We have the chance to prematurely stop the use of American foreign aid—the opportunity permanently to stop the use of American foreign aid—from funding or promoting abortions overseas and perpetuating violence against women and of children abroad, especially baby girls.

The Protecting Life in Foreign Assistance Act will save countless lives across the globe, and it affirms the truth that the lives of all unborn children, regardless of where they are from, have dignity and worth.

As the lyrics of a children’s song in my church—a song that I sang in Sunday school as a child—say about each one of us, I am a child of God. We are all one human family, all children of God—these littlest among us, too, who cannot yet sing for themselves, but they will soon. They will soon.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MARKEY). The clerk will call the roll.

The senior assistant 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.

#### FILIBUSTER

Mr. BARRASSO. Mr. President, in the 2020 elections, Americans chose an evenly-divided Senate—half Republican, half Democrat. Evenly divided. Since the Vice President is able to break a tie when it comes to specifically organizing the Senate, Democrats have the majority.

Now some Democrats want to lower the threshold for all the votes so that to pass anything, all they would need to do in case of a tie vote would have the Vice President be the tiebreaker. That is the way that a majority works. When there is a tie and the Vice President is in one party, they get to break the tie in that direction, of course.

What we need to make sure of, though, is that there is fairness in the process. The traditions and how this institution works are that we have a filibuster. Sixty votes is how legislation is passed.

We know that the press and sometimes folks in Congress say it is hard to pass a law. Well, it is not supposed to be easy. It takes discussion. It takes negotiation. It brings people together. That is the idea of needing 60 votes—to bring people together to get a bipartisan consensus so that all the voices are heard; that there is a majority, and the minority voice is heard, and it forces us to find common ground.

Frankly, I think there is too little of finding common ground in Washington already. The last thing America needs is even more divisiveness. This is a big, diverse country. We don’t need 50 percent of the country plus one to run roughshod over all the others. That is why our Founders were so careful to protect the rights of the minority. That is why they created the Bill of Rights, why they created the electoral college, and why they created the U.S. Senate. The Founding Fathers didn’t want the Senate to be a copy of the House. We are intended to be a check on the House.

There is a story that President Washington compared the Senate to a saucer used to cool down a cup of tea. President Madison compared it to a fence. We are not supposed to be a smaller version of the House of Representatives. The Senate is supposed to cool things down. We are supposed to think things through. We are supposed to stop bad ideas and stop the House from moving too fast. Changing the rules of the Senate would make that impossible.

Lowering the bar to 50 votes could also be a blatant power grab, which is 50 votes and the Vice President. The Democrats could even add States to the Union—specifically States that would elect more Democrats to the Senate. It would give them even more Senate seats, could even give them a permanent majority in the Senate.

With 50 votes plus the Vice President, Democrats could also pack the

Supreme Court with liberal activist judges—judges who legislate from the bench, not judges who apply the law as written. That would give them a permanent majority both in the Senate and on the Court.

With a single rule change, one branch of government, one Chamber of Congress, could be under permanent Democratic control. It is no surprise that it is tempting to Senate Democrats and that the far-left branch of that party is demanding that occur.

You remember that when President Trump was in office, Republicans had a chance to do exactly the same thing. In fact, former President Trump repeatedly asked us and told us that we should do just that. In one particularly memorable example, he tweeted: “The U.S. Senate should switch to 51 votes.” He said: “Dems would do it, no doubt.” More than 30 different times, President Trump asked that Republicans end the filibuster. We didn’t. We stuck to the intentions of our Founding Fathers. We protected the rights of the minority, and we put country before party.

If Democrats won’t stop the power grab for the good of the country, then they should at least do it for their own good.

Democrats have had 50 votes and the Vice President for only a few days. In fact, when Democrats were in the minority, 33 Democratic Senators said they didn’t want to change the rules. They signed a letter, and that letter called for the preservation of the rights of the minority. Twenty-seven of those Democrats are still Members of the Senate today. One of those Democrats is now the Vice President of the United States, Vice President KAMALA HARRIS.

Even President Biden called the idea of eliminating the filibuster “a very dangerous move.” The White House Press Secretary told us last week President Biden still opposes changing the rules.

If Democrats go down this road and break the rules of the Senate, they are doing more than just hurting the institution; they are admitting their ideas don’t have broad bipartisan support. Think about that. If the Democratic agenda had the support of the American people, then they wouldn’t need to change the rules. If Democrats could find bipartisan support to pass their tax increases, they would leave the rules alone. If Democrats could find bipartisan support to pass the Green New Deal and higher energy costs that come with it, they would leave the rules alone. If they could restrict gun ownership, they would leave the rules alone. They can’t, and they know they can’t. They know the American people have looked at their progressive agenda and said: No, thank you.

President Biden’s inaugural address last week talked a lot about unity. He said that “with unity we can do great things.” I agree.

I ask my Democratic colleagues if they agree with the President’s inaugural address, or do they really think

that they want to make the U.S. Senate more partisan, more divided. Do they really want to take power away from individual Senators and give it to whoever has 50 votes and the tiebreaker at the moment? If it is hard for Democrats to pass laws, then they should try talking with us. Propose bipartisan solutions to our Nation's challenges. Persuade your colleagues. Make progress together.

As my friend, former Senator Lamar Alexander, said in his farewell address just a month ago—he said: “We don’t need a change of rules. The Senate needs a change of behavior.”

I urge my Democratic colleagues to reject this blatant power grab. Stop this rush to take more and more power. Come to the center. Reach across the aisle. Find common ground.

Senate Republicans are ready to work together to help the American people, to get people back to work, to get our kids safely back to school so they don’t fall further behind, and to get the virus behind us. Join us. Let’s work together. Let’s do what is right for the people we serve.

I yield the floor.

#### NOMINATION OF ALEJANDRO NICHOLAS MAYORKAS

Mrs. FEINSTEIN. Mr. President, I rise to speak in support of Ali Mayorkas’s nomination to be Secretary of Homeland Security.

I believe Ali is uniquely qualified to face the challenges our Nation is facing on day one. He brings to this office a diverse background and set of experiences in both the private and public sectors that will serve him well.

I have known Ali for many years and am proud to have recommended him to President Clinton for the position of U.S. Attorney for the Central District of California. I also worked very closely with Ali while he served as President Obama’s Director of U.S. Citizenship and Immigration Services and later Deputy Secretary of DHS.

We all know that the role of Secretary of the Department of Homeland Security is challenging. Recent history has shown the threats facing the United States are diverse and ever-changing.

Over my many years working with Ali, I have witnessed his intelligence, kindness, and thoughtfulness, as well as the compassion and morality he brings with him to work every day. In many ways, Ali’s life story reflects the spirit of the American dream, and I would like to briefly pass along some of that story today.

Born in Havana, Cuba, Ali and his family fled to the United States in 1960. He attended the University of California-Berkeley, where he earned a bachelor’s degree with distinction in 1981. He went on to earn his law degree from Loyola Law School in 1985. From 1989 to 1998, he served as an Assistant U.S. Attorney for the Central District of California where he prosecuted a

wide array of Federal crimes. Ali became the first U.S. Attorney in the Central District of California to be appointed from within the office when he was appointed in 1998.

He created the Civil Rights Section in the office to prosecute hate crimes; he developed an innovative program to address violent crime by targeting criminals’ possession of firearms; he led the prosecution of street gangs; and he still had time to develop an after-school program to help at-risk youth.

Ali’s approach to enforcing our Nation’s laws demonstrates a much-needed holistic view that understands the complexity of the challenge. He further developed his sharp legal skills as a partner at O’Melveny and Myers from 2001 to 2009 where he represented companies in high-profile and sensitive government enforcement cases. He was recognized by his worldwide firm for his leadership and was named by the National Law Journal in 2008 as one of the “50 Most Influential Minority Lawyers in America.”

When Ali took over as Director of USCIS in 2009, he worked to administer our immigration laws while preserving our legacy as a nation of immigrants. He helped ensure integrity of our immigration laws by decreasing fraud and bringing accountability to our immigration system.

Significantly, under President Obama’s directive to grant deferred action to immigrants who arrived in this country as children, Ali successfully implemented the Deferred Action for Childhood Arrivals, known as DACA.

This program played a critical role for hundreds of thousands of young people who were able to get jobs, acquire driver’s licenses, purchase homes and go to college. I am proud that Ali will continue to play a role in allowing these young people to pursue the American dream.

When Ali became the Deputy Secretary of Homeland Security under President Obama in 2013, he took on even more responsibility. He led the DHS response to the Ebola and Zika virus epidemics, as well as cybersecurity negotiations with China.

He oversaw the agency’s complex efforts to combat terrorism and enhance the security and management of our borders. He worked to facilitate trade and travel, and he oversaw the enforcement of our immigration laws.

And he was responsible for coordinating efforts to safeguard cyberspace and oversee disaster coordination with Federal, State, local, international, and private sector partners.

The United States faces new threats to our security every day. We need experienced, intelligent, and moral leadership at DHS to combat those threats.

I have full confidence that Ali Mayorkas will bring all of those qualities to the role of Homeland Security Secretary. I strongly urge my colleagues to vote to confirm Alejandro Mayorkas for the position of Secretary of Homeland Security.

Thank you.

#### CONFIRMATION OF JANET LOUISE YELLEN

Mr. PAUL. Mr. President, I voted against the confirmation of Janet Yellen to be Treasury Secretary. Dr. Yellen is well known as an academic, as an economic policy adviser to President Clinton, and as Chair of the Federal Reserve. In all of these positions, she has proven herself to be wrong on fiscal, monetary, and economic policy.

At her confirmation hearing, she vigorously supported the additional \$2 trillion stimulus package President Biden has put forward. Her argument is that this time is different—but since the great recession, big spenders have not receded from that argument, even during the times of unprecedented spending growth in the Trump administration. Moreover, we know what the problem is in our economy today: government-mandated business closures. The economy contracted by nearly one-third in the second quarter of 2020 when lockdowns were in full force, but in the third quarter, the summer, when restrictions were relaxed, the economy made nearly a full recovery. This clearly indicates that our economy is not in need of stimulus; it needs fewer tin pot dictators in Governors’ mansions.

Much more troubling than Dr. Yellen’s call for more spending is her dismissal of the harms of continued borrowing. She has said that borrowing and spending is not a problem because interest rates are low. And the key part of her argument is that stimulus will generate more growth than interest will cost to borrow. That is the definition of “modern monetary theory.” She did not use that phrase because it is so obviously wrong-headed. Modern monetary theory is self-conflicted because proponents of it, like Dr. Yellen, say we can borrow in good time, but they never say we need to be austere in bad times. In fact, bad times are when they call for even more borrowing and spending.

Modern monetary theory is nothing more than window dressing on a deep-seated desire to always spend more, no matter what, and its proponents hope to reap electoral benefits now and to leave office before the bill comes due. Well, the bill is coming due. The Congressional Budget Office already estimates that interest on our current debt will begin growing at nearly 22 percent annually in just 6 years. What does that mean? Higher taxes or Venezuela-style inflation—Probably both. I simply cannot support a candidate who seeks to inflict such pain on the American people in just a few short years for an entirely unneeded stimulus today. We know what works—opening the economy. We know what does not work—modern monetary theory.

# CONFIRMATION OF ANTONY JOHN BLINKEN

Mr. VAN HOLLEN. Mr. President, I rise today in strong support of the nomination of Antony J. Blinken to be U.S. Secretary of State.

Mr. Blinken has decades of experience in foreign policy, beginning in the early 1990s as the Special Assistant to the Assistant Secretary for European and Canadian Affairs. He has since risen to senior foreign policy positions on Capitol Hill and in the executive branch, including as Democratic Staff Director on the Senate Foreign Relations Committee, and as Principal Deputy National Security Adviser and Deputy Secretary of State in the Obama administration. I have had occasion to work with him over the years and can testify to his professionalism, diligence, and good judgment.

Mr. Blinken faces an enormous task. The last 4 years have been rife with chaos, division, and ineffective unilateralism. Under the so-called slogan of "America First," President Trump turned his back on allies and emboldened our adversaries, leaving the United States weakened, vulnerable, and alone. Mr. Blinken must not only reverse the damage done by President Trump; he must reinvigorate U.S. leadership in a manner that meets the challenges we face today—from the existential threat of climate change, to a more aggressive and confrontational China.

To begin, Mr. Blinken must restore our alliances, rebuild our global partnerships, expand our commercial ties, and rejoin the critical international agreements and organizations recklessly abandoned by President Trump. Already President Biden has reversed Trump's Muslim ban, rejoined the Paris climate accords, and recommitted to the World Health Organization. In the coming months, Mr. Blinken must work with our allies to develop a united front to counter the threats posed by adversaries such as China, Russia, and Iran. He must reaffirm our commitment to NATO. He must reestablish U.S. leadership in providing development and humanitarian assistance around the world, reasserting U.S. values of democracy, human rights, and the rule of law.

As importantly, Mr. Blinken must restore the State Department itself. The Trump administration routinely undermined and smeared our dedicated career foreign and civil service officers. Rebuilding the morale of our talented public servants will be imperative for the successful execution of our foreign policy.

Given the breadth of his knowledge and experience, I am confident Mr. Blinken is the right person to meet America's foreign policy challenges, and I support his confirmation as U.S. Secretary of State.

## 59TH INAUGURAL CEREMONIES

Mr. BLUNT. Mr. President, I request to have printed in the CONGRESSIONAL

RECORD my full remarks delivered on January 20, 2021, at the 59th inaugural ceremonies.

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

Mr. President, Well, I should have known when Senator Klobuchar got involved, at least there would be a touch of snow up here this morning. Of all the things we considered, I don't think snow was on my agenda until I walked out the door a moment ago.

But thank you, Senator Klobuchar, and thanks to the other members of the Joint Congressional Committee on the Inauguration as we officially begin the 59th Inaugural Ceremony. I also want to thank the Joint Committee staff and our partners, particularly our security partners, for the way they have dealt with unprecedented circumstances.

When I chaired the Inauguration four years ago, I shared President Reagan's 1981 description of this event as commonplace and miraculous. Commonplace because we've done it every four years since 1789. Miraculous because we've done it every four years since 1789.

Americans have celebrated this moment during war, during depression, and now, during pandemic. Once again, all three branches of our government come together as the Constitution envisions. Once again, we renew our commitment to "Our Determined Democracy, Forging a More Perfect Union."

That theme for this Inauguration, "Our Determined Democracy, Forging a More Perfect Union," was announced by the Joint Committee before the election—with the belief that the United States can only fulfill its promise and set an example for others if we are always working to be better than we have been.

The Constitution established that determined democracy with its first three words, declaring the people as the source of the government. The Articles of Confederation hadn't done that. The Magna Carta hadn't done that. Only the Constitution says the government exists because the people are the source of the reason it exists. They immediately followed those first three words with the words "to form a more perfect Union." The founders did not say "to form a perfect Union." They did not claim that in our new country nothing would need to be improved. Fortunately, they understood that always working to be better would be the hallmark of a great democracy.

The freedoms we have today, the nation we have today, is not here just because it happened, and they aren't complete.

A great democracy, working through the successes and failures of our history, striving to be better than it had been. And we are more than we have been and we are less than we hope to be.

The assault on our Capitol at this very place just two weeks ago reminds us that a government designed to balance and check itself is both fragile and resilient.

During the last year, the pandemic challenged our free and open society and called for extraordinary determination and sacrifice—and still challenges us today. Meeting that challenge head on have been and are health care workers, scientists, first responders, essential frontline workers, and so many others we depend on in so many ways.

Today, we come to this moment. People all over the world, as we're here, are watching and will watch what we do here.

Our government comes together. The Congress and the Courts join the transition of executive responsibility.

One political party more pleased today, and on every inaugural day, than the other.

But this is not a moment of division. It's a moment of unification. A new administration begins and brings with it a new beginning. And with that our great national debate goes forward and a determined democracy will continue to be essential in pursuit of a more perfect Union and a better future for all Americans. What a privilege for me to join you today.

Thank you.

## TRIBUTE TO CHAD METZLER

Mr. KING. Mr. President, if you ask 100 Americans what qualities they want in a public servant, I would bet there are a few common words that would come up. Smart. Dedicated. Bipartisan. Honest. Trustworthy. Humble. Simply put, they will describe Chad Metzler—my legislative director for the past 8 years and one of the finest public servants I have ever met. That is why today I rise with a heavy heart to wish Chad well as he prepares to embark on a new adventure.

Each of us in this body understands that the Senate's work is not entrusted solely to Senators. Our names may be on the door, but we can't claim successes on our own. Our staffs play a critical role in our efforts to navigate the complex challenges facing the Nation and serve the American people. That is why hiring the right people is one of the most important decisions any Senator makes. If a Senator is lucky, they will find staffers who have extensive experience and knowledge of the legislative process; who aren't afraid to challenge their boss's preconceived notions in the pursuit of better policy; who are kind, level-headed public servants; who are generous colleagues; who understand the importance of the faith placed in us by the American people and work every day to live up to this enormous responsibility. If a Senator is lucky, they will find staffers who check a few of those boxes. If they find someone who can do all of the above, they have hit the jackpot. When Chad Metzler joined my team as legislative director in 2013, I and the people of Maine hit the jackpot because he is all of those things and more.

Over the past 8 years, I have had the privilege to have Chad lead my legislative team. Sadly, good fortune only lasts for so long. As Chad transitions into a new, exciting opportunity, I am confident that he will continue to make vital contributions to the American people in his new role, but before he leaves us, I want to take a moment to reflect on all his contributions to the Senate and the country.

From my early days in the Senate, Chad's experience was invaluable. Prior to joining my office, he spent 17 years working for Senator Herb Kohl, from his home State of Wisconsin. Throughout that tenure, Chad spearheaded a number of important, varied responsibilities—from serving as the Senator's legislative director, to holding the position of staff director on the Senate Special Committee on Aging, to

managing Senator Kohl's portfolio on the Appropriations Committee. That combination of skills made Chad a rare breed—an experienced Senate staffer who possessed both a generalist's understanding of the big picture and a specialist's ability to get into the weeds of thorny policy issues.

Chad's background was invaluable in helping to bring me up to speed on the Senate's parliamentary procedures and the body's unique, frustrating quirks. As a former Governor, I faced the unenviable task of shifting from the executive role to being just 1 of 100. As an Independent used to relying on bipartisan coalitions, the Senate's often rigid partisanship presented its own challenges. Chad responded with creative thinking and dogged persistence, and the results were quickly apparent.

Just a few short months after I came to Washington, Chad helped me lead a bipartisan compromise on student loan rates that is projected to save taxpayers \$715 million over the next 10 years and an estimated \$30 billion for students over the following 4 years. That legislation set the tone for our office—a focus on rolling up our sleeves, bipartisan work, coalition building, and commonsense solutions to the problems that plague the American people.

In the years that followed, Chad and his legislative team helped to build on that mission through level-headed, analytical thinking. Among other successes, we have worked across the aisle to pass legislation that confronts the opioid epidemic sweeping our communities; improves America's insufficient cyber defenses; helps more working families access childcare; and addresses the \$12 billion maintenance backlog at America's national parks. Each of these legislative successes came about through hard work and bipartisan discussions. More importantly, each made life better for our constituents.

Obviously, Chad is a talented legislative craftsman, but somehow, he was an even better leader and person. For the past 8 years, Chad has guided my legislative team with a steady hand, helping dozens of young public servants in my office grow and thrive. He treats everyone he meets with respect and kindness, never once talking down to someone with less experience or a different perspective. Just as important, his sense of humor has remained intact through a quarter century of Senate service, ensuring that even in the midst of serious work, we don't take ourselves too seriously.

When I was Governor, I said I always was looking for staff who demonstrate both competence and kindness. You can have some with one trait, some with the other, a few with neither, but when you find folks with both, you invite them onboard immediately. Chad doesn't just have those qualities; he personifies them.

As you can gather from my remarks, Chad is an irreplaceable part of my team, and the Senate is poorer for losing him.

But, as Chad always does, I feel the need to take a step back and analyze the entire situation. In doing so, I find a few key reasons for gratitude.

I am grateful that even though Chad is moving on, he leaves behind a team that is well-educated in the Metzler School of Public Service. His years of mentorship have crafted our team into one of the sharpest, most dedicated staffs on Capitol Hill, and I know his influence and example will be felt in our office for years to come.

I am grateful that although our body is losing a dedicated public servant, the country is not. In the days ahead, Chad will begin a new opportunity that will put his skills to good use. This new role will allow him to continue fighting for pragmatic, principled solutions that move our country forward. Now more than ever, we need folks like him working on tough problems.

Finally, I am grateful that even though Chad will no longer be on my staff, he will forever remain a trusted adviser and friend. Chad's intellect, professionalism, and warmth are rare attributes; to possess all of these qualities, while still remaining humble and even-keeled, is even rarer. I consider myself extremely fortunate to know him and look forward to continuing that association.

Mr. President, I have a simple philosophy of leadership that has guided me throughout my life: Hire good people, and take credit for what they do. When I hired Chad Metzler, I made one of the smartest leadership decisions of my life—bringing on the ideal partner to break bipartisan logjams and make life better for the people of Maine. I am saddened to say goodbye to my adviser and friend today, but I know that his best is yet to come. I can't wait to see what is next.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO NEVA FRICKE BELL

• Mr. YOUNG. Mr. President, I rise today to celebrate the 105th birthday of a proud Hoosier, Neva Fricke Bell, born on January 26, 1916. Neva lived through the 1918 Spanish flu pandemic, two World Wars, the Great Depression, and many other tragedies, as well as great celebrations, including her marriage to Simeon Bell for 60 plus years, the birth of her loving children, grandchildren, great-grandchildren, and great-great-grandchildren. A Boilermaker through and through, Neva's tenacity and great style are a testament to all Hoosiers and all Americans that our great State and Nation endures and celebrates victories great and small. Happy Birthday, Neva Fricke Bell. •

##### RECOGNIZING GORHAM MIDDLE AND HIGH SCHOOL'S SOPHOMORE STUDENT COUNCIL

• Ms. HASSAN. Mr. President, I am proud to recognize the Sophomore Stu-

dent Council at Gorham Middle & High School as December's Granite Staters of the Month. When a vendor accidentally sent extra chocolate as part of the Sophomore Student Council's fundraiser, the students launched a new effort. Instead of reselling the surplus chocolate to benefit their class, they decided to sell the extra chocolate to benefit their school's food pantry.

Like most events this year, the Sophomore Student Council modified a fundraiser that they would typically hold in-person to be an online event. One of the participants in the fundraiser, the aunt of Sophomore Student Council Representative Emma LaPierre, bought three boxes of chocolate to benefit her niece's class. However, instead of receiving the expected three boxes of chocolate, she received three entire cases of chocolate. The vendor, World's Finest Chocolate, was alerted to the mistake, but due to safety concerns around the COVID-19 pandemic, said that they could not take the chocolate back. Emma, along with other members of the Sophomore Student Council, decided that rather than sell the extra chocolate to profit their class, they would use the additional funds to benefit their school's food and supply pantry. After selling the chocolate at a reduced rate, the students successfully raised \$200 for the pantry, which provides weekend meals, snacks, and school supplies to any student in need. Following the students' efforts, a local paper published an article about the fundraiser, which inspired a couple in the community to send a \$100 check to the school to benefit their food and supply pantry.

Emma and the other students in Gorham's Sophomore Student Council exemplify the way that small acts of kindness can make a big difference in a community. Their selfless decision to raise money on behalf of a community-wide resource, rather than keep the funds for their class, helped to spur other acts of kindness in their community from which the whole school and community benefited. I am honored to recognize their efforts and proud that their efforts reflect the Granite State's core value—the belief that individuals should step up when they see a problem—and that when they do, their actions have a ripple effect that strengthens the entire community. The Gorham Sophomore Student Council has done just that. •

##### RECOGNIZING: 44EAST

• Mr. RISCH. Mr. President, as a senior member and former chairman of the Senate Committee on Small Business and Entrepreneurship, each month I recognize and celebrate the American entrepreneurial spirit by highlighting the success of a small business in my home State of Idaho. Today I am pleased to honor 44East in Meridian as the Idaho Small Business of the Month for January 2021.

Established by Cheryl Jones and her daughter Kayloni Perry, 44East specializes in home goods and gifts. Cheryl and Kayloni's shared love for crafting gifts and home decorations inspired their entrepreneurial success. With the support and encouragement of their friends and family, they opened 44East in 2017. Since then, it has developed a reputation for its exceptional service and its unique, curated array of products and home decor items. The owners take pride in supporting their local business community by sourcing one-of-a-kind and specialty products from other small businesses in the Treasure Valley and Pacific Northwest.

Like many small businesses, 44East faced an uncertain future during the early months of the COVID-19 pandemic. Confronted with the possibility of permanent closure, Cheryl and Kayloni quickly adapted 44East's business model and began offering their products virtually through a social media campaign dubbed "Live at 5 to Survive." Soon, customers began flocking to 44East's social channels to purchase their products. "Live at 5 to Survive" did more than just ensure the continued survival of 44East; it introduced hundreds of customers to the business and resulted in a swell of new sales. Today, 44East continues to host its "Live at 5 to Survive" campaign and has since reopened its doors, instituting health safety measures to protect its customers. 44East's resourcefulness and ingenuity is a testament to Idaho's entrepreneurial spirit.

Congratulations to Cheryl, Kayloni, and all of the employees of 44East on being selected as the Idaho Small Business of the Month for January 2021. You make our great State proud, and I look forward to your continued growth and success.●

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION ON JANUARY 25, 2021

By Mrs. FEINSTEIN (for herself, Mr. SCHUMER, Mr. BLUMENTHAL, and Mr. MARKEY):

S. 36. A bill to require certain helicopters to be equipped with safety technologies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the "Kobe Bryant and Gianna Bryant Helicopter Safety Act".

I'm pleased to be joined today by Senators SCHUMER, BLUMENTHAL, and MARKEY in reintroducing this bill.

Nearly one year ago today, on January 26, 2020, a helicopter carrying nine Californians flew into foggy weather and crashed minutes later. Los Angeles and the world soon learned that among the crash victims were basketball legend Kobe Bryant and his daughter Gianna.

After the crash, we soon learned the names and stories of John, Alyssa, and Keri Altobelli; Sarah and Payton Ches-

ter; Christina Mauser; and Ara Zobayan. These were spirited friends and family members connected by their love of sport, traveling to a week-end basketball tournament.

The sudden and shocking nature of the accident touched many, and the public remembrances in Los Angeles and around the world to honor the victims are proof that their memories will not soon be forgotten.

But this tragedy is one that could have been averted. A preliminary report and investigatory documents released by the National Transportation Safety Board indicate the helicopter was flying through thick clouds and fog, yet was not equipped with a terrain awareness and warning system. This technology provides pilots with real-time, inflight warning signals and an image of surrounding terrain.

Since 2006, the National Transportation Safety Board has recommended to the Federal Aviation Administration (FAA) that all new and existing helicopters capable of carrying six or more passengers be equipped with terrain awareness and warning system technology. However, FAA has only required these warning systems for air ambulances.

Nevertheless, this technology has become standard on new helicopters from Airbus, Bell, Leonardo, and Sikorsky since December 2018. But older helicopters remain vulnerable.

Our bill also requires crash-resistant flight data and voice recorders. Otherwise known as black boxes, this technology is important for when accidents do happen and mistakes are made. It would allow agencies like the NTSB to have a better understanding of the incident and provide more information to the FAA to prevent future accidents.

It is clear that additional steps are needed to ensure that helicopters can fly safely, both for the sake of passengers and those on the ground.

Our bill offers a common-sense approach to preventing further accidents like this one. It would simply direct the FAA to implement the NTSB's recommendations to require terrain awareness and warning systems and flight data and voice recorders on all helicopters carrying six or more passengers.

I appreciate the hard work of the National Transportation Safety Board in developing these important recommendations, and it is long past time that the FAA heeds its call.

My thoughts continue to be with the victims and their loved ones impacted by this heartbreaking accident. It is critical that Congress pass our bill swiftly to ensure that such loss of life was not in vain.

Thank you, Mr. President. I yield the floor.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, and were referred as indicated:

EC-45. A communication from the Program Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Regulatory Capital Treatment for Investments in Certain Unsecured Debt Instruments of Global Systemically Important U.S. Bank Holding Companies, Certain Intermediate Holding Companies, and Global Systemically Important Foreign Banking Organizations; Total-Loss Absorbing Capacity Requirements" (RIN1557-AE38) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2021; to the Committee on Banking, Housing, and Urban Affairs.

EC-46. A communication from the Program Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Licensing Amendments: Technical Correction" (RIN1557-AE71) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2021; to the Committee on Banking, Housing, and Urban Affairs.

EC-47. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing-Federal Housing Commissioner, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Manufactured Home Construction and Safety Standards" (RIN2502-AJ49) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2021; to the Committee on Banking, Housing, and Urban Affairs.

EC-48. A communication from the Acting Assistant Secretary of State, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "Report to Congress on the National Emergency Regarding Proliferation of Weapons of Mass Destruction"; to the Committee on Banking, Housing, and Urban Affairs.

EC-49. A communication from the Director of Congressional Relations, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the Office of the Comptroller's 2020 Annual Report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC-50. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the designation for Overseas Contingency Operations/Global War on Terrorism all funding (including the rescission of funds) so designated by the Congress, pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, for the enclosed list of accounts; to the Committee on the Budget.

EC-51. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Phenol, Isopropylated Phosphate (3:1) (PIP 3:1); Regulation of Persistent, Bioaccumulative, and Toxic Chemicals under TSCA Section 6(h)" (FRL No. 10018-88-OCSPP) received in the Office of the President of the Senate on December 31, 2020; to the Committee on Environment and Public Works.

EC-52. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pentachlorothiophenol (PCTP); Regulation of Persistent, Bioaccumulative, and Toxic Chemicals under TSCA Section 6(h)" (FRL No. 10018-89-OCSPP) received in the Office of the President of the Senate on December 31, 2020; to the Committee on Environment and Public Works.

EC-53. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Hexachlorobutadiene (HCBD); Regulation of Persistent, Bioaccumulative, and Toxic Chemicals under TSCA Section 6(h)” (FRL No. 10018-91-OCSPP) received in the Office of the President of the Senate on December 31, 2020; to the Committee on Environment and Public Works.

EC-54. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Decabromodiphenyl Ether (DecaBDE); Regulation of Persistent, Bioaccumulative, and Toxic Chemicals under TSCA Section 6(h)” (FRL No. 10018-87-OCSPP) received in the Office of the President of the Senate on December 31, 2020; to the Committee on Environment and Public Works.

EC-55. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “2,4,6-tris(tert-butyl)phenol (2,4,6-TTBP); Regulation of Persistent, Bioaccumulative, and Toxic Chemicals under TSCA Section 6(h)” (FRL No. 10018-88-OCSPP) received in the Office of the President of the Senate on December 31, 2020; to the Committee on Environment and Public Works.

EC-56. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Review of Dust-Lead Post-Abatement Clearance Levels” (FRL No. 10018-61-OCSPP) received in the Office of the President of the Senate on December 31, 2020; to the Committee on Environment and Public Works.

EC-57. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “National Primary Drinking Water Regulations: Lead and Copper Rule Revisions” (FRL No. 10019-23-OW) received in the Office of the President of the Senate on December 31, 2020; to the Committee on Environment and Public Works.

EC-58. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Quality State Implementation Plans; Approval and Promulgation of Implementation Plans; Utah; Infrastructure Requirements for the 2015 Ozone National Ambient Air Quality Standards; Correction” (FRL No. 10018-17-Region 8) received in the Office of the President of the Senate on December 31, 2020; to the Committee on Environment and Public Works.

EC-59. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Quality Designations for the 2010 Primary Sulfur Dioxide (SO<sub>2</sub>) National Ambient Air Quality Standard—Round 4” (FRL No. 10018-96-OAR) received in the Office of the President of the Senate on December 31, 2020; to the Committee on Environment and Public Works.

EC-60. A communication from the Assistant Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report entitled “Drinking Water Infrastructure Needs Survey and Assessment: the Sixth Report to Congress”; to the Committee on Environment and Public Works.

EC-61. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory

Commission, transmitting, pursuant to law, the report of a rule entitled “Regulatory Guide (RG) 1.200, ‘Acceptability of Probabilistic Risk Assessment Results for Risk-Informed Activities’” received in the Office of the President of the Senate on December 31, 2020; to the Committee on Environment and Public Works.

EC-62. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; Kansas; Infrastructure State Implementation Plan Requirements for the 2015 Ozone National Ambient Air” (FRL No. 10018-59-Region 7) received in the Office of the President of the Senate on December 31, 2020; to the Committee on Environment and Public Works.

EC-63. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act; Correction” (FRL No. 10019-02-OAR) received in the Office of the President of the Senate on December 31, 2020; to the Committee on Environment and Public Works.

EC-64. A communication from the Visitor Services Specialist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “National Wildlife Refuge System; Use of Electric Bicycles” (RIN1018-BE68) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2021; to the Committee on Environment and Public Works.

EC-65. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report entitled “2015–2020 Momentum Report to Congress, the Comprehensive Everglades Restoration Plan: Central and Southern Florida project; to the Committee on Environment and Public Works.

EC-66. A communication from the Director of Congressional Affairs, Office of Nuclear Reactor Regulations, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “NUREG-2103, ‘Knowledge and Abilities Catalog for Nuclear Power Plant Operators: Westinghouse AP1000 Pressurized-Water Reactors’” (NUREG-2103) received during adjournment of the Senate in the Office of the President of the Senate on January 8, 2021; to the Committee on Environment and Public Works.

EC-67. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Migratory Bird Permits; Management of Conflicts Associated with Double-Crested Cormorants (Phalacrocorax auritus) Throughout the United States” (RIN1018-BE67) received during adjournment of the Senate in the Office of the President of the Senate on January 8, 2021; to the Committee on Environment and Public Works.

EC-68. A communication from the Director of Congressional Affairs, Office of Nuclear Reactor Regulations, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “Draft Guidelines for Characterizing the Safety Impact of Issues” (RG 1.174) received during adjournment of the Senate in the Office of the President of the Senate on January 8, 2021; to the Committee on Environment and Public Works.

EC-69. A communication from the Director of Congressional Affairs, Office of Nuclear Reactor Regulations, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “Updated Aging Management Criteria for Reactor Vessel In-

ternal Components for Pressurized-Water Reactors” (SLR-ISG-2020-01-PWRVI) received during adjournment of the Senate in the Office of the President of the Senate on January 8, 2021; to the Committee on Environment and Public Works.

EC-70. A communication from the Endangered Species Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Reclassification of the Endangered June Sucker to Threatened With a Section 4(d) Rule” (RIN1018-BD48) received during adjournment of the Senate in the Office of the President of the Senate on January 8, 2021; to the Committee on Environment and Public Works.

EC-71. A communication from the Chief of the Domestic Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Section 4(d) Rule for Trispot Darter” (RIN1018-BD43) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2021; to the Committee on Environment and Public Works.

EC-72. A communication from the Chief of the Domestic Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Trispot Darter” (RIN1018-BD40) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2021; to the Committee on Environment and Public Works.

EC-73. A communication from the Chief of the Domestic Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Threatened Species Status for Eastern Black Rail With a Section 4 (d) Rule” (RIN1018-BD21) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2021; to the Committee on Environment and Public Works.

EC-74. A communication from the Chief of the Domestic Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Determination that Designation of Critical Habitat is Not Prudent for the Rusty Patched Bumble Bee” (50 CFR Part 17) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2021; to the Committee on Environment and Public Works.

EC-75. A communication from the Chief of the Domestic Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Endangered Status for the Island Marble Butterfly and Designation of Critical Habitat” (RIN1018-BB96) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2021; to the Committee on Environment and Public Works.

EC-76. A communication from the Chief of the Domestic Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Sonoyta Mud Turtle” (RIN1018-BD53) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2021; to the Committee on Environment and Public Works.

EC-77. A communication from the Chief of the Domestic Listing Branch, Fish and Wildlife Service, Department of the Interior,

transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Endangered Species Status for Southern Sierra Nevada District Population Segment of Fisher” (RIN1018-BD85) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2021; to the Committee on Environment and Public Works.

EC-78. A communication from the Chief of the Domestic Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Eflin-woods Warbler” (RIN1018-BE85) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2021; to the Committee on Environment and Public Works.

EC-79. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; California; Consumer Products Regulations; Correcting Amendment” (FRL No. 10017-20-Region 9) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2021; to the Committee on Environment and Public Works.

EC-80. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; California; San Diego Air Pollution Control District” (FRL No. 10018-18-Region 9) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2021; to the Committee on Environment and Public Works.

EC-81. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; Massachusetts; Infrastructure State Implementation Plan Requirements for the 2015 Ozone Standard” (FRL No. 10018-99-Region 1) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2021; to the Committee on Environment and Public Works.

EC-82. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Amendment of 40 CFR 63.6(f)(1) and 40 CFR 63.6(h)(1) to Reflect Court Vacatur of Exemption from Emission Standards During Periods of Startup, Shutdown, and Malfunction” (FRL No. 10019-05-OAR) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2021; to the Committee on Environment and Public Works.

EC-83. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Error Corrections to New Source Review Regulations” (FRL No. 10017-29-OAR) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2021; to the Committee on Environment and Public Works.

EC-84. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Federal Aluminum Aquatic Life Criteria Applicable to Oregon” (FRL No. 10019-00-OW) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2021; to the Committee on Environment and Public Works.

EC-85. A communication from the Director of the Regulatory Management Division, En-

vironmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Ocean Dumping: Modification of an Ocean Dredged Material Disposal Site Offshore of Humboldt Bay, California” (FRL No. 10016-87-Region 9) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2021; to the Committee on Environment and Public Works.

EC-86. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Pollutant-Specific Significant Contribution Finding for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units, and Process for Determining Stationary Sources: Electric Utility Generating Units, and Process for Determining Significance of Other New Source Performance Standards Source” (FRL No. 10019-30-OAR) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2021; to the Committee on Environment and Public Works.

EC-87. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; California; Consumer Products Regulations; Correcting Amendment” (FRL No. 10017-20-Region 9) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2021; to the Committee on Environment and Public Works.

EC-88. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; California; Consumer Products Regulations; Correcting Amendment” (FRL No. 10017-20-Region 9) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2021; to the Committee on Environment and Public Works.

EC-89. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Bacillus thuringiensis Cry1Ab/Cry2A<sub>2</sub> protein, G10-evo Enolpyruvylshikimate-3-phosphate synthase (G10evo-EPSPS) protein: Exemptions from the Requirement of a Tolerance” (FRL No. 10015-98-OCSPP) received in the Office of the President of the Senate on December 31, 2020; to the Committee on Agriculture, Nutrition, and Forestry.

EC-90. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “2,4-D; Pesticide Tolerances” (FRL No. 10017-30-OCSPP) received in the Office of the President of the Senate on December 31, 2020; to the Committee on Agriculture, Nutrition, and Forestry.

EC-91. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Removal of Emerald Ash Borer Domestic Quarantine Regulations” ((RIN0579-AE42) (Docket No. APHIS-2017-0056)) received in the Office of the President of the Senate on December 31, 2020; to the Committee on Agriculture, Nutrition, and Forestry.

EC-92. A communication from the Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled “Margin Requirements for Uncleared Swaps for Swap Dealers and Major Swap Participants” (RIN3038-AF03) received during adjournment

of the Senate in the Office of the President of the Senate on January 5, 2021; to the Committee on Agriculture, Nutrition, and Forestry.

EC-93. A communication from the Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled “Exemption from Swap Trade Execution Requirement” (RIN3038-AE25) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2021; to the Committee on Agriculture, Nutrition, and Forestry.

EC-94. A communication from the Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled “Swap Execution Facilities” (RIN3038-AE25) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2021; to the Committee on Agriculture, Nutrition, and Forestry.

EC-95. A communication from the Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled “Margin Requirements for Uncleared Swaps for Swap Dealers and Major Swap Participants” (RIN3038-AF05) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2021; to the Committee on Agriculture, Nutrition, and Forestry.

EC-96. A communication from the Acting Chief, Bureau of Safety and Environmental Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Oil and Gas and Sulfur Operations in the Outer Continental Shelf-Reaffirmation of Standard Editions Related to the Manual of Petroleum Measurement Standards” (RIN1014-AA46) received in the Office of the President of the Senate on December 31, 2020; to the Committee on Energy and Natural Resources.

EC-97. A communication from the Acting General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the Rehearing of Final Rule on Qualifying Facility Rates and Requirements and Implementation Issues Under the Public Utility Regulatory Policies Act of 1978 (Docket Nos. AD16-16-001 and RM19-15-001); to the Committee on Energy and Natural Resources.

EC-98. A communication from the Supervisory Regulations Specialist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Subsistence Management Regulations for Public Lands in Alaska-2020-2021 and 2021-2022 Subsistence Taking of Wildlife Regulations” (RIN1018-BD11) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2021; to the Committee on Energy and Natural Resources.

EC-99. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report entitled “Annual Operating Plan for Colorado River Reservoirs 2021”; to the Committee on Energy and Natural Resources.

EC-100. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Medicaid Program; Establishing Minimum Standards in Medicaid State Drug Utilization Review (DUR) and Supporting Value-Based Purchasing (VBP) for Drugs Covered in Medicaid, Revising Medicaid Drug Rebate and Third Party Liability (TPL) Requirements (CMS-2482-F)” (RIN0938-AT82) received during adjournment of the Senate in the Office of the President of the Senate on

December 31, 2020; to the Committee on Finance.

EC-101. A communication from the Director of the Legal Processing Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice: Guidance on Sections 102 and 103 of the SECURE Act With Respect to Safe Harbor Plans" (Notice 2020-86) received in the Office of the President of the Senate on December 31, 2020; to the Committee on Finance.

EC-102. A communication from the Chief of the Disclosure Support Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Work Opportunity Tax Credit (WOTC) Transition Relief under Internal Revenue Code Section 51" (Notice 2020-78) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2021; to the Committee on Finance.

EC-103. A communication from the Director of the Legal Processing Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Source of Income From Certain Sales of Personal Property" (RIN1545-BP16) received in the Office of the President of the Senate on December 31, 2020; to the Committee on Finance.

EC-104. A communication from the Director of the Legal Processing Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Administrative Appeal Procedures for Tax-Advantaged Bonds" (Rev. Proc. 2021-10) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2021; to the Committee on Finance.

EC-105. A communication from the Director of the Legal Processing Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Final Regulations on Rollover Rules for Qualified Plan Loan Offsets" (RIN1545-BP46) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2021; to the Committee on Finance.

EC-106. A communication from the Director of the Legal Processing Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Taxable Year of Income Inclusion Under an Accrual Method of Accounting and Advance Payments for Goods, Services, and Other Items Under Section 451" (RIN1545-BO68) (TD 9941) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2021; to the Committee on Finance.

EC-107. A communication from the Director of the Legal Processing Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Beginning of Construction for Section 45 and 48; Extension of Continuity Safe Harbor for Offshore Projects" (Notice 2021-5) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2021; to the Committee on Finance.

EC-108. A communication from the Director of the Legal Processing Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure 2021-5" (Rev. Proc. 2021-5) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2021; to the Committee on Finance.

EC-109. A communication from the Director of the Legal Processing Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the

report of a rule entitled "COVID-19 Relief for Employers Using the Automobile Lease Valuation Rule" (Notice 2021-7) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2021; to the Committee on Finance.

EC-110. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Medicare National Coverage Determinations for Fiscal Year 2019"; to the Committee on Finance.

EC-111. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Secure Electronic Prior Authorization For Medicare Part D" (RIN0938-AT94) received in the Office of the President of the Senate on January 6, 2021; to the Committee on Finance.

EC-112. A communication from the Chair, Medicaid and CHIP Payment and Access Commission, transmitting, pursuant to law, a report entitled "MACStats: Medicaid and CHIP Data Book, December 2020"; to the Committee on Finance.

EC-113. A communication from the Director of the Legal Processing Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Small Business Taxpayer Exceptions Under Sections 263A, 448, 460, and 471" (RIN1545-BP23) (TD 9942) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2021; to the Committee on Finance.

EC-114. A communication from the Chief of the Legal Processing Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Certain Employee Remuneration in Excess of \$1,000,000 Under the Internal Revenue Code" (RIN1545-BO95) (TD 9932) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2021; to the Committee on Finance.

EC-115. A communication from the Chief of the Disclosure and Support Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Misdirected Direct Deposit Refunds" (RIN1545-BP41) (TD 9940) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2021; to the Committee on Finance.

EC-116. A communication from the Chief of the Disclosure and Support Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Temporary Relief from the Physical Presence Requirement for Spousal Consents Under Qualified Retirement Plans" (Notice 2021-3) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2021; to the Committee on Finance.

#### EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. JOHNSON for the Committee on Homeland Security and Governmental Affairs.

\*Alejandro Nicholas Mayorkas, of the District of Columbia, to be Secretary of Homeland Security.

\*Nomination was reported with recommendation that it be confirmed sub-

ject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. TOOMEY (for himself, Mr. JOHNSON, Mr. TILLIS, Mrs. BLACKBURN, Mr. RISCH, Mr. BLUNT, Mr. COTTON, Mr. GRASSLEY, Mr. TUBERVILLE, Mr. PAUL, Mr. INHOFE, Mr. DAINES, Mrs. FISCHER, Mr. BOOZMAN, Mr. BRAUN, and Mr. CORNYN):

S. 42. A bill to ensure that State and local law enforcement may cooperate with Federal officials to protect our communities from violent criminals and suspected terrorists who are illegally present in the United States; to the Committee on the Judiciary.

By Mr. CRUZ (for himself, Ms. ERNST, Mr. CRAMER, Mr. TOOMEY, Mr. SASSE, Mr. YOUNG, Mr. CASSIDY, Mrs. BLACKBURN, and Mr. LANKFORD):

S. 43. A bill to amend the Internal Revenue Code of 1986 to establish tax credits to encourage individual and corporate taxpayers to contribute to scholarships for students through eligible scholarship-granting organizations and eligible workforce training organizations, and for other purposes; to the Committee on Finance.

By Mr. CRUZ (for himself, Mr. COTTON, Mr. TOOMEY, Mr. SASSE, Mr. JOHNSON, Mr. LANKFORD, and Mr. PAUL):

S. 44. A bill to amend the Internal Revenue Code of 1986 to permit kindergarten through grade 12 educational expenses to be paid from a 529 account; to the Committee on Finance.

By Mr. CRUZ:

S. 45. A bill to amend the Elementary and Secondary Education Act of 1965 to strengthen school security; to the Committee on Health, Education, Labor, and Pensions.

By Mr. RUBIO (for himself, Mr. SCHATZ, Ms. HIRONO, and Mr. SCOTT of Florida):

S. 46. A bill to reauthorize the Coral Reef Conservation Act of 2000 and to establish the United States Coral Reef Task Force, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. RUBIO:

S. 47. A bill to require software marketplace operators and owners of covered foreign software to provide consumers with a warning prior to the download of such software, to establish consumer data protections, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DAINES:

S. 48. A bill to reduce a portion of the annual pay of Members of Congress for the failure to adopt a concurrent resolution on the budget which does not provide for a balanced budget, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEE:

S. 49. A bill to prohibit the Bureau of Consumer Financial Protection from overseeing lending institutions participation in the Paycheck Protection Program; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MENENDEZ (for himself, Mr. DURBIN, Mr. LEAHY, and Mr. BOOKER):

S. 50. A bill to temporarily designate Venezuela under section 244(b) of the Immigration and Nationality Act to permit eligible

nationals of Venezuela to be granted temporary protected status; to the Committee on the Judiciary.

By Mr. CARPER (for himself, Mr. VAN HOLLEN, Ms. BALDWIN, Mr. BENNETT, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. CASEY, Mr. COONS, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. HEINRICH, Ms. HIRONO, Mr. KAINE, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MARKEY, Mr. MENENDEZ, Mr. MERKLEY, Mr. MURPHY, Mrs. MURRAY, Mr. PADILLA, Mr. PETERS, Mr. REED, Ms. ROSEN, Mr. SANDERS, Mr. SCHATZ, Mr. SCHUMER, Ms. SMITH, Ms. STABENOW, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 51. A bill to provide for the admission of the State of Washington, D.C. into the Union; to the Committee on Homeland Security and Governmental Affairs.

By Ms. HASSAN (for herself, Mr. YOUNG, Mr. KAINE, and Ms. COLLINS):

S. 52. A bill to establish a career pathway grant program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANDERS (for himself, Mrs. MURRAY, Mr. SCHUMER, Ms. BALDWIN, Mr. BENNETT, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. CASEY, Ms. DUCKWORTH, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. HEINRICH, Ms. HIRONO, Mr. KAINE, Ms. KLOBUCHAR, Mr. LEAHY, Mr. LUJÁN, Mr. MARKEY, Mr. MERKLEY, Mr. MURPHY, Mr. PADILLA, Mr. PETERS, Mr. OSSOFF, Mr. REED, Ms. ROSEN, Mr. SCHATZ, Ms. SMITH, Ms. STABENOW, Mr. VAN HOLLEN, Mr. WARNER, Mr. WARNOCK, Ms. WARREN, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 53. A bill to provide for increases in the Federal minimum wage, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself and Mr. RUBIO):

S. 54. A bill to address health workforce shortages and disparities highlighted by the COVID-19 pandemic through additional funding for the National Health Service Corps and the Nurse Corps, and to establish a National Health Service Corps Emergency Service demonstration project; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCOTT of Florida (for himself, Mr. HAWLEY, and Mr. BRAUN):

S. 55. A bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress; to the Committee on Homeland Security and Governmental Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER:

S. Res. 16. A resolution to provide for related procedures concerning the article of impeachment against Donald John Trump, President of the United States; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 13

At the request of Mr. SCOTT of South Carolina, the names of the Senator

from Montana (Mr. DAINES) and the Senator from Tennessee (Mrs. BLACKBURN) were added as cosponsors of S. 13, a bill to establish an advisory committee to make recommendations on improvements to the security, integrity, and administration of Federal elections.

S.J. RES. 4

At the request of Mr. RUBIO, the names of the Senator from Idaho (Mr. RISC), the Senator from Utah (Mr. LEE) and the Senator from Montana (Mr. DAINES) were added as cosponsors of S.J. Res. 4, a joint resolution proposing an amendment to the Constitution of the United States to require that the Supreme Court of the United States be composed of not more than 9 justices.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. DURBIN (for himself and Mr. RUBIO):

S. 54. A bill to address health workforce shortages and disparities highlighted by the COVID-19 pandemic through additional funding for the National Health Service Corps and the Nurse Corps, and to establish a National Health Service Corps Emergency Service demonstration project; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 54

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Strengthening America’s Health Care Readiness Act”.

### SEC. 2. ADDITIONAL FUNDING FOR THE NATIONAL HEALTH SERVICE CORPS.

(a) ADDITIONAL FUNDING.—Section 10503(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b-2(b)) is amended—

(1) in paragraph (1)(F), by striking “and” at the end;

(2) in paragraph (2)(H), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(3) to be transferred to the Secretary of Health and Human Services \$5,000,000,000 for fiscal year 2021, to provide additional funding to carry out the National Health Service Corps Scholarship Program under section 338A of the Public Health Service Act, the National Health Service Corps Loan Program under section 338B of such Act, and the National Health Service Corps Emergency Service under section 2812A of such Act.”.

(b) CRITERIA FOR USE OF ADDITIONAL FUNDING FOR IN-DEMAND PROFESSIONALS.—Not less than 40 percent of the amounts made available under paragraph (3) of section 10503(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b-2(b)) (as amended by subsection (a)) shall be allocated to awards to eligible applicants to the National Health Service Corps Scholarship Program under section 338A of the Public Health Service Act (42 U.S.C. 2541), the National Health Service Corps Loan Repayment Program under sec-

tion 338B of such Act (42 U.S.C. 2541-1), or the National Health Service Corps Emergency Service under section 2812A of such Act (as added by subsection (c)) who are members of groups that are historically underrepresented in health care professions, including racial and ethnic minorities and individuals from low-income urban and rural communities. To carry out the requirements of this subsection, the Secretary may coordinate with entities receiving funding under section 739 or 821 of the Public Health Service Act (42 U.S.C. 293c, 296m) to identify, provide mentorship and support, and recruit such eligible applicants.

(c) NATIONAL HEALTH SERVICE CORPS EMERGENCY SERVICE DEMONSTRATION PROJECT.—Part B of title XXVIII of the Public Health Service Act is amended by inserting after section 2812 (42 U.S.C. 300hh-11) the following:

### “SEC. 2812A. NATIONAL HEALTH SERVICE CORPS EMERGENCY SERVICE DEMONSTRATION PROJECT.

“(a) IN GENERAL.—For each of fiscal years 2022 through 2026, from the amounts made available under section 10503(b)(3) of the Patient Protection and Affordable Care Act, to the extent permitted by, and consistent with, the requirements of applicable State law, the Secretary shall allocate up to \$50,000,000 to establishing, as a demonstration project, a National Health Service Corps Emergency Service (referred to in this section as the ‘emergency service’) under which a qualified individual currently or previously participating in the National Health Service Corps agrees to engage in service through the National Disaster Medical System established under section 2812, as described in this section.

“(b) PARTICIPANTS.—

“(1) NHSC ALUMNI.—

“(A) QUALIFIED INDIVIDUALS.—An individual may be eligible to participate in the emergency service under this section if such individual participated in the Scholarship Program under section 338A or the Loan Repayment Program under section 338B, and who satisfied the obligated service requirements under such program, in accordance with the individual’s contract.

“(B) PRIORITY AND INCREASED FUNDING AMOUNTS.—

“(i) PRIORITY.—In selecting eligible individuals to participate in the program under this paragraph, the Secretary shall give priority—

“(I) first, to qualified individuals who continue to practice at the site where the individual fulfilled his or her obligated service under the Scholarship Program or Loan Repayment Program through the time of the application to the program under this section; and

“(II) secondly, to qualified individuals who continue to practice in any site approved for obligated service under the Scholarship Program or Loan Repayment Program other than the site at which the individual served.

“(ii) INCREASED FUNDING AMOUNTS.—The Secretary may grant increased award amounts to certain participants in the program under this section based on the site where a participant fulfilled his or her obligated service under the Scholarship Program or Loan Repayment Program.

“(C) PRIVATE PRACTICE.—An individual participating in the emergency service under this section may practice a health profession in any private capacity when not obligated to fulfill the requirements described in subsection (c).

“(2) CURRENT NHSC MEMBERS.—

“(A) IN GENERAL.—An individual who is participating in the Scholarship Program under section 338A or the Loan Repayment Program under section 338B may apply to

participate in the program under this section while fulfilling the individual's obligated services under such program.

“(B) CLARIFICATIONS.—Notwithstanding any other provision of law or any contract with respect to service requirements under the Scholarship Program or Loan Repayment Program, an individual fulfilling service requirements described in subsection (c) shall not be considered in breach of such contract under such Scholarship Program or Loan Repayment Program, provided that the individual give advance and reasonable notification to the site at which the individual is fulfilling his or her obligated service requirements under such contract, and the site approves the individual's deployment through the National Disaster Medical System.

“(C) NO CREDIT TOWARD OBLIGATED SERVICE.—No period of service under the National Disaster Medical System described in subsection (c)(1) shall be counted toward satisfying a period of obligated service under the Scholarship Program or Loan Repayment Program.

“(C) PARTICIPANTS AS MEMBERS OF THE NATIONAL DISASTER MEDICAL SYSTEM.—

“(1) SERVICE REQUIREMENTS.—An individual participating in the program under this section shall participate in the activities of the National Disaster Medical System under section 2812 in the same manner and to the same extent as other participants in such system.

“(2) RIGHTS AND REQUIREMENTS.—An individual participating in the program under this section shall be considered participants in the National Disaster Medical System and shall be subject to the rights and requirements of subsections (c) and (d) of section 2812.

“(d) EMERGENCY SERVICE PLAN.—In carrying out this section, the Secretary, in consultation with the Administrator of the Health Resources and Services Administration and the Assistant Secretary for Preparedness and Response, shall establish an action plan for the service commitments, deployment protocols, coordination efforts, training requirements, liability, workforce development, and such other considerations as the Secretary determines appropriate. Such action plan shall—

“(1) ensure adherence to the missions of both the National Health Service Corps and National Disaster Medical Service;

“(2) outline the type of providers determined by the Assistant Secretary to be priorities for participation in the program established under this section;

“(3) describe how such deployments will be determined and prioritized in a manner consistent with—

“(A) the National Health Service Corps contracts; and

“(B) the National Disaster Medical System's deployment policy of not hindering civilian responders already engaged in an emergency response;

“(4) ensure an adequate health care workforce during a public health emergency declared by the Secretary under section 319 of this Act, a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, an emergency declared by the President under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, or a national emergency declared by the President under the National Emergencies Act; and

“(5) describe how the program established under this section will be implemented in a manner consistent with, and in furtherance of, the assessments and goals for workforce and training described in the review conducted by the Secretary under section 2812(b)(2).

“(e) CONTRACTS FOR CERTAIN PARTICIPATING INDIVIDUALS.—An individual who is participating in the emergency service program under this section shall receive loan repayments in an amount up to 50 percent (as determined by the Secretary) of the highest new award made for the year under the National Health Service Corps Loan Repayment Program pursuant to a contract entered into at the same time under section 338B(g), in a manner similar to the manner in which payments are made under such section, pursuant to the terms of a contract between the Secretary and such individual. The Secretary shall establish a system of contracting for purposes of this subsection which shall be similar to the contract requirements and terms under subsections (c), (d), and (f) of section 338B. Amounts received by an individual under this subsection shall be in addition to any amounts received by an individual described in subsection (b)(2) pursuant to the Scholarship Program under section 338A or the Loan Repayment Program under section 338B, as applicable.

“(f) BREACH OF CONTRACT, TERMINATION, WAIVER, AND SUSPENSION.—

“(1) RECOVERY OF AMOUNTS IN THE EVENT OF A BREACH.—If an individual breaches the written contract of the individual under subsection (e) by failing either to begin such individual's service obligation in accordance with such contract or to complete such service obligation, the United States shall be entitled to recover from the individual an amount equal to the sum of—

“(A) the total of the amounts paid by the United States under such contract on behalf of the individual for any period of such service not served;

“(B) an amount equal to the product of the number of months of service that were not completed by the individual, multiplied by \$3,750; and

“(C) the interest on the amounts described in subparagraphs (A) and (B), at the maximum legal prevailing rate, as determined by the Treasurer of the United States, from the date of the breach.

“(2) TERMINATION OF CONTRACT.—The Secretary may terminate a contract under subsection (e) in accordance with the termination standards that are—

“(A) applicable to contracts entered into under section 338B; and

“(B) in effect in the fiscal year in which such contract was entered.

“(3) WAIVER OR SUSPENSION OF OBLIGATION.—If an individual participating in the program under this section submits a written request to the Secretary, the Secretary may waive or suspend a service or payment obligation arising under this subsection or a contract under subsection (e), in whole or in part, in accordance with the standards set forth in section 62.12 of title 42, Code of Federal Regulations (or any successor regulations).

“(g) REPORT.—Not later than 4 years after the date of enactment of this section, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that evaluates the demonstration project established under this section, including—

“(1) the effects of such program on health care access in underserved areas and health professional shortage areas and on public health emergency response capacity;

“(2) the effects of such program on the health care provider workforce pipeline, including any impact on the demographic representation among, and the fields or specialties pursued by, students in approved graduate training programs in medicine, osteo-

pathic medicine, dentistry, behavioral and mental health, or other health profession;

“(3) the impact of such program on the enrollment, participation, and completion of requirements in the underlying scholarship and loan repayment programs of the National Health Service Corps;

“(4) the effects of such program on the National Disaster Medical System's response capability, readiness, and workforce strength; and

“(5) recommendations for improving the demonstration project described in this section, and any other considerations as the Secretary determines appropriate.”.

### SEC. 3. FUNDING FOR THE NURSE CORPS SCHOLARSHIP AND LOAN REPAYMENT PROGRAM.

There are hereby appropriated, out of amounts in the Treasury not otherwise appropriated, \$1,000,000,000 for fiscal year 2021, for purposes of carrying out section 846 of the Public Health Service Act (42 U.S.C. 297n), to remain available until expended, except that—

(1) of the amount appropriated under this heading and made available for scholarships and loan repayment, not less than 40 percent shall be allocated for eligible applicants who are members of groups that are historically underrepresented in health care professions, including racial and ethnic minorities and individuals from low-income urban and rural communities; and

(2) to carry out the requirements of paragraph (1), the Secretary may coordinate with entities receiving funding under section 821 to identify, recruit, and select individuals to receive such scholarships.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 16—TO PROVIDE FOR RELATED PROCEDURES CONCERNING THE ARTICLE OF IMPEACHMENT AGAINST DONALD JOHN TRUMP, PRESIDENT OF THE UNITED STATES

Mr. SCHUMER submitted the following resolution; which was considered and agreed to:

S. RES. 16

*Resolved, That—*

(1) pursuant to rules III and IV of the Rules and Procedures and Practice When sitting on Impeachment Trials, on Tuesday, February 9, 2021, the Senate shall proceed to the consideration of the article of impeachment and that the Secretary of the Senate shall notify the House of Representatives of the time and place fixed for the Senate to proceed upon the impeachment of Donald John Trump in the Senate Chamber;

(2) under rule VIII of the Procedure and Guidelines for Impeachment Trials in the United States Senate—

(A) the summons shall be issued in the usual form to Donald John Trump, provided that he may have until 12:00 pm on Tuesday, February 2, 2021, to file his answer with the Secretary of the Senate;

(B) the House of Representatives may have until 12:00 pm on Monday, February 8, 2021, to file its replication with the Secretary of the Senate;

(C) if the House of Representatives wishes to file a trial brief, it shall be filed by 10:00 am on Tuesday, February 2, 2021;

(D) if Donald John Trump wishes to file a trial brief, it shall be filed by 10:00 am on Monday, February 8, 2021; and

(E) the House of Representatives may file a rebuttal brief no later than 10:00 am on Tuesday, February 9, 2021;

(3) the Senate directs the parties, in addition to addressing the charge of incitement of insurrection in the Article of Impeachment approved by the House on January 13, 2021, to address in their trial briefs whether Donald John Trump is subject to the jurisdiction of a court of impeachment for acts committed as President of the United States, notwithstanding the expiration of his term in said office; and

(4) the Senate directs the parties to be prepared to address at the commencement of the trial on February 9, 2021, whether Donald John Trump is subject to the jurisdiction of a court of impeachment for acts committed as President of the United States, notwithstanding the expiration of his term in said office.

#### AUTHORITY FOR COMMITTEES TO MEET

Mr. MENENDEZ. Mr. President, I have 2 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

#### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Tuesday, January 26, 2021, at 10 a.m., to conduct a hearing on nominations.

#### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Tuesday, January 26, 2021, at 10 a.m., to conduct a hearing on nominations.

The PRESIDING OFFICER. The majority whip.

#### ORDERS FOR WEDNESDAY, JANUARY 27, 2021

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10:30 a.m., Wednesday, January 27; further, that following the prayer and the Pledge of Allegiance, the morning hour be deemed expired, the Journal of proceedings be approved

to date, the time for the two leaders be reserved for their use later in day, and the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

#### ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

Thereupon, the Senate, at 5:39 p.m., adjourned until Wednesday, January 27, 2021, at 10:30 a.m.

#### CONFIRMATION

Executive nomination confirmed by the Senate January 26, 2021:

#### DEPARTMENT OF STATE

ANTHONY JOHN BLINKEN, OF NEW YORK, TO BE SECRETARY OF STATE.