

If Democrats pass this bill, the American people are going to pay more at the pump, more at the store, and more on tax day.

So, last week, the nonpartisan Tax Policy Center said this bill would raise taxes on nearly one-third of middle-class families.

Didn't Joe Biden say he wasn't going to do that?

Well, who is right: the President of the United States, whose approval is at an all-time low and only 21 percent of Americans think the country is going in the right direction, or the Tax Policy Center that says that a third of all middle-class families will end up paying more taxes if this is signed into law?

This is a blatant violation of the President's campaign promises. The last thing the American people need right now is higher taxes, more debt, and higher prices. The last thing the American people need is this reckless tax-and-spending spree.

It is no wonder that 71 percent of Americans think our country today is on the wrong track, and this includes many Americans who actually voted last November for Joe Biden.

What do the American people want?

Well, they want us to produce more American energy so they can pay less for energy. They want us to make it easier for people to get back to work. They want higher wages and lower prices.

That is not what we are hearing from the Democrats.

So that is my response to the majority leader when he asks why not a single Republican would support this reckless tax-and-spending spree.

With Thanksgiving coming, we need to stop this reckless spending "cold turkey."

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

VACCINES

Mr. LEE. Mr. President, last week, the U.S. Court of Appeals for the Fifth Circuit issued an emergency stay on President Biden's sweeping vaccine mandate. The court granted the stay, citing "grave statutory and constitutional issues" with the mandate. The 22-page order is persuasive and compelling in explaining the grave effects the mandate will have on businesses and individuals alike throughout the United States.

The order also explains that the limited nature of the Federal Government under the Constitution simply doesn't allow for sweeping mandates of this nature, generally, but it certainly doesn't allow for sweeping mandates like this one without an act of Congress. You

see, our powers within the Federal Government are carefully circumscribed; they are carefully constrained. The Constitution brings about a balancing, a limitation on powers that operate along two axes. The vertical constraint is called federalism, and the horizontal constraint is something we refer to as the separation of powers.

The Federal Government's powers are, as James Madison described them in Federalist No. 45, "few and defined," while those reserved to the States are "numerous and indefinite." Likewise, within the three branches, we have these protections in place to make sure that no one person can exercise what power the Federal Government does have exclusively; you can't accumulate too much power. So the President of the United States, under our constitutional system, isn't a King and may not rule by decree. He is not free to just do things because he thinks they are a good idea.

The judges also, refreshingly, asserted the commerce clause of the Constitution and brought up the commerce clause as the source of the claimed authority for Federal action under this circumstance, noting that, even under broad interpretations of the commerce clause that we have seen from the Federal court system since 1937, the commerce clause is not unlimited in the scope of the authority that it provides to the Federal Government, and in this case, it certainly doesn't authorize the Occupational Safety and Health Administration to issue a sweeping vaccine mandate on all companies with more than 99 employees nor does the commerce clause even authorize Congress to undertake such an action, which, of course, Congress has not undertaken.

We have erred dangerously, over many decades, from the true application of the Constitution's limits. In many respects, we have lost sight even of the fact that this is a government of limited powers, and now that lack of those limits—the lack of respect for those limits within those who operate the Federal Government—is placing millions of Americans at risk of not only becoming unemployed but, in many cases, unemployable. Some in Congress are, today, taking it even further in asking the President of the United States to impose a vaccine or a test mandate as a condition precedent for interstate travel.

Now, I have heard from hundreds of Utahns who are at risk of losing their jobs because of this now, thankfully, halted mandate. These are not bad people. To the contrary, they are good people. They are our neighbors and our friends. They are everyday Americans who are all too often just trying to get by to provide for their families. They are not our enemies, and it is troubling to think that the President of the United States said—on national television no less—that he is "losing [his] patience" with them. What does that

even mean? In fact, recent polling numbers show that, if anything, it appears to be the other way around. We are losing patience with him and with his broad assertions of authority that he doesn't even have.

I have come to the Senate floor about 15 times now to oppose this vaccine mandate. I have offered a dozen bills to limit, clarify, or otherwise counteract the vaccine mandate. Each time, one or another of my colleagues from the other side of the aisle has objected to what should be uncontroversial bills. Let's review each of these that we have gone through so far.

Now, this started back on September 28 with S. 2850. This bill, S. 2850, would have provided exemptions for those with religious or moral objections to the vaccine mandate. President Biden, significantly, had promised these exemptions would be in the mandate, but for some reason—for some reason that I struggle to understand—Senate Democrats, nonetheless, objected to the passage of that bill.

So then I came back, and I offered up S. 2840, the Don't Jab Me Act, a bill that would require that the Federal Government make those who suffer from the vaccine mandate financially whole. The Democrats rejected that bill too.

Next, I offered S. 2843, the No Taxation Without Congressional Consent Act, a bill that would require congressional authorization before the fines associated with the mandate could be charged to businesses. Notwithstanding the fact that the Constitution is very clear about where taxes need to originate within our system of government, the Democrats objected to that bill as well.

So then I came back with another bill. This time it was S. 2848, the Your Health Comes First Act. This is a bill that would offer exemptions from the mandate to those who have preexisting medical or other health concerns about the vaccine. This is also another exemption that President Biden himself promised in his speech when first announcing the vaccine mandate, but it is an exemption that the Senate Democrats, apparently, didn't feel worthy of codifying with legislation, and so they objected to that one too. This one was particularly surprising because if, in fact, President Biden himself felt comfortable with those exemptions, one would think that there wouldn't be discomfort with codifying what he himself said should be the law.

So then, in response to that, I returned to this Chamber on another day, and I offered up S. 2846, the Natural Immunity is Real Act. This bill would require that the Federal vaccine mandate recognize natural immunity. Countries across the world recognize this immunity for the powerful protection that it, in fact, provides, a protection that, according to some studies, may be as much as 27 times stronger than that offered by the vaccine alone. Unfortunately, President Biden's mandate wasn't so generous on that point.

This bill, too, was rejected by the Democrats, disregarding science's showing the very real impact of natural immunity.

So I came back, and I offered up S. 2847, the Let Me Travel America Act. Now, this bill would prohibit the requirement of vaccination before citizens could travel between the States. Apparently, the Democrats want to leave that option open because they objected to that one too. Well, that one is not in the vaccine mandate. It is feared, as I mentioned a few minutes ago, that that might be on the table. Apparently, it still is because people were unwilling to codify what should be a natural conclusion for most Americans to reach, which is that our right to travel from one State to another without permission from the Federal Government ought not be interfered with and that it is fundamental that we shouldn't mess with it. That is why it was unfortunate that this one, too, drew an objection.

So I returned. I hoped that this body could give some assurance and some respect to the brave men and women of our military who are at risk of losing benefits and losing the right to serve over this vaccine mandate. So my bill that I offered that day, S. 2842, the Respecting Our Servicemembers Act, would protect servicemembers from losing their livelihoods and their benefits—that they have accrued and earned through their valiant service—as a result of the mandate. The Democrats objected to this one too. That is particularly sad. These are heroes. These are people on whom we rely to keep us safe. We ought to give them more trust than that. We ought to not put them in a position in which many of them are facing a difficult decision.

So I offered another bill. I returned to this body, and I offered a bill that should be one of the least controversial measures that we have ever considered, not just about the vaccine mandate but about anything. That bill, the Parental Consent for Vaccination Act, would have simply required that parental consent be provided before COVID-19 vaccines were given to children. The Democrats objected to that as well.

So I came back, and I offered the Transparency in COVID-19 Vaccination Act. This bill would have provided information regarding vaccine side effects to the public. It would have just made sure that the American people had access to that information. I thought information would build confidence in the vaccines. The Democrats disagreed, and they objected. Apparently, that was too much. I don't know why people wouldn't want more information. I actually think that would have built confidence in the vaccine, but, apparently, they didn't see it that way or maybe they just didn't want people to have access to the information. I don't know. I can't speak for them. I just know they objected.

So I came back for the 10th time. I offered up the Transparency in COVID-

19 Research Act. This bill would have provided research and information drawn from that research—that the American taxpayers are paying for—to the public, that should be available to the public. We pay for that research. We ought to know what the findings are. The government shouldn't have anything to hide and wouldn't have anything to hide here, but the Democrats disagreed, and they objected to that one as well.

So I tried again. I came back, and I offered up S. 2851, the Transparency in COVID-19 Expenditures Act. This bill is just a good housekeeping measure. It is a commonsense measure. It is not something that should have been either liberal or conservative or thought of as Republican or Democratic. It is just a good housekeeping matter. You know, I think it is strange that it would be controversial, given the simplicity of what it would do. It would simply call for an audit regarding how our COVID-19 funds have been spent. I thought the information would be helpful to us as we make policy moving forward, and yet the Democrats objected to that one.

So I tried again. I offered a 12th bill that would simply end the mandate. The No Forced Vaccination for COVID-19 Act would clarify that Federal law does not authorize OSHA or any other Federal Agency to implement a general vaccine mandate, but the Democrats objected to that one too.

Twelve times—twelve bills. Some were simpler than others. Some should have involved no controversy whatsoever. Some just inserted good principles of lawmaking or constitutionalism generally or federalism in particular. Each one was rejected, one right after the other after the other, repeated 12 times.

Thankfully, while some in this body have floundered, judges on the Fifth Circuit fulfilled their duty to the American people and their oaths to the Constitution. That does not mean, however, that this fight is anywhere near over. It will continue in the courts, where the States and the Biden administration will each be able to make their case. But I am also going to continue this fight here. I will stand for those Utahns and those Americans who are at risk specifically because of this mandate.

It is also important for us to remember that separate and apart from what the courts might do, we have an independent obligation, having each taken an oath to uphold and protect and defend the Constitution of the United States in the fulfillment of our duties. We need to make sure that before authority is exercised—especially authority operating in such a personal manner on such a personal issue as this—that power isn't being taken from those to whom it belongs. The power in our system of government belongs to the people, and in the absence of a delegation of power to the Federal Government, that power is retained by the States respectively or by the people.

So we ought to be looking at this carefully and closely, analyzing it on our own. We can't assume that the Federal courts will save us from our own unconstitutional actions.

I have been critical of Presidents of both political parties when they have taken actions that exceed the scope of their authority as President of the United States or of actions enacted by the legislative branch under the direction of either political party that exceed the power of the Federal Government. This is an issue that is not Republican or Democratic. It is not liberal. It is not conservative. It is simply an American issue. It is a constitutional issue. We ought to be debating it, discussing these things here, and not waiting for the courts to act.

One of the profound frustrations that I have encountered over the years is that sometimes people will conflate the issue of constitutionality with litigation. They will assume that constitutional issues are those that have to be addressed in the courts and only in the courts.

Fortunately, we have the courts to adjudicate disputes and the meaning of statutes and provisions of the Constitution, but that doesn't excuse us of our responsibility to provide an independent check and balance to make sure that authority isn't being exercised where it should not. It is especially important where, as here, we are dealing with a fundamentally misguided and, I believe, immoral proposition; that is, that individual Americans, hard-working moms and dads throughout this country, ought ever to be put into a position by their government to choose between, on the one hand, receiving a medical procedure that they may not want or to which they may have religious or other moral objections or which they might have a specific health concern, for example—they ought not ever be put in a position where they have to choose between that unwanted medical procedure on the one hand and on the other hand, the ability to put bread on the table for their children. That is not right. The American people know it, and deep down, they know something is terribly wrong whenever one person can, with the stroke of the Executive pen, issue so broad, so deep, and so immoral a mandate.

I am not going to stand for this. I will be back. I will be back tomorrow. I will be back the next day. I will be back as often as it takes, as long as it takes. I am not going to stop until we win this fight.

Thank you.

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

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

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. CORNYN. Mr. President, after months of delay, I am glad Senator SCHUMER has finally indicated he will allow the National Defense Authorization Act to come to the Senate floor this week.

For each of the last 60 consecutive years, Congress has passed an NDAA to ensure that our servicemembers and military leaders had the resources they need to safeguard our democracy and our freedoms.

This bill is how we maintain our military bases, modernize our force, and invest in the next generation of weapons that we hope we will never need to use but which are necessary for deterrence. It is how we strengthen our relationship with old allies and forge strong partnerships with new ones. It is how we address the global threat landscape and ensure our troops have the training, equipment, and the resources they need to counter adversaries of today and tomorrow.

From threats by an increasingly hostile Iran to those by an unpredictable North Korea, there are many challenges on the horizon, but there is no question that the greatest threat to the world order and to peace itself is the People's Republic of China.

The Chinese Communist Party has made no secret of its desire to continue to squash democracy, as they did in Hong Kong, and impose its economic, political, and military power on the rest of the world.

Here at home, we are intensely aware of how China's aggression can impact our economy and supply chains for critical components of everything from cell phones to our fifth-generation stealth fighter, the F-35. Our dependency on advanced semiconductors manufactured in Taiwan and in Asia is a threat to America's economic and national security, but the most urgent and grave threats are against countries closer to China's borders.

Last week, I had the chance to lead a congressional delegation visiting Southeast Asia to gain a better understanding of the threats and challenges in the region. The area spanning from Pearl Harbor all the way to the western border of India is the largest military theater in the world and is overseen by the U.S. Indo-Pacific Command and is home to 40 percent of the world's population. My colleagues and I had the opportunity to hear from our military leadership and key foreign partners in the region and gain a better understanding of ongoing and anticipated security threats, mainly from China.

China has already co-opted, as I said, a formerly democratic Hong Kong.

It is building missile batteries and aircraft runways for its bombers on artificial islands. It threatens freedom of navigation in international waters. It is guilty of gross human rights abuses against its own people; namely, the Muslim minority Uighurs. It is engaged in a border war with India. And it threatens to invade the Republic of China, otherwise known as Taiwan.

Here at home, there is no question that China is a looming presence, but it is not in our backyard. We don't see its warships on our coastlines, or worry about an imminent military invasion on our shores.

But that is not the case in the Indo-Pacific. In the Philippines, we caught a ride on a Navy P-8 aircraft over disputed waters. Within minutes of leaving Philippine airspace, we spotted a Chinese spy ship engaged in intelligence gathering operations off the Philippine coast.

We traveled to India, where we met with Prime Minister Modi and Cabinet officials to discuss threats posed by China, as well as other shared priorities. But one of the main topics was the timetable for a Chinese invasion of Taiwan.

In every way possible, Taiwan is a stark contrast to the People's Republic of China. It is a true democracy, with elections whose results are not predetermined. It is a free-market economy that adheres to the rule of law. And it shares the same basic values we embrace in the United States: freedom of speech, freedom of press, religion, and assembly.

Despite the fact that Taiwan has been a self-governing entity for more than 70 years, the Chinese Communist Party continues to claim the island nation as part of its territory. But as the Indian Minister for Foreign Affairs said, Taiwan isn't just a Taiwan problem; it is a China problem.

In other words, what is at stake here is much larger than the future of one nation; it is the entire scope of Beijing's power and ambitions in the region. If China is able to capture Taiwan, there is no reason to believe that the Chinese Communist Party would stop there.

China also has territorial claims against the Philippines, Japan, Vietnam, and India. We shouldn't view Taiwan as the CCP's ultimate goal, but as the first domino in a quest to reach regional and global dominance. If Taiwan falls, it will not be the end, but, rather, a beginning.

As the Taiwanese Minister of Foreign Affairs told us, Taiwan is democracy's outpost standing watch against authoritarianism.

I believe we have a legal and moral obligation to stand with Taiwan and deter China from invading. And we also have our own national security at stake.

There is an old saying that an ounce of prevention is worth a pound of cure. In defense parlance, that means peace through strength; deterrence. There must be a strategy to dissuade China from an attempt to seize Taiwan. And there is no question that time is of the essence.

Our delegation met with the commander of the Indo-Pacific Command, who described the current power dynamic rather succinctly. He said it is not a question of if China invades Taiwan, but when.

According to our top military leaders, we have an idea of how long that might happen, because Xi Jinping himself has said he wants to be ready to invade by 2027.

But we have been wrong before. I remember when people said that the Taliban—the intelligence community said it would take 2 years for the Taliban to take over Afghanistan, and we saw that happen almost in the blink of an eye. No one thought that country would fall to the Taliban before we even hit the withdrawal deadline, and we certainly did not expect the withdrawal in Afghanistan to turn into a rapid emergency evacuation mission.

Taiwan might be safe for 6 years, but we can't operate on that assumption. We need to work with Taiwan and our friends and allies in the region to raise the costs, such that the PRC decides it is not worth its time and effort.

The defense authorization bill is one critical way we can do that. It includes a bipartisan bill I introduced with Senator DUCKWORTH, called the Taiwan Partnership Act. It would establish a partnership between the U.S. National Guard and Taiwanese defense forces to strengthen Taiwan's preparedness.

Should troops need to deploy quickly in the event of a crisis, they would be armed with the same knowledge and skills as our dedicated U.S. National Guardsmen.

The NDAA includes other provisions to increase defense cooperation with Taiwan and equip the U.S. Indo-Pacific Command with more resources. I appreciate my colleagues on both sides of the aisle who have championed these provisions.

As I said earlier, we have a moral imperative to stand with Taiwan and show China that the costs of invading are far greater than the benefits. But we have our own national security interests at stake because, if the supply of semiconductors from Taiwan were cut off, it would be a body blow to the American economy and our national security.

I am glad Australia has already signaled its support for Taiwan, and I hope more of our international partners will follow suit—particularly the quad composed of Australia, Japan, and India and the United States.

Beijing can try to exert its muscle around the world, but the United States has one thing that China never will have, and that is friends and allies.

I am grateful to our partners in the Indo-Pacific and around the world who have fought and who will continue to fight to preserve freedom and democracy. It is an honor to spend time with them. And on behalf of our entire delegation, I want to thank all of our hosts for their hospitality.

Our trip to the Indo-Pacific was a timely reminder of the critical need to invest in our national defense and support our allies, new and old.

As the Senate prepares to begin consideration of the Defense authorization bill, I would encourage all of us to keep