

Why do I continue to talk about these things when I get attacked, when I get vilified, when I get ridiculed, when I get censored?

It is pretty simple. It is because I have acknowledged the vaccine-injured. I have held events to let them tell their stories—like little Maddie de Garay, 12 years old. Now she is 13. She participated in the Pfizer trial. She is in a wheelchair. She can't eat. She has a feeding tube.

Pfizer has ignored her, cast her aside.

They are not paying for her medical bills. That is a scandal right then and there. Brianne Dressen participated in the AstraZeneca trial: paralyzed from the waist down. Fortunately, she has gotten her leg function back. But she is not whole. She is not cured.

Ernest Ramirez: he lost his only son, his best friend. He is a single dad.

I have given the vaccine-injured—the survivors, I have given them a forum to tell their stories, and the media just shrugs. All they want is to be seen and heard and believed so they can be cured or so they can prevent other people from experiencing their trauma.

The real reason I continue to tell the truth—although I am attacked—is because not only have I given these individuals a forum to tell their stories, but I have seen their tears. I have hugged the vaccine-injured, the surviving spouses, the surviving parents, the surviving children.

Why won't we acknowledge these truths? Why won't we acknowledge the vaccine-injured?

Until we do, until we acknowledge what the root cause of the illness might be, how is there any hope of healing them?

So again, our response to COVID has been a miserable failure. We must acknowledge that. We can't deny reality. We need to embrace early treatment because we are going to continue to need early treatment.

The vaccines aren't 100 percent guaranteed effective. New variants will emerge. We are going to have to treat. Better start now and might as well give these cheap generic, widely available drugs a shot.

With that, I yield the floor.

The PRESIDING OFFICER (Ms. SMITH). The Senator from West Virginia.

#### GOVERNMENT FUNDING

Mrs. CAPITO. Madam President, I come to the floor today to talk about the appropriations process for the fiscal year 2022, in particular, the Homeland Security bill, where I serve as ranking member of that subcommittee.

Unfortunately, as I stand here today, as all of us know, in December, there is still no clear path for the fiscal year 2022 bills. And you know, that is a real shame, and I am going to talk about that.

Every year, it is a challenge to come up with a bipartisan bill. It is difficult to fund the government. But every year, we manage to do it. The main reason being that we have agreed on

certain rules—rules that transcend unique political situations, where both sides know that you are required in order to reach an agreement. We realize we have to give on each side.

These rules are what Vice Chairman SHELBY has been insisting we agree on now so we can proceed with meaningful negotiations. So I support Vice Chairman SHELBY, and I encourage my Democrat colleagues to come to the table, akin to the Shelby-Leahy agreements of the past. This isn't a partisan demand, but, rather, an appeal that we all recognize at the outset what is so obviously necessary for us to achieve an outcome at the end of the day.

As the ranking member of the Homeland Security Appropriations Subcommittee, I come today to address that bill. I have been pleased over the past year to work with our new chairman, Chairman MURPHY, on our subcommittee. We have had several meetings. And, thankfully, there are vast areas of agreement between us on a majority of issues. I look forward to continuing to work with him to advance agreement for the FY22 Homeland Security bill.

A full-year continuing resolution would be a massive challenge for the Department of Homeland Security. We know we have a continuing resolution going until February.

Like all Agencies—and I argue probably more than most Agencies—DHS exists in a dynamic, ever-evolving threat environment, and its priorities and commensurate funding levels must be updated through the Appropriations Committee.

Further, the DHS is personnel heavy, and we need to ensure that funding keeps up with the salaries and the benefits of the public servants in this Department who are striving every day to keep our Nation safe.

We also need to invest in our Coast Guard and our Coast Guard readiness, which is a part of this bill, and ensure that its important procurement efforts remain on schedule. I think we have great agreement on all of that.

So in the midst of the holiday season, we all know the critical work of the men and women of the TSA. And more recently, we, as a nation, are relying more and more on the constant diligence of the Cybersecurity and Infrastructure Security Agency—CISA—otherwise known as someone trying to keep us safe in cyber space.

These Agencies and all those within the Department stand ready to protect the homeland. But we in Congress seem ill-prepared when it comes time to supporting and furthering their efforts.

So that being said—and I know Chairman MURPHY and I agree on this—I loathe the fact that a CR would enable and pretty much encourage the Department to reprogram money at their own will, aside from the intention of Congress.

So let's secure a framework because, don't forget, we are talking here in the midst of a continuing crisis on our

southern border. Democrats have cited the supposed reduction in border encounters as evidence that President Biden and Vice President KAMALA HARRIS's immigration policies are working.

It is true that encounters have gone down. They have gone down from record highs in July to record highs in October. That is right, this October's numbers, which are the last numbers that we have, were the highest recorded numbers of any October in history. And that is astonishing.

You can see from the chart how the blue is the average from 2013 to 2020 of encounters. And you can see from January on how exponentially higher all of these encounters have been. We have real problems, particularly at the border, that need to be addressed.

So while a long-term CR would be bad, as I have already discussed, a full-year FY22 bill that does not address these real problems at our border is not reasonable either. But that is what the majority's Homeland bill does.

Literally, the first sentence of the summary says: "The fiscal year 2022 Homeland Security bill provides discretionary funding of \$71.7 billion, which is \$65 million less than [what] the President's . . . [asked in his budget] and \$136 million less than the . . . 2021 enacted level" that we are living under right now.

That is right, the DHS bill, introduced by the majority that we are now told is better for the Department than a CR, actually reduces funding from last year's levels.

For example, for Customs and Border Protection—they are on the front line—the bill provides \$14.5 billion, \$80 million below the President's budget request, and \$501 million below fiscal year 2021 enacted.

So the DHS Agency directly responsible for border security, with these numbers right here—the one that is overwhelmed by these numbers—would receive less funding than requested by President Biden and, yes, less funding that is being provided right now under this continuing resolution.

The same is true for Immigration and Customs, known as ICE, the Agency responsible for removing migrants who received due process and are ordered removed.

Again, I quote, for ICE, "the bill provides \$7.9 billion, \$58 million below the President's budget request, and \$40 million below" the enacted level that we are operating under now in 2021.

Once again, another account vital to enforcing our immigration laws cut from what we are operating under the CR.

So what is in the majority's bill that is being sold as border security?

This is what they have chosen to highlight: \$175 million for medical services for migrants who arrive at the border—by the way, the Department of Health and Human Services has an enormous amount of money in their budget—\$130 million for three new permanent processing facilities, and \$25

million for increased transportation costs.

All of these investments mistake border security with border crisis management. These numbers are not going to go down if this is where we put our dollars. Some of these may be necessary expenses—a reality of opening under what is ostensibly open border policies. But they will do nothing to stop illegal border crossings and maybe even facilitate the administration's catch-and-release programs.

And what else would the majority bill do?

It would rescind \$1.9 billion in border wall system funding that we have had in the previous years.

Is taking away money for a border wall system that our Border Patrol has been asking for decades and decades—is that border security?

You know, this isn't just Trump's border wall. We also built miles and miles of extremely useful and effective border wall under President Obama—and it was wall that you could barely distinguish sometimes with the naked eye from recent border wall.

Is rescinding that money good for border security?

I say no.

Is rescinding that money better for border security than a continuing resolution, which I must point out would actually provide an additional \$1.375 for more border wall system?

I will say it again, and you can see it on the chart: illegal border crossings remain at a record high. We need to squash this delusion that things are getting better. The American public is well aware that they aren't. Therefore, we need to provide the proper resources to the Agencies in charge to fix the problem, not perpetuate the crisis.

So let me reiterate what I said at the start. Nobody wants a full-year CR. We need to come together as Democrats and Republicans, in the spirit of true compromise, to avoid that outcome. We can only do that if we understand each other's true interests.

Allow me to cite another telling line from the majority's Homeland Security summary that I have mentioned before. Listed in their key points and highlights for Homeland Security, the very first one that they list, is: "Addressing impacts of Climate Change and Improving Climate Resilience."

They don't mention No. 1 border security. They don't mention No. 1 cyber security. They don't mention No. 1 disaster relief and recovery, which is in Homeland Security. They don't mention the Coast Guard. They don't even mention the scourge we see on all of our States of drug overdoses. And this Homeland Security is charged with drug interdiction.

To me, that says a lot. It says a lot, and it is not going to get us to the negotiation table.

As I have said to the administration, as I say to my Democrat colleagues, as Chairman MURPHY and I have talked about, I think we are both ready and

willing to work towards a solution. Americans deserve our efforts to reach a bipartisan consensus, but that will only happen by following precedent and a willingness to compromise.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

UNANIMOUS CONSENT REQUEST—S. 1520

Mrs. GILLIBRAND. Madam President, I rise today to call for every Senator to have the opportunity to cast their vote on the Military Justice Improvement and Increasing Prevention Act.

I started calling for this up-or-down vote since May 24, because I knew—sexual assault survivor advocates knew—that if the Armed Services Committee leadership had the chance, they would strip the provision out of the NDAA behind closed doors, despite the overwhelming support the bill has in both the Senate and House. That is exactly what has just happened.

Time and time again, I have asked on this floor for the same opportunity to have an up-or-down vote. Time and time again, I have heard the same false promise that we would proceed under regular order and that the will of the Members of this body would be respected.

I was told that "the best way to move forward on this issue is to ensure that all 26 members of the Armed Services Committee have their voices heard and to consider this legislation in the course of the markup of the fiscal year 2022 Defense bill," and that it was "the traditional means of making these decisions."

I was assured that "fulsome debate during committee markup of the annual defense bill . . . is the hallmark of our committee. It ensures that everyone's voice is heard." And here on this very floor, I heard that "all amendments offered by Senators on the committee will be fully considered during the full committee markup" and "that is, in fact, the tradition of the committee. If a Member wants a vote on amendments, we will vote."

So we took it to the committee, we had the fulsome debate, and we voted. The Military Justice Improvement and Increasing Prevention Act was included in the Senate Armed Services' NDAA bill and passed out of committee 23 to 3. That is a pretty decisive vote.

But despite all of the claims that we would follow regular procedure and that everyone's voices would be heard, when the doors closed for the conference, the story changed. Our votes were not respected. Our voices were silenced. Those promises were broken. The House and Senate Armed Services leadership gutted our bipartisan military justice reforms, stripped them from the NDAA, and did a disservice to our servicemembers and our democracy.

Committee leadership has ignored the will of a filibuster-proof majority in the Senate and a majority of the House in order to do the bidding of the

Pentagon. This is an act of blatant disregard for the servicemembers, veterans, and survivors who have fought for an impartial and independent military justice system that is worthy of the sacrifice they make every day for our country.

Committee leadership has also ignored President Biden, our Commander in Chief's public support for moving felonies from the chain of command and fallen short of even the limited reforms that Secretary of Defense Austin called for that would have removed sex crimes from the chain of command. Despite claims otherwise, the NDAA does not remove sex crimes from the chain of command because the commander remains the convening authority, a central role to the military justice system. Every single court-martial will still begin with the words:

This court-martial was convened by order of the commander.

Commanders can still pick the jury, select the witnesses, and allow servicemembers accused of crimes the option of separation from service instead of facing a court-martial—a total denial of justice.

We know that removing convening authority from commanders is critical to providing a system that is fair and perceived to be fair by the servicemembers. To quote Secretary Austin's own panel:

The DoD's Office of the Special Victim Prosecutor structure must be, and must be seen as, independent of the chains of command of the victim and of the accused all the way through the Secretaries of the Military Departments. Anything less will likely be seen as compromising what is designed to be an independent part of the military justice process, thus significantly undermining this recommendation. . . . Finally, because of the breadth and depth of the lack of trust by junior enlisted Service members in commanders—

The IRC goes on—

it was determined that the status quo or any variation on the status quo that retained commanders as disposition authorities in sexual harassment, sexual assault, and related cases would fail to offer the change required to restore confidence in the system.

That was Secretary Austin's own panel.

The NDAA bill does not provide meaningful change to the status quo. Our bill would provide it by moving serious crimes like sexual assault out of the chain of command completely, putting them in the hands of the most capable people in the military—those independent, impartial, highly trained, uniformed prosecutors. That is a system our servicemembers can trust. I know that because that is the reform that survivors have asked for over and over and over again.

Since I started calling for this vote in May, we estimate that more than 11,000 servicemembers will have been raped or sexually assaulted and more will have been victims of other serious crimes. Two in three of those survivors will not even report those crimes because they know that under the current system, they are more likely to