

The two parties meet, and the buyer hands over money and leaves with a gun.

A recent investigation by the gun safety organization Everytown found that in 2018, there were 1.2 million ads on this website to sell guns without a background check.

Last week, it listed an ad—listen to this—for a private sale in Buffalo, NY, of an AR-15—the same kind of weapon that that madman took into the grocery store and the same kind of weapon that was used against the schoolchildren in Uvalde, TX. Through that website, you could buy an AR-15 last week—no background check required. How long do these background checks take? In most cases, they take less than 5 minutes, and no law-abiding citizen needs to worry about passing this test. We should close the deadly “private sale” loophole to help keep guns out of the hands of people who are legally prohibited from owning firearms.

I support “red flag” laws that allow law enforcement to temporarily remove firearms from a person who is determined by the court to be at risk of hurting himself or others. There are 19 States, including Illinois, that have these laws, and they are an important tool for preventing violence. Even Florida’s Republican-controlled legislature enacted a State “red flag” law after the Parkland massacre. We should support similar efforts.

I will close with a story from my State.

Three years ago, a convicted felon was fired from a job at a small manufacturing plant near Chicago. He went back a few hours later with a handgun. He shot and killed five of his former coworkers and wounded five police officers before killing himself. I attended the memorial services of several of those victims. Those murders happened in a town called Aurora, IL.

Seven years before that, a gunman in another Aurora—this time in Colorado—opened fire in a movie theater, killing 12 people and wounding 70 more—killing 12 and wounding 70 more. When the police chief of Aurora, CO, heard about the Illinois rampage, he said to a reporter: Months from now, as people talk about the mass shootings of the world, some will ask: Which Aurora mass shooting are you talking about?

Think about that. In nearly any other nation on Earth, the name of a town in which a mass shooting has taken place would be remembered and mourned for years or even decades. In America, gun deaths and even mass murders now happen with such sickening regularity that some people have a hard time keeping the tragedies apart or of even remembering them.

I might say to the Presiding Officer at this point, I know of the terrible shooting in your State over the weekend where one of your State judges was gunned down. It is happening everywhere. I am so sorry that it touched your State this last weekend.

Over this past week, I met with people across Illinois to discuss gun violence. I met with police officers, youth in Chicago who had been affected by gun violence, and doctors at Stroger Hospital and at Lurie Children’s Hospital. I spoke to so many people, and this was always the first topic they mentioned: gun violence.

They asked me a basic question: When is Congress going to do something about this?

The American people are sick and tired of gun violence, and they are desperate for us to bring change. This Senate has it within our power now to make changes that respect our Constitution and the rights of law-abiding citizens that will literally save lives. The question is whether we have the conscience and the courage to take these numbers of steps forward together. Lives depend on it.

When I left my granddaughter’s grade school last Friday, I thought about it all-day long—those beautiful kids and the kids down in Texas and the kids at Sandy Hook and the kids at Columbine and the kids at Parkland. All of these kids are being butchered by gun violence.

Many people think, because the Constitution and its Second Amendment gives us the right to bear arms, that we can’t touch this issue. They are wrong. The Supreme Court, in the *Heller* decision Justice Scalia wrote, made clear that we still retain the power to regulate the guns that are sold and how they are going to be used. We have got to take that and seize that opportunity. We have been elected to the U.S. Senate to respond to American crises. This is at the top of the list. After what we have been through in the last several weeks and what we are likely to go through in the weeks to come, how dare we say this is too big and too tough. How could anything be more important than the safety of our children and of our families across America?

I will join in the Senate Judiciary Committee, in any way that I can, to support this bipartisan effort. I hope that it is meaningful. I hope, when it is all said and done, we can point to it and say: We achieved something in the names of those families of survivors and of those who lost their lives—who have given so much to this madness that has become part of life in America.

I yield the floor.

The PRESIDING OFFICER (Ms. BALDWIN). The senior Senator from Iowa.

FEDERAL BUREAU OF INVESTIGATION

Mr. GRASSLEY. Madam President, Congress has a constitutional responsibility to ensure that the executive branch executes the laws and uses taxpayer money that has been appropriated to do it according to congressional intent. Now, around here, we refer to seeing that the laws are faithfully executed as the constitutional responsibility of oversight of the Con-

gress of the United States. In furtherance of that constitutional responsibility, Congress has an obligation to investigate the executive branch for fraud, waste, abuse, and gross mismanagement. I take my constitutional responsibilities of oversight very seriously.

From time to time, I receive information that requires me to ask questions of the executive branch in efforts to better understand whether any wrongdoing has occurred and, if so, what remedial actions will be taken and employed to cure the damage done. That is what brings me to the floor of the Senate today, focusing on Assistant Special Agent in Charge Timothy Thibault at the FBI’s Washington Field Office.

Last week, while I was meeting with my constituents in Iowa, I sent a letter to the Justice Department and the FBI and also a letter to the Department of Justice’s inspector general. In those letters, I provided evidence of extreme leftwing bias shown by Special Agent Thibault. Now, in his position, he is a very powerful agent within the FBI—so powerful that he can open and close Federal public corruption cases and investigations. He is a shining example, at the same time, of what is wrong with the FBI.

Andrew McCarthy wrote about Mr. Thibault last week and wondered what the heck has happened with the FBI. This FBI agent’s leftwing political bias was exposed by his very own LinkedIn and Twitter accounts. There, in those accounts, he posted highly partisan material related to his superiors, matters under the FBI’s purview, and matters under his own purview. His LinkedIn network includes current and former FBI personnel. The general public is able to review his social media content, which includes his political views, his political biases, and objections.

Thibault, under the title of Assistant Special Agent in Charge, directly posted a partisan article related to the LTG Michael Flynn case to his LinkedIn account. The article was a September 3, 2020, opinion piece from the Washington Post, entitled “Why the Michael Flynn case still matters,” which was about the “Trump administration’s abuses of the justice system.” He also “liked” other politically charged articles relating to then-President Trump and his superior, then-Attorney General Barr.

Thibault’s public political association doesn’t even end with those examples.

According to his Twitter feed, which is also under his name, he mocked the election of one of our new colleagues, Senator TUBERVILLE, and the State of Mississippi at the same time.

He said:

Thank God for Mississippi—state motto of Alabama.

I am not sure exactly what that means, but it is pretty clear that he is making fun.

When Representative LIZ CHENEY tweeted “Dick Cheney says wear a mask,” Thibault replied with this:

Your dad was a disgrace.

He recently tweeted:

Can we give Kentucky to the Russian Federation?

In response to a Catholic priest’s tweet that was critical of abortion, he tweeted an anti-Catholic slur to both Catholic priests and then-President Trump:

Focus on the pedophiles.

There are other examples, but I think it is pretty clear you get the bias of this particular special agent. You get the picture, in other words.

After my letters were made public, he reportedly then set his tweets to protected mode and deleted his LinkedIn profile. His social media activity likely violated several Federal regulations and Department guidelines. The guidelines are designed to prevent political bias from infecting FBI matters. Such restrictions on political activity are heightened by senior FBI officials like Thibault because of the risk of improper influence on investigative matters.

If he projects this type of political sentiment in public, using his name and title, there is absolutely no telling what he is doing within the privacy of his office and in front of subordinates.

The fact that this FBI agent has the power to open and close investigations, particularly into political figures—Republican and/or Democrat—is cause for serious concern. His actions present a grave risk of political infection and bias in his official decision-making process.

Let me ask: What have the Justice Department and FBI done to oversee his work behavior?

Let me ask: How many investigations have been infected by this political bias by this special agent?

I fear, for many years, he has been able to do whatever he has wanted to do. Accordingly, such conduct unquestionably undermines both the Justice Department and the FBI because, at a minimum, it creates the perception of the unequal application of the law. At the maximum, his political bias has materially affected investigative matters that he has been a part of.

This is why the American people have lost confidence in the Justice Department and the FBI to do the jobs that those two Agencies are assigned to do under our law. Political considerations have infected these Agencies, and the cost is a loss of faith in the very institutions that depend on the American people’s trust for the credibility of these Agencies.

My press release last week listed a phone number and an email address for the Justice Department and FBI whistleblowers to contact my office if they know some of these similar things that we need to know. Since then, I have had whistleblowers reach out to me about Thibault and others. I will have

more to say on that matter, in the coming weeks, to my colleagues here in the Senate.

I urge anyone who is willing to speak to government waste, fraud, abuse, and gross mismanagement to contact me. And, of course, I strongly urge the Justice Department and the FBI to clean house without hesitation.

Transparency brings accountability, and my future investigative actions in this space will do exactly that. I am asking my colleagues to stay tuned.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

50-YEAR ANNIVERSARY OF TITLE IX

Mr. TUBERVILLE. Madam President, just imagine: It is a Tuesday night in October. The shuffle of shoes screech across the waxed court, the buzzer sounds, and the crowd erupts in cheers as the home team scores the winning point. Clinching the first-place title, the home team gathers at center court, each player grinning from ear to ear. The excitement is tangible. It was a hard-fought season and a well-earned first-place title. The trophy is presented, pictures are taken, and team members high-five each other as fans charge the court to congratulate the winning team.

What I just described are the final seconds of a high school girls’ basketball game. Those who have witnessed a buzzer-beater win know there is nothing like it. For the players, the fans, the parents, and all involved, it is a prized moment and a memory that will never be forgotten. But it is not just a memory; it is a valuable learning experience.

Over the span of a year, teammates dedicate hundreds of hours of late-night and early morning practices. They overcome conflicts. They work together. They practice self-discipline. They perfect their craft. And they knew, if they gave it all, they would have a chance to be victorious with all this hard work and effort.

I saw these learning experiences unfold time and time again throughout my 40-year career as a coach, educator, and mentor. A great deal has changed in the world of women’s athletics since I began my career coaching high school girls’ basketball almost 40 years ago. What an experience.

Almost 50 years ago, female athletics received less than 2 percent of college athletic budgets, and athletic scholarships for women were virtually nonexistent. Only 1 in 27 girls participated in intercollegiate sports in the United States 50 years ago—1 in 27.

Since the 1970s, female participation in sports at the collegiate level has risen by more than 600 percent, and

today 43 percent of the high school girls whom we have in school today participate in sports, up from 5 percent 50 years ago.

These strides in women’s athletics did not just happen by circumstance. They are the result of title IX protections passed by Congress in 1972 in this very room where we are today. Title IX provided females a long-denied platform that had always been afforded to males only. It ensured female athletes had the same access to funding, facilities, and athletic scholarships. That was title IX.

It is an unquestionable truth that biological males have a physiological advantage over females. Title IX acknowledged that truth for the benefit of women’s athletics. To break it down even more, one study states: On average, males have 40 to 50 percent greater upper limb strength, 20 to 40 percent greater lower limb strength, and an average of 12 pounds more skeletal muscle mass than age-matched females at any given body weight.

Title IX sent an incredible—credible—message to female athletes across the Nation. That message was: You can compete; you can win; and you will be afforded a fair and level playing field to do so. Because of these reasons, decades later, we know title IX has been a monumental success for female athletes across this country.

As the 50th anniversary of title IX approaches at the end of this month, we should be celebrating female athletes who were given the opportunity to win first place, to learn the life lessons sports teaches each individual, and to overcome obstacles and reach their God-given potential. We should be asking ourselves how we can preserve title IX so female athletes 50 years from now can experience the same euphoric feeling of hard work and hard-earned victory.

But, unfortunately, with the Biden administration’s proposal, in the next few weeks, we will lose title IX protections for female athletes as we know it. Later this month, it is expected that President Biden’s Department of Education will publish a proposed rule to change title IX to align more with the administration’s progressive agenda.

These proposed changes would require schools to allow biological males to compete in women’s sports. It would take a wrecking ball to five decades of title IX success and tilt what was a level playing field to the far left. With the Biden administration’s proposal, female athletes will lose. We cannot allow title IX’s protections for female athletes to be eroded. It has been too much of a success.

I plan to continue leading efforts against this misguided policy to ensure no Federal action will negatively impact female athletes. Recently, I have spoken with numerous female athletes

who were able to compete and win because of title IX. Additionally, I introduced an amendment to prohibit Federal funding to schools that allow biological males to compete in women's sports.

I have also repeatedly called for the Senate to pass the Protection of Women and Girls in Sports Act, legislation I helped introduce that would ensure the definition of "sex" in title IX is based on "solely a person's reproductive biology and genetics at birth" and prohibit Federal funding to institutions that do not uphold that definition.

Just last week, I sent a letter to U.S. Department of Education Secretary Cardona, warning the administration to rethink this rule change. The Biden administration's title IX rule flies in the face of the so-called science that Democrats are quick to pledge their allegiance to by ignoring the scientific differences in biological makeup of male and female athletes. Apparently, science only holds water when it conforms to the Democrats' partisan agenda.

Allowing biological males to compete in women's sports will set women's rights back 50 years to a time before title IX. It will discourage young girls from entering the court, jumping in the pool, walking on the field because they will know they will have to compete with the deck stacked against them; they can only hope to win second place, at best.

So the bottom line is that there is really no pregame speech or halftime talk you can give to a woman or a girl who feels like they aren't competing on a fair playing field, like 50 years ago. With this proposed rule, girls will be playing for second.

The Biden administration should do the right thing and rethink their decision that would destroy female athletics as we know it today.

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

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

GUN VIOLENCE

Mr. CORNYN. Madam President, like so many people in Texas and across the country, I can't stop thinking about the 19 children and the two teachers who lost their lives in Uvalde, TX. Over the last several days, 21 families have started burying their loved ones. This tight-knit community of 15,000 people 60 miles from the U.S.-Mexico border is grieving the loss of classmates, playmates, friends, neighbors, colleagues, and fellow church members.

As grief turns to anger and anger turns to action, everyone is asking the question—the logical question—how do we stop these sort of things from happening again? Well, I think that is the

right question. That is the question that has been on my mind and dominating conversations with my colleagues the last couple of weeks.

This is a big diverse country. There are a lot of differences regionally, culturally, and the like. Each of us have ideas about what would work best, but that is the genius of our Federal system, one that Louis Brandeis called the "laboratories of democracy" because "one size fits all" is not necessarily always the right solution.

But those of us who work here in the Senate know this is not just about our goals or ideals; it is about what was once called the "art of the possible." Perfect bills exist only in our imagination and we have to be realistic about what can pass both Chambers of Congress and get the President's signature. And we know it is not easy by design. The Founding Fathers had this idea that if they made it hard to pass legislation, if they forced us to build consensus, that we wouldn't pass a lot of laws that would limit individual freedom and liberty; that it would only be where there was a true national consensus that we could get those laws passed.

Over the last week and a half, I have been talking, particularly with Senator MURPHY, Senator TILLIS, Senator SINEMA, but, literally, with everybody I could reach on the phone or get through text message to see if there is some package of mental health and safety legislation that addresses some of the factors that might have prevented the recent shootings in Uvalde and elsewhere.

I want to be clear, though. We are not talking about restricting the rights of current law-abiding gun owners or citizens. This is a constitutional right, as much as that may go against the grain of some of our colleagues who would like to see us do things that would restrict the right of American citizens under the Second Amendment. The right to keep and bear arms is guaranteed by the Constitution itself. And the vast majority of the Republican conference feels, certainly, the same way.

What I am interested in is keeping guns out of the hands of those who, by current law, are not supposed to have them—people with mental health problems, people who have criminal records.

Again, this is about the "art of the possible." In order to deliver results, we have to build consensus, and the best way to do that is through targeted reforms. We have actually had success doing this before. On November 5, 2017, a tight-knit community in Texas called Sutherland Springs was the target of a shooting. A gunman opened fire at a small Baptist church, killing 26 people. We quickly learned that the shooter had a long and disturbing record of violence—school suspensions, comments about wanting to kill his superiors in the military, animal abuse, violence against those closest to him,

felony, domestic violence convictions—he fractured the skull of his stepson in a fit of anger, and he even spent time in military prison. Yet, under the existing National Instant Criminal Background Check System, the Air Force had not uploaded that information.

Under existing Federal law, the shooter was prohibited from ever purchasing or possessing a firearm. So how did he get his hands on a semiautomatic weapon that he used to take 26 innocent lives? Well, it was because of a broken system. He was able to purchase four firearms because the information about his criminal history had never been uploaded into the National Instant Criminal Background Check System known as the NICS system. In that case, it was clear that the answer was, How do we stop this again? It was obvious: Get the background check system improved to record existing disqualifications to purchase or possess firearms.

Senator MURPHY and I introduced the Fix NICS Act to ensure all departments and agencies accurately and correctly uploaded these conviction records on a timely basis. That bill, at the time it became law, had more than 70 bipartisan cosponsors, and it was signed into law in March 2018. And here is what happened next. In the first 3 years since that bill became law, 11½ million additional records have been uploaded into the three national databases—11.5 million additional records. The number of records in one of those databases increased by more than 30 percent.

I believe the reason we were able to succeed with the Fix NICS legislation is because it addressed a glaring problem without jeopardizing the rights of law-abiding citizens under the Second Amendment. I mentioned that the bill had more than 70 cosponsors. I am reminded here that it had 77 bipartisan cosponsors. And that was how we passed the first major reform to the background checks system in 25 years. My hope is we can take the same approach here to build consensus by targeting the problem with a targeted solution.

This one is actually harder because in Uvalde there were so many points of failure—not just one—multiple points of failure. But one obvious glaring issue is the lack of mental health intervention. According to the reports we have seen, the shooter was isolated, he was bullied, he harmed himself, he self-mutilated. He had a history of fighting and threatening students and abusing animals. These are textbook signs, compounded with a profile we have seen too often of someone who could pose, not only as a threat to himself, but to others, as well.

But these signs were ignored, and we saw the tragic consequences. I don't think it is breaking news to say that there is a mental health crisis among America's children, and we can't ignore the devastating impact that the pandemic had on a lot of our young people.