

to show the utmost respect to the Members and to the staff who are also held up for sometimes no good reason.

So this is a good step forward. It is a baby step. It is not a sea change. But I think we can change the behavior of the Senate by being mindful of how our actions can affect the proceedings on the floor and every one of our calendars.

So, again, Madam President, I send that letter to the desk. I have shared a copy of the letter with both cloakrooms. I will be sending a letter to Senator SCHUMER, who I understand will gladly accept it.

Madam President, I ask unanimous consent to have the letter printed in the RECORD.

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

U.S. SENATE,

Washington, DC, February 2, 2022.

Hon. CHARLES E. SCHUMER,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR MAJORITY LEADER SCHUMER AND MINORITY LEADER MCCONNELL: As you know, despite our collective efforts to encourage Members to vote on the Senate floor in a timely manner, votes are often left open well beyond the allotted time, frustrating a majority of Members from both sides of the aisle. Often, the outcome of the vote is not in doubt.

With this in mind and in order to expedite floor votes, we are instructing the Presiding Officer to close any vote in which: (a) one of the signatories below is the last remaining vote; and (b) the Member's vote would not change the outcome. However, on any particular vote, if a signatory requests that the vote be held open, they may do so by providing notice to their Cloakroom.

Sincerely,

Thom Tillis, Angus S. King, Jr., Christopher A. Coons, Roy Blunt, Shelley Moore Capito, Patrick J. Leahy, Kyrsten Sinema, Jon Tester, Ron Johnson, Amy Klobuchar, Jon Ossoff, John Barrasso, Patty Murray, Sheldon Whitehouse, Rick Scott.

Mark R. Warner, Kirsten E. Gillibrand, Rob Portman, Mike Rounds, James Lankford, Joni Ernst, Cynthia M. Lummis, Mike Crapo, Bill Hagerty, Richard Burr, Dan Sullivan, Debbie Stabenow, Roger Marshall, Jerry Moran, James E. Risch.

Tommy Tuberville, Tim Kaine, Lisa Murkowski, John W. Hickenlooper, Richard J. Durbin, Robert P. Casey, Jr., Ben Sasse, Benjamin Cardin, Tammy Duckworth, Margaret Wood Hassan, Jack Reed, Roger F. Wicker.

Todd Young, John Boozman, Chris Van Hollen, Michael F. Bennet, Martin Heinrich, Robert Menendez, Richard Blumenthal, Brian Schatz, Patrick J. Toomey, Lindsey Graham, Steve Daines, John Hoeven, Gary C. Peters, Jeff Merkley.

Rand Paul, Bernard Sanders, James M. Inhofe, Alex Padilla, Christopher Murphy, Tina Smith, Cynthia Hyde-Smith, Mike Braun, Jeanne Shaheen, Deb Fischer, John Kennedy, Marco Rubio.

Mitt Romney, Joe Manchin, III, Sherrod Brown, Bill Cassidy, John Cornyn, John Thune, Mark Kelly, Cory A. Booker, Kevin Cramer.

Mr. TILLIS. Thank you, Madam President. I look forward to seeing it work in action.

I yield the floor.

The PRESIDING OFFICER (Ms. SMITH). The Senator from Illinois.

TRIBUTE TO ANTHONY FAUCI

Mr. DURBIN. Madam President, our history books are filled with the names of great men and women who devoted their lives to others. One who may not be as recognizable as others is Norman Borlaug. He was an American biologist. He successfully developed a strain of wheat that grew more quickly and was disease-resistant. His work to feed the hungry has been credited with saving a billion lives worldwide.

Madame Marie Curie was a Polish chemist who is remembered for her discovery of radium and polonium and her huge contribution toward finding a treatment for cancer.

Of course, there are all the scientists throughout history who developed life-saving vaccines: Edward Jenner, smallpox vaccine; Louis Pasteur, rabies; Albert Calmette, TB; Leila Denmark, whooping cough; Jonas Salk, polio. I might add Albert Sabin, too, because I was a kid and remember he came up with the oral version, which meant we didn't have to get a shot. Kids remember that.

These men and women will be remembered for improving and saving lives with their breakthroughs in medicine, agriculture, and science.

I want to nominate another person to be remembered in that same light. His name is Anthony Fauci. Born in 1940, Tony Fauci, the grandson of Italian immigrants, grew up a Yankees fan in Brooklyn. He was the captain of his high school basketball team. He worked construction jobs over breaks in the summer from school.

He ultimately decided he wanted to pursue a career in medicine. Thank goodness he did. In 1972, Anthony Fauci accepted a senior researcher position at the National Institutes of Allergy and Infectious Diseases at the National Institutes of Health, and for the past 38 years, Dr. Fauci has been the leader of that Institute. He has advised seven Presidents of both political parties. He has guided our Nation and the world through countless public health crises—SARS, avian influenza, swine flu, Zika, Ebola.

Aside from his work against COVID-19, he is best known for his work on HIV/AIDS. Anthony Fauci's tireless efforts on HIV/AIDS, both domestically and worldwide, through the creation of PEPFAR, the President's Emergency Plan for AIDS Relief, is the main reason why HIV/AIDS is no longer a death sentence.

Some of us can remember when HIV/AIDS was first discovered. I can recall coming to vote in the House and somebody stopping me on the sidewalk and saying: Did you hear Magic Johnson has AIDS? I can remember hearings in the House Budget Committee as a young Congressman when we thought

it was a death sentence that we were all going to face eventually. There was ultimate panic in the air, but thank goodness there were talented people like Tony Fauci with the nerves of steel needed to confront that.

Harold Varmus, a former NIH Director, once said:

PEPFAR has turned around declining life expectancies in many countries and likely saved some countries—even an entire continent—from economic ruin.

Larry Kramer, a prominent and well-known AIDS activist who recently passed away, called Dr. Fauci “the only true and great hero” among government officials of the AIDS crisis.

For his work on HIV/AIDS, Dr. Fauci was awarded the Presidential Medal of Freedom in 2008—our Nation's highest civilian honor—from then-President George W. Bush, who called Dr. Fauci “my hero.”

Dr. Fauci has devoted his career and his life to improving public health. He has saved countless lives here and around the world. These days, he is working 18 hours a day, 7 days a week, shuttling from the NIH to the White House and back home.

He is a classic example of American excellence, a brilliant scientific mind. Yet, despite all this, despite all that I have told you about this man, some Members of today's Republican Party have chosen to make him a political target. They think attacking Dr. Fauci will cause us to forget the real history of COVID-19.

You see, the Republican Party has consistently failed the American people when it has come to COVID—from President Trump's refusing to take it seriously, to the discouragement of mask-wearing and vaccines, to promoting horse tranquilizers and bleach and bizarre theories as a cure. They have too little courage to face their communities and to do the hard work of governing during this public health crisis, so they have invented a political target, a convenient target, on which to focus their blame.

Instead of addressing this public health crisis head on, they are trying to deflect and distract from it in attacking Dr. Tony Fauci. They are, without evidence, suggesting the false narrative that Dr. Fauci secretly and purposely funded illicit research that caused this virus. They are even criticizing his government salary, for goodness' sakes.

He accrued that salary, I might remind them, over four decades of public service, as though he wouldn't make twice or three times that amount in the private sector today. They are questioning his financials and ties to the drug industry, even though he has made every requested document available, and no malfeasance or conflicts have been found.

So why do they do this? Why are they determined to run this man down? Why would they attack this public servant who is working around the clock to keep us safe?

It is because it is much easier to malign a person than it is to do the hard work of enacting policies to tackle this virus and keep America healthy. Their distractions have sunk so low that they are using these attacks to raise money for their political campaigns.

We have Republican candidates, from Ohio to Florida, who are running ads entitled, “Fire Fauci,” who are promising to subpoena him and reduce his salary to zero if it is within their power, who are selling “Freedom over Fauci Flip-Flops,” which comes from none other than the Governor of Florida. A few of my Senate Republican colleagues have loaded up their websites with anti-Fauci fervor, conveniently located next to a “donate here” option.

We have FOX News’ anchors and podcast comedians giving air time to anti-vaxxers who are hoping to get their 15 minutes of fame by leveling baseless claims against Dr. Fauci, baseless claims that have resulted in death threats and harassment against Dr. Fauci, his wife, and his children.

Let me ask you this: What have Dr. Fauci’s most vocal critics done to advance the cause of public health?

Nothing. They have done nothing. Worse than that, their lies about Dr. Fauci and about COVID are creating a toxic political environment that is literally killing people, as 900,000 Americans have now died from COVID. Some of these deaths could have been prevented with vaccinations.

Americans who are unvaccinated—listen to this; the Presiding Officer knows it—are 97 times more likely to die from COVID than their vaccinated and boosted counterparts—97 times more likely to die. Yet, instead of spending their time encouraging vaccinations and promoting other proven, legitimate public health measures that would end this pandemic, many in the Republican Party want to get their 5 or 10 minutes of Sun on FOX TV, and they spend their time attacking Dr. Fauci.

These attacks are a shameful fraud, and for what—to fundraise? to win another guest appearance on FOX?

Working in politics, you get used to a lot of things—grandstanding, demagoguery, hypocrisy—but what some of my Republican colleagues are doing to Dr. Fauci is the lowest form of political life. They are lying about someone who has devoted his life to saving people—saving AIDS patients, containing and eradicating Ebola, preventing the spread of Zika and the avian flu. He is someone who has worked harder than anyone to end this COVID pandemic.

David Relman, a microbiologist who has advised the U.S. Government for years on biological threats, said this of Dr. Fauci:

Nobody is a more tireless champion of the truth and the facts . . . I am not entirely sure what we would do without him.

Dr. Fauci’s name is—and deserves to be—listed alongside our world’s greatest scientific minds. History will reserve another place for those who lied

about him for their own gain—inciting hatred, prolonging this pandemic, and contributing to needless pain and suffering.

America is blessed to have the talent, dedication, and compassion of Anthony Fauci in the midst of this deadly pandemic.

I ask unanimous consent to have printed in the RECORD an article from The Washington Post, entitled, “Anthony Fauci is up against more than a virus,” after these remarks.

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

[Jan. 27, 2022]

ANTHONY FAUCI IS UP AGAINST MORE THAN A VIRUS

(By Dan Zak and Roxanne Roberts)

Two years into the pandemic, the threats and vitriol have not stopped. And the many Americans who still trust him are exhausted.

The doctor opens the front door. Never mind introductions. “I know who you are. Do you think these guys would let you get this close to me, if we didn’t know who you are?” Across the street is a security agent in Nikes, a badge on his belt. He’s not the only one watching.

“I mean, isn’t it amazing?” the doctor says. “Here I am, with cameras around my house.”

The house is modest for Washington: stucco and brick, cozy and cramped. No obvious tokens of celebrity or esteem. Icicles on the dormant hot tub out back. Bottles of red wine and olive oil on the kitchen counter.

“It’s messy because, as you know, in covid times, nobody comes over. So nobody cares.”

People are coming by outside, though. They are snapping photos. Two years into the pandemic Anthony Fauci remains the face of America’s covid response, and on this cold Saturday in January thousands of marchers are descending on the capital to rally against vaccine mandates. Are some of them staking out his home?

The security agents “usually leave at a certain time,” the doctor says. “But tonight they’re going to sleep in our guest room.”

Year 3 of covid times. Nearly 900,000 Americans are dead. An average of 2,000 (mostly unvaccinated) Americans are dying every day now, even though there is a simple measure to limit such suffering—made possible in large part by the Vaccine Research Center founded under Fauci. And yet many Americans would rather take their chances with a virus than a vaccine, because there’s more than just a virus going around. There’s something else in the air. Symptoms include rage, delusion, opportunism and extreme behavior—like comparing Fauci to Nazi doctor Josef Mengele (as Lara Logan did on Fox News in November), or setting out for Washington with an AR-15 and a kill list of “evil” targets that included Fauci (as a California man did last month).

“Surrealistic,” the doctor says.

He has not had a day off since the beginning. “I would say I’m in a state of chronic exhaustion.” He quickly adds: “But it’s not exhaustion that’s interfering with my function.” He is a precise man whose tour in the information war has made him extra-vigilant about his words. “I can just see, you know, Laura Ingraham: ‘He’s exhausted! Get rid of him!’”

Fauci has been a doctor and public servant for more than 50 years. He’s been the country’s top expert on infectious diseases under seven U.S. presidents. George H.W. Bush once called him his personal hero. Under

George W. Bush, Fauci became an architect of an AIDS-relief program that has, according to the U.S. government, saved 21 million lives around the world.

He knows how a virus works. He knows how Washington works. He thought he knew how people worked, too—even ones who called him a murderer, as AIDS activists did decades ago because they felt left for dead by a neglectful government. Back then the angry people were motivated by truth and science. Fauci had something to learn from them, and they had something to learn from him. The shared mission was pursuing facts and saving lives. Fear and uncertainty could be eased by data and collaboration. Combatants, however scared or passionate, shared a reality.

Now?

“There is no truth,” Fauci says, for effect. “There is no fact.” People believe hydroxychloroquine works because an Internet charlatan claims it does. People believe the 2020 election was stolen because a former president says so. People believe that Fauci killed millions of people for the good of his stock portfolio because it’s implied by TV pundits, Internet trolls and even elected leaders. Fauci is unnerved by “the almost incomprehensible culture of lies” that has spread among the populace, infected major organs of the government, manifested as ghastly threats against him and his family. His office staff, normally focused on communicating science to the public, has been conscripted into skirmishes over conspiracy theories and misinformation.

“It is very, very upending to live through this,” Fauci says, seated at his kitchen table in the midwinter light. He pauses. “I’m trying to get the right word for it.” He is examining himself now, at 81, in the shadow of the past two years. “It has shaken me a bit.”

The way he can comprehend the situation is in the context of the Jan. 6, 2021, siege of the Capitol. There it was, on live TV, an experiment as clear as day: The abandonment of truth has seismic consequences.

Something has been replicating in the American mind. It is not microbial. It cannot be detected by nasal swab. To treat an affliction, you must first identify it. But you can’t slide a whole country into an MRI machine.

“There’s no diagnosis for this,” Fauci says. “I don’t know what is going on.”

A virus is a terrifying force that hijacks civilization. A bureaucracy, intricate yet imperfect, is what we have to take back control. For better and worse, Fauci became the personification of both. He has been sainted and satanized over the past two years, since he first fact-checked President Donald Trump. His inbox is a cascade of hosannas and go-to-hells. His days often start at 5 a.m. His nights are fitful. What more could he have done today? What fresh horror awaits tomorrow? He is fighting for a best-case scenario, urging preparation for the worst, and fretting that nothing will ever be good enough.

“I do worry about him,” says Francis Collins, until recently the director of the National Institutes of Health. “He’s incredibly frustrated” by the attacks “because it’s a distraction. But there is no part of Tony Fauci that’s ready to give up on a problem just because it’s hard.”

“Being two years into this, and being at the tip of the spear—it takes a certain person to be able to persevere through that,” says Michael T. Osterholm, director of the Center for Infectious Disease Research and Policy at the University of Minnesota. “It’s almost like asking someone to run a marathon every day of their life.”

“He’s always had complete bipartisan support, up until covid,” says AIDS activist

Peter Staley, who once picketed NIH and is now a dear friend of Fauci's. "It's flat-Earth time. Nothing makes sense. This is a guy who tries to let science dictate what he says and does. Now they're turning what is a pristine record into something evil. They lie, and repeat the lie 100 times until people think it's true."

Staley calls Fauci multiple times a week to check in, ask him how he's doing, discuss the covid response and the resistance to it.

"What do I tell him?" Staley says. "What kind of advice do I give him to win that war? It's very frustrating. It's almost unwinnable."

Look at Fauci's Jan. 11 appearance before the Senate Health Committee. Sen. Richard Burr (R-N.C.) chided Fauci and other officials for spreading "skepticism and mass confusion" with mixed messaging on covid guidelines. A harsh but fair criticism. Then two senators—who each happen to have medical degrees—got personal.

"You are the lead architect for the response from the government, and now 800,000 people have died," said Sen. Rand Paul (R-Ky.).

Fauci scolded Paul that such an "irresponsible" statement "kindles the crazies." "I have threats upon my life, harassments of my family," Fauci said, suggesting that the California man targeted him because he "thinks that maybe I'm killing people."

For years, Fauci had joked that his personal philosophy comes from "The Godfather": "It's not personal; it's strictly business." The business is science. Science helped him cure vasculitis. Science helped him and others transform HIV from a death sentence to a condition managed by a pill.

What he was facing now felt like it had nothing to do with science.

Later in the hearing, Sen. Roger Marshall (R-Kan.) displayed a giant prop paycheck depicting Fauci's \$400,000-plus salary. Marshall accused Fauci and "Big Tech" of hiding his financial investments, which created an "appearance that maybe some shenanigans are going on."

Fauci, bewildered and incensed, replied that his assets, which he had disclosed for decades, were available to the public. (While this statement was technically true, his disclosures were not just a Google search away; after the hearing, Marshall's office requested and received the documents from NIH, then declared that Fauci "lied" about the ease of their availability.)

When Marshall finished his questioning, Fauci let his frustration get the better of him. "What a moron," he muttered to himself, not intending it for the microphone.

What was going on here? Senators were "trying to troll Fauci, and they're trying to bring him down to their level," says Matthew Sheffield, a former conservative activist who now runs a political commentary website called Flux.community. "They know if they can get him to call people a moron, or engage in pettiness the way that they engage in pettiness constantly—if he does it even once, then it's a victory for them."

Paul disputes this characterization and claims that Fauci deserves "some culpability" for the pandemic because a grant from his agency funded research in a lab in Wuhan, the Chinese city where the novel coronavirus was first detected. (The exact origins of the virus remain unknown. Scientific consensus points to an animal-to-human transfer, but the debate is ongoing.)

Marshall's office did not have comment on Sheffield's theory. After the hearing, the senator's campaign website did start selling \$29 T-shirts, featuring the doctor's likeness, to commemorate the moment: "Send Fauci a message by getting your own 'MORON' t-shirt!"

The way in which the United States funds and manages science provides a solid foundation for skepticism and conspiracy, says University of Pennsylvania professor Kathleen Hall Jamieson, who studies science communication and misinformation.

Yes, scientific recommendations change based on available data, a truth that can be exploited to make responsible leaders appear inconsistent or incompetent.

Yes, Fauci has a high salary by government standards, has been in the same unelected position for 38 years and oversees a budget of \$6 billion that flows into grants; those are truths on which a distrusting person could build a theory about corruption, unaccountable elites and a nefarious flow of money from this or that institution to this or that lab.

Yes, the virus seems unaccountable to our best efforts and fueled by our worst instincts. Yes, the ways it has ended and up-ended people's lives have been undeserved, tragic, crazy-making. These are scary truths that you can neutralize with a fantasy about how a single human villain is to blame.

The attacks and misinformation seem to be having an effect. Confidence in Fauci is softening, according to polling conducted since April by the Annenberg Public Policy Center. After holding steady last summer and autumn, the percentage of Americans who are confident that Fauci provides trustworthy information about COVID-19 is down six points since April, from 71 to 65 percent.

"For the first time in my lifetime—and I am an elderly woman—the voice that speaks on behalf of the best available knowledge in science has weathered sustained attack," says Jamieson, director of the policy center. "Confidence [in Fauci] remains high despite that attack, but the erosion is worrisome."

With Trump long gone from the White House and public exhaustion with precautions surging alongside the omicron variant, Fauci may now be more useful to the pundits who need a villain than those who need a hero. "Fauci must go," the editors of the conservative National Review demanded this month. "I'm over COVID," talk-show host Bill Maher told Deadline before his show last week. His guest, author Bari Weiss, echoed the frustration of millions: We were told "you get the vaccine and you get back to normal. And we haven't gotten back to normal."

"The stalwart Fauci was the wise Oracle of Delphi to then-President Donald Trump's babbling brook about household bleach as an injectable, anti-viral agent," Washington Post columnist Kathleen Parker wrote this week.

"Maybe it's my imagination," she continued, "but Fauci appears less confident of late, perhaps weary of his own voice and exhausted by two years of on-camera appearances."

Sen. Marshall exaggerated this erosion during the Jan. 11 hearing. "You've lost your reputation," he told Fauci, adding: "The American people don't trust the words coming out of your mouth."

"That's a real distortion of the reality," Fauci answered.

Marshall replied with a truth from the world outside of medical science: "Perception is reality."

Fauci is not naive. He gets that a third of the country won't hear him. He still understands Washington enough to see how it is deteriorating in new and disturbing ways, as fringe thinking spreads to the central organs. As Peter Staley puts it: "Because one party has turned so anti-science, Tony's power is no longer stable."

Yet Fauci still thinks he is an effective messenger. And he still hasn't totally given up on the people who are making his life

miserable. After the exchange with Marshall, and a news cycle dominated by "moron" instead of "omicron," Fauci told his own incredulous staff: Maybe the senator has a point. Maybe my financial investments, though disclosed and available, should be much easier to see.

As for the citizens who wish him harm, he can't help but search for some signal, some symptom, that could help him understand.

"I'm always looking for the good in people, that kernel of something that's positive," Fauci says. "And it's tough to imagine that that many people are bad people. And, I mean, it's just—has something been smoldering in their lives? Something that's sociologically evasive to me?"

He wonders: Does their resentment indicate an underlying issue that needs—for lack of a better term—healing?

"Maybe it's pain that they're feeling, that's driving it?" he says, as if bedside with a patient. "And we're focusing on the aberrancy of their actions, but we really are not fully appreciating that maybe they're suffering. And they're rebelling against a failing of society, maybe, to address some of their needs. Maybe we need, as a nation, to address the fundamental issues that are getting, you know, tens of millions of people to feel a certain way."

On Sunday, in front of the Lincoln Memorial, thousands of people rallied against vaccine mandates. Fauci's name was scrawled on many signs. The rhetoric was familiar. "Dr. Fauci is the new Jeff Menzele from World War II," said a Long Island construction worker named Gio Nicolson, who described Fauci as both "puppet" and "dictator." A 57-year-old woman named Robin Field drove three hours from Yorktown, Va., to hold up a homemade sign that depicted Fauci's decapitated head in a noose, under the words "HANG EM HIGH."

Fauci is guilty of treason, according to Field. She's done her own research, she says, and it's clear that his recommendations have both "killed people" and made him money.

The violence of her sign, though—where is that coming from? At a primal level, it seems to convey pain or fear.

"Of co—" Field starts, then stops. "Well . . ."

How would she put it?

"I feel so bad that so many people have lost their lives. That hurts, because we all have loved ones that have touched our hearts and passed away."

Almost no one alive has experienced this kind of sudden mass death, this level of widespread illness, this freezing and fracturing of all life. It hurts. For much of the 1980s, every single one of Fauci's AIDS patients died. Ugly deaths that he was powerless to prevent. He had to suppress the pain and bury the emotion to get through each day. When he recalls that era, his eyes water and his throat constricts. His self-diagnosis is a quick aside ("post-traumatic stress") as he bridges the past and the present. In the middle of a cataclysm, it's hard to see the end. But it does end.

"As a society, when we get out of this, you know, we're going to look up and say, 'Oh, my goodness, what we've been through,'" he says. "We've had an outbreak where we've lost close to 900,000 people in the last two years. That's going to have a long-lasting effect."

In the early '70s, when he was chief resident in a Manhattan hospital, Fauci remembers glancing out over the East River in the middle of the night. "Saying, you know, I'm tired, but I can't stop until at least this patient is stabilized." When he was the main attending physician at NIH during the AIDS crisis, he wouldn't leave the ward until he addressed every patient need. Now he views

the entire country as his patient—a patient afflicted by both a virus and an undiagnosed condition that hampers its ability to fight it.

He could spare himself further pain and exhaustion and allow America to see another doctor. He could tag out.

"That's not my character," he says. "I don't do that."

The patient, you see, is not stabilized yet.

Fauci stares out the kitchen window into his small backyard. Right now he sees a crossroads for America. The best-case scenario: increased vaccination, more immunity, antiviral drugs, a virus under control. If we work together. The worst: a new variant, as transmissible as omicron but more deadly, exacerbated by that comorbidity—the deterioration of our minds and politics.

"It's like it's 2 o'clock in the morning, and I'm looking out the window at the East River," Fauci says, "and I got a patient who's bleeding, and another patient has a myocardial infarction, and another patient who has septicemia—"

The sense memory prompts a sort of pep talk for the present.

"There's no time to be exhausted, folks. You got a job to do."

Mr. DURBIN. Madam President, 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. 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.

TITLE IX

Mr. TUBERVILLE. Madam President, in my 40 years as a coach and mentor, I have witnessed the immeasurable value that sports plays in the lives of young adults.

The lessons learned on the field contribute to an athlete's success off the field. For example, there is the value of discipline and hard work, how to deal with success and failure, how to be a leader, and the importance of putting the interests of the team ahead of the individual's. But many of these lessons are only realized when there is a fair and level playing field, and that is why title IX protections have been so transformational for women's and girls' sports.

I began my career as a high school coach, coaching boys' basketball and football, as well as girls' basketball. This was just a few years after Congress expanded title IX, ushering in a new era of opportunities for women and girls in sports.

Title IX provided women and girls the long-denied platform that had always been afforded to men and boys. It ensured female athletes had the same access to funding, facilities, and athletic scholarships. Before title IX, female athletics received less than 2 percent of the college athletic budgets, and athletic scholarships for women were virtually nonexistent. Since it was enacted, I have witnessed firsthand how the expanded provisions in title IX have changed the game for female athletes at every level.

Today, 43 percent of high school girls participate in competitive sports.

Since the 1970s, when I first started coaching, female participation at the college level has risen by more than 600 percent. Additionally, America's female athletes are routinely the best-performing on the world stage in both team and individual sports.

In the 2016 Olympics, we saw the largest number of U.S. female Olympians in history. It is clear we have made important strides. Yet, recently, the adoption of policies for transgender athletes has negatively impacted the rights, privacy, safety, and achievements of women and girls in sports. That is why we need to continue to fight to uphold and preserve title IX protections in women's and girls' sports.

This is a cause I have championed in my role on the Senate Health, Education, Labor, and Pensions Committee. When then-nominee for Under Secretary of the U.S. Department of Education, James Kvaal, testified before the committee, I pressed on the administration's commitment to upholding title IX and protecting the rights of women. As expected, he failed to articulate how title IX would be protected under the Biden administration.

In March of last year, when Senate Democrats were pushing through their so-called COVID relief package, I led the charge here on this floor to prohibit education institutions from receiving Federal stimulus money if they failed to uphold title IX. Not surprisingly, it was rejected.

But this is not just a debate we are having here in Congress; we are seeing it all across the country. To appease the demands of the left, sports organizations—from grade school to professional leagues—are focusing on the concept of being inclusive at the expense of being fair, but by including biological males in women's athletics, fairness is not possible. I can't believe we are even talking about this.

Just last week, I heard from female Olympic gold medalists who reiterated this, and study after study continues to confirm what we already know: Male and female bodies have inherent biological differences that no amount of testosterone suppression can level. Male bodies have larger hearts, bigger bone structure, leaner muscles, and expanded lung capacity.

One study concludes: "On average, males have 40–50 percent greater upper limb strength, 20–40 percent greater lower limb strength, and an average of 12 pounds more skeletal muscle mass than age-matched females at any given body weight."

The latest study published by clinical researchers in Europe finds that "current evidence shows the biological advantage is only minimally reduced when testosterone is suppressed as per current sporting guidelines for transgender athletes."

You can't make a level playing field. It is unquestionably the truth that biological males have a physiological advantage over females, and sports asso-

ciations across the world are starting, finally, to pay attention.

In 2019, USA Powerlifting prohibited transgender women from competing in female powerlifting. In 2020, World Rugby became the first international sports governing body to ban transgender women in global competitions. Just last September, the UK Sports Councils—the national funding bodies for sports across the United Kingdom—issued a report concluding that allowing transgender athletes to compete in women's sports does not allow for a balanced and even playing field—*forbidden*. These organizations are doing the research and making recommendations in the best interests of their athletes while also maintaining fairness in sports.

But then there is the NCAA, better known as the National Collegiate Athletic Association. After a transgender collegiate swimmer began shattering—and I am talking about shattering—records in swimming just in the last few weeks, the public outcry was so loud that the NCAA said: Well, we will review this policy.

The NCAA met, and the board voted in support of a sport-by-sport policy that they say "preserve opportunity for transgender student-athletes while balancing fairness, inclusion and safety for all who compete."

In effect, this means they will defer the policy to individual national governing bodies and kick the can down the road. These governing bodies, in turn, generally adhere to the standards of the International Olympic Committee, which permits transgender athletes to compete in women's sports.

The Independent Women's Law Center and Independent Women's Forum both have condemned the NCAA for adopting this approach. The NCAA had the perfect opportunity to stand up for women and girls in sports, and they blew it.

The NCAA's lack of true action is disappointing and invites more questions than it provides answers. By punting the responsibility, the NCAA leaves the door open for continued erosion of title IX protections at the expense of women's athletics and continues to chip away at the great unifier that Americans know and love. We need to do better for women athletes all across this country.

So let me be clear. The question here is not should we be inclusive and supportive of all athletes; it is how. There is no pregame speech you can give a woman or a girl who feels like they aren't competing on a fair playing field. No pep talk can touch title IX's 37 words that changed everything for women's sports over 50 years ago. It rightfully afforded women and girls the same athletic opportunities that their male counterparts have always had, and we should continue to fight for all the young girls and the future of this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.