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## House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, February 15, 2022, at 10 a.m.

## Senate

MONDAY, FEBRUARY 14, 2022

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. LEAHY).

### PRAYER

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

Let us pray.

Almighty God, Lord of history, if a sparrow does not fall without Your knowledge, certainly the issues facing our Senate concern You.

Your Word assures us that in everything, You are working for the good of those who love You. May that promise guide our lawmakers as they seek equitable and just solutions to complicated problems.

Lord, give our Senators the wisdom to discern, courage to believe, and the determination to do Your will.

Bless, O God, the faithful men and women who manage the machinery of the Senate, without whom this legislative body could not function. Thank You for their efficient and productive work.

Lord, fill this Chamber with Your presence.

We ask in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RESERVATION OF LEADER TIME

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

### CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

### LEGISLATIVE SESSION

#### POSTAL SERVICE REFORM ACT OF 2022—Motion to Proceed—Resumed

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 3076, which the clerk will report.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 266, H.R. 3076, a bill to provide stability to and enhance the services of the United States Postal Service, and for other purposes.

The PRESIDENT pro tempore. The Senator from Hawaii.

Ms. HIRONO. Mr. President, I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. HIRONO). Without objection, it is so ordered.

### RECOGNITION OF THE MAJORITY LEADER

The majority leader is recognized.

### TRIBUTE TO BEN RAY LUJÁN

Mr. SCHUMER. Madam President, now, at the beginning, before I speak on the business of the day, I would like to add that yesterday we were all overjoyed, just thrilled, to hear from our colleague, our dear friend, Senator BEN RAY LUJÁN.

Through his first public video message shared on social media, BEN RAY reiterated yesterday that his recovery is going well; that his office continues to work serving the people of New Mexico; and that he expects, praise God, to make a full recovery.

I have been able to get on the phone with him in recent days. He was chipper. He sounded like the same BEN RAY we have come to know and love, and I can report he is in very good spirits, raring to go.

From now until his return, all of us in the Senate miss him greatly. We are rooting for him. We cannot wait to see him walk through the doors of this Chamber once again to get back to work.

### BUSINESS BEFORE THE SENATE

Madam President, now on Senate business, on Postal, last week, as you know, the House passed, with overwhelming bipartisan support—I believe a majority from each party—the most important update to the U.S. Postal Service in decades.

The Postal bill is the definition of legislation that should sail through the Congress. Both sides support it. It had diligent work by both Democrats and Republicans, with major input from

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



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both parties. Everyone knows we need it, and the American people so strongly support action to put our Postal Service on sustainable footing.

Our incredible postal workers give us their very best every single day they are on the job. They deserve no less in return.

So many people depend on the mail. You could be a veteran; the VA sends your prescriptions through the mail. About one-fifth of Social Security recipients, as I understand, don't have the internet and depend on the mail. Small businesses depend on the mail. Rural areas depend on the mail. Just about everybody does. People don't want snail mail.

It has been no fault of the workers at the post office that postal delivery is slow. They don't have the resources they need, and, in part, they don't have the resources they need because they have a crazy, antediluvian-type system of how they calculate pensions and healthcare.

We have to change all this. We have been waiting a long, long time. Later today, I am going to move to have the Senate approve a few technical fixes to the bill so we can move closer to final passage. The House made these fixes on their end through unanimous consent last week. Not a Democrat nor Republican in that whole body blocked it, and anyone could have. We want to do the same here in the Senate.

I hope my Republican colleagues will give consent to allow these necessary fixes to go through, just as it happened in the House. As I said, Members from both sides worked very, very hard to put this bill together. It commands strong, bipartisan support, and we should move forward with it as soon as we can. Bipartisan postal reform already has enough support to become law. I hope it happens quickly.

Let me just say this once again so people understand what is going on here. All we are asking for is to fix a small clerical error made by the House of Representatives when they sent their bill to the Senate. It has nothing to do with the substance of the bill. As I mentioned, this fix—this small, little, immaterial change that is technical—received unanimous consent, every Democrat and every Republican, in the House. So let's have the same outcome here in the Senate tonight. Let's move forward on this proposal.

At the end of the day, it is about making sure the post office can fulfill its obligations to its workers and to the American people. We all know how many of us—millions of us—depend on the mail. We all know how we have been disappointed that mail service has slowed down. We all know that we should get together, Democrats and Republicans, to fix it.

The bipartisan reform bill will make sure Americans can continue relying on the post office the same way they have relied on it all their lives.

I hope that here in the Senate, we will keep working on this bill with the

same bipartisan spirit we have seen for the past week.

#### GOVERNMENT FUNDING

Madam President, our other priority this week will be approving legislation to keep the government open until March 11 so we can give appropriators from both parties more time to draft the yearlong omnibus funding bill.

This is another place where we are making bipartisan progress. Led by Senators LEAHY and SHELBY and their counterparts in the House, Representatives DELAURO and GRANGER, we have come to good agreements on top-line numbers, and we can move forward—not with a CR, which simply just reenacts what was in place last year despite the need for changes, in many ways—but we can enact what we call an omnibus, which is what we should be doing.

We have had positive conversations, and Democrats are united to keep the government open so we can achieve this omnibus. We will continue working with the Republican leadership to move forward on a CR before the deadline later this week.

#### SUPREME COURT NOMINATION

Madam President, on SCOTUS, the Supreme Court of the United States, well, one of the most solemn responsibilities entrusted to the U.S. Senate is offering our advice and ultimately our consent on the President's appointments to the U.S. Supreme Court. It is a responsibility that stands apart from just about all others. Those whom we approve sit on the Court, and they will render judgment and exert influence on the most consequential legal matters for years and potentially for decades. The impact of any one Supreme Court nominee is often felt long after the work of a single administration comes to an end.

Very soon, this will be precisely the task the Senate will be asked to take up once again when President Biden announces his choice to replace Associate Justice Breyer. I have no doubt President Biden will name someone who can not only bring Members of this body together but someone with a proven record for excellence and evenhandedness. When President Biden makes his announcement, I intend to have the Senate move quickly to take up and confirm his nominee.

The President has promised he will nominate a Black woman to serve as a Justice for the first time ever. This will not only be one of the most important moments in the history of our courts but of our entire country. Precious few have held the title of "Justice" in American history—only 115 to date—and none of them has been a Black woman. So the President's announcement is truly historic and potentially game-changing for the future of Supreme Court nominees.

Imagine the impact the President's pick will have on countless young people who look up to the Nation's courts and see men and women who better reflect our country's makeup. Imagine

how that will inspire the next generation to pursue their own interests in public service and law and government. The judges and Justices of the future have their eyes on this body right now in the present.

If our democracy is to prosper in this century, we need people from all walks of life to see that they have a place at the table when it comes to public service. The President's promise is a big step in that direction.

The Democratic-led Senate has already played an important role in bringing balance and diversity to our courts with highly qualified nominees. It has been one of our highest priorities from the moment we entered the majority.

Under President Biden, the Senate has confirmed 46 judges to serve lifetime appointments to the Federal Bench. Indeed, this majority has confirmed the most judges in the first year following the President's inauguration since the time of John F. Kennedy. Three-quarters of these new judges have been women—three-quarters. Two-thirds have been people of color. More than a quarter of all of President Biden's appointees have been Black women, who are still too far underrepresented in our Federal Judiciary.

It is not just their demographic diversity that makes them remarkable, although that is unquestionably important; the new judges are also diverse because of their professional backgrounds. We have confirmed more Federal defenders in the President's first year than any President in modern history. We have confirmed more civil rights lawyers, election lawyers, more individuals with deep experience in public service.

I want to emphasize one other thing. These nominees are also extremely qualified. We are not sacrificing qualifications and excellence for diversity. President Biden's nominees are both more diverse and more qualified, in my judgment, than any President's in recent history.

So Senate Democrats are proud of this record, and we are going to keep going. Diversity in all of its forms matters. It is good for the justice system, and it is vital to the health of our democracy.

When the President announces his historic pick, the Senate will be ready to move quickly and fairly to confirm her to the Supreme Court.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

#### MASK MANDATES

Mr. MCCONNELL. About 2 weeks ago, I spoke on this floor about the

state of the pandemic 2 years in, about letting American families get back to normal. The current science clearly supports the 70 percent of Americans who believe we must accept this virus is here to stay, trust the science, and proceed with normal life.

At the time, this was not a universal sentiment. The next day, across the river, liberals tried to shame Virginia's new Governor for forgoing a mask in an incredibly vaccinated area where cases had been falling for weeks.

The top Democrat in the Virginia State Senate criticized the Governor and backed ongoing school mask mandates as "common sense." But, my goodness, how quickly things can change.

A few days ago, I understand the same State senate leader did a 180-degree turn and voted for an amendment to end school mask mandates. A dam had begun to break nationwide. A week ago, leaders in Democrat-run New Jersey, Connecticut, Delaware, and Oregon announced they would ax or relax their mask and/or vaccine mandates in the near future. By the end of the week, States, including California, Illinois, Nevada, New York, and Rhode Island had followed suit to varying degrees.

Now, obviously, the scientific facts have not changed in the last few weeks. We have known for many weeks that this variant is significantly milder, and we have known for many months that the universally available vaccines reduce the odds of hospitalization or death down to the level of many routine risks that we all face constantly in our daily lives. The only science that has changed in the last 2 weeks is the political science. The only data that has changed in the last 2 weeks is the Democrats' polling data.

The Washington Post put it like this: The "abrupt end to mask mandates reflects a shifting political landscape."

Ah, but there is a problem.

While Democratic leaders are stampering to finally follow the science and end burdensome mandates on adults in many places, America's children are still being left behind. States like New York and California are rolling back restrictions on adults but have yet to provide any end date or off-ramp for mask mandates in K-12 schools. This is completely backward since we have known for well over a year that COVID poses far lower risks to children than to adults.

Officials in Illinois and the District of Columbia have embraced the same double standard, winding back general public mandates while leaving the schools with no end date in sight. In other words, here in Washington, the Mayor's office will be lifting mandates next week in all kinds of adult establishments, from bars to fitness studios, while keeping kids in classrooms, masked up for at least—at least—another month.

Even as Democrats permit grownups to get back to normal, they are

clinging onto their emergency powers over K-12 classrooms. The ultrarich, ultrapowerful teachers unions that have been antagonists of normal childhoods at each step of the pandemic are continuing to drag their heels.

For 2 years now, Democrats at the local, State, and Federal levels have let a labor executive named Randi Weingarten become something of an unelected national classroom czar, holding millions of kids' fates in her hand. Science has proven over and over again that in-person schooling is safe for kids, but Big Labor has sought to move the goalposts every time, and Democrats have mostly gone along with it.

Last year, Ms. Weingarten bragged publicly that the Biden administration had invited her own hyperpolitical teachers union to basically author the scientific guidelines for school reopenings. The Biden administration took the pen away from doctors and experts and handed it to Big Labor. She boasted:

They asked us for language and we gave them language.

Reporters found multiple instances where the union's words were copied and pasted directly—directly—into the final CDC document.

Now the same Ms. Weingarten is trying to move the goalposts again on America's kids to an even more extreme and unscientific place. She asserted last week that little kids should have to keep covering their faces in schools until there is "no dissemination and transmission in schools."

With respect, that is completely bonkers, absolutely bonkers. There is no credible scientist or doctor in America who believes that we are headed toward zero COVID. We are not going to magically eradicate this virus; it is heading endemic. So Ms. Weingarten's latest made-up standard would have K-12 kids covering their faces literally forever. Little kids in masks forever? That is the upshot of this top Biden administration's ally's public demands. This is utter madness.

Two years ago, the American people accepted temporary disruptions to their daily lives in order to prevent our hospitals from collapsing and to buy scientists time to invent vaccines and therapeutics. Check, check, and check. Our healthcare system endured. We have remarkable, safe, and effective vaccines; we have therapeutics; and we know that, thank God, none of these variants have posed a medical emergency for the vast majority of children—period.

Americans who watched the Super Bowl saw rich celebrities having a grand time with hardly a mask in sight, but under the Democrats' policies, first graders who watched that big, maskless party last night had to wake up this morning and cover their own faces in order to go to school. America's classrooms seem to be the last places where local, State, and Federal Democrats will accept that cost-

benefit calculations exist, and zero transmission is simply not possible.

For 2 years now, the Democratic Party has allowed some of the most powerful special interests in our country to profoundly—profoundly—disrupt children's lives. The political left has put kids last. That is simply not acceptable. American families deserve normalcy; they deserve it right now; and this side of the aisle, the party of parents, has their back.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

RUSSIA

Mr. TUBERVILLE. Madam President, it is no secret that Vladimir Putin longs to restore and rebuild part of the old Soviet Union. Putin wants Russia to be a superpower, and he knows what he is lacking.

Russia is a one-trick pony with a lot of energy. It offers little except that. Its population is a tenth of the size of China's. Putin knows he needs to strengthen his military, economy, and position in the world, and he has been ruthless in that pursuit.

We should not, then, be surprised that he is escalating his actions. It is a quest he has been on for many, many years. In 2008, Russia invaded the country of Georgia; in 2014, Russia invaded Ukraine to take the region of Crimea; and last year, Russia began to gather troops along the Ukrainian border.

Putin rejects Western ideals; he toys with sovereign nations; and he plays by an entirely different set of rules—his own. And when President Biden signals that our words are hollow or that we will disregard our allies, our adversaries, like Putin, take notice.

In September of last year, the world watched as our military was ordered to retreat from Afghanistan; we abandoned our allies; and we left civilians at the mercy of the Taliban. In October, Russia further built up its invasion force along the Ukrainian border. Last month, North Korea, once again, tested missiles. Iran is, perhaps, a few weeks away from building its own nuclear bomb; and today, as I speak, China struts at the Olympics while it tortures its citizens.

The Chinese Communist Party seeks to dominate its neighbors and devour our ally, Taiwan. Communist China's navy has more ships than the U.S. Navy's, and their weapons grow more sophisticated than ours every day. Here is just an example: The Chinese successfully tested a hypersonic missile in December while we are still at the drawing board.

Dictators and bullies zero in on weakness like a homing beacon. In the absence of our inaction, our adversaries will move with a level of decisiveness President Biden could only dream of.

Putin does not want a war with the United States and our allies in the North Atlantic Treaty Organization, or NATO. This would be foolish. Putin's goal is to deter Ukraine from joining NATO. He wants their pro-democracy government to collapse, for Ukrainians to abandon their resolve, and wants to take over the country that largely despises him. He wants a buffer between him and the West, and he wants the United States to step aside and let him do this.

To be clear, we do not—we do not—want American bloodshed in Ukraine, but neither do the Ukrainians.

Last year, I traveled to Ukraine with several other Members of Congress and met with President Zelenskyy of Ukraine. The Ukrainian President told me, "Ukrainians do not want Americans' boots on the ground." Ukrainians are willing and ready to fight their own fight. All they ask is for support; not blankets and helmets, but weapons—weapons that can help them fight off the aggression.

While Ukrainians have been sounding an alarm, our President has been asleep at the wheel. When Russia was amassing troops along the Ukrainian border, President Biden was giving a blistering speech about voting rights, saying anyone who disagrees with him wants to destroy our country. Instead of studying war plans on Afghanistan or addressing the growing threats from Russia and China, our servicemembers were forced to spend hours upon hours on "woke" training, not on readiness and becoming a first-class soldier.

But the missed opportunities don't stop at this administration. The Senate already missed a chance to hit Putin where it hurts.

A few weeks ago, Senate Republicans voted in support of sanctions on Russia's pipeline through Europe, the Nord Stream 2. Senate Democrats refused to support these sanctions. Who are they more afraid of, President Biden or Putin?

President Biden has spent a year deploying a diplomacy-first strategy—the same page out of the same playbook from when he was our Vice President. The definition of insanity is doing the same thing over and over, expecting different results.

Flawed decisions leads to failed outcomes. And weak leadership leads to bullies pushing the boundaries, like Vladimir Putin. It is time for President Biden to step up. Aggression must be met with resolve.

We need to bring the full might of sanctions and squeeze Russia's economy so tight it chokes Putin's wealth. This includes sanctions on Nord Stream 2 and actions like delisting Russian companies in our capital markets, hopefully, to devalue their currency, the ruble.

We need to show Putin that it is shortsighted to take Ukraine and think it is a victory. This may be another effort in a decades-long pursuit, but it will be met with fury and a fury of sanctions.

Looking forward, the question becomes this: When our adversaries like Russia and China test our resolve again, will they be met with meekness or might? Standing on this floor, lobbying advice to our President to be stronger, to get tough, is not enough and is not going to work. That is too simplistic of a view. This moment requires more than that.

The answer is not to simply project strength; it is to be strong. We have to be a strong nation that impresses and scares the bullies—not a weak country but a country that is strong. We need to get back to what makes this country so great in the first place, and that is the following:

First, practice peace through strength. That means we make the necessary investments to modernize our military. The highest possible percentage of money we spend at the Department of Defense should go to building a killing machine. We are a superpower; we are not trying to be one. But our adversaries are outpacing us.

Second, return our economic strength. We have to get our physical house in order, and it starts in Congress. Inflation has engulfed our economy. Families face bare grocery shelves and gas that is more, in some places, than \$5 a gallon. Our national debt just crested at \$30 trillion, amounting to almost \$100,000 per citizen in our country alone, just their debt themselves. We need to return to a free market enterprise with less government intervention.

And, third, regain our political strength by anchoring in our American strength of character. That is what this country is about.

In the past year, the administration has shown our borders and our laws are not important. Over 2 million immigrants entered our country illegally day by day, and that figure increases as we speak.

Additionally, COVID's winter surge caught the administration flat-footed, leaving the most vulnerable among us short of tests and of therapeutics.

Our country is divided on issues ranging from education to public health. The administration has attacked the policies and beliefs that made our country so great. But we have to return to champion that spirit of American resolve and determination in all facets of life. The strength of our Nation depends on it. The future of our Nation depends on it.

After this dark year marked by uncertainty, Americans are ready to return to the path of American independence. Americans across the country want to reignite the American dream and rekindle American ingenuity. We should all—this is something all of us—from Members of Congress to our President—should want.

Putin thinks that because our President has projected weakness, America is weak. How wrong he is.

To Russia and China, I say, betting against the United States and rolling

the dice against Ukraine or Taiwan is a losing game.

We need to show the world that the United States is still the brightest beacon of freedom, hope, and democracy. Again, I do not want American blood to be shed in Ukraine, but we should support a democracy against any tyrant.

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

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

FOURTH ANNIVERSARY OF PARKLAND SCHOOL SHOOTING

Mr. GRASSLEY. Madam President, I am here today to take a moment and remember the tragedy that occurred 4 years ago at Marjory Stoneman Douglas High School in Parkland, FL. And I want to discuss some legislation that I have introduced that results from that. But remember that day.

On that day, we lost 17 innocent souls from this globe of ours, and it was at the hands of a troubled and evil young man who entered the school and opened fire.

This tragedy can't be forgotten and should not be forgotten, not by the survivors of this attack, not by the families who lost loved ones, and then, eventually, not by this Congress because we can do something about it. We must continue finding solutions to prevent these attacks. In this spirit, today, I am back here on the Senate floor pushing for passage of my bipartisan and bicameral EAGLES Act.

My bill is supported by over 40 State attorneys general, along with several groups, including Stand with Parkland, the Fraternal Order of Police, the National Association of Secondary School Principals, and, lastly, the Major County Sheriffs of America.

Passing the EAGLES Act is very vital in our fight to protect our schools and to promote a safe and healthy learning environment for our children.

Just this month, the National Institute of Justice published an article discussing common traits of people who engage in mass shootings. This study covers the years between 1966 and 2019.

Their analysis showed that the people who commit these acts were commonly troubled by personal trauma before the shooting, nearly always in a state of crisis at the time they committed their awful acts, and in most cases even engaged in leaking their plans before they opened fire. Every single one of those findings applies to the shooter at Parkland, FL.

It is clear that we need to ramp up prevention efforts. We need the EAGLES Act because that act would achieve these aims, and it would do it by reauthorizing and expanding the U.S. Secret Service's National Threat Assessment Center to proactively identify and manage threats before they result in more tragedies. The National

Threat Assessment Center studies targeted violence and proactively identifies how to manage threats before they result in more tragedies.

The bill that I introduced, the EAGLES Act, also establishes a Safe Schools Initiative to look at school violence prevention and expands research on school violence.

My bill also provides funding to hire social scientists with expertise in child psychological development to support the National Threat Assessment Center's work. This is important to make sure that proven and evidence-based policies will continue to support everyone in the school environment and do it positively.

Students need more support from Congress for a safe, positive, and inclusive learning environment. The EAGLES Act delivers just that by providing resources and training to school personnel, which will enable them to identify troubled youth and give them the intervention and treatment they need, hopefully long before an intervention is needed by law enforcement.

While we cannot undo the tragedies of the past, we must continue working on ways to prevent future tragedies.

I urge my colleagues to support this bill.

I yield the floor.

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

NOMINATION OF ROBERT MCKINNON CALIFF

Mr. MANCHIN. Madam President, I rise today to once again express my extreme disbelief and disappointment that the U.S. Senate will vote to confirm Dr. Robert M. Califf to yet again lead the Food and Drug Administration. My opposition is nothing new. In fact, it was exactly 5 years ago next week that I came to the Senate floor to urge my colleagues to oppose Dr. Califf's nomination to serve under then-President Obama in this same role.

In the 5 years since Dr. Califf was confirmed, more than 400,000 Americans and 5,000 West Virginians have died from a drug-related overdose. And 2020 was the deadliest year on record for drug-related overdoses, when 1,386 West Virginians and nearly 95,000 Americans died from a drug-related overdose. That number is just increasing, with over 100,000 Americans having died from overdoses between April 2020 and April 2021. Let's not beat around the bush: Dr. Califf bears a great deal of responsibility for these deaths.

We have a luxury with this nomination that we are not usually granted. Because Dr. Califf has already served as the FDA Commissioner, we have insight into how he will lead the Agency.

During Dr. Califf's previous tenure, drug-related overdoses went up. Five years later, they are up again—and this time at record numbers. In fact, despite his pledge to overhaul the FDA's policy, during his tenure and immediately following it, the FDA approved five new opiates for market. In that same time, they removed only one.

The wise Dr. Maya Angelou famously said, "When someone shows you who they are, believe them." Well, Dr. Califf has shown us who he is, and he has shown a complete lack of interest in actually making the difficult decisions that we need the leader of the FDA to make. Nothing that Dr. Califf has said or done has led me to believe he will operate the FDA any differently than he did during his previous tenure.

As if this is not enough, reports have circulated that Dr. Califf intends to keep Dr. Janet Woodcock on board as a senior advisor at the FDA if confirmed. Dr. Woodcock bears more responsibility for the opiate epidemic in our country than any other person at the FDA because of her oversight role in the approval of every single one of the opiates that went on to ravage communities like ours in West Virginia.

She was in charge in 1995 when the FDA approved OxyContin—what we know now to be the tip of the spear of the opiate epidemic. In 2014, she ignored the advice of the FDA advisory committee that voted overwhelmingly, by a vote of 11 to 2, against approving Zohydro. She decided to approve Zohydro anyway at a time when we needed less opiates, not more. Zohydro is a questionable, pure hydrocodone drug with a strong risk of overdose and death. Experts estimated that just two pure pills can kill an individual.

The pharmaceutical industry has greatly benefited from the status quo that people like Dr. Califf and Dr. Woodcock have established at the FDA. In fact, Dr. Califf himself joined the board of directors for a pharmaceutical company immediately following his tenure at the FDA. He prospered financially in that position as thousands more died of overdoses.

Due to the continued negligence of the FDA, more than 400,000 Americans have died since Dr. Califf first served. Among those Americans was Lauren Cole from Morgantown. Her father Michael Cole graciously allowed me to share Lauren's story with all of you.

Lauren was the definition of the girl next door: a person who is approachable, dependable, and who everyone saw as their best friend. She was also a fierce competitor with a strong will to be the best.

The little girl who became a competitive athlete was swimming at 2, she was tumbling at 3, and she was skiing at age 4. In college, she represented West Virginia University at the National Cheerleaders Association collegiate cheer nationals 2 years in a row. Everything Lauren did looked effortless. After completing her bachelor's degree in social work, she worked with foster care and recovering addicts while pursuing her master's degree in social work. She had a true helper's heart.

This life story sounds like a girl who had it all, a girl who was happy and content. She was beautiful, smart, funny, athletic, well liked by her friends, and loved deeply by her family.

She appeared to not have a care in the world, but Lauren had been facing an epic battle since she was 16. One evening, she experimented with prescription opiates with her boyfriend and a few friends. She did not plan to be an addict. Lauren said once that she thought it was recreational like marijuana.

She was embarrassed and fought this disease alone for 2 years while maintaining good grades, excelling in sports, and taking college courses while in high school. She kept this secret from her family, her teachers, her coaches, and her friends.

Toward the end of her first semester of college, she had to swallow her pride and ask her parents for help. They immediately sent her to a prestigious rehab facility and committed to helping her recover. They were willing to try every option available to them.

Lauren was in it for the long haul. She had a lot to live for. She was constantly making good choices about what she wanted her life to be. After all, she was working on her master's degree in social work and knew that she could make a difference in the world.

On July 5, 2020, after a 10-year battle with substance use disorder, Lauren learned that her gym workout partner had tested positive for COVID-19. This meant that Lauren had to self-quarantine until she could be tested. She could not work. She could not go to the gym. She could not volunteer. She could not even visit her family and friends.

She contacted her dad and asked him to find a COVID test as soon as possible. Unfortunately, there were none to be found until that Thursday, July 9. Her dad Michael texted and called Lauren all morning and midafternoon that day but could not reach her. He left work to go to her apartment to tell her that he had located COVID tests.

When he pulled into the parking lot, he saw her slumped over in her car. He immediately called 9-1-1. He rushed over and pulled her out of the car. He tried to resuscitate her, but it was too late. Lauren had a slipup that took away her chance to live up to her full potential. It was a sunny afternoon on July 9, 2020, when she died of fentanyl poisoning at the age of 26—fentanyl, which is another approved opiate under the FDA. She was alone in her car, hiding from the stigma of addiction. Her ability to recover was stolen from her.

Approximately 3 weeks before Lauren relapsed, she came home to talk to her dad. She said: Dad, there are so many people suffering from addiction who need and want help, but they just don't have the resources or a family like mine to get it. Do you think that, when you retire, we can do something to help them?

Her parents took that wish to heart and have created Lauren's Wish, an organization working to establish a long-term women's residential substance use disorder treatment facility in West

Virginia. Lauren may no longer be with us, but her story will continue to inspire action and change in West Virginia and across our Nation.

Dr. Califf's nomination is an insult to Lauren's memory and to the millions of families who have lost a loved one at the hands of this epidemic. I cannot for the life of me understand why this administration is so committed to asking each of us in the Senate to reconfirm a person who had the opportunity to make a difference but showed us who he really was. Do not expect a different outcome if he is given another opportunity to lead the FDA. That won't happen.

I will vote no on Dr. Califf's nomination, and I have never been more profoundly confident of a vote I am going to cast than I am right now. I strongly urge my colleagues to examine the devastation the opiate epidemic has wreaked in your home State and on your loved ones and those whom you know and those of your constituents and the lives lost and all the families who are left heartbroken and join me in voting against Dr. Califf's confirmation to serve as the Commissioner of the FDA and send a message to this administration, to our President, that we need a new direction at the FDA. We need people who want to protect us, not people who allow drugs to destroy us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

#### ISSUES FACING AMERICA

Mr. CORNYN. Madam President, today—I should say, these days—the United States is breaking all kinds of records and all the wrong kinds. In 2021, illegal border crossings hit a new high, with more than 2 million border encounters along our southern border, 1,200 miles of which is the U.S.-Texas border with Mexico.

Other numbers: the worst inflation in the last 40 years, 7½ percent—meaning that your paycheck is worth 7½ percent less than it was before this inflation rocket took off. A number of major cities are experiencing their deadliest year as the murder rates have spiked. A combination of inflation, open borders, and rising crime rates is a dangerous combination.

Drug overdose deaths reached a grim new milestone as well. For the first time on record, more than 100,000 Americans died of drug overdoses during a 12-month period. That is 100,000 families who lost their children, parents, siblings, and loved ones to an entirely preventable cause.

Our country has been fighting this scourge of the opioid epidemic for years now. In 2018, we celebrated incremental progress, as overdose deaths dropped 4 percent—dropped 4 percent—from the previous year, the first decrease in three decades. Unfortunately, that trend did not last. Overdose deaths increased in 2019, and they absolutely skyrocketed in 2020. We are still waiting for complete data for 2021, but it is not looking good.

The isolation, the anxiety, and the financial stresses of the pandemic have taken their toll on virtually every American, but our most vulnerable friends and neighbors are the ones who have been hit particularly hard. On top of the physical and financial struggles of the pandemic, many individuals are battling substance use disorders and lost access to treatment centers and outreach facilities.

There has never been a more important time for us to examine our response to the opioid epidemic and to take decisive action to stem the tide.

Last week, the Commission on Combating Synthetic Opioid Trafficking released its report, which analyzed the state of the synthetic opioid crisis and offered recommendations. The Commission referred to illicit synthetic opioids as “a slow motion weapon of mass destruction in pill form.” Now, that may sound a little dramatic until you consider how much death and destruction this crisis has created. Since the Centers for Disease Control began collecting overdose data in 1999, more than 1 million Americans have died from drug overdoses. If you combined the number of servicemen who died in battles throughout our country's history, the number of overdose deaths would still be higher.

We all know there is no silver bullet when it comes to addressing this crisis. But it is not a matter of diverting illicit drugs or stopping overprescription or breaking the cycle of addiction; it is all of the above. But one of the most important places to start is by addressing the flow of illegal drugs across our border. Reducing the supply of drugs that eventually reach our streets is critical.

As we have discussed the crisis at the border that has been going on in its current form for a year now, I have talked about the cascading impact of the migration surge.

Customs and Border Protection deserves a lot of credit for their good work. The Agency plays a major role not just in migration or intercepting illegal immigration but also a major role in stopping illicit drugs. But when thousands of migrants flood our borders each and every day, their anti-drug mission stumbles because, frankly, the cartels know that if they flood the zone with so many migrants that the Border Patrol has to manage those, it leaves open avenues, veritable avenues and expressways across the border into the United States to bring in illegal drugs. If Border Patrol is changing diapers and passing out meals, as they have done throughout this humanitarian crisis, they can't be on the frontlines combating illegal drug smuggling; they can't interdict dangerous drugs or deter the cartels from moving their poison across our borders.

One of the most effective ways to avoid overdose deaths is to prevent those drugs from entering the country in the first place, and Customs and Border Protection is literally on the frontlines of that fight.

In recent years, Customs and Border Protection has seen an alarming amount of drugs coming across our border, one of the most concerning of which is fentanyl. Fentanyl is a uniquely dangerous drug because it is so potent; it is so strong. Depending on a person's body size, 2 milligrams can be lethal. A kilogram of fentanyl, 2.2 pounds, could kill 500,000 people—2.2 pounds of fentanyl could kill half a million people.

A few years ago, CBP seized about 2,800 pounds of fentanyl in a year. The next year, it jumped to 4,800 pounds. The following year, Customs and Border Protection seized more 11,200 pounds of fentanyl, enough to wipe out the entire U.S. population many times over. That is how potent it is.

Once it reaches the United States, this synthetic opioid, fentanyl, often makes its way into other substances, such as in combination with methamphetamine and heroin, which, too, can also lead to deadly consequences.

Cities across America are experiencing waves of overdose deaths caused by counterfeit opioids laced with fentanyl. In Texas, authorities recently seized more than 100,000 counterfeit pills laced with fentanyl—a haul with a street value of more than a million dollars.

Mexico, our neighbor to the south, is the principal source of illicit fentanyl, and unfortunately the Biden administration has made it incredibly easy for the drug cartels to ply their trade. Now, it is true that many of the precursors to make that fentanyl come from places like China, but ultimately it ends up ending in Mexico and making its way into the United States.

As the border crisis has grown to unprecedented proportions, it has become easier for fentanyl, heroin, and other illicit drugs to cross the border and reach communities throughout our country. There is a beyond-urgent need for the administration to address the border crisis—not just to stem illegal immigration, not just to stop criminals from preying on our country by mixing their way into the country; it is also about stopping the trade in illegal drugs that are literally killing men, women, and children in communities all across our country.

Until action is taken to alleviate the humanitarian crisis and get the Border Patrol back on the frontlines, we are not going to make a lot of progress. We have to stop the drug cartels and criminal organizations in their tracks, and we can't do that if law enforcement officers are on diaper duty.

We need a comprehensive approach to address this crisis and address additional support for those who are already struggling with addiction.

Last year, the Senate passed a bipartisan bill that I introduced with Senator WHITEHOUSE, the Senator from Rhode Island, called the Residential Substance Use Disorder Treatment Act in order to help incarcerated individuals break the cycle of addiction and

transition safely and productively back into society. This legislation updates the residential substance abuse treatment program and expands access to treatment in jails and prisons across the country. The program already provides incarcerated individuals with access to treatment for substance use disorders. That treatment is coupled with programs to prepare them for reentry and provide community-based treatment once they are released. The changes included in this current legislation will give incarcerated men and women the best possible shot at living healthier and more productive lives once they are released.

I am sure it is no surprise that this bill has strong support both here in the Senate and among outside organizations that do a lot of good work in this area. More than two dozen organizations have endorsed this bill, including those in law enforcement, criminal justice, and behavioral health.

The bill passed the Senate with unanimous support last year, but it is still lingering on the House calendar. It is unclear when or if Speaker PELOSI and House Democrats will allow this bill to pass so we can invest crucial resources in the fight against drug abuse.

There are a number of challenges that we face that transcend politics here in Congress and inside the beltway, and this definitely is one of them. Fighting the opioid epidemic is a cause everyone in this Chamber should get behind because each of our States and indeed the entire country have been impacted. Families across my State and the rest of the 49 States have lost children, parents, siblings, and friends to the opioid epidemic. In 2020 alone, we lost more than 4,000 of my fellow Texans to drug overdoses. Unless we take action to thwart the slow-motion weapon of mass destruction, our communities will face even more suffering and more deaths.

I am tired of the pain and suffering the opioid epidemic has inflicted on families across the country. I am angry. I am fed up. And I believe we need a call to action because there is an urgent need to address drug addiction in America. I am committed to being part of the solution, and I would hope every Member of Congress in the House and the Senate, Republicans and Democrats alike, would join us in becoming a part of the solution.

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

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

#### FOR-PROFIT COLLEGES AND UNIVERSITIES

Mr. DURBIN. Madam President, I have come to the floor of the Senate many times over the last several years to discuss an aspect of higher edu-

cation only few people even know exists. The so-called for-profit colleges.

This disgraceful industry enrolls 8 percent of all postsecondary students in America—8 percent—and yet accounts for 30 percent of all Federal student loan defaults. Those two numbers tell the story. For-profit colleges get 8 percent of the students and are responsible for 30 percent of the student loan defaults. Why? For obvious reasons. They are too expensive. They charge a higher tuition than community colleges or even many private colleges. Secondly, the students don't end up finishing because they get mired in debt. And third, if they end up with a degree, it turns out to be virtually worthless.

When I think of cases that we have looked into in Illinois, in Chicago, of the exploitation of well-meaning students, sometimes the first in their families to go to college, who are lured in by the siren song of the marketing of for-profit colleges—they sign up, sign all the papers, turn over all their Pell grants, then sign up for Federal student loans and other private loans and have a disastrous experience where they can't even finish. They are so deeply in debt or, if they finish, they find their degree was worthless.

How many of those young people I remember coming to me and saying: I was majoring in law enforcement, and I was getting this degree from one of the local for-profit colleges to go into law enforcement. And you know what, Senator? They laughed at me when they saw the name of the school: That isn't a real school; that isn't a real degree.

Senator—they tell me—it is a real debt.

And that is the reality of these for-profit colleges.

I have called for greater oversight of this industry, as they exploit these students and their families. We have called out some of the most vicious predatory players in the industry like Corinthian, University of Phoenix, DeVry, IIT Tech, Westwood—institutions that are more likely to lead students into a lifetime of debt rather than a lifetime of opportunity.

Now, just imagine, if you will, that one of the leading architects of this fraudulent industry was chosen to be one of its watchdogs by the Federal Government. Well, that is the situation we have today. Dr. Arthur Keiser, who embodies the worst of the for-profit industry, is the chairman of the board of for-profit Southeastern College. He is also chancellor and CEO of Keiser University, a so-called nonprofit university that he converted from for-profit status in the year 2011. This so-called conversion to not-for-profit is misleading. The overlap between Southeastern College and Keiser University is well established. For example, multiple executives at Keiser University are also executives at Southeastern.

An IRS filing shows that executives at Keiser University, a supposedly nonprofit school, are paid hundreds of

thousands of dollars each year. You know when you hear the term “not-for-profit,” you think of charitable institutions, people just barely making enough to get by, service to principles and values. Well, Mr. Keiser and his gang have turned that upside down. They make hundreds of thousands of dollars each year, a hefty salary for part-time employees working for a nonprofit college.

Arthur Keiser is also notorious for shady dealings. I am not making this up or going to a source of fake news for it. These were detailed in a GAO report last year. For example, in the year after Keiser University was converted into a not-for-profit college—not-for-profit—the school paid out more than \$34 million to members of Mr. Keiser's family—\$34 million? That is right, to Arthur Keiser's family. Not bad for a not-for-profit venture.

Arthur Keiser's financial misdeeds are so grave, so serious, that his own mother has filed a lawsuit against him over shifty financial handlings of the colleges that they cofounded. This would be a dramatic situation comedy were it not for the victims, the students.

Rather than being chastised by this GAO report and lawsuit by his mom, Mr. Keiser is now seeking to dramatically extend his influence within the for-profit college industry. How exactly is he planning to do this? Lucky for Arthur, the power is already in his hands.

Today, Arthur Keiser serves as chair of the National Advisory Committee on Institutional Quality and Integrity, also known as NACIQI. I have never heard of it, but those in the industry know it quite well. NACIQI is the Department of Education's Federal advisory board that approves the creditors who act as gatekeepers for Federal student dollars. So in order to offer a Federal student loan, the Department of Education has to first establish that you are a real school—I mean, a real school with real teachers and classrooms or some other means of teaching students and that your degree is being presented to you in real terms, whether it is really going to help your life. This NACIQI is the watchdog of all the Federal watchdogs when it comes to for-profits. And guess who is the Chair: Arthur Keiser.

As Chair of NACIQI, Arthur Keiser poses a systematic threat to student borrowers. His chairmanship is a major conflict of interest in NACIQI's vital role of maintaining integrity of Federal student aid.

For-profits are already one of the most heavily subsidized sectors in America. I took a look at what these companies, these for-profit colleges, were taking out of the Federal Treasury. They put some of the worst Federal contractors to shame. And of course, they often leave students saddled with debts they will never be able to pay for worthless degrees.

Now, naturally, you may wonder, how do these for-profits spend all the Federal dollars sent their way?



Well, this is what it is all about. They spend millions on advertising their worthless degrees to underprivileged students.

There was an ad that was running out here a couple years ago, one of my favorites from the for-profits. It showed this young lady; she couldn't have been more than 19 years of age. And she was lounging in her bedroom with her laptop on the bed next to her, talking about how she was going to college in her pajamas. I am not making this up.

They spend millions of dollars just like that, advertising to young people who may not know any better that you have to put in a real effort to get an education. It pays off, but it doesn't come to you sitting in your pajamas.

Instead of reforming the for-profit advertising model, Dr. Keiser is expanding it. He likes this marketing. He has applied some of the same predatory practices to the so-called nonprofit college space.

In 2017, Keiser University—aptly named after himself—which Dr. Keiser claims is nonprofit, racked up the second largest advertising bill of any private nonprofit institution.

Keiser University spent nearly one-fifth of its entire budget on ads and marketing—more than \$82 million.

We found some of the colleges that have been investigated in the past were spending more money on advertising than they were on faculty salaries. And it showed.

For the sake of comparison, other nonprofit colleges—real nonprofit colleges—are estimated to spend 1.5 percent to 6 percent of their budget on marketing. Dr. Arthur Keiser, his university spent almost 20 percent.

Southeastern College, Dr. Keiser's for-profit school, reported in 2018 to the IRS that 87 percent of its annual revenue came from student aid. That is close to the 90-percent cap imposed by the 90-10 rule. What does that mean in the big picture? It means this is just a conduit. Follow, if you will, the process. The student sits in the admissions office, and the admissions officer says, We are ready to launch. We are ready to put you in the courses. All you have to do is sign this. Here is your contract, the contract where you are going to seek Federal student aid.

The student signs it, naturally. Got my Pell grant. Got my Federal student aid. It is all going to the for-profit school. Then what happens next? Well, the student has got the debt to pay back for the loan. The school gets the cash. The school turns around—Dr. Keiser turns around and has a big distribution party, and the student finds out 6 months later it is a worthless undertaking, but they have still got the debt to pay.

And unless some action is taken by the Department of Education that proves up fraud and releases that student from his obligation, that is going to be a debt he is going to carry for years. It is going to change his life.

Do Dr. Keiser and his gang care? They have got their money. They have distributed it among themselves. Dr. Keiser has also demonstrated questionable conduct as chair of NACIQI, namely, protecting his own interests at the expense of students and taxpayers. This is a real fox in the chicken coop.

In 2020, under Dr. Keiser's leadership, NACIQI wrongfully penalized the Higher Learning Commission, an accreditor that tried to rescind accreditation from two fraudulent for-profits. Just last year, Dr. Keiser was forced to recuse himself from the review of Accrediting Commission of Career Schools and Colleges—or ACCSC.

Why exactly did he have to recuse himself? Because this organization accredited his college, so he was putting the pressure on that entity.

And in Dr. Keiser's absence, the other NACIQI members rightly considered student outcomes in determining whether they would continue as an accreditor. But when Dr. Keiser returned from recusal, he chastised the same members for having the gall to prioritize the needs of students.

So even when he was forced to recuse himself, Dr. Arthur Keiser found a way to use his position as Chair to advance his own interest. This week, I am going to lead a letter with SHERROD BROWN, my colleague from Ohio, requesting the Department of Education finally take a hard look at Arthur Keiser's Chairmanship and his obvious conflicts of interest.

It is worth noting that we are not alone in raising these concerns about Dr. Arthur Keiser.

Earlier this month, the House Education and Labor Committee chairman, BOBBY SCOTT of Virginia, also raised the issue of Keiser's manipulative conversion of his for-profit college to nonprofit status.

Time and again, Arthur Keiser has put his own personal priorities over the needs of the students and taxpayers he is supposed to serve. His conflicts of interest have become abundantly clear, and now it is time for the Department of Education to put an end to this party.

Last month, Secretary Cardona announced the Department of Education's priorities. One of them is holding postsecondary institutions accountable for taking advantage of kids.

Right now, the Department of Education has an opportunity to uphold that priority by bringing Arthur Keiser's nefarious conduct to an end. We are going to be watching. On behalf of those students and their families, on behalf of colleges and universities that do a good job, we have got to put an end to this rip-off.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

BIDEN ADMINISTRATION

Mrs. BLACKBURN. Madam President, last week, most of my friends on the left pretended to be shocked by a new CNN poll that proved what a lot of

Tennesseans have known for quite a while, and it is that Joe Biden and his agenda with the Biden administration is truly upside down with the American people.

Here is what we found out: Fifty-eight percent of the American people disapprove of the way he is handling his job as President. That alone is really an indictment on what they have been putting forward, but it gets a little bit worse. Sixty-two percent disapprove of how he has mishandled the economy.

Fifty-seven percent think his approach to fighting crime is not working. They believe that because they are seeing it in their streets in their hometowns.

Fifty-five percent don't like how he is responding to Xi Jinping. Fifty-six percent are worried about how he is handling Putin, and I am sure that number, in particular, will go up before the next poll comes out.

These numbers are brutal, but here is the cherry on top. Fifty-seven percent believe Biden's first year in office has been a total failure; and when asked whether or not Joe Biden's government represents the views of people like themselves, 68 percent of the people polled said, No, Joe Biden and his administration do not represent my views.

It is pretty simple—the American people are not buying what Joe Biden and this administration are selling. And the people in the White House seem to put their hands up, and they just cannot figure this out. They can't understand why the people won't just shut up and do what they are told.

Here is the secret: It is because when the people look at Washington—when Tennesseans look at Washington, and they look at who is in charge of our government—and Democrats have control of the House, the Senate, the White House—all they see is an empty suit with an agenda.

There is no vision, but there is agenda. They have got the to-do list. They have got the list of boxes they need to check off. We killed the Keystone Pipeline. We put mandates in place. We have got people in masks. We have got people in lockdowns. They are going to lose their job if they don't go get a job. They have got an agenda.

For all of his bluster about fundamentally transforming our way of life, all Joe Biden has managed to do is to alienate his fellow countrymen.

Now, his allies are trying to turn the tide by revamping their talking points. But here is the problem: It won't work, because this administration—the Biden administration—does not have a messaging problem. Their problem is their agenda that they have that is lackluster with no vision.

But the American people are paying attention to this. And you know what they are seeing? I have to tell you, it really frightens them. It frightens them.

Doesn't matter if I go to one of the grandkids' ballgames, go to church, go



to the grocery store, run some errands, I am hearing from people what they see happening. The cramdown, the control, it frightens them.

And there is no distracting them from the fact that the President is weaponizing this liberal wish list against what they have as the vision for their future, for their children, for their family.

For the past year, Tennesseans have watched Biden dodge and weave and ignore what the people are telling him—the people are telling him. Democrats in Washington have treated their political rivals like enemies and accused them of racism, treachery, all for the crime of drawing a line in the sand and saying no.

It is amazing. I wish some of my colleagues did want to stand up for freedom. The people deserve better than that. And I will tell you what, they know it. No talking point is going to convince them to tolerate the intolerable from their government. And, yes, inflation, mandates, lockdowns, the open border, crime in the street, the debacle of Afghanistan, problems with Russia, the situation with Russia, Ukraine, China, Iran, the list grows every single day—every single day.

It is the wrong agenda. As I said, it lacks vision. At the beginning of these remarks, I said that the liberals pretended to be shocked by Biden's terrible poll numbers, and I stand by that statement because the truth is the White House, my Democratic colleagues, and their allies in the media know that they are kind of circling the drain when it comes to what they are pushing forward on the people.

But for some reason, they think that just one more power grab is going to do the trick. It will be the magic bullet. That certainly is a tactic, but it also will fail because the people know that it is the people of this country that have built this country. And it is built on a foundation that treasures faith, family, freedom, hope, and opportunity.

And if you have got an agenda and a checklist and a to-do list, but you have no vision for a better future, the American people will not buy what you are selling.

I yield the floor.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. BENNET. Madam President, I ask unanimous consent that the cloture motions filed on Thursday, February 10, ripen at 5:45 p.m. today.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

UNANIMOUS CONSENT REQUEST—H.R. 2497

Mr. LEE. Madam President, on February 19, 1942—and that will be 80 years ago this coming Saturday—President Franklin D. Roosevelt issued Executive Order 9066, authorizing the blatantly racist mass incarceration of essentially

all Japanese Americans inside the United States at the time. This was an indefensible move—one that resulted in locking up about 120,000 decent, hard-working, innocent people based on nothing other than their race.

Two years later, in one of the most shameful moments in America's judicial history, the U.S. Supreme Court deferred to the Roosevelt administration's blatantly racist and equally unconstitutional imprisonment of Japanese Americans. Writing for the majority in a case called *Korematsu v. United States*, Associate Justice Hugo Black, a Justice with a history of bigotry, unconscionably glossed over the countless constitutional violations built into the race-based interment of innocent American citizens, who the Court acknowledged “were loyal to this country overwhelmingly,” based on the fact that “[t]here was evidence of disloyalty on the part of some” Japanese Americans and “military authorities considered that the need for action was great.”

In a moment one might expect from someone like Justice Black, who had a history of bigotry, he cavalierly dismissed the blatant racism inherent in this action, reasoning that “[t]o cast this case into outlines of racial prejudice, without reference to the real military dangers which were presented, merely confuses the issue.”

Tragically, Justice Black, blinded perhaps by his own intolerance and bigotry or perhaps by his loyalty to the President who had appointed him just a few years earlier, missed the obvious point: Racial prejudice was the issue. That was the whole point. I agree with the characterization later provided by now-Chief Justice Roberts, just a few years ago, in 2018, when he noted that “*Korematsu* was gravely wrong the day it was decided, [and] has been overruled in the court of history, and—to be clear—has no place in the law under the Constitution.”

No person should ever be in prison solely due to their race. It shouldn't be even a factor in anyone's imprisonment—certainly not in the United States of America.

Japanese internment is one of the very worst examples—of our government rejecting its founding principles. It is something that should be remembered so that it can never be repeated. Despite this mistreatment by government, Japanese Americans served faithfully in many capacities during World War II and have continued to serve our Nation and their communities in irreplaceable ways. Their contributions are worthy of remembrance and celebration.

Regrettably, the United States has failed to meet other, admittedly, far less fundamental obligations it has made to individuals and to States. One of those obligations is relevant here, ironically arising in the context of an effort to honor victims of FDR's internment of Japanese Americans. The

Federal Government has neglected commitments made by Congress to Western States at the time of their admission to dispose of large swaths of Federal land. Similar promises had been made to most States that were admitted into the Union ever since the Louisiana Purchase. But for the fact that Congress honored such promises with respect to a lot of these States, including States like Illinois and Missouri, the Federal Government would still, to this day, own around 90 percent of those States. The same could be said of many, many others.

Although Utah received such assurances from Congress prior to its admission into the Union in 1896, using essentially identical language, Utah is still waiting for the Federal Government to honor its end of the bargain. However, unlike States like Illinois and Missouri, which received the benefit of the Federal bargain, Utah did not. The Federal Government still owns more than two-thirds of all the land in my State, resulting in an extraordinary amount of environmental, economic, and educational consequences that hurt Utahns, particularly those Utahns in poor and rural communities.

In fact, in a blatant insult to the people whose families settled and developed much of the rural West and their communities, the Federal Government continues to limit and restrict access, commerce, mining, drilling, and grazing on land it had promised to relinquish. Rural farms, industries, and communities are shrinking and dying because of this continually broken promise.

To add insult to injury, the Feds routinely fail to care properly for the land in their portfolio. The maintenance backlog in the National Park System is years long and \$12 billion in the hole. The Bureau of Land Management controls vast swaths of the Western United States, and it controls them from Washington, DC, with little interest or regard for the people whose livelihoods and way of life depend on that land.

This relationship remains a vexing problem for everyday life in Utah. Businesses are shuttered because the Federal Government capriciously halts mineral extraction authority. Ranches go bankrupt because the Bureau of Land Management ends grazing rights in areas where families have raised cattle for generations. And just last week, Federal land managers damaged an exquisite collection of dinosaur fossils and would have continued doing so but for the intervention of a noble citizen named Jeremy Roberts, who was willing to call them out on it.

At a time when the Federal Government already owns far more land than it can manage, Congress should be really cautious about decreasing Federal land holdings. It should be going out of its way to decrease its Federal land holdings and doing that rather than increasing them. Recognition of sites like the Amache camp deserve better than Federal management. However, if

those representing the State of Colorado think the Federal Government can do better or, for whatever reason, just want it to be under the National Park's jurisdiction rather than subject to local control, then I am not inclined to argue with them.

What I would like to ask is that this land not continue to be acquired by the Federal Government with no plan in sight for dealing with the size of the Federal footprint. It is the size of the overall Federal land estate that worries me because the Federal Government has not proven a good steward of what it has got. So if we keep adding to that, it is only going to perpetuate some of these problems.

Now, I have been wrongfully portrayed by some in the media as being somehow against this historical recognition and against commemorating, as a warning to future generations and to honor the victims of the past, one of this Nation's and its government's most tragic missteps. I continue to negotiate in good faith to find a way forward with this bill. I have been in communication with the lead sponsor in the House, and I think there are ways that we can address this—to address both goals at issue.

I think we need to be able to commemorate these events and we also need to do so in a way that won't lead to the unfettered expansion of the Federal land footprint.

So, Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 255, H.R. 2497. I further ask that the Lee amendment at the desk be considered and agreed to; that the committee-reported amendments be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Colorado.

Mr. BENNET. Madam President, reserving the right to object, I strongly disagree with Senator LEE's proposal amending what has been agreed to—not agreed to but what has gotten every single Member of the Senate but for one. I want to also say that I was on the floor about 10 days ago, I think, on the subject of this. I want the Chair and the Senator from Utah to know I didn't even mention who had objected while I was here, but it was 1 out of 100 Senators. This bill passed the House of Representatives with all but two votes. It passed with every single vote from the Colorado delegation, and we have this gamut of people in from Colorado.

The bill is strongly supported by my friend KEN BUCK, whom I ran against in 2010. And if KEN were here, he would say there is very little upon which we agree. I hope there is more than he thinks we agree on, but we definitely agree on this.

So let me just explain why we wrote this bill. In 5 days, as the Senator from Utah has said, we are going to mark

the 80th anniversary of Executive Order No. 9066, which began the forced dispossession and internment of over 120,000 Japanese Americans during World War II. Two-thirds of them were citizens of this country, American citizens, forced out of their homes into camps by our own government—by their own.

One of those camps was Amache on the Eastern Plains of Colorado, where the Federal Government detained nearly 10,000 Japanese Americans against their will. Most of them had less than a week—most of them had less than a week—to get rid of virtually everything they owned and crowd onto buses and trains with no idea where they were going or what was going to happen to them.

Some of the first arrivals at Amache were kids younger than the pages who are on the floor here today with us, who were forced to build the camp where their own families were interred during the duration of the war. The conditions were horrible. Walls didn't always reach the ceilings. The windows weren't always sealed. It meant that snow blew in during the winter, and dust blew in during the summer.

This is what our government did to our fellow Americans, to children, forced to work in the fields to grow their own food in the jail that the United States of America had committed them to. And what is even more remarkable is that despite this treatment, 1 out of 10 of the people at Amache still volunteered to serve during the war—a higher rate than any other camp in America. Think about that. They were willing to defend the very government that was detaining them, that had locked up their children. That is how much they believed in America, even when America turned our back on them.

And I had the opportunity to visit Amache a few years ago with John Hopper, a high school principal in Grenada who worked with his students to create the Amache Preservation Society. They have been taking care of this site themselves all of these years, collecting items from all over the world that former prisoners have sent back because they want people to remember. They want a memorial to their captivity. Year after year, these high school students and their teacher have worked to restore this site so that the next generation of Coloradans can learn about what happened there.

If it were up to me, every student in Colorado and throughout the American West would go there—throughout our entire country—and learn about the Americans of Amache, the men and women who held on to hope year after year, who supported one another, who forged a community behind the barbed wire of this site, who never gave up on the United States of America, even as it was interning them on their own soil.

After I visited this site, I introduced a bill with Senator HICKENLOOPER to

make Amache a part of the National Park System so it would have the resources and recognition it deserves for years to come. We have to get this done because the survivors of Amache are growing fewer and fewer in number each year, and we have to keep the memory of what they went through alive for the next generation.

That is what Colorado wants. I have a list of over 70 groups that support it, from the Asian Chamber of Commerce to the Colorado Council of Churches, to the town of Grenada, which owns the site today.

So, Madam President, I ask unanimous consent to have this list printed in the RECORD.

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

LIST OF ORGANIZATIONS ENDORSING THE  
AMACHE NATIONAL HISTORIC SITE ACT  
ENDORSING ORGANIZATIONS

National Veterans Network; Japanese American Citizens League (JACL); Colorado Municipal League; Colorado School of Public Health; Interfaith Alliance of Colorado; Colorado Council of Churches; Japanese American National Museum; Japanese American Confinement Sites Consortium (JACSC) Japanese American Services Committee; National Trust for Historic Preservation; Anti-Defamation League Mountain States Region; Fred T. Korematsu Institute; Asian and Pacific Islander Americans in Historic Preservation National Parks Conservation Association (NPCA); Amache Preservation Society; The Nikkeijin Kai of Colorado; Friends and Family of Nisei Veterans; University of Denver Amache Project; History Colorado; Colorado Community College System; Coalition to Protect America's National Parks; Sand Creek Massacre Foundation; Sakura Foundation; Outdoor Asian Colorado Chapter; Canyons & Plains of Southeast Colorado; Colorado Preservation, Inc.; Japan-America Society of Southern Colorado; Southeast Colorado Enterprise Development, Inc.

Southeast Colorado Business Retention Expansion & Attraction; The Wilderness Society; National Japanese American Historical Society; Japanese American Resource Center of Colorado; Amache Alliance; Simpson United Methodist Church; Densho; Amache Historical Society II; Defiende Nuestra Tierra; Change Matrix; Colorado Asian Culture and Education Network; Japanese Arts Network; Continental Divide Trail Coalition; High Country Conservation Advocates; Rocky Mountain Wild; Canyons & Plains of Southeast Colorado No Ke Aloha; Great Old Broads for Wilderness; San Luis Valley Ecosystem Council; Asian Avenue Magazine; Nathan Yip Foundation; Friends of Minidoka; Asian Chamber of Commerce; Action 22; Colorado Next 100 Coalition; Asian Pacific American Bar Association of Colorado; CORE: Community Organizing for Radical Empathy; Lamar Community College; Trinidad State Community College; Bent County Historical Society; Otero Junior College; Colorado Dragon Boat Festival.

ENDORSING LOCAL GOVERNMENT ENTITIES

Town of Granada; Baca County Commissioners; Crowley County Commissioners; Otero County Board of Commissioners; City of La Junta; Kiowa County Board of Commissioners; Prowers County Board of Commissioners; Mayor's Office: City & County of Denver.

Mr. BENNET. Madam President, this bill wasn't controversial in Colorado,

and it wasn't controversial in the House, where Republican Congressman KEN BUCK, whose district this is, took up the bill with JOE NEGUSE, a neighboring Congressman. Amache is in the 10th District in Prowers County, and I said that the bill passed the House by 416 to 2.

It wasn't controversial in the Senate Energy and Natural Resources Committee, where it passed with bipartisan support from the chairman and ranking member, and that is why I came here 2 weeks ago to pass the bill by unanimous consent. But now there has been an objection.

And I should mention, by the way, that this site is less than 1 square mile. It is a tiny, tiny fraction of even the county that it is in. It seems to me that if we believe in federalism at all, we shouldn't be blocking Colorado's right to preserve less than 1 square mile the way we see fit; that we shouldn't have to reduce the public lands of the United States by an equal amount. And I will say, in that connection, that I formally object to the Senator from Utah's motion for this reason. The land here is owned by Grenada. It is already public land. The town has said it wants to donate it to the National Park Service.

I have a letter from the town making this intention perfectly clear.

So it is not even private land that is becoming public. It is public land transitioning from a local government to the Federal Government at the request of the community.

And they are not asking for anything in return. And I think that is an important point that the Senator from Utah has raised. And we have worked with the town to show that they are not asking for an exchange. They want to donate the land as their patriotic contribution to America to protect this part of our history.

I would think all of us here should agree that, unless it is hurting somebody else, the town can do whatever it likes with its own land, just like a private landowner can do with their own land.

Let me stop there and see whether the Senator from Utah has any reaction to that.

I will formally object to his motion, and I will stop there. I have got other things to say, but I hope that maybe we can get to an agreement based on what I would offer. So I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Utah.

Mr. LEE. Madam President, I have a couple of points, and I don't think we are far off in where we are on this.

It is true that it is not an expansive land that is as big as some other land transfers we see—1 square mile. On the one hand, a lot of people would regard that as large—640 acres. It is the acreage equivalent of 1 square mile.

I would note here that I wouldn't call it a federalism argument in that we have to allow this. There are Federal

implications to this that extend far beyond what a local unit of government might want to do. What happens is, when you transfer it into the Federal estate, we do incur additional obligations to make sure that that land is maintained and managed appropriately. It does cost money, and it takes an expense off the books of those who would otherwise be maintaining it. So it is not without any consequence at all. In other words, it is a matter of a simple operation of federalism to say that we should allow this in this circumstance.

I would note, moreover, that we have come closer on this. The amendment that I offered a moment ago that my friend and colleague, the Senator from Colorado, objected to is one that would allow this to happen but would require an offset to be made by the appropriate Federal land managers within 1 year of the transfer of this land.

There is nothing about that that strikes me as being particularly objectionable, particularly given the fact that the Federal Government owns and manages about 30 percent of the land mass in the United States. In my State and in Colorado, it is much more than that. There is nothing about that that should be particularly objectionable.

With that said, the Senator from Colorado has shaped this legislation in a meaningful way, and because I have a desire to honor those victims of this horrific event in American history and the Senator from Colorado has offered up a separate solution, one that would involve donation rather than acquisition by the Federal Government, although that also raises some concerns—over time, I think we have to watch this because the more we enhance the Federal land footprint, the more difficult it will be for the Federal Government to keep up with the maintenance backlog.

But given that this doesn't directly impact concerns quite the way those same concerns might be implicated if we were having to purchase it at the outset, I would be inclined, if my friend from Colorado were interested in offering that amendment, to withhold any objection from that while noting that it is my hope and expectation that, in moving forward, we could be more aware of these issues and that, as we see the Federal land footprint increasing, we can take steps as a body to make sure that there is some natural stopping point even before we turn to what I believe we have still got to turn to, which is the commitment made at statehood that still needs to be honored.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. I thank, through the Chair, the Senator from Utah.

Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 255, H.R. 2497. Further, I ask that the Bennet amendment at the desk be considered and agreed to; that the com-

mittee-reported amendments be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Colorado.

Mr. BENNET. Madam President, this is all happening on the fly right now, so I am actually going to withdraw that in the spirit of what Senator LEE has said. Hopefully, we can do this later today. We need to make sure that everybody has the benefit of seeing the language, and then we will be back later to do this.

I thank the Senator from Utah, and I will spare him the rest of my speech except that I think he deserves to hear this, and I think everybody here deserves to hear this, which is, when the ENR Committee took this legislation up this fall, here is what the survivors from Amache wrote to the committee, and I just want to put their words into the RECORD before I withdraw:

During World War II, we were forced to live as prisoners in our own country. Along with our parents, we were forced from our homes, tagged like animals, and sent to the desolate prairie of southeast Colorado, where we lived in trauma, a constant presence of armed guards, barbed wire, and suffering too large to describe in one correspondence. Our families suffered a loss of jobs, homes, property, and businesses, and many of us lost family members. Many of our parents went to their graves without even an apology from their country. Our nation still has a long way to go to learn from this mistake, and our community, both old and young, continues to suffer from anti-Asian hate crimes, increasing to this day. Our national parks and the stories they honor reflect our values as a nation. Adding Amache to the National Park System would allow us to protect a unique story that has largely been forgotten and can only be told through the power of place. With each year that passes, there are fewer of us. We are counting on you to see us through.

Because of the discussion we have had tonight, we are going to have the chance later to be able to do that.

I thank my friend from Utah.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

#### ORDER OF BUSINESS

Mr. SCHUMER. Madam President, I ask unanimous consent that after Senator SCOTT speaks and blocks the proposal, that I speak, Senator PETERS speaks, and then Senator MURRAY speaks on the Calif nomination and that then we move forward on the cloture vote.

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

The majority leader.

#### RETURN OF PAPERS

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate agree to the request of the House to return the papers with respect to H.R. 3076 and that when the Senate receives from the House the corrected engrossment of the bill, it be in the same procedural posture as it was at the time of the granting of this request.

The PRESIDING OFFICER. Is there objection?

The Senator from Florida.

Mr. SCOTT of Florida. Madam President, reserving the right to object, let me first say that I care deeply about fixing the problems with the U.S. Postal Service. The Postal Service provides an essential service and touches the lives of nearly every American. The Postal Service also consumes billions in taxpayer and consumer money every year, meaning that it has to be accountable to taxpayers and consumers not only in how effectively it delivers but in how it spends the dollars it receives. So I absolutely support getting something done to reform the Postal Service and ensure it is more accountable to taxpayers and consumers.

I also support provisions of this bill, like its focus on enhanced services for rural communities, which will benefit many families across my great State, and I like the fact that it maintains the current 6-day mail delivery schedule. Unfortunately, there are also pieces of this bill that set us back and block the opportunity for us to achieve our shared goal of responsibly reforming the Postal Service.

What I am asking for here is not unreasonable. I simply want the Senate to have the opportunity to work on this, improve it, and deliver a bill that truly works.

The Committee on Homeland Security and Governmental Affairs has jurisdiction over the Postal Service. I am actually very proud to serve on this committee. Unfortunately, the committee has not held one hearing or member meeting on the bill, nor has the bill even been considered at a markup.

We aren't here considering just a simple resolution. This is a massive, multibillion-dollar bill that has huge impacts on Medicare recipients, and the Democratic majority skipped the committee process and rushed the bill to the floor.

Despite the rushed process throughout the bill, a few details need to be highlighted, and they are not pretty.

First, as I said before, this bill does not fix the underlying issues with the Postal Service, nor does it make it profitable. I don't understand why the Postal Service loses money and cannot be profitable. I don't think many Americans understand why.

America is more than \$30 trillion in debt. We can't afford to add more stress on our already enormous national debt with poor financial planning, which I think this bill absolutely does. In fact, this bill simply shifts risk to Medicare recipients by adding billions in new costs to Medicare.

I am not sure why the Democrats are so eager to threaten the viability of Medicare or the benefits for Medicare recipients. The Democrats triggered billions in Medicare funding cuts in 2021 in Florida and other States in their wasteful, partisan COVID spending bill. Now they are putting even

more stress on Medicare and the benefits of Medicare recipients by shifting billions in new costs onto the program.

According to the Congressional Budget Office, between just 2025 and 2031, this bill would increase costs to Medicare by more than \$1.9 billion for Part B and \$4.2 billion for Part D. This will hurt Medicare recipients. And even that score is based on the limited number of future budget years that were covered in the CBO's review.

We must have a long-term CBO score on this bill so that Congress can clearly review the future impacts to Medicare recipients. That is why I sent the director of the CBO a letter earlier today asking for more information about this bill.

Over 60 million seniors across our country, including more than 4.5 million seniors in Florida, rely on Medicare. It is unconscionable to add further expenses to them and place the future care of postal workers on the line when Medicare is already on the road to insolvency.

The retiree health benefits for the Postal Service are partially unfunded. This bill provides no new funding for the retiree health benefits of postal workers. It doesn't solve the problem.

Now, I heard that my Democrat colleagues say this bill will address the massive supply chain crisis that millions of American families have suffered from. I could not disagree with them more on this point. And, frankly, I am shocked that they are willing to unfairly stick our postal workers with the blame for the failures of the Biden administration that have created and worsened our supply chain problems. This bill does nothing to address this supply chain problem.

I know that the hard-working men and women of the Postal Service are not the ones causing this crisis; but if my colleagues insist that they are, that is even more of a reason to make sure this bill is heard in committee so we can really dig into the problem and make sure we come with up a sustainable solution.

There is no looming deadline that would necessitate rushed action by the Senate. This bill perfectly captures everything that is wrong with the way Washington solves problems. Instead of taking the time to craft a sustainable, affordable, and accountable solution that serves the interests of taxpayers, Medicare recipients, consumers, and postal workers and achieves our policy goals, Congress rushes bills into law so that politicians can send out a press release saying they did something, even if that something actually makes the problem worse.

If any business operated like this, it would absolutely fail. We have to stop this insanity. Given the scope of the legislation, the potential negative impact to postal workers, taxpayers, consumers, Medicare recipients, and seniors, the Senate should carefully and thoughtfully consider this bill. We should take all appropriate steps to

make sure that we get this right. The Senate has simply not been afforded the opportunity to do that; therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. SCHUMER. Madam President, what we heard is why people really are frustrated and angered at the U.S. Senate. This is a broad, bipartisan bill months and months in the making, with large amounts of discussion, has the support of the Democratic chair of the committee, the Republican chair of the committee, was voted in the House with a majority of Democrats and a majority of Republicans, and would finally fix the post office.

I wonder if my colleague from Florida has ever heard his colleagues in Florida, his voters, talk about snail mail, about everything coming late—prescription drugs coming late, Social Security checks coming late, birthday cards arriving weeks after the birthday occurred. Finally, both parties come together in a bipartisan way in the House and Senate to pass this legislation, and the Senator from Florida is using a technical detail to hold us up.

It is the same bill that was on the floor Thursday, where we had agreement to move to vote on it tonight. But the House sent us a bill with a technical change. Five times in the past, this has happened; and each time, no Senator had the temerity to get up and block it on a technical issue. It just passed by UC, and we went and moved forward.

Our constituents want us to fix the post office. An overwhelming majority of Democrats and Republicans want us to fix the post office. All the postal workers are for this bill.

My colleague from Florida says he is defending postal workers. Ask the people who represent them. I dare say, it is the head of the letter carriers and the head of the postal workers and the head of the mail handlers who represent the postal workers more than the Senator from Florida; and they are overwhelmingly for the bill, as is the Postmaster—an appointee of President Trump.

So everyone tries to come together and get something done, and the arcane rules of the Senate allow one person to stand up—on a bill that has been out there and discussed repeatedly—at the last minute and raise objections. It is regrettable, and it is sad.

There is good news, though. Even though this will delay the bill, we will pass it. We will have to just go through this elaborate process—the old-fashioned and often discredited rules of the Senate that the Senator from Florida is employing—we will have to use them, but we will pass this bill because America needs it. Rural people need it. Senior citizens need it. Veterans need it—80 percent of veterans' prescriptions are sent through the mail. Nobody should be standing in the way of this bill. It is a sad day that just one Member has.

I yield the floor to Senator PETERS.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Thank you, Leader SCHUMER.

Madam President, I stand in support of this bill.

This bill is absolutely essential to make sure that the Postal Service is on sound financial footing.

As Leader SCHUMER mentioned, Americans all across our country rely on the Postal Service to deliver critical items to their home—things like medicines, which go via the Postal Service. They expect that service to provide it 6 days a week and to do it on time. But, unfortunately, the Postal Service has been saddled with rules that may make it very, very difficult.

The legislation before us is an attempt to fix those rules that make it more difficult for the Postal Service to deliver essential services and do it in a cost-effective way.

It is something that has been discussed here in Congress for a decade or more—a decade or more. This is not an issue that just came out of nowhere. This is something we have been trying to fix for nearly a decade.

Over the last year and a half, we have been working on bipartisan, bicameral legislation, bringing people together and saying, Let's just focus on what is common sense.

Now, let's see, what is common sense? Right now, the Postal Service has had to prefund retirement healthcare for decades. No other company in America needs to do that. No other Federal agency in the government does that. No one does it, but the Postal Service is saddled with this requirement, which has billed tens of billions of dollars. It is common sense to treat the Postal Service like every other business and every other government agency in the Federal Government.

Also, it makes sense to have retirees integrated into Medicare. Like every single company in America, it will be integrated into Medicare. And let's be clear: Those postal workers have been paying into Medicare their whole working career. They are paying into Medicare. They should have the ability to actually get Medicare.

This will also help the Postal Service be able to function in an efficient and effective way.

The bipartisan, bicameral work that we did—I worked with my ranking member, Senator PORTMAN. We have been working with our counterparts in the House, and both the Democratic chair and the Republican ranking member came up with an agreement, got wide consensus from folks throughout Congress. In fact, the bill that I introduced here in the Senate, which is basically the bill that is before us from the House, has 28 cosponsors—14 Republicans, 14 Democrats. How many bills do we have here on the floor that have that much support from both sides?

This is bipartisan. This is common sense. It addresses a critical issue for the American people, and they want us to come together and solve it. But instead, we have a procedural blocking technique to slow this down. And every day we wait, it puts the Postal Service in more jeopardy. It is time for action now.

As the leader mentioned, since 2000, there have been similar kinds of mistakes by the transfer of a bill; five times—five times in 20 years. And every time, it has been settled quickly because people say it is just a mistake; let's move on with the business of the people. Let's not play games. I would hope we could do that now.

Five times, it went quickly. In fact, three of those times, the bills that came over had less bipartisan support than this bill. This bill had 120 Republicans support it in the House.

It is time to move this forward. Let's stop playing games. Let's help the Postal Service. Let's help the American people, and let's show that the U.S. Senate knows how to get a job done.

Mr. SCHUMER. And I dare say, the Senator from Michigan speaks for the vast majority of Members in this Chamber and in the House of either party.

Madam President, I ask unanimous consent that the Senate lay before the body a message from the House with respect to H.R. 3076 and that the Senate vote on the request without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Florida.

Mr. SCOTT of Florida. Madam President, reserving the right to object, I notice neither of my colleagues addressed the fact that, still, why didn't this go to committee? Why wouldn't we go through a process? This massive, billion-dollar bill, why wouldn't we go to a committee? They did not address that.

And, by the way, they talk about a technical error. I was here when my colleague from Florida had a technical change where the number was wrong, and my Democratic colleagues blocked the amendment. So this is not unheard of.

On top of that, they never addressed the fact that this puts our Medicare recipients and our Medicare Program at further risk because the program is not fully funded, and this is nothing to fix it. On top of that, with our retiree benefits in the Postal Service, their funding is underfunded. This doesn't do anything to improve their funding.

So I am not going to object, but let's make sure we clear up the facts here.

The PRESIDING OFFICER. Without objection, the request is agreed to.

#### MESSAGE

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Ordered, That the Clerk be directed to request the Senate to return to the House of

Representatives the bill (H.R. 3076) entitled "An Act to provide stability to and enhance the services of the United States Postal Service, and for other purposes."

#### VOTE ON RETURN OF PAPERS

The PRESIDING OFFICER. The question occurs on agreeing to the request of the House to return the papers.

The request is agreed to.

The PRESIDING OFFICER. The Senator from Washington.

#### NOMINATION OF ROBERT MCKINNON CALIFF

Mrs. MURRAY. Madam President, I come to the floor tonight to urge my colleagues to vote here in a minute to confirm Dr. Robert Califf to serve as Commissioner of the Food and Drug Administration. He was confirmed to this role previously with strong bipartisan support. I hope to see that again this evening.

At this critical moment, we need a trusted hand to lead the FDA, and Dr. Califf's previous service in this role, his career as one of the Nation's leading research scientists, give him the experience to take on this challenge.

Families across the country count on the Food and Drug Administration every day to follow the science and the data to keep them safe, and COVID-19 has put its work in the spotlight like never before.

This pandemic has been incredibly hard on our Nation. It has killed over 900,000 Americans. And throughout this crisis, as people have sought to keep their families safe, they have looked to the FDA and depended on the tireless work of FDA scientists to confirm the safety and effectiveness of treatments and vaccines, ensure we have high-quality masks, and review tests to make sure they give us accurate results and more.

Parents across the country are continuing to wait anxiously for the FDA to greenlight safe, effective vaccines for kids under 5—something I know we all want to see as quickly as the science allows.

But while the COVID-19 pandemic remains one of the most urgent challenges we face, there are countless other ways the FDA works that matters to families.

Every day, people put the well-being of themselves, their families, and even their pets in the FDA's hands. When we sit down for a meal, we count on the FDA's efforts to ensure the safety of our food supply and provide us with the information we need to make healthy choices. When we get our prescriptions filled or rely on medical devices to stay healthy, we count on the FDA's work to uphold the gold standard of safety and effectiveness.

The FDA needs strong leadership to continue that work and to address other pressing challenges: challenges like the opioid crisis, which recently claimed over 100,000 lives in a year—that is a new record; challenges like youth tobacco use—according to the CDC, 2 million of our youth use e-cigarettes; challenges like antimicrobial

resistance, which could make common procedures more dangerous by making current infection treatments ineffective; challenges like skyrocketing drug costs and pharmaceutical companies who game the FDA approval system to keep more affordable drugs off the market; and challenges like improving health equity.

I have repeatedly raised the need for the FDA to improve diversity in clinical trials because, when women or people of color or others are left out of the clinical trials, this undermines people's health by delaying information they and their healthcare providers need to understand how a treatment will affect them specifically—for example, whether it is safe during pregnancy—and by making it hard to identify differences in the safety and effectiveness of treatments for those populations.

As the hard-working staff at the FDA continues to tackle these challenges, they deserve a Senate-confirmed leader with experience on these issues to lead those efforts. Dr. Califf worked on these challenges before, when he was previously confirmed to lead FDA in an overwhelming bipartisan vote, and he demonstrated in his hearing with the HELP Committee that he is ready to take them on again and return as Commissioner.

So I urge all of my colleagues to join me in voting to confirm Dr. Califf and working with him to ensure that the FDA continues to protect our families, uphold the gold standard of safety and effectiveness, and put science and data first.

I yield the floor.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 668, Robert McKinnon Califf, of North Carolina, to be Commissioner of Food and Drugs, Department of Health and Human Services.

Charles E. Schumer, Patty Murray, Richard Blumenthal, Gary C. Peters, Robert P. Casey, Jr., Sheldon Whitehouse, Martin Heinrich, Richard J. Durbin, Sherrod Brown, Tammy Duckworth, Tim Kaine, Mazie Hirono, Alex Padilla, Tina Smith, Christopher A. Coons, Amy Klobuchar, Jon Tester.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Robert McKinnon Califf, of North Carolina, to be Commissioner of Food and Drugs, Department of Health and Human Services, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. LUJÁN) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from West Virginia (Mrs. CAPITO), the Senator from South Carolina (Mr. GRAHAM), the Senator from North Dakota (Mr. HOEVEN), the Senator from Louisiana (Mr. KENNEDY), and the Senator from Pennsylvania (Mr. TOOMEY).

Further, if present and voting, the Senator from North Dakota (Mr. HOEVEN) would have voted "nay."

The yeas and nays resulted—yeas 49, nays 45, as follows:

#### [Rollcall Vote No. 54 Ex.]

#### YEAS—49

|              |              |            |
|--------------|--------------|------------|
| Baldwin      | Heinrich     | Romney     |
| Bennet       | Hickenlooper | Rosen      |
| Blunt        | Hirono       | Schatz     |
| Booker       | Kaine        | Schumer    |
| Brown        | Kelly        | Shaheen    |
| Burr         | King         | Sinema     |
| Cantwell     | Klobuchar    | Smith      |
| Cardin       | Leahy        | Stabenow   |
| Carper       | Menendez     | Tester     |
| Casey        | Merkley      | Van Hollen |
| Collins      | Murkowski    | Warner     |
| Coons        | Murphy       | Warnock    |
| Cortez Masto | Murray       | Warren     |
| Duckworth    | Ossoff       | Whitehouse |
| Durbin       | Padilla      | Wyden      |
| Feinstein    | Peters       |            |
| Gillibrand   | Reed         |            |

#### NAYS—45

|            |            |            |
|------------|------------|------------|
| Barrasso   | Hagerty    | Portman    |
| Blackburn  | Hassan     | Risch      |
| Blumenthal | Hawley     | Rounds     |
| Boozman    | Hyde-Smith | Rubio      |
| Braun      | Inhofe     | Sanders    |
| Cassidy    | Johnson    | Sasse      |
| Cornyn     | Lankford   | Scott (FL) |
| Cotton     | Lee        | Scott (SC) |
| Cramer     | Lummis     | Shelby     |
| Crapo      | Manchin    | Sullivan   |
| Cruz       | Markey     | Thune      |
| Daines     | Marshall   | Tillis     |
| Ernst      | McConnell  | Tuberville |
| Fischer    | Moran      | Wicker     |
| Grassley   | Paul       | Young      |

#### NOT VOTING—6

|        |         |        |
|--------|---------|--------|
| Capito | Hoeben  | Luján  |
| Graham | Kennedy | Toomey |

The PRESIDING OFFICER (Mr. HEINRICH). On this vote, the yeas are 49, the nays are 45.

The motion is agreed to.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Cloture having been invoked, the Senate will now proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The bill clerk read the nomination of Robert McKinnon Califf, of North Carolina, to be Commissioner of Food and Drugs, Department of Health and Human Services.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. I would ask consent to speak as if in morning business.

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

#### BLACK HISTORY MONTH

Mr. CASEY. Mr. President, I rise this evening to talk about Black History Month and, in particular, to talk about a program that my office has been presenting every February for many years now.

Each February, it has been my privilege to honor several Pennsylvanians as part of the celebration of Black History Month. This year, we pay tribute to four esteemed Pennsylvanians who have helped their community and the Commonwealth build resilience.

And I will list them first, and then I will be talking about each of them in greater detail: First, Tyrone Holmes, from my hometown of Scranton, PA; Della Clark of Philadelphia, PA; Julius Boatwright of Pittsburgh; and Theo Braddy of Harrisburg—all Pennsylvanians. And their work is demonstrative of this year's theme for our program: "Resilience in the Face of Adversity."

As their persistence and strength has helped their communities surmount significant difficulties this year, their enduring leadership is an encouragement to me after a year where, sadly, resilience has been sorely needed throughout our Commonwealth and throughout our country.

Now, in some ways, we have made some progress in the last year. Just consider this: The national economy created 6.7 million jobs, the most ever in the first year of a Presidency. Pennsylvania's unemployment rate went way down from 7.1 to 5.4. Tens of thousands of jobs have been added just in Pennsylvania. Wages are up, and child poverty is down. The number of fully vaccinated Americans has increased from 2 million to 213 million in just the last year. And we have more tools to manage COVID-19 and keep us safe.

And, finally, the number of schools open for in-person learning has skyrocketed from just 46 percent a year ago to now 95 percent of schools. Some believe it is as high as 98 percent.

However, despite those measures of progress, we are still grappling with so much—grappling with a virus that is adaptable and still deadly, especially for people with preexisting health conditions, and even more so for those who are unvaccinated.

And as COVID-19 has lingered, so, too, have the attendant direct effects. Our schools still struggle to teach our kids and to maintain the regularity that is critical to learning.

Our businesses must contend with fluctuating demand and a fragile supply chain. Many of our children have fallen behind on their other critical vaccinations and routine doctor visits. Many children and adults struggle with isolation and pandemic-related mental health challenges.

We know that much of the adverse impact of COVID-19 has been particularly acute for communities of color. In the United States, Black Americans have experienced higher rates of COVID-19 hospitalization and death compared to White Americans. And