

of Jared Bernstein, of Virginia, to be Chairman of the Council of Economic Advisers, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alabama (Mr. TUBERVILLE).

The yeas and nays resulted—yeas 50, nays 49, as follows:

[Rollcall Vote No. 156 Ex.]

YEAS—50

Baldwin	Heinrich	Rosen
Bennet	Hickenlooper	Sanders
Blumenthal	Hirono	Schatz
Booker	Kaine	Schumer
Brown	Kelly	Shaheen
Cantwell	King	Sinema
Cardin	Klobuchar	Smith
Carper	Lujan	Stabenow
Casey	Markey	Tester
Coons	Menendez	Van Hollen
Cortez Masto	Merkley	Warner
Duckworth	Murphy	Warnock
Durbin	Murray	Warren
Feinstein	Ossoff	Welch
Fetterman	Padilla	Whitehouse
Gillibrand	Peters	Wyden
Hassan	Reed	

NAYS—49

Barrasso	Graham	Paul
Blackburn	Grassley	Ricketts
Boozman	Hagerty	Risch
Braun	Hawley	Romney
Britt	Hoeven	Rounds
Budd	Hyde-Smith	Rubio
Capito	Johnson	Schmitt
Cassidy	Kennedy	Scott (FL)
Collins	Lankford	Scott (SC)
Cornyn	Lee	Sullivan
Cotton	Lummis	Thune
Cramer	Manchin	Tillis
Crapo	Marshall	Vance
Cruz	McConnell	Wicker
Daines	Moran	Young
Ernst	Mullin	
Fischer	Murkowski	

NOT VOTING—1

Tuberville

The PRESIDING OFFICER. The yeas are 50, the nays are 49.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Jared Bernstein, of Virginia, to be Chairman of the Council of Economic Advisers.

Thereupon, the Senate proceeded to consider the nomination.

The PRESIDING OFFICER (Mr. WELCH). The Senator from Missouri.

Mr. HAWLEY. Mr. President, it is my great privilege to say a very few words in introduction of my friend and fellow Senator, ERIC SCHMITT, as he prepares to give his maiden speech on this floor.

We haven't worked together very long in the Senate, but we have known each other for some time, and I just want to say that if you look at Senator SCHMITT's record, the people of Missouri are tremendously fortunate to have him, and he is already doing tremendous work for them.

As attorney general, Eric led the way in taking on the Biden administration

and holding them accountable for their abuses of power. He led the way in taking on Big Tech and holding them accountable for what they tried to do to our children, what they tried to do to our elections, and what they tried to do to our speech. And already now in the U.S. Senate, he is holding the deep state—the administrative state—accountable, standing up for ordinary, normal, everyday working Missourians who deserve to have a voice in this Chamber, who deserve to have a voice in their government. And he has been standing here fighting for them. I can't wait to continue to have the privilege to serve with him, and I can't wait to hear his remarks today.

So with that, Mr. President, I yield the floor to the Senator from Missouri, ERIC SCHMITT.

The PRESIDING OFFICER. The Senator from Missouri.

MAIDEN SPEECH

Mr. SCHMITT. Mr. President, it is an honor to be here with all of you to give this maiden speech, and I want to thank the senior Senator from Missouri. We may be the youngest combo. He is younger than I, but he is the senior Senator. He reminds me of that quite often as we speak to groups. But I want to thank him for his leadership. Senator Blunt is also here, whom I followed in the Senate.

When Benjamin Franklin exited the Constitutional Convention, he was asked what type of government the delegates had come up with. He famously replied:

A republic, if you can keep it.

Those words are as significant today as they were a couple hundred years ago, especially as two major threats loom over our Republic: a supercharged administrative State and the unprecedented stifling of free speech.

If you want to understand some of the frustration that is out there, a lot of it comes from the fact that people believe there is a narrowing of the bandwidth of acceptable speech—what they can say, what they can hear. As it relates to the administrative state, a lot of people are frustrated that no matter whom they send here, they feel like sometimes things never really change, and we must fix that.

But first, let's back up.

Years before Franklin's famous remark, ordinary folks—farmers, blacksmiths, laborers, leatherworkers—who made up the Continental militias achieved something extraordinary. Fed up with an increasingly tyrannical rule of an unaccountable despot thousands of miles away, these ordinary men fought and won our independence at a time that seems very far away but set the stage for the freedoms that we enjoy to this very minute.

That is our origin story. The electrical cord of freedom that has been strung across the centuries is our national identity. We boldly declared to the world that freedom isn't granted to us by a King or a Queen or any government.

We believe in individual rights, a very new concept at the time, and those rights were granted to us by God. Chief among those were life, liberty, and the pursuit of happiness. If those words are a mission statement—and they are—the Constitution provides the structure to protect and safeguard those freedoms that we enjoy that have made us the envy of the world. That structure has allowed ordinary men and women to achieve incredible things, to pursue their dreams, to pursue happiness, which is a very uniquely American concept.

I grew up in Bridgeton, MO. Bridgeton sits in North St. Louis County in the shadow of the airport. Bridgeton is a working-class, blue-collar neighborhood, and I grew up in a working-class, blue-collar family.

My grandfather was an infantryman in World War II and returned from the war with little more than an eighth grade education and some money he won playing craps on the Queen Elizabeth on the way home. He started a butcher shop and raised a family. My dad and his brothers and sister all worked there growing up. When I was growing up, I saw my dad working 7 days a week on the midnight shift to provide for his family to give me and my sisters every opportunity to succeed.

Speaking of family, my wife Jaime and my two beautiful daughters are here today, and I am very grateful that they are here to share this moment of this inaugural speech, this maiden speech today.

From an early age, I understood the value of hard work. I saw the value of a society where hard work was rewarded, and I appreciated at a young age how the law provided guardrails for individuals to pursue their dreams. So I decided that I wanted to be a lawyer. I didn't know any lawyers growing up, and certainly nobody in my family had any power or prestige, but we believed in this country, and I wanted to fight for people who needed a voice, like the people I grew up around, hard-working people who just wanted to be treated fairly, who did the right things, and worked really hard for everything that they had.

Some of those folks are looked down upon in this town because maybe they didn't go to the right schools or they don't wear the fanciest suits. A lot of journalists will interview these people after elections and wonder what happened. These are my people.

I thought that I could do some good and advocate for them and for protecting those God-given rights that are guaranteed and protected in our Constitution. So I went to law school. I went to college and later earned my law degree.

When my son Stephen was born a few years later, in the mid-2000s, I was working at a law firm, made partner. Life was great. Then one day everything changed in my life forever. My wife Jaime and I noticed that Stephen

had a birthmark on his leg. It looked like an angel's wing. We thought so little of this that Jaime actually allowed me to take Stephen to the doctor.

But when I got there, the doctor had some pretty terrible news. He said Stephen probably had something—which he did—something called tuberous sclerosis, which causes tumors in different organs, including Stephen's brain. Stephen has epilepsy. He is on the autism spectrum and nonverbal. Going through that experience with my son, including a 4-hour seizure, you start to evaluate things. What is important? What do you want to do? Through that process of discernment, I decided that I wanted to do more than what I was doing, and Stephen was my inspiration.

So I ran for office. I ran for the State senate twice and won, was elected and served as State treasurer, was elected and served as Missouri's attorney general, and I am blessed for all the work that I have been able to do on behalf of the people I represented to be a voice for those who needed a voice.

And so I decided to run for Senate, again, to be a voice for people, for all 6 million Missourians but especially the forgotten men and women whom I referenced earlier who work hard every day and just want a fair shake.

So I appear before you today in the U.S. Senate, the most important and deliberative body civilization has ever known. And I believe that. It is an unbelievable story, and, quite frankly, I sometimes find it hard to believe it is my own.

But only in America can a boy from Bridgeton make it here, all the way to the U.S. Senate. And yet each one of us has a uniquely American story to tell. I take this responsibility with great humility. I understand that I have very big shoes to fill—for God's sake, this is Harry Truman's desk. Senator Tom Eagleton, another Missouri attorney general—in addition to the senior Senator and myself who served Missouri in that capacity—also had this desk. When I graduated from the university named after Harry Truman, Truman State University, Tom Eagleton, in 1997, gave the commencement address.

In addition to Truman, I stand on the shoulders of other innovators and leaders and pioneers from my State, the "Show-Me" State, from cities named Liberty and Independence and towns called Freedom and Defiance. Missourians have always blazed their own trail.

Whether it was Lewis and Clark and the Corps of Discovery headed west to see what was on the other side of the mountains or Mark Twain changing the world with his words or Edwin Hubble, who mapped the heavens, Missourians and Missouri proudly represent the best of America. Is Missouri a northern State? Is Missouri a Southern State? Is Missouri a Midwestern State? Is Missouri a Western State? The answer to all those questions is yes. We are all of them. We sit uniquely at the cultural and geographic cross-

roads of America. Missourians are tough and they are honest and have always been skeptical of the Federal Government, 1,000 miles away, telling them how to live their lives. And although we are skeptical of government, we love America.

America was and is a bold experiment in self-government. Before America declared its independence from Great Britain or had a Constitution, the world believed that rights came from a King. The King, in turn, was handed down power simply by being born into a monarchy, certainly not by any achievement or merit. The King was sovereign and free; the rest of us, not so much. We were subjects.

The Founders flipped the script on this concept that had been accepted for literally thousands of years. They challenged the King and boldly proclaimed to the world that everybody else had it wrong. Rights come from God, not Kings or government. This was truly revolutionary and a war was fought over it against the No. 1 superpower on the planet and we won.

We won, which, of course, was a big deal, but the Founders also understood that unless we created something different, a government focused on protecting those rights and our national identity of freedom, we would end up being just like everybody else.

So they brilliantly devised a system of separation of powers and federalism that would spread power out both vertically and horizontally, meant to protect individual liberty. In arguing for the adoption of the Constitution, Madison wrote in *Federalist 48*:

The accumulation of all powers, legislative, executive, and judiciary in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.

He also notes in *Federalist 47*:

[T]he preservation of liberty requires that the three great departments of power should be separate and distinct.

In *Federalist 51*, Madison famously notes:

Ambition must be made to counteract ambition.

The Founders also created a republican—small "r"—form of government never tried before on this scale and made it accountable to the people. And the virtues of this form of government were certainly extolled in Madison *Federalist 10*.

The Founders understood human nature. They knew what tyranny looked like and understood that having a government where power is properly spread out and having elected representatives accountable to the people safeguarded liberty and freedom.

They understood that freedom of speech and, more broadly, principles of pluralism were crucial to the survival of the Republic. They also understood that a Republic spread across a continent needed a pressure release valve to resolve political disputes, not through violence, as we see even in the

world today, but through elections and free expression.

It is in this vein that I want to return to the two grave threats to the Founders' vision, the principles of separation of powers, our republican form of government, and individual liberty: the administrative state and attacks on free speech.

First, the vast expansion of Federal administrative power that we have seen in recent history is destroying representative government by placing immense power in the hands of the unelected. The article I branch, the people's branch, is being diluted of its rightful role—willingly, I might add—and the power exerted by this class of experts is doing great damage to a government based on accountability. These unelected bureaucrats can issue rules, regulations, or guidance letters that can destroy people's lives and their liberty and nobody ever elected these folks to anything.

This massive aggregation of Federal regulatory power is eating away at our freedoms and liberties, deepening political division, and cheapening discourse, and it is completely antithetical to the vision the Founders had. It is called the administrative state. And it falls on each one of us here in the article I branch, in this time and place, to fundamentally dismantle it.

When I say "administrative state," I mean the mess of alphabet Agencies that have slowly yet aggressively aggregated and amassed power over the years, promulgating rules and regulations with reckless abandon. See, you can send your elected representative home. You can send them there, send them back, send them home. But these so-called experts are not really accountable to anybody ever. It is out of control. In short, it is a runaway train with an invisible conductor.

If left unchecked, they will continue to amass power bit by bit until our core principles and our liberties that make our country unique are a mere prologue to history. We need deep structural reform, and we need to return power back to where it belongs—in the hands of the Article I branch, the people's branch.

A second major threat to the Republic is the unprecedented stifling of First Amendment rights in new, innovative, and modern ways. The freedom to speak your mind in the public square or in the virtual town square is vital to the health of the Republic. Far too many Americans are being told what they can say, what they can hear, and what they can see. Censorship—censorship—is on the rise. The desire of governments and powerful elites to control speech is hardly new, but America has always stood as the exception.

Long before the Revolutionary War, Americans witnessed the oppression of speech. More than 1,200 times before 1700, the British prosecuted and punished Americans for what they called seditious speech. Sedition laws prohibited criticism of the government based

on the idea that that criticism could inflame the public against the government. But as the Revolutionary War approached, colonists began standing up for free speech. Colonial juries began refusing British requests to issue indictments for criticizing the government. They acquitted individuals accused of criticizing the government. They tossed tea into the harbor to protest taxes, and we printed publications denouncing the King. We were on our way.

We, the American people, wanted to protect the free expression of ideas, and we did so in the very first amendment to the Constitution. We protected it not just for peaceful times but especially in times of crisis or so-called emergencies. It is easy to forget how fortunate we are here in America to have the First Amendment and how terrifying it is to see how frequently now it is being violated.

Recently, government actors colluded with big tech companies—some of the biggest companies and the most powerful companies in the history of the world—to censor and deplatform individuals for not buying in to the approved narrative. Whether you agree with that narrative or not is hardly the point. The point is it is incredibly dangerous. Suppression of speech and censorship is justified now as it has always been but with a new lexicon, calling it misinformation or disinformation; but the goal is still the same: power and control.

We saw the Department of Homeland Security recently attempt to set up an Orwellian disinformation governance board. We saw individuals silenced and suspended from platforms at the government's behest for challenging the validity of mask mandates and lockdowns or for questioning the official narrative of the origins of COVID-19—for simply speaking their minds. It is not the government's job to tell us what we can hear or what we are supposed to believe. Each one of us can make those decisions ourselves—period.

This vast censorship enterprise was at the behest of some of the highest ranking government officials in the country. For example, the Surgeon General of the United States was messaging with senior Facebook executives, demanding that they censor speech more stringently. Whatever your political persuasion is, this ought to scare the bejesus out of every American. Our government is supposed to be protecting our rights and liberties, not infringing upon them. And we have to ensure that this never happens again.

As Justice Hugo Black wrote:

The freedoms [of the] First Amendment must be accorded to the ideas we hate or, sooner or later, they will be denied to the ideas [that] we cherish.

In short, we have to be willing to defend somebody's ability to say something we vehemently oppose. We must be willing to protect the rights of citizens to speak their minds free from

ensorship and fundamentally dismantle the administrative state.

I mentioned that Missouri is at the crossroads of America; but in many ways, America itself is at a crossroads. It is up to us in this Chamber—the most important legislative body in the history of the world—to address these big issues that directly impact the people we serve. We need to fight back against this censorship industrial complex from controlling what we can say and what we can hear, and we need to ensure that the great wall of the administrative state that separates the people from their elected Representatives comes crumbling down.

When I asked Missourians for their vote last fall, I promised them that I would fight for them. I believe that this is the fight, and the goal is to save our Republic and this grand experiment of self-government.

May God bless each one of you. May God bless the great State of Missouri. May God bless the United States of America.

I yield the floor.  
(Applause.)

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 4:30 p.m.

Thereupon, the Senate, at 3:30 p.m., recessed until 4:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. WELCH).

#### EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Ohio.

##### NOMINATION OF JARED BERNSTEIN

Mr. BROWN. Mr. President, I rise to urge my colleagues to join me in supporting the nomination of Dr. Jared Bernstein to be Chairman of the Council of Economic Advisers, or CEA.

Dr. Bernstein is highly qualified, with close to four decades of economic experience. He has devoted his career to working on economic policies that ensure growth reaches all Americans, fighting to make our economy fairer—something there is a lot of talk about in here but not enough action.

Since the beginning of the Biden administration, he served as a member of CEA. Before that, his experience, again, tells the story. He served in various senior-level roles inside and outside government—chief economist and economic policy adviser to then-Vice President Biden; Deputy Chief Economist, Department of Labor; a senior fellow at the Center on Budget and Policy Priorities; economist at the Economic Policy Institute—all the kinds of qualifications that feed into this job.

Dr. Bernstein is widely respected by his peers from both sides of the aisle. I want to really make that clear. Before his nomination hearing—and I chair the Committee on Banking, Housing, and Urban Affairs, from which he

came. Before that hearing, seven—seven—former CEA chairs—the only one that didn't is long, long, long retired. I don't know if he was even asked. But seven former CEA chairs, who served in Republican administrations, wrote to the committee in support of his nomination. Three of them served under President Trump.

Think of that. Seven Republican former CEA chairs—still Republicans, most of them, much more conservative than Jared Bernstein—they all wrote a letter together, initiated by one of the Trump nominees, one of the Trump CEA chairs, Kevin Hassett. He led the effort. He told the *New York Times*:

I disagree with Jared about a lot, and Jared and I have been disagreeing about things for 20 years. But he really is a fundamentally good person who tries to figure things out with an open mind, and [sometimes he] changes his mind.

That is really all you want from a CEA chair.

Again, President Trump's chief economist said that Jared Bernstein has an open mind and changes his mind. That is precisely the kind of openness to ideas from anyone, of any party or point of view, that we should all want in an economic adviser.

Despite Dr. Bernstein's years of experience, despite his impeccable credentials, and despite receiving support from seven—I believe the most recent seven—former CEA chairs serving in Republican administrations, my Republican colleagues on the Banking, Housing, and Urban Affairs Committee all voted no to Jared Bernstein.

Now, the decision to vote against his nomination is partisanship for the sake of partisanship, and I will give you an example. This sort of tells the whole story, Mr. President. The Banking and Housing Committee has a tradition of members voting for the President's pick. This isn't the Secretary of the Treasury. This isn't the Secretary of Labor. There are major disagreements. This isn't the head of the EPA.

This is essentially the President's personal economic adviser. So regardless of ideology, we support that, as I did—and I will get to that in a second—with the Trump nominees. Whom the President picks, we support in this body. It is one of the good traditions of the Senate. Not all traditions are good here. That is one of the good traditions of the Senate.

In 2017, I voted for Kevin Hassett, President Trump's nominee to serve as CEA Chair. I wasn't wild about Kevin Hassett. I liked him as a person. I wasn't wild about his ideology. He much too much believed that if you cut taxes on rich people and you give corporations all these tax breaks, it will trickle down and grow the economy.

I didn't buy that. I still don't buy that. We saw that huge tax cut. All it did was make rich people richer, make corporations move jobs overseas more quickly. It never trickles down to help middle-class workers. It never honors the dignity of work. We know that,