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Senate

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.

Eternal God, You are the light that keeps us safe. Your protections soothe doubts and calm fears. You hear our prayers, and Your answers are swift.

Lord, teach our lawmakers to follow Your guidance. Place their feet on the right paths. Guide them with Your precepts and encourage them with Your promises. May their faith in You keep them courageous and true.

Lord, we praise You for You are the rock of our salvation.

We pray in Your loving 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.

The PRESIDING OFFICER (Ms. HIRONO). The Senator from Vermont.

Mr. LEAHY. Madam President, I ask unanimous consent to speak in morning business.

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

RECOGNIZING THE NATIONAL GUARD

Mr. LEAHY. Madam President, as you know, as you walk around the Capitol these last couple of weeks, you have to notice the changes. Quiet views of the Capitol, the seat of our government, are obstructed by fences topped with barbed wire and servicemembers on patrol at every corner, every entrance, and every gateway. These servicemembers, men and women of our

National Guard, are our neighbors. They are our coworkers. They are members of our family. They are called away from home, many of which volunteered to come here to the Nation's Capitol to protect the very heart of democracy. They deserve our thanks. They deserve our gratitude. They deserve our unwavering support.

With over 25,000 members of the Guard from every State, territory, and District of Columbia present in Washington to protect our time-honored traditions, there is no greater representation of the best of America here as we carry out the people's business. I am grateful to them for their service.

Now, 2 weeks ago, I had the pleasure of visiting and thanking some members of Vermont's own National Guard—Lieutenant Colonel Day, along with Captain Lahr, and First Sergeant Stewart from Bravo Troop of Vermont's renowned Mountain Calvary Battalion. They welcomed me and introduced me to a contingent of the Vermonters present.

Now, through their deployment, they are asked to face challenges at a moment's notice. They use the training and the teamwork that has always helped them succeed in Vermont and overseas. They met those challenges, and they exceeded those challenges.

Like all National Guard units when they deploy, these Vermonters came to the District with deep ties back to our communities and the families and employers that make their service possible.

I am privileged to be the cochair of the Senate National Guard Caucus. I have heard, time and again, firsthand testimony from members of the Guard that that hometown connection is the glue that makes what they do possible. We are grateful to their families, their communities, and their employers too. But that can be said about every Senator here, including our distinguished Presiding Officer.

The Vermont Guard members I talked to carried with them the sup-

port of Vermont communities, especially from Southern Vermont, where Bravo Troop's armory is located. To give you an idea of how they are part of the community, the deployment was led by the vice principal of Brattleboro Union High School. It included the cousin of one of my staffers. It was filled with soldiers with connections and stories that make up the culture and community I proudly call home—Vermont. A similar story could be told about the communities represented in the units from every State and territory. I am especially grateful because most of the soldiers from Vermont are going to deploy overseas later this year. Everyone that came down this January volunteered to be here.

So much has been asked of the National Guard these last 3 months, from the COVID-19 response to several disturbances this summer, to safeguarding the Nation's Capitol—all of it on top of regular training and deployment schedules.

To the men and women of the National Guard from every State and territory and the District of Columbia, we appreciate the immense contributions you have made to our country today and every day. You are real patriots. You are real heroes, and democracy thanks you.

PROTESTS

Mr. LEAHY. Madam President, on another matter to bring to our leaders, you know, I first came to this Capitol when I was a teenager with my parents. We came down from Vermont. I remember looking around and walking through it, thinking what a privilege it was just to walk here. And then, during my years at Georgetown Law School, I would come here often just to see it, just to watch it, and to walk up the Mall and look at the Capitol and say: That is democracy.

I never thought I would work here, but I have now for a number of years.

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



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I found the assault on and the defilement of the U.S. Capitol mere weeks ago was an attack on the bedrock of our democratic institutions right here in the citadel of our democracy.

The toll that this insurrection has taken and will take on our great Nation will be felt for so long. In addition to the physical damage done, there is a human toll that this attack has taken on the lives lost and the injuries suffered by so many brave officers of the Capitol Police.

I was both in this Chamber and in the House Chamber during the time this attack unfolded. The next morning, I recorded some of the lingering physical damage to this building in several photographs that I made.

But the attack also is about things you can't photograph, the unseen scars in the Capitol community—the staff members and the Capitol employees who work every day to help make our Capitol Building function as it needs to function. Most Members of Congress were also roiled by this attack. It has shaken all of us.

Chad Pergram of FOX News has written an essay that captures this heavy toll on the people who work in the Capitol. I was so moved when I read his essay.

Madam President, I ask unanimous consent to have printed in the RECORD the essay by Chad Pergram written on January 31, 2021.

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

[From Fox News, Jan. 31, 2021]

THE SPEAKER'S LOBBY: SCARS

(BY CHAD PERGRAM)

I know of U.S. Capitol Police officers who are hurting. Smarting. Reeling.

This, nearly a month after the insurrection at the Capitol they are paid to protect.

I know of Congressional aides who are hurting. Smarting. Reeling.

This, after a violent mob shattered windows and jimmied doors, storming through the Capitol in which they work.

And these are the aides who weren't at the Capitol on January 6.

These were staffers working from home during the pandemic. They're still upset after seeing an insurrection of the highest order in their workplace.

And then there are the aides who were working at the Capitol on 1/6.

I know these aides are hurting. Smarting. Reeling.

They huddled for hours under desks. In a coat closets. In restrooms. Barricaded, in rooms, just as they were taught in a post-Columbine world.

This, as the violent horde marauded through Congressional offices and deployed Trump flagpoles like battering rams to break into the Speaker's Lobby off the House chamber.

These are the scars which will take time to heal.

But they are scars.

And scars never disappear.

The United States Capitol bears ugly scars of that mortifying day. The lesions which remain are the hideous fencing encapsulating the Capitol, draped with spirals of concertina wire. There are the National Guard troops in fatigues, toting M5 carbines, guarding the American Capitol.

But the scars will remain in heads and hearts long after the troops depart.

An unsettling silence cloaks you once you enter the Capitol's secure perimeter these days. You pass through the fencing, showing your pass a few times as you walk. You pass stretches of grass which is the Russell Senate Park.

It is a park in name only.

The grass is there. Some frost in winter. Benches. The Robert A. Taft Memorial and Carillon, honoring the late Senate Majority Leader.

But you can't really get there. You cross Constitution Avenue. A car, like yours, already cleared for the "Green Zone," may trundle by.

There is no bustle.

Capitol Hill was always a hive of activity. AidesTouristsLobbyistsSightseersSenatorsJournalistsGawkersJoggersToddlersPoliceOfficers.

Before the pandemic, a jumble of humanity. Just coming and going. Doing the nation's business. Senators rushing to the Senate chamber to confirm the Assistant Interior Secretary. Or maybe a family just in from Spokane who've never set foot in DC, pushing a three-year-olds' stroller, ambling around the grounds. Lobbyists piling out of cabs on Independence Avenue in front of the Longworth House Office Building.

Now, a stillness.

The pandemic hushed the daily bedlam of Capitol Hill.

Lawmakers may only show up to vote. And on the House side, some don't even do that, voting from home. There are aides who haven't darkened the door in close to a year. There might be a smattering of tourists. Some joggers. Dog walkers.

A funereal silence.

That silence is incongruous with the quotidian scramble of Capitol Hill. The Capitol and its environs are a shell of what they once were.

The white marble is still there. The majesty of the Dome remains. But that silence is haunting. The silence is a signal.

It tells you something bad happened here.

I've been back at the Capitol most days since the riot. I stayed at a hotel close to the Capitol around the inauguration—so I could easily get in and out for work. My wife drove me in the other days and dropped me off. If the Capitol were locked down like this in any other circumstance, I would likely hire an Uber, Lyft or take Metro. But the pandemic presents a new level of difficulty just getting to work and parking my car.

But I drove myself to the Capitol one day last week. Officers inspected my badge and checked my trunk on multiple occasions—twice after I got inside the Green Zone. There was a lot of confusion about which way to go and where you were supposed to drive. But after a while, I finally parked where I usually do. There were no other cars there.

And then there was the silence. Just the rustle of shriveled leaves, clinging to the trees, bombed by tiny ice pellets from the sky.

No horns. No cars. No people.

The silence is one of those scars.

Some who work on Capitol Hill may never return, traumatized by 1/6.

That's a scar, too.

And, there's likely an emerging scar.

The Capitol won't be the same.

Multiple investigations are now underway as to what went wrong at the Capitol on 1/6. But one of the most consequential lines came from Acting U.S. Capitol Police Chief Yogananda Pittman. Pittman briefed House Appropriators about the attack last week.

"In my experience, I do not believe there (were) any preparations that would have al-

lowed for an open campus in which lawful protesters could exercise their First Amendment right to free speech, and, at the same time, prevent the attack on the (Capitol) grounds that day," said Pittman.

Yes. There will be discussions about personnel, better communications and barricades. Many reporters picked up on what Pittman said about no "preparations" failing to avert "the attack."

But there's another important line from Pittman. She used the phrase "open campus."

That is what the U.S. Capitol complex generally was. An open campus. And, it remains to be seen if it ever will be again.

Prior to 1/6, people could traipse about the campus at their leisure. Walk across the Capitol plaza. Pre-pandemic, people could clear security and spend all day wandering around the House and Senate office buildings, if they so chose. It didn't matter if they had an appointment to see someone or not.

The Capitol itself was closed unless you were there on official business. You could also come to the Capitol to watch the House and Senate in action from the galleries.

The difference between the Capitol, and say, the State Department, is that the public doesn't have the right to just show up at an executive branch building and waltz around. Even the perimeter. But access to the Capitol is quintessentially Congressional. It's a two-way exchange on Capitol Hill. The people demand to interact with the people who represent them in Washington. And, lawmakers insist that their constituents have access to them. It's one of the only ways American democracy functions.

Moreover, lawmakers want people to enjoy the grounds. The view from the Capitol Hill vista, looking westward toward the Washington Monument and Lincoln Memorial is one of the most dramatic in the world.

Openness made the Capitol unique. It also made it an incredibly soft target—nearly two decades after 9/11.

So how does Congress address this? Barricades? Appointments? No one on the grounds unless they've cleared security blocks away? Controlled access? The closures of Constitution and Independence Avenues?

They hardened the White House facility in the early 1980s after the West Berlin discotheque bombing. They shuttered Pennsylvania Avenue in front of the White House after the 1995 Oklahoma City bombing. That also forced Congressional officials to shut off many streets which run between the House and Senate office buildings.

So what scars will the Capitol now bear now?

The Capitol will be different. More restricted. Less access.

And the quiet serves as a reminder to the bedlam on January 6.

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

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING
BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Alejandro Nicholas Mayorkas, of the District of Columbia, to be Secretary of Homeland Security.

The PRESIDING OFFICER. The Senator from Texas.

BIDEN ADMINISTRATION

Mr. CORNYN. Madam President, President Biden built his campaign for the Presidency around a theme of unity, the promise that he would work to heal the deep divisions that exist in our country and restore respect and bipartisan communication. He has consistently pointed to his decades in the U.S. Senate as proof of his understanding and his ability to achieve results—and for good reason. Senator Biden had a record of working across the aisle and brokering bipartisan deals, but so far, at least, the actions of President Biden have run counter to his image as a pragmatic dealmaker.

Let's look at the first big test, which is coronavirus relief. This, of course, has been the main focus of the Senate for nearly a year now. We passed several bipartisan bills, ranging from far-reaching, multitrillion-dollar packages to smaller, more targeted bills, and every single one received overwhelming bipartisan support. Make no mistake, the path to getting those bills signed into law was not easy. The Republican-controlled Senate and the Democratic-controlled House had very different ideas about the size and shape of those bills, but we managed to overcome those differences and provide trillions of dollars in relief to support our response on both the healthcare and economic fronts.

President Biden has made COVID relief a top priority and laid out a framework for a \$1.9 trillion coronavirus relief package, which includes everything from bipartisan priorities, like funding for vaccines, to partisan ones, like slush funds for blue States.

I don't support the President's proposal in its current form, but I do believe that it is a good place to start to kick off bipartisan negotiations. I also believe that before we rush out and throw trillions of dollars—I should say more dollars—at this problem, we need to see how what we have done is already working. In fact, it was only a month ago when we passed our last COVID-19 relief bill with big bipartisan votes, and that money is not even out the door yet.

As we look to the future, I had high hopes that we could continue this trend of working together. After all, that is the idea the President ran on—bipartisanship, deal making, and reaching across the aisle to build consensus.

President Biden knows the rough and tumble of the legislative process very well. He helped broker many compromises during his career and promised to use that experience to restore bipartisanship in Washington. But that is not what the early days of this administration have looked like, not even close.

Our Democratic colleagues kicked off the year with threats to eliminate the filibuster. We know the filibuster is the single biggest safeguard of the minority in the Senate, whether it be Republican or Democrat, because it requires—indeed, it forces—bipartisan compromise in order to advance legislation.

For the past 6 years, as the minority party, our Democratic colleagues have proudly filibustered bill after bill. They have blocked the Senate from considering legislation on everything from coronavirus to justice reform, to border security.

Make no mistake, Republicans were frustrated. It is frustrating to have the majority and not be able to get what you want. But the integrity of the filibuster and its ultimate purpose was never called into question, even though Leader MCCONNELL faced calls from many—including President Trump—to toss it out the window.

But in this new reality of a 50-50 Senate, the Democratic leader has so far not been interested in playing by the existing rules. He wants an easy, compromised-free path for the Democratic radical agenda, and he is prepared to go full-scorched earth to make it happen.

Senator SCHUMER has threatened to eliminate the legislative filibuster and subject the country to the chaos that a majority-ruled Senate would create. The difference here, of course, is that Leader MCCONNELL stood up to those in his own party who called for this. Senator SCHUMER so far has led us to believe that he will not do the same.

Fortunately, the Senators from West Virginia and Arizona, Senators MANCHIN and SINEMA, have vowed not to participate in this dangerous exercise. And it is clear—or it should be clear, but I will emphasize—that this is not for the benefit of the minority party. This is for the benefit of the Senate as an institution and the country as a whole.

With the elimination of the filibuster off the table, because at least two Democratic Senators will not vote to eliminate it, Senate Democrats have found a new opportunity to break the rules, ignore precedent, and pave a path for partisan legislation. If the reports can be believed, our Democratic colleagues are preparing to abuse the budget reconciliation process to ram President Biden's coronavirus relief proposal through the Senate. This is a

process designed as a way to enact certain fiscal policies in a budget resolution—things like spending reductions, tax relief, or tax increases.

Unlike the traditional legislative process, which is used for the majority of the bills that move through the Senate, there is no 60-vote threshold when you use budget reconciliation. But that doesn't mean you can or you should fast-track partisan legislation. In fact, our predecessors have warned us against that.

One of the most influential Senators in protecting this budget reconciliation process was Robert C. Byrd, the longtime Senator from West Virginia. He was the architect of the now so-called Byrd rule, which is used to keep the reconciliation process from being used to circumvent the normal legislative process. In short, he wanted to prevent the process from being abused in the way Democrats appear to be preparing for now.

The referee in all of this is the Senate Parliamentarian, a nonpartisan expert adviser on Senate rules and procedure. Folks on both sides of the aisle know and respect our Parliamentarian and the people who work with her. We respect their guidance to understand the rules of the Senate and ensure that both sides are treated fairly.

The most senior Member of this Chamber, the President pro tempore, once said:

I've been here with many, many parliamentarians. All were good. But she's the best.

Throughout modern history, Senate Parliamentarians have advised the Senate on which provisions can and cannot be included in a budget reconciliation bill based on the application of the Byrd rule. In fact, the Parliamentarian gives it a process known as "a Byrd bath."

While the majority party technically has the power to determine whether or not to accept the Parliamentarian's advice, there has never been much of a question about whether to do so or not.

Think about this. It would be like allowing a batter in the World Series to ignore the umpire's balls-and-strikes call and treat every pitch as if it were a ball. I am sure it is no surprise, then, that the last time either party ignored the Parliamentarian's ruling was 1975—nearly 50 years ago. Since then, both Republicans and Democrats have understood the dangers of such reckless action and have respected the advice of the Parliamentarian, even when it punches a hole in their own legislation.

But if reports are to be believed, it looks like our Democratic colleagues may be preparing to break precedent once again. With the filibuster—legislative filibuster—still intact, our Democratic colleagues are no doubt considering a plan to shove President Biden's massive coronavirus relief bill through the Senate using reconciliation, and that plan involves ignoring

any adverse rulings from the Parliamentarian. Over the last several decades, Senators on both sides have refrained from such a dangerous move because of the precedent it would set.

Here is another instance where, despite pressure from some in my party, Leader McConnell refrained from eliminating the legislative filibuster. He knew how detrimental it would be to the U.S. Senate as an institution.

Basically, what we are hearing now about budget reconciliation and considering eliminating the Byrd rule is essentially a backdoor method to eliminate the filibuster and push the most partisan, controversial measures through with only a simple majority.

In 2001, Senator Byrd said: "Reconciliation was never, never, never intended to be used as a shield for controversial legislation by depriving Senators of their rights and their duty to debate and amend." But that is precisely what our Democratic colleagues are reported to be considering now—to overrule the advice of a nonpartisan adviser to the Senate so they can deprive Senators of their duty and ability to debate and amend legislation.

I urge our colleagues not to go down this road. After all, you would have thought they learned a lesson now that the shoe is on the other foot when it comes to nominations and the filibuster.

In 2013, then-Majority Leader Harry Reid went nuclear and eliminated the 60-vote cloture requirement on judicial nominees—something distinct and different from a legislative filibuster but applied to nominees. Leader McConnell told our colleague from Nevada at the time: "You'll regret this, and you may regret this a lot sooner than you think." And as it turned out, he was right.

As our colleagues now know very well, the Republican-led Senate confirmed more than 230 judges who were nominated by President Trump, all thanks to Harry Reid's rule change. This action cleared the way to eliminate the 60-vote cloture threshold on Supreme Court nominees, which led to the confirmation of three Supreme Court Justices during the Trump Presidency.

There are inherent and perhaps unintended consequences of changing the rules in a place where your power is never permanently guaranteed. Chipping away at the rights of the minority may help you now, but you are sure to regret that someday, just as Democrats now regret the day Harry Reid cleared an easy path for hundreds of conservative Federal judges.

There are a few ways to stop this madness before Democrats head down this dangerous path. The first is for President Biden to intervene and warn Senate Democrats not to break the rules by ignoring decades of precedent.

We are less than 2 weeks in a Biden Presidency, which was won on the promise of working together. President Biden consistently pointed to his experience as a U.S. Senator as evidence of

his ability to reach across the aisle to get things done. This will be his first test. Will he urge Senate Democrats to pursue a bipartisan approach to legislating, or will he give up on his single largest campaign promise less than 2 weeks into his administration?

The second option is for our Democratic colleagues to speak up. Senators Manchin and Sinema stood up to the Democratic leader when he threatened to eliminate the filibuster. As I see it, this is no less dangerous.

Whatever precedent you set or break when you are on one side will affect you when you are on the other side, which you, inevitably, will ultimately be.

If Democrats destroy the budget reconciliation process now, it will clear the way for them to pass a progressive agenda with absolutely zero need for Republican votes. That could include everything from Federal funding for abortions to heavyhanded climate policies. And when Republicans ultimately find themselves in the majority, all of these policies could be eliminated with a party-line vote and replaced with new laws.

This is a dangerous and unnecessary road to go down, and our Democratic colleagues have a duty, I believe, as Members of this body, to respect its rules and respect the Senate as an institution. The Senate should not replace the Byrd rule with Harry's rule.

I would like to once again share some wise words from our late colleague Senator Byrd, who was known as a master of the Senate rules and process and procedure. Not long before his death, he spoke in a Senate Rules Committee hearing about the importance of protecting minority rights—something the Senate has been known for. Oddly enough, the current Democratic leader was presiding at the time. Senator Byrd said:

As I have said before, the Senate has been the last fortress of minority rights and freedom of speech in this Republic for more than two centuries. I pray that Senators will pause and reflect before ignoring that history and tradition in favor of the political priority of the moment.

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. SCHUMER. 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 MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, first, I ask unanimous consent that the 5:30 p.m. confirmation vote on the nomination of Alejandro Mayorkas to be Secretary of the Department of Homeland Security occur on Tuesday,

February 2, at 2:30, with all other provisions of the agreement remaining in effect.

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

MYANMAR

Madam President, at the beginning here, I want to briefly address the deeply disturbing reports of a coup in Myanmar. We are monitoring the situation with great concern, and the Biden administration is already providing briefings to the Hill on the state of affairs. Congress stands ready to work collaboratively with the new administration to resolve the situation.

I know this is a region of long-standing concern and interest to the Republican leader, so I hope that we can productively work together in a bipartisan fashion to determine the best course of action for America's interest and for the people of Myanmar.

NOMINATIONS

Madam President, next, this week the Senate will continue to confirm President Biden's outstanding Cabinet nominees. We had intended to finish the confirmation of Alejandro Mayorkas to serve as Secretary of Homeland Security today, but unfortunately, with winter storms hitting much of the east coast, Mr. Mayorkas's confirmation will be delayed until tomorrow to accommodate Members who are having difficulty getting here.

We will also vote tomorrow on the confirmation of former South Bend Mayor Pete Buttigieg to serve as our Nation's next Secretary of Transportation. Mr. Buttigieg is an impressive public servant who has already earned the respect and confidence of both sides. He was reported out of the committee last week on an overwhelming bipartisan vote, and I look forward to confirming his nomination tomorrow.

Now, as we process these nominations on the floor, our Senate committees are hard at work preparing the next slate of nominees, including Secretaries of Agriculture, Energy, Veterans Affairs, Commerce, Education, Labor, EPA, and more. We have a lot of work to do here, but the Senate is going to press forward on these nominations as quickly as possible.

CORONAVIRUS

Madam President, at the same time, the Senate this week will begin the important work of crafting legislation to rescue the American people and the American economy from the continued effects of the COVID-19 pandemic.

We continue to face a crisis unlike any other in our lifetimes. Over the course of a year, more than 26 million Americans contracted the virus and nearly 450,000 have died—more than the number of Americans who died during World War II. Tens of millions of Americans have lost their jobs, thousands of businesses closed their doors for good, and the economy has suffered the worst year of growth, again, since World War II.

Our efforts here in Congress over the past year have saved scores of small

businesses and kept millions of Americans in their home and out of poverty, but our work is far from completed.

As we speak, nearly a million Americans are filing for unemployment per week. More than 16 million Americans have reported being thousands of dollars behind on the rent, on mortgage, on utilities. Elderly Americans are having their heat shut off in the depths of winter. Families are having the power and internet shut off during their children's first year of virtual kindergarten. Small businesses we have done so much to help through the PPP and other bipartisan programs will struggle until we can vaccinate enough Americans to get the country back to normal.

Facing these multifaceted challenges of a scale and scope larger than any event in the past hundred years, Congress must pursue a bold and robust course of action. It makes no sense to pinch pennies when so many Americans are struggling. The risk of doing too little is far greater than the risk of doing too much.

Our history is full of warnings about the costs of small thinking during times of great challenge. President Hoover failed to react quickly enough to forestall a Great Depression. In the wake of our most recent financial crisis in 2009, Congress was too timid and constrained, and the ensuing recovery was long, slow, and painful.

Treasury Secretary Yellen, who watched the most recent recovery up close, just told us that "the smartest thing we can do is act big." Let me repeat that. "The smartest thing we can do is act big," according to Treasury Secretary Yellen. So that is what the Senate is going to do—act big.

Today, Speaker PELOSI and I will file a joint budget resolution for fiscal year 2021 totaling \$1.9 trillion, which is the first step in giving Congress an additional legislative tool to quickly pass the COVID relief legislation. The resolution, if passed by both Chambers of Congress, will provide instructions for the House and Senate committees to begin work on a potential budget reconciliation bill, which will be the vehicle for urgent and necessary COVID relief.

Now, I want to be very clear. There is nothing in this process that will preclude it from being bipartisan. We welcome—welcome—Republican input. Let me say that again. There is nothing in this process—the budget resolution or reconciliation—that precludes our work from being bipartisan. In fact, the Senate has used this process no fewer than 17 times to pass bipartisan legislation since 1980, including to create or expand landmark programs like children's health insurance, the child tax credit, and the earned income tax credit, which together have lifted millions of Americans out of poverty.

COVID relief, too, should be the work of both Democrats and Republicans. Teachers and firefighters are being laid off in red States and blue States.

American families are struggling with the rent and utilities in Kentucky as well as in New York.

We should all be eager to provide our country the resources it needs to finally beat this disease and return our country to normal. To that end, Democrats welcome the ideas and input of our Senate Republican colleagues. The only thing we cannot accept is a package that is too small or too narrow to pull our country out of this emergency. We cannot repeat the mistake of 2009, and we must act very soon to get this assistance to those so desperately in need.

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

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

NOMINATION OF ALEJANDRO NICHOLAS MAYORKAS

Mr. TESTER. Madam President, I rise to speak about a friend of mine, Ali Mayorkas. He is President Biden's choice to head up the Department of Homeland Security. Now, I don't need to tell the folks in this Chamber how big of a job this is, but let me be clear: It is our duty to put somebody in this role who is up to the task of getting things done, and I am here to assure you that Ali Mayorkas is that man.

I worked closely with Ali when he was Deputy Secretary of Homeland Security in the Obama administration. It is obvious that he has the understanding of the challenges that this country is facing—from the coronavirus pandemic to immigration, to cybersecurity, to threats from our foreign adversaries and now, more than ever, from our domestic ones. Perhaps, most importantly, he has demonstrated that he is going to listen and learn about the unique problems facing each State in this Union.

He proved that to me when I brought him to Montana back in 2015. We flew along the Montana-Canada border and visited the Ports of Piegan and Sweetgrass before hosting a roundtable on human trafficking in Havre, just a little more than 50 miles from where I live. We also held listening sessions on law enforcement and first responders in Helena. We met with local businesses to discuss cross-border trade and even met with union representatives from Customs and Border Protection. He traveled thousands of miles to hear firsthand what Montanans had to say, and because of it, he understood what our State needed from him in order to be successful with our homeland security. That, folks, is what leadership looks like.

Over the past 4 years, we have seen the Department of Homeland Security in turmoil with six different Secre-

taries. We need a steady hand, a steady hand like Ali Mayorkas's, to get us back on track. After all, he spent 7 years in leadership roles in the Department of Homeland Security. He understands the challenges. He understands it is going to take a lot of work. He understands that we are going to have to bring people together, and he understands that this job is a 24/7 job. He understands because he has lived it. He has the knowledge and the experience to lead our Nation's Homeland Security today and prepare for the challenges of tomorrow.

Now, it is my understanding that tomorrow, at 2:30, we will vote on Ali Mayorkas as Secretary of Homeland Security. I would hope that we would get a strong vote for him out of this body because, quite frankly, after the events of January 6, we have no time to waste.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. HEINRICH. Madam President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

RECOGNIZING THE UTAH NATIONAL GUARD

Mr. LEE. Madam President, I rise today to honor and thank the men and women of the Utah National Guard for their dedication and selfless service in protecting the U.S. Capitol. Each and every one of these guardsmen played an important role in our Nation's Capital these last weeks. I truly respect and admire their commitment to serve not just the people of Utah but wherever they are stationed.

2LT Hyrum Ahlman, CPL Halley Anderson, CPL Joseph Arvig, SGT Ismael Baires, SPC Andrew Bass, PFC Marc Brandt, SSG Trevor Brasfield, SFC Joshua Brewer, SSG David Brizzi, SFC Michael Broadhead, SPC Jose Cabero, SFC Cole Carpenter, SGT Sebastian Castillo, SPC Gregory Caton, MSG Steven Cave, SPC Anthony Cox, SPC Casey Cox, SGT Milo Cox, SPC Joshua Curtis, SGT Douglas Davis, SPC Palesala Faleseu, SGT Marc Flores, SPC Nathaniel Forbush, SGT Jose Garita, SSG Jason Gerfen, SPC Austin Hafen, SGT Jesse Hall, 1LT Jordan Hatch, PFC Jaxson Hess, SGT Kasey Hope, SGT James Huntsman, SPC Lance Irons, SPC Matthew Jackson, SSG Jose Jimenez, SGT

Tyler Julander, SGT Jacob Kauffman, MAJ Taylor Knight, SPC Ruben Loya, PFC Bryton Lunceford, 1LT Austin Maddox, SPC James Mangrum, PFC Tyler Marshall, CPT Markus Martin, SPC Chance McPhie, SPC Logan Mecham, SPC Craig Meservy, PFC Omar Morales, SPC Caleb Mulder, SGT Tyson Nelson, SPC Kipp Nielson, SSG Brett Nigbur, 2LT Matthew Ouderkirk, SPC Joseph Overson, 1LT Stewart Oviedo, 1LT Henry Palma, SPC Kevin Pareja, SPC Angel Penagamez, SPC Jaden Peterson, 2LT Misty Peterson, 1SG Shawn Peterson, SPC Levi Phippen, SPC Andres Pintor, SPC Moses Purcell, SFC Jim Rasmussen, CPT Kyle Rawlinson, SGT Kolby Rohwer, SGT Eric Saunders, SGT Shane Scrivner, SPC Tyler Smith, CPT Leah Son, SGT Miguel Sosa, SPC Skyler Staheli, SSG Dustin Steed, SPC Toriano Taulogo, SPC Toren Terry, SPC Christian Trevino, SPC Brady Tullis, SPC Ethan Walker, SGT Bo Welcker, SPC Thomas Wells, SPC Ashton Wenkel, SPC Brandon Willden, WO1 Scott Wilson, LTC Cody Workman, SGT Jorge Zavala, SSG Stephen Zitting, PFC Chaz Alba, SGT Ben Alder, PFC Taylor Alger, PFC Skyler Allred, SSG R Amidan, SFC Clinton Andersen, SGT Ethan Andersen.

SPC Anthony Anderson, LTC Clayton Anderson, SPC McClain Anderson, SGM Rawlin Anderson, PFC Joey Angell, SPC Tyler Ashman, CPT Cory Ashworth, SPC Maxwell Ayeliya, SGT Andrew Baird, SGT Wesley Baker, SSG Matthew Barnes, SGT Trevor Barney, SSG Michael Barrett, SFC Jay Bartholomew, SPC Justin Barton, SPC Jayden Batt, PFC Zakary Baumgartner, CPT Jeffrey Belnap, 2LT Dalan Bennett, SPC Alexander Beraja, SPC Justin Best, SPC Megyn Bettridge, SGT Braxton Bird, SGT Andrew Bissell, SGT Byron Bizardi, SPC Matthew Blair, CPT Benjamin Bowler, SGT Brady Bradford, SSG Michael Bradford, SPC David Bravo, SPC Benjamin Brinkerhoff, SPC Nathaniel Broadhead, SGT Chasen Brown, SPC Jarren Brown, MAJ Michael Burgin, SSG Brandon Burton, SPC Wendell Campbell, 1SG Kevin Chamberlain, PFC Mario Chavez, SSG Brett Cheney, SSG Brett Christensen, SPC Cody Christensen, SSG Jacob Christensen, SFC Jason Christensen, SPC Konnor Christensen, SSG Jeffery Clement, SFC Joshua Cluff, SGT Charles Coleman, SSG Ron Condie, SPC Nicholas Contrys, SPC Clint Coombs, SSG David Covington, SSG Jeffrey Cox, SPC Chad Crosby, 1LT Bryant Curtis, SPC Austin Dalley, PFC Luke Dalling, SGT Jacen Daly, CW2 Jason Davis, PFC Joshua Davis, SSG Randy Davis, SPC Tanner Davis, SGT Esteban Dean, CPT David DeFriez, CPL Michael Deihl, SSG Orlas DeMasters, SPC Ivan Draskovich, SSG Derek Drechsler, SPC Kyle Dudley, SSG Stan Dutton, SGT Jordan Dye, SPC Joseph Eckersley, SGT William Emmett, SSG Steven Esplin, SPC Boe Evans, PV1 Savanna Evans, SPC Tamati Faoasau, SGT Brandon Farr, SPC Kyle Fenn, SSG Jessica Ferre, PFC Manuel Figueroa Ornelas, SPC Robert Fillmore, 2LT Samuel Findley, 1SG David Foisy, SSG Jeremy Foisy, CPL Joshua Folston, PFC Joshua Ford, SPC Cory Freeman.

PFC Shaiden Fullerton, SGT Thomas Fullmer, SGT Stetson Gates, SPC Peter George, SPC Alice Giatras, SPC Preston Godfrey, SPC Bret Goodwin, SPC Kimberly Gowans, SGT Elly Granados, 2LT Samuel Grow, PFC Addison Grundy, MSG Charles Gubler, SPC Gabriela Gustafson, SGT Jordan Hack, SPC Tyler Haley, SPC Christopher Hall, PFC Reed Halliday, PFC Ammon Halpin, SGT Dustin Hansen, SPC Jefferey Hanson, SGT Cody Hare, SGT Nathan Harris, SGT Vincent Harris, SGT Derick Hatch, 1LT Eric Heaps, SPC Jaden Heaton, SPC Jeremy Heino, SGT Harvene Hernandez, SGT Justin

Hickman, SGT Katie Hinds, SFC David Hinton, SPC Joseph Hollinger, PFC Bronco Hollowell, SPC Alexander Hooper, PFC Kareem Hopkins, SPC Garrett Hough, SFC Whitney Houston, SPC Isaac Howard, SGT Zachary Hunt, SPC Zachary Hutchings, SGT Austin Hutchins, SFC Michael Irons, SSG Matthew Isom, SPC Alan Iverson, SPC Jared Iverson, SPC Garrett Jackson, PFC Sean Jacobsen, 1LT Ethan Janson, SPC Zachary Jarnagin, SGT Samuel Jefferson, 2LT Cabe Jensen, CW3 Lance Jensen, SGT Zachary Joens, SPC Dakota Johnson, SPC Pauline Johnson, SPC Stephen Johnson, SPC Trevor Johnson, SGM Garrad Johnston, SFC Bevin Jones, SSG Jeremy Jones, PFC Jared Jorgensen, SFC Richard Jorgensen, SSG Matthew Kaldor, SGT Ryan Kern, SGT Franklin Kimball, SSG Tyler Kinross, SGT Tyler Knuckles, SPC Landon Koch, SPC Michael Krasnowetz, SPC Christian Kunz, SPC Devin Laird, SPC Jeremy Lambson, PFC Colten Lang, SGT Jared Lanier, 1SG David Larsen, SPC Austin Lauritzen, SPC Garrett Leo, SGT Kelby Lihme, SGT Alexander Lilley, PFC Hayden Lloyd, 2LT Alfredo Lopezquin, SPC Dalton Lowry, SPC Hunter Lunt, SPC Miracle Maae, SPC Vincent MacGuire, SSG Lance Mackelprang, SSG Scott Mackelprang, SPC Ethen Malcolm, PFC Kevin Malles, MAJ William Mangum, SGT Chandler Martineau, SGT Cory Maxfield, SPC Kelly Maynes, SPC Rosten McArthur, 1LT Sky McMahon, 1SG Jason Mellor, SGT Adriana Mendoza, SPC Wesley Mercier, SGT Carter Mitchell, SSG Kaden Mitchell, PFC Tanner Morley, CPT Jedediah Morris, SSG Addison Mull, PFC Miguel Munford, SPC Scott Munford, MAJ Rylee Munn, CPT Kami Muramoto.

SPC Andrew Nelson, SPC Cobe Nelson, SPC Samuel Nettleton, SSG Taylor Newman, SPC Nash Nicholson, SPC Dustin Nielson, SPC Joseph Nordin, SGT Nevada Ocul, SPC Riley Ogden, CPL Brandon Orr, PFC Cameron Orr, SGT Quentin Owen, SPC Riley Owens, PFC Oscar Padilla Gonzalez, SPC Mailealulii Pai, PFC Gino Perez, SPC Noah Peterson, SPC Travis Peterson, SPC Thomas Phillips, SPC John Pitcher, 1LT Nicholas Pope, PFC Braden Poulsen, SGT Hayden Prisbrey, SFC Jimbob Quarnberg, SGT Austin Reber, SGT John Reeder, SPC Antonio Reynolds, MAJ Michael Rhinehart, SPC Chance Richwine, SFC Jan Rigby, SPC Tanner Roberts, SPC Pierce Robertson, SPC Blake Robinson, SGT Christopher Robinson, SPC Jayden Roden, SSG Dustin Rosenberg, PFC Tyson Roundy, SGT Nicholas Rowley, SGT James Ruelle, SFC Zackarie Sampson, PFC Dylan Sawyer, SGT Anna Sewell, PFC Isaiah Sheeran, CSM Michael Sherratt, SSG Curtis Shumway, SFC Dennis Shumway, SGT Drakkar Shumway, SPC Marshall Shumway, SGT Logan Shurtz, SSG Charles Sims, SPC William Smedley, CPT Brian Sorensen, SPC Jorge Soto, SPC Kyle Stewart, SGT Joshua Stocks, SPC Payton Stott, SPC Parke Swapp, SPC Wesley Syrett, SPC Brandon Taylor, SGT Tyler Terry, SPC Bryce Thamert, SSG Anton Thomas, SPC Jeffrey Thomas, CPT Patrick Thompson, SGT Sean Till, SPC Dalton Tippetts, CPL Dylan Tisdale, SPC Ethan Torok, PFC Miguel Toscano, SPC Alexandria Trevino, 1LT Kimberlee Trower, PFC Joshua Turner, SPC Daniel Tuttle, SGT David Underwood, SPC Jesus Valdiviezobalderrama, 1LT James Vanotti, PV2 Thomas Veltkamp, SPC Caden Vermillion, SSG Benjamin Virostko, PFC Anthony Visser, SSG Mitchell Vreeland, PFC Briston Walker, SPC Eric Walker, SSG Stephen Wallingford, SGT Jacob Warren, SPC Joseph Washington Florez, SPC Taylor Watts, SPC Curtis Weatherwalk, SPC Nicholas Webster, CSM Garrett Whatcott, CPT Bryan Whitaker, SGT Matthew Whitby, SGT Taylor Whiting, SPC Benjamin Wilcox, SPC

Jace Wilcox, SPC Christian Williams, SPC Wyatt Williams, SPC Tyler Wilson, SPC Jaxson Womack, SPC Andrew Wood, 1LT Andrew Wood, SGT Haden Wright, SGT Jacob Wright, SSG Zachary Wright, SPC Jared Yamashita, SPC Ty Yardley, PCF Aspen Young-Labela.

MESSAGE FROM THE HOUSE

At 3:32 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 10. Concurrent resolution permitting the remains of the late United States Capitol Police Officer Brian D. Sicknick to lie in honor in the rotunda of the Capitol.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communication was laid before the Senate, together with accompanying papers, reports, and documents, and was referred as indicated:

EC-159. A communication from the President of the United States, transmitting, pursuant to law, the report of the withdrawals of 73 proposed rescissions of budget authority previously transmitted to Congress; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986; to the Committees on Appropriations; Agriculture, Nutrition, and Forestry; Foreign Relations; Commerce, Science, and Transportation; Health, Education, Labor, and Pensions; Energy and Natural Resources; Homeland Security and Governmental Affairs; the Judiciary; Banking, Housing, and Urban Affairs; Environment and Public Works; and Rules and Administration.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN (for herself and Mr. PADILLA):

S. 144. A bill to authorize the Secretary of Health and Human Services, acting through the Director of the Indian Health Service, to acquire private land to facilitate access to the Desert Sage Youth Wellness Center in Hemet, California, and for other purposes; to the Committee on Indian Affairs.

By Mr. DAINES (for himself and Mr. SCHATZ):

S. 145. A bill to amend title 5, United States Code, to repeal the requirement that the United States Postal Service prepay future retirement benefits, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

ADDITIONAL COSPONSORS

S. 32

At the request of Mrs. GILLIBRAND, the names of the Senator from Nevada (Ms. CORTEZ MASTO), the Senator from Nevada (Ms. ROSEN) and the Senator from Minnesota (Ms. SMITH) were added

as cosponsors of S. 32, a bill to provide for the establishment of a standing Health Force and a Resilience Force to respond to public health emergencies and meet public health needs.

S. 34

At the request of Mrs. GILLIBRAND, the names of the Senator from Georgia (Mr. OSSOFF), the Senator from Georgia (Mr. WARNOCK) and the Senator from Maryland (Mr. VAN HOLLEN) were added as cosponsors of S. 34, a bill to provide funding for cities, counties, and other units of general local government to prevent, prepare for, and respond to coronavirus.

S. 49

At the request of Mr. LEE, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 49, a bill to prohibit the Bureau of Consumer Financial Protection from overseeing lending institutions participation in the Paycheck Protection Program.

S. 117

At the request of Ms. KLOBUCHAR, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 117, a bill to establish an Inter-country Adoption Advisory Committee, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mr. PADILLA):

S. 144. A bill to authorize the Secretary of Health and Human Services, acting through the Director of the Indian Health Service, to acquire private land to facilitate access to the Desert Sage Youth Wellness Center in Hemet, California, and for other purposes; to the Committee on Indian Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to reintroduce a bill to facilitate improved access to the Indian Health Service's Desert Sage Youth Wellness Center in Hemet, California. My colleague Senator ALEX PADILLA (D-CA) is joining me as an original cosponsor of the bill.

The Desert Sage Youth Wellness Center is the only currently operating center in the State of California that provides culturally-sensitive substance use disorder treatment to indigenous youth.

The Desert Sage Youth Wellness Center, located in Hemet, is run by the Indian Health Service. The facility not only provides healthcare, but also aca-

demic support, family therapy, and treatment plans to support the healing and long-term recovery of youth enrolled at the Center.

Currently, the Desert Sage Youth Wellness Center is only accessible by a dirt road. This limits access to the Center during California's extreme wet and dry seasons. The dirt road frequently cracks or floods during these times and creates significant challenges to those depending on the Center's important work.

The Indian Health Service does not currently have the authority to buy land from willing private landowners who are supportive of selling their land to provide for a paved access road. It is necessary that we provide for safe and dignified access to the center, and I am pleased to reintroduce this legislation to do so.

This commonsense bill would authorize the Director of the Indian Health Service to purchase land from willing sellers and construct a paved road to improve access to the Desert Sage Youth Wellness Center. After the road's construction, Riverside County would maintain it.

This bill has the support of local stakeholders, including Riverside County. An identical, bipartisan bill is being introduced by Representatives RAUL RUIZ (D-CA), KEN CALVERT (R-CA), NANETTE BARRAGÁN (D-CA), TONY CÁRDENAS (D-CA), and PETE AGUILAR (D-CA) in the House of Representatives.

This bill passed the Senate unanimously last year, and I look forward to working with my colleagues this Congress to enact this bill into law.

Thank you, Mr. President. I yield the floor.

PERMITTING THE REMAINS OF THE LATE UNITED STATES CAPITOL POLICE OFFICER BRIAN D. SICKNICK TO LIE IN HONOR IN THE ROTUNDA OF THE CAPITOL

Mr. HEINRICH. Madam President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 10, which was received from the House of Representatives earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The senior assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 10) permitting the remains of the late United

States Capitol Police Officer Brian D. Sicknick to lie in honor in the rotunda of the Capitol.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. HEINRICH. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 10) was agreed to.

ORDERS FOR TUESDAY, FEBRUARY 2, 2021

Mr. HEINRICH. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10:30 a.m., Tuesday, February 2; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate proceed to executive session to consider the Buttigieg nomination, as provided under the previous order; further, that upon disposition of the Buttigieg nomination, the Senate resume consideration of the Mayorkas nomination, as provided under the previous order, and then recess until 2:15 p.m. to allow for the weekly caucus meetings.

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

Mr. HEINRICH. For the information of all the Senators, the Senate will vote on the confirmation of the Buttigieg nomination at 12 noon tomorrow and on confirmation of the Mayorkas nomination at 2:30 p.m. tomorrow.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. HEINRICH. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 5:20 p.m., adjourned until Tuesday, February 2, 2021, at 10:30 a.m.