

If students are showing up on campus unable to cope emotionally with hearing conflicting viewpoints, that is a problem of their upbringing and education to that point, before they go to that university. It is something colleges need to confront head-on for their students' well-being. Further shielding students from having their views challenged and then sending them out in the world thinking they are prepared is a recipe for failure.

Americans seem to be losing the ability to understand the point of view of those with whom they disagree. That is an unrealistic point of view for Americans to have. It is a failure to teach about freedom. Questioning of motives has replaced principled argument. Shouting insults has displaced logical debate.

Don't you see, this is a societal trend that increasingly is reflected in the Halls of Congress—right here. Those who have attended institutions of higher education should have to be exposed to the great thinkers of the past and the present, be able to argue points logically, and, more importantly, understand the points of those whom they are trying to persuade or refute.

College graduates should be models of civil discourse. Instead, they are too often the vanguard of the closing of the American mind. For the sake of their students and for the benefit of society, I urge college administrators, trustees, alumni, and all Americans who value the free exchange of ideas to work toward reversing this trend.

Open debate may seem contentious at times, but it is the only path toward mutual understanding, which is so needed right now in American society, our less-than-civil American society, which that less-than-civil American society tends to show up in a democracy that has representative government where, if you are really going to have representative government, wouldn't you expect some of what is happening at the grassroots to show up here in the Halls of Congress? And we do see it all the time, to our shame.

NOMINATION OF MERRICK BRIAN GARLAND

Mr. President, on another subject, today the Senate will start consideration of Judge Merrick Garland's nomination to be Attorney General of the United States.

I will be supporting his nomination, but, as I said at Garland's hearing before the Judiciary Committee, I have concerns, and I am here now to repeat those concerns so all of my colleagues can hear them.

I hope he will take these concerns seriously, and I will work with members of the Judiciary Committee to conduct thorough oversight of the Department of Justice in order to make sure the Department is being run independently and free from political influence.

On paper, I don't think anyone would doubt Judge Garland is a good pick to lead the Department of Justice.

His credentials are excellent, and he has a distinguished career of public

service, including all of those long years he has been on the DC Circuit Court of Appeals. Of all the possibilities to be President Biden's Attorney General, it is hard to come up with a better pick.

The top law enforcement officer of the United States must be committed to enforcing the rule of law, and he made it very clear that that is what he was going to do. As our former colleague John Ashcroft said—and he was Attorney General, you know, early in the George W. Bush administration—the Department of Justice is the only Cabinet Agency whose name is an ideal. It is not the Department of Law Enforcement but the Department of Justice. Justice is equality under the law. There is one law for all Americans regardless of race, color, creed, or political affiliation.

It is our founding principle that all people are created equal. My hope is that Judge Garland agrees with that principle, and he does, but he has got to be careful to make sure the Justice Department runs accordingly.

That is not how it has always been, however. And I don't want to say that is how it has always been under just Democrat Presidents; it probably has been that way under Republican Presidents too. But I don't think it is how it was run more recently during the Obama years.

Here is what I don't want to see Judge Garland do—and all of my colleagues at the time heard this: The Attorney General then, Eric Holder, famously said that he was a “wingman” to the President. I don't want an Attorney General who takes tarmac meetings with President Clinton while she is investigating his wife. I don't want consent decrees that federalize law enforcement and cause murder rates to soar. I don't want the Civil Rights Division trying to stop school choice in Louisiana. I don't want a return to catch and release. I don't want Operation Choke Point, where the Department of Justice decides that gun stores don't get access to banking services.

I am concerned about the Justice Department's direction before Judge Garland is even confirmed. These are some of the directions. They changed litigation positions on a number of high-profile cases in court, including on immigration, affirmative action, ObamaCare, and other issues.

This is what a very famous Solicitor General, Paul Clement, said: “It has been the long-term position of the Justice Department to defend the constitutionality of statutes whenever reasonable arguments can be made.”

It appears that our new President and his administration are going to flout that tradition. I just stated how Paul Clement felt about it. I hope that Judge Garland brings that point of view in line and preserves the credibility of the Justice Department.

I hope he also preserves his credibility with the Durham investigation. During the Trump administration, I

supported the Mueller investigation. I even supported legislation to protect his investigation in 2018 when it looked like President Trump might fire him. That bill got out of the committee that I chaired at that time.

In 2019, when Bill Barr was before the Judiciary Committee, he was required to commit to not interfere with the Mueller investigation. And I thought that was appropriate.

Now we have another special counsel investigation, this one run by John Durham, a respected career prosecutor who is investigating the Crossfire Hurricane investigation, in which members of the Obama administration spied on and prosecuted members of the Trump campaign.

As a Republican who supported Mueller, I think it is obvious that Judge Garland should have made that same commitment at the hearing about Durham that Bill Barr made about Mueller when he was before the same committee for confirmation. Judge Garland was given multiple opportunities to do so during his hearing and had written questions for the record, but every time he declined to do so unequivocally. He has implied that he won't interfere with the Durham investigation, and I take him at his word. But it would have been better if he had been very clear about it before the committee.

So, further clarification, it is Judge Garland's credibility that is on the line. If Durham is fired for anything other than cause, we will know why Judge Garland refused to give us a commitment like Barr gave us a commitment when we asked for it.

Lastly, I want to make a point about how Judge Garland's nomination went through the Judiciary Committee. Republicans called two witnesses, two of whom supported Judge Garland's confirmation. Republicans also decided not to do the usual holdover of one week of Judge Garland's nomination, allowing him to be reported to the floor a week early. Judge Garland also received bipartisan support in the committee.

It happens that none of these courtesies were extended to either of President Trump's nominees to be Attorney General, one of whom was a colleague of ours here in the Senate and one of whom had already held the job before.

I say all of this to make a point more to the media than to my colleagues because the media seemingly refuses to cover these points of bipartisanship that we didn't get from the Democrats in the previous administration. After the last 4 years of unprecedented obstruction of nominees, I think Republicans would have been justified to make this confirmation a drawn-out process. But we did not do that.

I don't plan on opposing nominees just because of the person who nominated them like many of my colleagues, unfortunately, did in the last 4 years.

So even though I still have some concerns, I believe Judge Garland is a good

person, particularly a good person for this job, to lead the Department of Justice. So I will vote for his confirmation.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

AMERICAN RESCUE PLAN ACT OF 2021

Mr. CORNYN. Mr. President, it doesn't seem like that long ago—it wasn't; it was only January 20 of this year—that we heard President Biden talk about healing the divisions in our country and promoting unity. He promised to restore respectful, bipartisan communication and cooperation. He spoke eloquently, saying:

Without unity there is no peace, only bitterness and fury.

No progress, only exhausting outrage.

No nation, only a state of chaos.

It really was a fine speech. But here we are, 7 weeks into the Biden administration with a lot of bitterness and fury and outrage over the President's first big, broken promise. On Saturday afternoon, following an all-night voting marathon, our Democratic colleagues passed, by themselves, their so-called COVID-19 relief bill.

Sadly, the lack of bipartisan support was not a surprise. After all, our Democratic colleagues decided to abuse the reconciliation process for this very reason. They wanted to pass a bill they knew would not generate any support among Republicans because it really is a Trojan horse for their liberal wish list. And the only way they could make that happen would be to exclude Republicans, turn down offers of bipartisanship, as the President did when 10 Republicans visited him at the White House just a few weeks ago and decided to go it alone, which is what our Democratic colleagues did.

Since Republicans had no say in the drafting of the bill and because our Democratic friends chose to skip the normal committee consideration, our only opportunity to make any changes to the bill came through the amendment process on the floor. From roughly 11 a.m. on Friday until 12:30 p.m. on Saturday, the Senate voted on more than 30 amendments, largely from folks on our side of the aisle, almost all of which were rejected in a party-line vote.

Outside of Washington, DC, not many people stay up for 24 hours straight to watch Congress vote on budget amendments, so I think it is important that we recap what the American people missed while they were sleeping.

The first amendment vote last Friday was a good barometer of what was happening on the other side of the aisle. The first vote, teed up by the chairman of the Budget Committee, Senator SANDERS, would have more than doubled the minimum wage at \$15 an hour. The Congressional Budget Of-

fice said that this would kill 1.4 million jobs, and then the Senate Parliamentarian said that this was an improper use of the budget reconciliation process.

But our Democratic colleagues wanted to take this shot anyway, so they voted to waive a budget point of order, but it did not go well. Eight Democrats voted alongside all Republicans to prevent this abuse of the budget reconciliation process and prevent this job-killing minimum wage mandate from becoming part of this bill.

As it turns out, there is bipartisan opposition to killing jobs at a time when our economy is already on a fragile footing. Who would have thought otherwise?

And once Senators cast their votes, our Democratic friends held the vote open for a recordbreaking 12 hours as they tried to whip their caucus into shape on the most critical amendment, which was next in line.

I am not one to tell our friends across the aisle how to do their job, but normally, when you have a vote, you know ahead of time how that vote is going to come out. That is just legislation 101. But when you are trying to rush, at warp speed, a nearly \$2 trillion wish list to the President's desk, I guess you don't have the time to do things the right way, and you certainly don't have an interest in getting them done in a bipartisan fashion.

But on the rest of the votes we held, over and over again, our Democratic colleagues held together and blocked commonsense amendments offered by this side of the aisle. For example, there were amendments to stop blue States from receiving more than their fair share of the State and local funding. The Democratic proposal includes a jaw-dropping \$350 billion for State and local aid—more than double what was spent in the CARES Act last March when the economic picture was far more dire.

Unlike the CARES Act funding that was distributed based on population, this proposal separated the funds into two pots of money—one to be distributed based on a population formula while the second is based on the unemployment rate.

Senator GRAHAM from South Carolina offered an amendment which would have required this funding to follow the same formula that we did in March, in a bipartisan way, rather than this new formula that favors blue States.

Since the primary argument for the bill was that States needed this funding because of lost tax revenues, it made sense that the largest population States should receive the most funding, a per capita formula. This would eliminate a big windfall for blue States that have largely kept their economies on ice and shuttered, even as COVID-19 cases decreased.

Then there was an amendment from the Senator from Utah, Senator ROMNEY, which would have ensured State

and local funding was only going to those States that actually need it. What a concept. His amendment would require States to apply for aid through the Treasury Department. They could then receive funds to help recover pandemic-related expenses, revenue losses, or unexpected Medicaid costs. But, of course, in a party-line vote, our Democratic colleagues blocked that amendment as well.

And it is not just State and local funding that folks on my side of the aisle wanted us to use more responsibly. I offered an amendment to improve the quality of care for unaccompanied migrant children who arrived along the U.S.-Mexico border. We know that these children are especially vulnerable and their health and safety should have been addressed in this COVID package.

Well, President Biden's border crisis is shaping up to be one of epic proportions. Border agents reportedly detained nearly 100,000 migrants along the southern border last month alone. That marks the highest total for the month of February since 2006. The numbers have now climbed so high that the administration is allowing facilities to house children to operate at 100 percent capacity, when our kids aren't even going back to school in many school districts around the country because of concerns for their safety. Forget that. The Biden administration is now allowing these facilities that house children to operate at 100 percent despite the COVID risk.

An amendment I offered would redirect unnecessary funding for the National Endowment for the Humanities and instead send it to the Office of Refugee Resettlement. This office is part of the Department of Health and Human Services, and this extra funding would help keep these children safe and healthy. Unfortunately, for these children, many of whom have endured long and dangerous journeys in the hands of human smugglers, our Democratic colleagues chose the National Endowment for the Humanities instead of these children in distress.

Well, the list of rejected amendments goes on and on.

Senator SCOTT of South Carolina offered an amendment to ensure States weren't fudging on the nursing home death count totals, like the disastrous situation developing in New York that we are just now learning about the magnitude of nursing home deaths that were covered up by the Cuomo administration. This amendment would have required States to certify the accuracy of COVID-19 deaths in nursing homes in order to assess funding for nursing home facility strike teams. Once again, a party-line vote blocked that amendment.

One of the highlights of this long and drawn-out process, which just left me scratching my head, was an amendment from Senator CASSIDY, the Senator from Louisiana, that would have prevented stimulus checks being sent

to people in prison and one from Senator CRUZ, my colleague from Texas, that would have stopped payments from going to people who are not even legally present in the United States. Both amendments were blocked in a party-line vote by Democrats.

Our colleague from Florida, Senator RUBIO, offered an amendment to incentivize a safe return to in-person learning at our Nation's schools. The crux of it was simple: If schools wanted Federal funding, they should actually educate children in the classroom and do so safely, according to CDC guidelines; otherwise, why do they need this huge amount of extra money if they are not actually going to use it to educate our children? Well, our Democratic colleagues blocked that amendment too.

While Americans were sleeping, Senate Democrats stood in the way of numerous commonsense reforms to this behemoth of a partisan bill. They have proven, once again, this so-called COVID-19 relief bill has next to nothing to do with what is best for the country and everything to do with what is best for their liberal partisan agenda.

This bill includes a long list of liberal priorities that are completely unrelated to the crisis at hand. I think roughly 90 percent of it is unrelated to COVID-19. Blank checks for mismanaged union pension funds, funding for climate justice—whatever that is—backdoor money for Planned Parenthood, an exclusive paid leave program for bureaucrats, those are just some of the greatest hits in the vote-arama.

Even the portions of the bill that are related to the pandemic are completely out of proportion. The legislation provides \$130 billion for schools when tens of billions of dollars that we have already appropriated last December remain to be spent.

According to the Congressional Budget Office, only \$6.4 billion will be distributed through September of this year. The remaining \$122 billion would trickle out the door through not just 2021 but through 2028.

Of course, there is the blue State bailout. Despite the fact that tax revenues have largely rebounded and many States are still sitting on piles of cash from previous COVID-19 relief bills, our Democratic friends want to send another \$350 billion to State and local governments but not just on an equitable population-based formula. They rigged the formula to make sure blue States reap the biggest cash benefits.

We know this wasn't the only path forward. We worked, time and time again, this last year on five different occasions to show we can unite to provide COVID-19 relief to the American people.

We could have built on that record this year, which after listening to President Biden's inaugural speech, I had hoped we might do. The first legislation to pass during the Biden administration could have been a bipartisan

pandemic relief bill with overwhelming support. We wouldn't have needed to go through the vote-arama or the abuse of the budget reconciliation process. We could have had a bill that supported the hardest hit families, got kids back at school, and helped expedite vaccination.

But those types of policies, obviously, weren't top of mind for our Democratic friends. They wanted to have a payday for the most radical element of their party at an absurdly high pricetag, which our children and grandchildren are going to be saddled with.

They assembled a laundry list of unrelated wasteful and downright partisan provisions and rejected even the most commonsense amendments offered by this side of the aisle.

Sadly, this legislation passed the House without a single Republican vote. It passed the Senate without a single Republican vote. And now, our Democratic friends are on track to write a \$2 trillion check completely funded by deficit spending without even a trace of bipartisanship.

They don't have a figleaf to hide behind. This was a partisan bill intentionally. Either the President sold snake oil on Inauguration Day or he has already caved into the most radical elements of his own political party. Either way, it is bad news for the American people.

The PRESIDING OFFICER (Mr. MARKEY). The Senator from Alabama.

Mr. TUBERVILLE. Mr. President, today I am going to talk about the growing crisis on our southern border and how we need urgent action to address the degrading situation there, but before I begin, I want to say a quick word about the reconciliation bill we passed last week.

The massive \$1.9 trillion bill was not COVID-19 relief; it was liberal relief. Everybody and everyone needs to understand what this was. It was not a rescue plan. It was a heist of taxpayers' money. We don't have \$1.9 trillion to be spending. When we have to borrow this much money, we are digging our country deeper into debt. And with this massive spending bill, we are borrowing against our grandkids' future and are going to owe more and more countries like China.

To keep up, the money supply will have to increase at such a rapid rate, it could potentially spark inflation. That means we could see the value of Americans' hard-earned dollars plummet.

To further underscore that point, that means your money doesn't go as far. For the items you buy, it is very expensive. All of this bogs down our economy and hinders future growth.

What is more, this entire sham of a process was partisan. It was not about helping Americans, businesses, and communities recover from the pandemic. That much is clear because only 9 percent of the bill is going to COVID and health-related pressures and less than 1 percent is going to vaccines. The remaining 90 percent went to progres-

sive wish list items for bailouts for poorly run States.

Instead of ramming through non-COVID-related spending, Democrats should have worked together with Republicans as a team to pass a bipartisan bill that actually makes lives better as we recover from this pandemic.

We share a goal of helping the American people, but the bill that was ultimately put forward failed to do just that. It is a shame. This is not how our country should be run.

BORDER SECURITY

Mr. President, we started to see headlines bubbling up about the building crisis at the southern border that is threatening to boil over. Americans back home are paying attention. They are watching what is going on and seeing how it is getting worse by the day. The saddest thing is that this was predictable and preventable.

Protecting our border and cutting down illegal immigration matters to the people of Alabama and the rest of the country. Alabamians are law-abiding people. We play by the rules, and we expect others to follow them too. When people break the rules, they have to face the consequences, plain and simple. That is how our country should operate, by law and order.

Enforcing the laws on our books cannot be an option. Sadly, this type of selected enforcement is exactly what President Biden has done during his short time in office. President Biden has put forward an immigration proposal that would completely upend our existing immigration policy and give out American citizenship like it is candy.

But before that, he made sure to lay the groundwork with Executive orders. President Biden quickly reversed many of President Trump's most successful border control policies with the stroke of his pen. And his Secretary of Homeland Security, whose Department oversees immigration policy and border security, has made it clear he is not interested in enforcing existing laws. We have seen the dangerous effects of President Biden's policies already, and it has barely been 2 months.

But we have also seen some mixed messaging. The same day President Biden issued an order that said building a border wall is a "waste of money that diverts attention from genuine threats to our homeland security," his Department of Homeland Security released official data that tells otherwise. In January 2021, U.S. Customs and Border Patrol Protection encountered approximately 78,000 illegal immigrants, a 6-percent increase from December 2020. Within that number, roughly, 64,800 were single adults, a 157-percent increase compared to January of last year. For unaccompanied children, there has been a 91-percent increase in apprehensions compared to last January.