

for hydrogen vehicles, which have a lot of potential, too.

I just want us to keep in mind, when that day comes—I want the Postal Service to keep in mind that we need for them to set an example—for the Postal Service to set an example. If they go out and two-thirds of the new vehicles they buy are gasoline- and diesel-powered, shame on them, and, frankly, shame on us in this body for allowing that to happen.

But we have to remember that the Postal Service is fighting for its life, and we need to be there and be helpful in terms of helping to pay for the infrastructure that they will need when they buy these new vehicles.

I will close with this. Mr. President, I am not sure where Home Depot is headquartered. Are they not headquartered in Georgia? If they are, nod your head. I think they are. I love to talk about Home Depot.

Whenever I go down to Central America, to places like Honduras, Guatemala, and El Salvador—we call them the Northern Triangle countries—we have something in place called the Alliance for Prosperity program. It is designed to help fight corruption, their crime, their violence, and their lack of economic opportunity there.

And we provide money—taxpayer money—to help these countries down there, so people will stop feeling like they have to come up here to escape the violence, the corruption, the crime, and the lack of economic opportunity. So we provide some money, and then we expect them, for every dollar we provide, to provide four or five dollars on their own. We want foundations to put up money. We want businesses to put up money to help produce this as well.

I say to the people of Honduras, Guatemala, and El Salvador, who live in some really terrible situations, when I talk to them about the Alliance for Prosperity, which has been in place now for several years: You can do it. You, those three countries—Honduras, Guatemala, and El Salvador—you can do it. We can help, and I think we have a moral obligation to help.

I think at the Postal Service, they can do it. They can update their fleet. They can do so in a way that is sustainable and is actually good for this planet. This is the only planet we are going to have. We have to take care of it or, otherwise, face huge, huge challenges.

So I would, on this Earth Day, say to my colleagues that the anniversary provides opportunity. The Postal Service is going through its share of adversity, as well, but there is real opportunity, as well, to help the Postal Service and the men and women who work there to do a better and a more reliable job of delivering the mail to all of us but, also, to do so in a way that is good for our planet.

That would be a very, very good thing and make this Earth Day especially memorable.

Mr. President, with that, I am going to bid you adieu. Great weekend to you and the staff. God bless you. Thank you so much.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Wisconsin.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Ms. BALDWIN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 59, Deanne Bennett Criswell, of New York, to be Administrator of the Federal Emergency Management Agency, Department of Homeland Security; that the cloture motion be withdrawn, the nomination be confirmed, and the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nomination; and that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Ms. BALDWIN. Mr. President, as if in executive session, I ask unanimous consent that the cloture motions presented earlier be considered to have been presented in the following order: Miller, McCabe, and Kahl.

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

MORNING BUSINESS

Ms. BALDWIN. Mr. President, I ask unanimous consent that the Senate 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.

(At the request of Mr. CRUZ, the following statement was ordered to be printed, in the RECORD.)

COVID-19 HATE CRIMES ACT

• Mr. LEE. Mr. President, over the past 13 months, Americans have endured extraordinary constraints on one

of the most precious rights guaranteed by our Constitution: the right to freely exercise their religion. There is, perhaps, no freedom more intertwined with our nation's history. It was religious freedom that drove persecuted settlers from England to America just over 400 years ago. And they were not the last. Over the centuries, countless religious minorities from across the world have come to America, seeking refuge from religious warfare and bigotry.

To be clear, we haven't always lived up to this ideal. Members of the church to which I belong were forced to flee across the country due to religious persecution, to name just one example. Despite these aberrations, however, no nation in the history of the world has protected and preserved the rights of religion and conscience like the United States. And that's not an accident. The First Congress recognized the profound importance of religious freedom by protecting it in the very first sentence of the Bill of Rights. That provision—called the First Amendment—states that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” The Supreme Court has applied this prohibition to State and local governments through the 14th Amendment.

So what does this mean, practically? First, governments cannot discriminate against religion or single it out for worse treatment than similar non-religious activities. But, second, if a government does treat religion differently than other similar activities, it must “pass” the “strict scrutiny” test. That means that the government must show that there was absolutely no other way to achieve an extremely important goal than restricting the religious activity in question.

The First Amendment is clear. Religious exercise must be protected. Nevertheless, over the course of the pandemic, governments throughout the country have placed heavy-handed restrictions on this fundamental freedom, restricting Americans' freedom to gather for worship, to meet in smaller groups for religious purposes, or even to sing.

At first, Americans accepted these restrictions. We understood the extraordinary difficulties facing our leaders as they struggled to grapple with a new and deadly virus. And we were assured that these restrictions would be temporary, lasting no longer than necessary. But as the weeks and months dragged on and the prohibitions on religious exercise continued, we began to see a startling trend. As restrictions on restaurants, casinos, and museums began to thaw, in many states, synagogues, churches, temples, mosques, and other religious gatherings were left out in the cold.

In May 2020, the Governor of California allowed some restaurants and retail businesses to operate indoors with up to 50 Percent capacity. Meanwhile, all indoor religious services—of

any size, and even with identical precautions—were outright banned.

California was not alone. In Nevada, the Governor allowed gambling establishments to reopen in June, 2020. As thousands flooded into casinos along the Las Vegas strip, religious gatherings in Nevada remained strictly limited to 50 people. Likewise, in New York, houses of worship were explicitly singled out for worse treatment. In some areas, religious gatherings were restricted to only 10 people, while train stations, acupuncture facilities, and factories in that same area could allow entry to as many as they wished.

And I could go on. Again, and again, COVID lockdown rules left religious Americans on the outside looking in.

Despite several opportunities to overturn these clear, discriminatory restrictions, for most of 2020, the Supreme Court failed to intervene. In *South Bay v. Newsom*, five Justices—without explanation—declined to halt California's ban on all religious services. Likewise, in *Calvary Chapel v. Sisolak*, the Supreme Court left Nevada's discriminatory ban on houses of worship in place. And again, they did so without explanation.

The pandemic stretched on. Some States eased restrictions, allowing worshippers to gather. Others did not. During that time, countless weddings, baptisms, holy days, and, perhaps most heartbreakingly—funerals—were observed in isolation from family, friends, and community. Or not at all.

Finally, in November of last year—after over 8 months of lockdowns—a ray of light broke through. In *Roman Catholic Diocese v. Cuomo*, the Court held that “even in a pandemic, the Constitution cannot be put away and forgotten. [New York’s] restrictions . . . strike at the very heart of the First Amendment’s guarantee of religious liberty.” Subsequent decisions earlier this year resurrected the First Amendment’s robust protections of religious liberty. Just a few weeks ago, in *Tandon v. Newsom*, the Supreme Court resoundingly affirmed religious freedom, summarily rejecting California’s discriminatory restrictions. Thanks to God, the First Amendment lives.

It’s been a long road to get here. But we can’t ignore the lessons of the past 13 months. That’s why I offered an amendment to S.937, the COVID-19 Hate Crimes Act, which would require the Attorney General to create a report detailing the restrictions imposed on religious exercise imposed during the pandemic.

This amendment directs the Department of Justice to look into: first, whether governments applied the same rules to religious groups that they applied to similar nonreligious organizations and businesses, and, second, whether those restrictions complied with the First Amendment. The goal here is simple—we need to understand and remember how Americans in 2020 lost their religious freedoms in order to ensure that it never happens again.

NOTICE OF THE VOTE UNDER S. RES. 27

Mr. WYDEN. Mr. President, I ask unanimous consent to print the following letter in the CONGRESSIONAL RECORD.

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

To the Secretary of the Senate:

PN 124, the nomination of Chiquita Brooks-LaSure, of Virginia, to be Administrator of the Centers for Medicare and Medicaid Services having been referred to the Committee on Finance, the Committee, with a quorum present, has voted on the nomination as follows—

(1) on the question of reporting the nomination favorably with the recommendation that the nomination be confirmed, 14 ayes to 14 noes; and

In accordance with section 3, paragraph 1(A) of S. Res. 27 of the 117th Congress, I hereby give notice that the Committee has not reported the nomination because of a tie vote, and ask that this notice be printed in the Record pursuant to the resolution.”

EARTH DAY

Mr. CARDIN. Mr. President, today I rise to join my friends in celebrating Earth Day. Senator Gaylord Nelson began the tradition in 1970, making today the 51st celebration of Earth Day. While it is always important to set aside a day to pause and reflect on our relationship with the natural world, I consider this Earth Day one of the most important yet. As we begin to emerge from the chaos of the COVID-19 pandemic and reset our new “business as usual,” we are stepping into a new world, ripe with opportunity for progress on climate change with a more meaningful understanding of what it means to live in a global community. Our Nation and planet are at a crossroads in determining the future of our climate. With a new administration that understands the threat of climate change and the role of the United States as a global leader, we are at the precipice of bold action.

The scientific consensus is that climate change will have devastating and far-reaching impacts on the environment, public health, and national security, and we must mitigate and adapt. In 2018, the United Nations U.N. Intergovernmental Panel on Climate Change, IPCC found that if a concerted multilateral effort is not made to keep global temperatures from rising 1.5 degrees Celsius 2.7 degrees Fahrenheit by 2100, we will cross a tipping point and cause the worst damage by climate change. The scientific community has been sounding the alarm for years, which too many of our colleagues have chosen to ignore.

The ongoing COVID-19 pandemic highlighted the challenges and opportunities of our increasingly globalized world. More than ever, we are understanding how decisions governments, corporations, and individuals make have real-world impacts and consequences. Actions that affect our cli-

mate are no different. An understanding of our impact in determining our collective future will only help us in our pursuit of a healthier planet.

Fortunately, our communities have proven resilient and adaptable. Over the past year, Americans have been burdened with collective grief, fear, and uncertainty. Through it all, our Nation has demonstrated a grit and ingenuity unlike anything we have seen in generations. We saw parents step up as teachers, corporations pivot their business models to keep people safe, and an entire population of office workers transition to working from home. In terms of action on climate change, this flexibility proves that a departure from the status quo is not as unrealistic as we may have thought previously. In fact, a change from “business as usual” can have unforeseen benefits for our quality of life and our planet.

Equipped with the lessons learned from the COVID-19 pandemic, I am more confident than ever that our Nation is ready to commit to action on climate change in earnest. Additionally, the Biden administration is already pursuing an aggressive climate agenda by reversing President Trump’s shortsighted decisions and doubling down on President Obama’s environmental regulations. The Build Back Better agenda recognizes both the need to mitigate emissions and prepare for the impacts of climate change that are already harming our communities. A great and overdue need to update our Nation’s infrastructure provides an opportunity to address some of our society’s most insidious sources of pollution.

Emissions from passenger and freight transport makes up the largest proportion of our Nation’s total greenhouse gas emissions—nearly 30 percent. The Federal Government can and must work quickly to address climate change through transportation and infrastructure policy. As chair of the Transportation and Infrastructure Subcommittee of the Senate Environment and Public Works Committee, I am committed to ensuring that any legislation the committee considers addresses greenhouse gas emissions reductions in a meaningful way. In 2019, the Senate Committee on Environment and Public Works unanimously reported an innovative surface transportation reauthorization that indicates a genuine bipartisan interest in action on climate change. I am confident the newest iteration of this bill will be even more ambitious.

The imperative to address climate change through transportation and infrastructure is particularly important to Maryland, a highly developed, low-lying coastal State with aging public works systems, which makes it particularly vulnerable to the impacts of climate change. My constituents and future generations have a right to good air quality, water quality, and the resilience of infrastructure assets like