

Democrat majority made during the first hundred days of the Biden administration. Thanks primarily to the American Rescue Plan, the most sweeping Federal recovery effort in decades, shots are going into arms; money is going into people's pockets; and businesses, schools, and restaurants are starting to reopen.

Americans finally—finally—have some reason for hope. Jobs are coming back. The economic recovery is accelerating, and the pace of vaccinations has far exceeded even President Biden's own goals. After one of the most difficult years in recent memory, the first hundred days of the Biden Presidency and the new Senate Democratic majority have seen the country turn a corner. Slowly but surely, we are proving to the American people that government and the Senate can work for them.

As President Biden prepares to take stock of where we have come from and where we still need to go, with a joint address to Congress, it is worth looking back at some of the accomplishments of these first 100 days. Among those accomplishments is the fact that the Senate has confirmed the most diverse Cabinet in history, faster than under both Presidents Trump and Obama, and all of them with bipartisan support. Eleven are people of color, and 10 are women. Among them, we have a former teacher, a former construction worker, several former veterans, a small business man, even a musician—a far cry from the, shall we say, less economically diverse Cabinet chosen by the former President. Now, more than ever before, we have a Cabinet that looks like America.

In our Nation's history, the Treasury Secretary has only ever been a White man—an unbroken streak of 77 White men in a row. This Senate confirmed the first woman to serve as Treasury Secretary in our history, Janet Yellen. The list of firsts goes on: the first African American to serve as Defense Secretary, the first Black man to serve as EPA Administrator, the first ever indigenous American, and the first ever openly gay Secretary to lead any Cabinet Agency.

Last week, the Senate confirmed Vanita Gupta to Associate Attorney General—the first woman of color and the first civil rights attorney ever to hold that position.

Last month, Dr. Rachel Levine became the Deputy Secretary of Health and Human Services, the first openly transgender Federal official in American history.

Federal Agencies have enormous influence over the policies that affect the day-to-day lives of the American people. Whether registering for Social Security, filing for unemployment or veterans' benefits, or seeking a small business loan, average folks interact with these Cabinet Agencies every single day, hundreds of thousands, if not millions, of times.

Having capable, experienced, and energetic public servants at the top of

these Agencies matters, and it matters, too, that they come from different backgrounds and have lived different experiences. By confirming historically diverse nominees, we are showing the American people that their government represents them and that all of their voices matter.

We also know that a Cabinet with diverse views will produce policies that better reflect the needs of a diverse Nation.

I am proud of the nominees we have confirmed over the first hundred days. As we move forward, the Senate will continue working with the White House on confirming nominees and judicial appointments that reflect the diversity and dynamism of our great country.

#### MEASURE PLACED ON THE CALENDAR—S. 1364

Mr. SCHUMER. Mr. President, I understand that there is a bill at the desk that is due for a second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct.

The clerk will read the bill by title for the second time.

The senior assistant legislative clerk read as follows:

A bill (S. 1364) to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes.

Mr. SCHUMER. In order to place the bill on the calendar under the provisions of rule XIV, I would object to further proceedings.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will now be placed on the calendar.

Mr. SCHUMER. I yield the floor.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### FENTANYL

Mr. MCCONNELL. Mr. President, as I noted here on the floor last week, the unaccompanied children packed into overflowing facilities are not the only tragic consequence of our failure to secure the border.

In addition to the U.S. mail, our southern border is a major source for the stream of lethal illegal drugs that continue to pour into our country. According to the CDC, more Americans died of overdoses last year than ever before.

This health crisis predated COVID-19 and will outlast it, and Customs and Border Protection data tell us a major cause has been a spike in the flow of fentanyl and its analogs produced by chemical companies in places like China. These drugs, which can be hundreds of thousands of times stronger than morphine, are rightly classified on the schedule of controlled sub-

stances. There are severe penalties for those caught trafficking them. It is the least we can do to protect American lives, families, and communities.

Clearly, on its own, this step hasn't been sufficient, but in a few weeks, even this obvious step is set to expire. Fentanyl analogs would cease being controlled substances in Federal law, making enforcement and deterrence even more difficult.

So Congress is faced with what should be a crystal-clear choice. The right thing to do, of course, is to permanently schedule these substances. Only in Washington could this become some kind of intense debate, but alas, some soft-on-crime corners of the political left have convinced some Democrats that this impending expiration is actually, actually a political opportunity. They want the Democrats to only reschedule these analogs for a short period of time, punting this deadline just a few months into the future, which makes you ask, Why?

Well, so that Democrats could come back to the table with an unrelated soft-on-crime bill—say, reducing prison sentences for drug dealers—and make that bad idea the price of admission for keeping these deadly poisons illegal.

So look, we need to be clear-eyed here. No amount of political spin or inside-the-beltway horse trading can muddy the debate. It is very clear: Congress should schedule these fentanyl analogs permanently—permanently.

It is not complicated. Americans are dying. Communities are drowning. Chinese drug traffickers are getting rich off of our misery. Permanently scheduling these analogs is the very least, the very least Congress can do.

#### NOMINATION OF JANET GARVIN McCABE

Mr. MCCONNELL. Mr. President, now on another matter, this week the Senate is set to vote on President Biden's nominee to be Deputy Administrator of the EPA. This nominee actually needs no introduction for my fellow Kentuckians and our neighbors in coal country.

But for those less familiar, Janet McCabe was the chief author of the Clean Power Plan that President Obama unveiled back in 2015. Well, 6 years and thousands of coal industry jobs later, Ms. McCabe is set to join an administration whose job-killing policies would make the Obama EPA blush.

Of course, President Biden's War on Coal predates his administration. Back in 2008, as a candidate for the Vice Presidency, he insisted there would be "no coal plants here in America. Build them, if they're going to build them, over there," obviously, meaning some other country.

Sadly, this was one area where the Obama administration, unfortunately, kept its promises. It was a terrible time to be a working American whose livelihood the Democrats happened to dislike. But our new President's leftward sprint is set to make these bad old days merely the warmup act.

Remember, rejoining the Paris climate agreement was a day one priority for this administration—this unenforceable deal whose own signatories largely ignored their commitments for the past 5 years, the deal that proved unable to keep China from significantly increasing its greenhouse gas emissions and proved unnecessary for the United States to decrease our own. We decreased our own.

But despite it all, the administration is rushing back in to signal virtue on the international stage. Here at home, they are rolling out policy after policy that would cost American families quite dearly.

The President signed away thousands of jobs by canceling the Keystone XL Pipeline. The authors of the Green New Deal boast about the radical social engineering they have seeded into the administration's legislative proposals. The infrastructure plan they have rolled out would pick winners and losers in automotive manufacturing and aim to purge the electrical grid of the most reliable and affordable forms of domestic power.

Of course, despite it all, carbon emissions don't respect national boundaries, so all the unilateral sacrifices this administration is eager to impose on blue-collar families won't make a dent in global emissions if our adversaries just keep on roaring right past us.

And now the Biden climate team is hoping to add a proven veteran from the War on Coal. The President campaigned suggesting he wouldn't owe the far left anything, but he is choosing to govern like he owes them everything.

I will oppose the McCabe nomination and would urge my colleagues to do the same.

#### FOREIGN POLICY

Mr. MCCONNELL. Mr. President, now on one final matter, yesterday I discussed how the Biden administration's wishful thinking has set them up for foreign policy failure in Central Asia and the Middle East. The likely catastrophe in Afghanistan may well consume the administration and distract from the challenges proposed by competition with Russia and China.

The President's meager defense budget proposal suggests his administration isn't taking strategic competition very seriously to begin with. Russia and China have spent years—years—investing heavily in military modernization with a specific eye toward threatening U.S. forces. We spent the previous administration repairing the readiness of our forces and beginning to modernize after years on the back foot.

A bipartisan Commission concluded we would need sustained increases in defense funding to successfully counter the growing Russian and Chinese capabilities. Yet adjusting for inflation, President Biden's proposal would amount to a reduction in spending.

This administration has talked tough with both these rivals, and I have given

credit where credit has been due, but when the time came to speak in the language that Putin and Xi understand best—money and power—this White House flinched.

Just last week, Russia reminded us of the threat it poses to Europe with a massive mobilization of forces on Ukraine's border. NATO allies are already struggling to meet their commitments on collective security.

So you have to ask, Would declining American spending make Putin more likely or less likely to think twice next time? And what about China? Will China be more likely or less likely to respect its neighbors' territorial waters if the United States stops contending for an edge in naval and long-range capabilities and lets ourselves fall behind?

The head of the U.S. Strategic Command reported last week that both Russia and China are modernizing their nuclear arsenals faster than the United States. He warned that if we fail to keep pace, we will be "at risk of losing credibility in the eyes of our adversaries."

Our nuclear triad has preserved the peace for decades, but crucial components are now decades older than the men and women we have operating them. If we want to maintain effective deterrence, we have to modernize.

Whether this administration likes it or not, we are locked in a race with adversaries who plan literally decades ahead. A lack of resolve will compound on itself and invite disaster. Surely that cannot be the legacy President Biden hopes to leave.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Jason Scott Miller, of Maryland, to be Deputy Director for Management, Office of Management and Budget.

The ACTING PRESIDENT pro tempore. The Republican whip.

#### TAX LEGISLATION

Mr. THUNE. Mr. President, a few weeks ago, President Biden introduced an infrastructure plan—or at least that is what the Democrats are calling it. In fact, a substantial portion of this bill goes to Democratic priorities that have nothing to do with infrastructure, from support for Big Labor to a new Civilian Climate Corps to advance "environmental justice." President Biden's infrastructure proposal would cost a lot of money, well north of \$2 trillion.

So how does the President plan to pay for this legislation? Unsurprisingly, the President is proposing tax hikes—notably, a substantial hike in the corporate tax rate.

There are two sources the Democrats like to go to when it comes to paying for their spending—corporations and prosperous Americans. In fact, the Democrats tend to speak about corporations and well-off Americans as if they are a bottomless source of funding for government programs and as if the Democrats can endlessly hike taxes on these individuals and businesses without consequences.

When the Republicans object to the prospect of major tax hikes, the Democrats cry that the Republicans are just protecting wealthy corporate cronies—a deeply ironic charge when you consider that the Democrats want to include a tax cut for wealthy Democratic donors and Hollywood types in this same infrastructure package.

The real reason for the Republicans' concern, of course, is quite different. The Republicans are concerned about substantial tax hikes on any individual or business because we know that taxation has economic consequences. It is something that the Democrats should know as well—it is basic economics, after all—but they don't seem capable of grasping it. Taxation has consequences. Tax hikes have consequences, and big tax hikes have big consequences, usually negative ones.

The corporate tax hike the Democrats are talking about will have negative consequences for American businesses. That means it will have negative consequences for American workers, and that is a problem.

Three years ago, the Republicans passed major tax reform legislation. Along with substantial tax cuts for middle-class Americans, this legislation cut America's corporate tax rate. Why? Well, at the time we passed this legislation, the United States had the highest corporate tax rate in the developed world, plus an outdated international tax system. Both of those things put U.S. businesses at a major disadvantage next to their foreign counterparts, and they discouraged foreign companies from moving to and investing in the United States.

Our outdated tax system had also resulted in a wave of inversions. That is tax professional-speak for companies moving their headquarters overseas. According to Bloomberg, between 2004 and 2016, 36 American-based companies