

Why do I continue to talk about these things when I get attacked, when I get vilified, when I get ridiculed, when I get censored?

It is pretty simple. It is because I have acknowledged the vaccine-injured. I have held events to let them tell their stories—like little Maddie de Garay, 12 years old. Now she is 13. She participated in the Pfizer trial. She is in a wheelchair. She can't eat. She has a feeding tube.

Pfizer has ignored her, cast her aside.

They are not paying for her medical bills. That is a scandal right then and there. Brianne Dressen participated in the AstraZeneca trial: paralyzed from the waist down. Fortunately, she has gotten her leg function back. But she is not whole. She is not cured.

Ernest Ramirez: he lost his only son, his best friend. He is a single dad.

I have given the vaccine-injured—the survivors, I have given them a forum to tell their stories, and the media just shrugs. All they want is to be seen and heard and believed so they can be cured or so they can prevent other people from experiencing their trauma.

The real reason I continue to tell the truth—although I am attacked—is because not only have I given these individuals a forum to tell their stories, but I have seen their tears. I have hugged the vaccine-injured, the surviving spouses, the surviving parents, the surviving children.

Why won't we acknowledge these truths? Why won't we acknowledge the vaccine-injured?

Until we do, until we acknowledge what the root cause of the illness might be, how is there any hope of healing them?

So again, our response to COVID has been a miserable failure. We must acknowledge that. We can't deny reality. We need to embrace early treatment because we are going to continue to need early treatment.

The vaccines aren't 100 percent guaranteed effective. New variants will emerge. We are going to have to treat. Better start now and might as well give these cheap generic, widely available drugs a shot.

With that, I yield the floor.

The PRESIDING OFFICER (Ms. SMITH). The Senator from West Virginia.

GOVERNMENT FUNDING

Mrs. CAPITO. Madam President, I come to the floor today to talk about the appropriations process for the fiscal year 2022, in particular, the Homeland Security bill, where I serve as ranking member of that subcommittee.

Unfortunately, as I stand here today, as all of us know, in December, there is still no clear path for the fiscal year 2022 bills. And you know, that is a real shame, and I am going to talk about that.

Every year, it is a challenge to come up with a bipartisan bill. It is difficult to fund the government. But every year, we manage to do it. The main reason being that we have agreed on

certain rules—rules that transcend unique political situations, where both sides know that you are required in order to reach an agreement. We realize we have to give on each side.

These rules are what Vice Chairman SHELBY has been insisting we agree on now so we can proceed with meaningful negotiations. So I support Vice Chairman SHELBY, and I encourage my Democrat colleagues to come to the table, akin to the Shelby-Leahy agreements of the past. This isn't a partisan demand, but, rather, an appeal that we all recognize at the outset what is so obviously necessary for us to achieve an outcome at the end of the day.

As the ranking member of the Homeland Security Appropriations Subcommittee, I come today to address that bill. I have been pleased over the past year to work with our new chairman, Chairman MURPHY, on our subcommittee. We have had several meetings. And, thankfully, there are vast areas of agreement between us on a majority of issues. I look forward to continuing to work with him to advance agreement for the FY22 Homeland Security bill.

A full-year continuing resolution would be a massive challenge for the Department of Homeland Security. We know we have a continuing resolution going until February.

Like all Agencies—and I argue probably more than most Agencies—DHS exists in a dynamic, ever-evolving threat environment, and its priorities and commensurate funding levels must be updated through the Appropriations Committee.

Further, the DHS is personnel heavy, and we need to ensure that funding keeps up with the salaries and the benefits of the public servants in this Department who are striving every day to keep our Nation safe.

We also need to invest in our Coast Guard and our Coast Guard readiness, which is a part of this bill, and ensure that its important procurement efforts remain on schedule. I think we have great agreement on all of that.

So in the midst of the holiday season, we all know the critical work of the men and women of the TSA. And more recently, we, as a nation, are relying more and more on the constant diligence of the Cybersecurity and Infrastructure Security Agency—CISA—otherwise known as someone trying to keep us safe in cyber space.

These Agencies and all those within the Department stand ready to protect the homeland. But we in Congress seem ill-prepared when it comes time to supporting and furthering their efforts.

So that being said—and I know Chairman MURPHY and I agree on this—I loathe the fact that a CR would enable and pretty much encourage the Department to reprogram money at their own will, aside from the intention of Congress.

So let's secure a framework because, don't forget, we are talking here in the midst of a continuing crisis on our

southern border. Democrats have cited the supposed reduction in border encounters as evidence that President Biden and Vice President KAMALA HARRIS's immigration policies are working.

It is true that encounters have gone down. They have gone down from record highs in July to record highs in October. That is right, this October's numbers, which are the last numbers that we have, were the highest recorded numbers of any October in history. And that is astonishing.

You can see from the chart how the blue is the average from 2013 to 2020 of encounters. And you can see from January on how exponentially higher all of these encounters have been. We have real problems, particularly at the border, that need to be addressed.

So while a long-term CR would be bad, as I have already discussed, a full-year FY22 bill that does not address these real problems at our border is not reasonable either. But that is what the majority's Homeland bill does.

Literally, the first sentence of the summary says: "The fiscal year 2022 Homeland Security bill provides discretionary funding of \$71.7 billion, which is \$65 million less than [what] the President's . . . [asked in his budget] and \$136 million less than the . . . 2021 enacted level" that we are living under right now.

That is right, the DHS bill, introduced by the majority that we are now told is better for the Department than a CR, actually reduces funding from last year's levels.

For example, for Customs and Border Protection—they are on the front line—the bill provides \$14.5 billion, \$80 million below the President's budget request, and \$501 million below fiscal year 2021 enacted.

So the DHS Agency directly responsible for border security, with these numbers right here—the one that is overwhelmed by these numbers—would receive less funding than requested by President Biden and, yes, less funding that is being provided right now under this continuing resolution.

The same is true for Immigration and Customs, known as ICE, the Agency responsible for removing migrants who received due process and are ordered removed.

Again, I quote, for ICE, "the bill provides \$7.9 billion, \$58 million below the President's budget request, and \$40 million below" the enacted level that we are operating under now in 2021.

Once again, another account vital to enforcing our immigration laws cut from what we are operating under the CR.

So what is in the majority's bill that is being sold as border security?

This is what they have chosen to highlight: \$175 million for medical services for migrants who arrive at the border—by the way, the Department of Health and Human Services has an enormous amount of money in their budget—\$130 million for three new permanent processing facilities, and \$25

million for increased transportation costs.

All of these investments mistake border security with border crisis management. These numbers are not going to go down if this is where we put our dollars. Some of these may be necessary expenses—a reality of opening under what is ostensibly open border policies. But they will do nothing to stop illegal border crossings and maybe even facilitate the administration's catch-and-release programs.

And what else would the majority bill do?

It would rescind \$1.9 billion in border wall system funding that we have had in the previous years.

Is taking away money for a border wall system that our Border Patrol has been asking for decades and decades—is that border security?

You know, this isn't just Trump's border wall. We also built miles and miles of extremely useful and effective border wall under President Obama—and it was wall that you could barely distinguish sometimes with the naked eye from recent border wall.

Is rescinding that money good for border security?

I say no.

Is rescinding that money better for border security than a continuing resolution, which I must point out would actually provide an additional \$1.375 for more border wall system?

I will say it again, and you can see it on the chart: illegal border crossings remain at a record high. We need to squash this delusion that things are getting better. The American public is well aware that they aren't. Therefore, we need to provide the proper resources to the Agencies in charge to fix the problem, not perpetuate the crisis.

So let me reiterate what I said at the start. Nobody wants a full-year CR. We need to come together as Democrats and Republicans, in the spirit of true compromise, to avoid that outcome. We can only do that if we understand each other's true interests.

Allow me to cite another telling line from the majority's Homeland Security summary that I have mentioned before. Listed in their key points and highlights for Homeland Security, the very first one that they list, is: "Addressing impacts of Climate Change and Improving Climate Resilience."

They don't mention No. 1 border security. They don't mention No. 1 cyber security. They don't mention No. 1 disaster relief and recovery, which is in Homeland Security. They don't mention the Coast Guard. They don't even mention the scourge we see on all of our States of drug overdoses. And this Homeland Security is charged with drug interdiction.

To me, that says a lot. It says a lot, and it is not going to get us to the negotiation table.

As I have said to the administration, as I say to my Democrat colleagues, as Chairman MURPHY and I have talked about, I think we are both ready and

willing to work towards a solution. Americans deserve our efforts to reach a bipartisan consensus, but that will only happen by following precedent and a willingness to compromise.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

UNANIMOUS CONSENT REQUEST—S. 1520

Mrs. GILLIBRAND. Madam President, I rise today to call for every Senator to have the opportunity to cast their vote on the Military Justice Improvement and Increasing Prevention Act.

I started calling for this up-or-down vote since May 24, because I knew—sexual assault survivor advocates knew—that if the Armed Services Committee leadership had the chance, they would strip the provision out of the NDAA behind closed doors, despite the overwhelming support the bill has in both the Senate and House. That is exactly what has just happened.

Time and time again, I have asked on this floor for the same opportunity to have an up-or-down vote. Time and time again, I have heard the same false promise that we would proceed under regular order and that the will of the Members of this body would be respected.

I was told that "the best way to move forward on this issue is to ensure that all 26 members of the Armed Services Committee have their voices heard and to consider this legislation in the course of the markup of the fiscal year 2022 Defense bill," and that it was "the traditional means of making these decisions."

I was assured that "fulsome debate during committee markup of the annual defense bill . . . is the hallmark of our committee. It ensures that everyone's voice is heard." And here on this very floor, I heard that "all amendments offered by Senators on the committee will be fully considered during the full committee markup" and "that is, in fact, the tradition of the committee. If a Member wants a vote on amendments, we will vote."

So we took it to the committee, we had the fulsome debate, and we voted. The Military Justice Improvement and Increasing Prevention Act was included in the Senate Armed Services' NDAA bill and passed out of committee 23 to 3. That is a pretty decisive vote.

But despite all of the claims that we would follow regular procedure and that everyone's voices would be heard, when the doors closed for the conference, the story changed. Our votes were not respected. Our voices were silenced. Those promises were broken. The House and Senate Armed Services leadership gutted our bipartisan military justice reforms, stripped them from the NDAA, and did a disservice to our servicemembers and our democracy.

Committee leadership has ignored the will of a filibuster-proof majority in the Senate and a majority of the House in order to do the bidding of the

Pentagon. This is an act of blatant disregard for the servicemembers, veterans, and survivors who have fought for an impartial and independent military justice system that is worthy of the sacrifice they make every day for our country.

Committee leadership has also ignored President Biden, our Commander in Chief's public support for moving felonies from the chain of command and fallen short of even the limited reforms that Secretary of Defense Austin called for that would have removed sex crimes from the chain of command. Despite claims otherwise, the NDAA does not remove sex crimes from the chain of command because the commander remains the convening authority, a central role to the military justice system. Every single court-martial will still begin with the words:

This court-martial was convened by order of the commander.

Commanders can still pick the jury, select the witnesses, and allow servicemembers accused of crimes the option of separation from service instead of facing a court-martial—a total denial of justice.

We know that removing convening authority from commanders is critical to providing a system that is fair and perceived to be fair by the servicemembers. To quote Secretary Austin's own panel:

The DoD's Office of the Special Victim Prosecutor structure must be, and must be seen as, independent of the chains of command of the victim and of the accused all the way through the Secretaries of the Military Departments. Anything less will likely be seen as compromising what is designed to be an independent part of the military justice process, thus significantly undermining this recommendation. . . . Finally, because of the breadth and depth of the lack of trust by junior enlisted Service members in commanders—

The IRC goes on—

it was determined that the status quo or any variation on the status quo that retained commanders as disposition authorities in sexual harassment, sexual assault, and related cases would fail to offer the change required to restore confidence in the system.

That was Secretary Austin's own panel.

The NDAA bill does not provide meaningful change to the status quo. Our bill would provide it by moving serious crimes like sexual assault out of the chain of command completely, putting them in the hands of the most capable people in the military—those independent, impartial, highly trained, uniformed prosecutors. That is a system our servicemembers can trust. I know that because that is the reform that survivors have asked for over and over and over again.

Since I started calling for this vote in May, we estimate that more than 11,000 servicemembers will have been raped or sexually assaulted and more will have been victims of other serious crimes. Two in three of those survivors will not even report those crimes because they know that under the current system, they are more likely to

face retaliation than to receive justice. It is clear we cannot wait for committee leadership to recognize the importance of this reform.

Madam President, as if in legislative session, I ask unanimous consent that at a time to be determined by the majority leader in consultation with the Republican leader, the Senate Armed Services Committee be discharged from further consideration of S. 1520 and the Senate proceed to its consideration; that there be 2 hours of debate equally divided in the usual form; and that upon the use or yielding back of that time, the Senate vote on the bill with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from South Carolina.

Mr. GRAHAM. Reserving the right to object, to my colleague from New York, I want to compliment you for the effort you brought to the table on trying to reform the military justice system, tackling areas of sexual assault. I think we are making some real progress here.

The one thing I don't like is basically taking the commander out of the loop when it comes to military justice in a fashion that basically says we can't trust our commanders to discipline their forces. A lot of the crimes that are being proposed here to be taken out of the military justice system have nothing to do with sexual assault.

The theory is that our commanders are discriminatory, that there is racial bias in the system, and that we have a biased military justice system based on the color of your skin. Quite frankly, I don't believe that, and I am never going to say that. That would be taking us down that road.

What Senators INHOFE and REED have done, I think, makes a lot of sense. We have added to the list of crimes that would get special scrutiny—I think it is murder, kidnapping, and one other beyond the sexual assault crimes.

When there is an allegation of sexual assault, there will be a new process that goes into whether or not the case goes to trial. One of the issues is, who should pick the jury? Well, the prosecutor can't pick the jury, the special prosecutor. You can't have the prosecutor picking the jury. The convening authority, the commander in charge of the units in question, will still be picking the jury, but the lawyers can strike members of the jury for cause and preemptory challenges. At the end of the day, I think we made a lot of progress.

Senator GILLIBRAND's bill goes well beyond the stated purpose of what got us talking about this. I think it would destroy the military justice system as we know it and destroy the role of the commander. And, again, our commanders are the ones who decide who takes the most risks. Our commanders, again, have a lot of responsibility. They need to have the tools to make sure that unit is fit to fight. They will be under scrutiny, as they should be. But we want a military justice system

that makes the military the most effective fighting force in the world, and you can't have a strong military without a strong command structure.

I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New York.

Mrs. GILLIBRAND. I just want to thank the Senator from South Carolina for his work and support in this area. He has worked with me in trying to find common ground, and I appreciate that work very much. I just want to respond to a couple of his concerns.

One of the reasons why we wanted to have a bright line at felonies is because we didn't want to marginalize women in the armed services. If you only remove a small number of crimes—just the 11 that are in this bill—that disproportionately affects women servicemembers.

Oftentimes, there will be a belief that these changes are made to give special treatment just to women servicemembers. The reason why both Senator JONI ERNST and Senator TAMMY DUCKWORTH—two of the female armed service veterans in the U.S. Senate from both the Democratic and Republican Party—the reason they support this bill is because they believe that if you put the bright line at felonies and treat all servicemembers the same regardless of the crime, that you won't be further marginalizing women servicemembers. They won't be perceived as receiving special treatment. If they are being perceived as receiving special treatment, that is being perceived as a pink court, and we would like to avoid pink courts. We would like to avoid the perception of special treatment.

We believe that if you are reforming the military justice system, as Secretary Austin has said, that it needs to be unbiased, it needs to be professionalized, and it needs to be independent of the chain of command; that what is good for this set of crimes is good for all sets of crimes, just as the IRC has recommended.

Second, we know that this type of system actually strengthens commanders because it allows them to focus on winning wars and training troops. This bifurcated system under the NDAA is going to leave commanders without all authority to do what they would want to do and just some authority, so there will be a lot of bureaucracy that will take time and effort and may lead to undue command influence and unintended consequences.

So a system that gives all that decisionmaking directly to trained, independent military prosecutors is preferable and a commander-friendly system. In fact, our allies chose to do a bright line at serious crimes for this very reason. UK, Israel, Australia, Netherlands, Canada, Germany—they did it specifically for both plaintiffs' and defendants' rights, so they had an equal justice system for all parties, and they allowed commanders to focus on

commanding and doing the job of winning wars and training troops.

Madam President, I ask unanimous consent to have printed in the RECORD a list of the roles that still remain with the commander, this larger list of what remains with the commander under this NDAA, as well as a list of the offenses the NDAA takes out of the chain of command, which is 11, versus our bill, which would have been 38, as well as an analysis that this is a less commander-friendly bill in current form.

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

JUDICIAL ROLES OF COMMANDERS IN THE MILITARY JUSTICE SYSTEM	
MJIIPA	NDAA
Convening authority responsibilities for misdemeanors and military-specific offenses ONLY Pre-trial restraint: restriction and confinement	Pre-trial restraint: restriction and confinement Separation Authority Preliminary Inquiry Convene Courts-Martial (of all types) Convene Preliminary Hearing Choose the members of jury panel Order Depositions Order warrants of attachment (compel compliance with a subpoena) Grant Immunity Approve delays ("excludable delay") Determine incapacity of the accused Grant sentencing witnesses Order reconsideration of "ambiguous" sentence Approval of findings and sentence (subject to limitations) Grant of clemency
NDAA text offenses included	MJIIPA offenses included
117a (distribution of intimate visual images without consent), 118 (murder), 119 (manslaughter), 120 (sexual assault), 120b (sexual assault of a child), 120c (indecent acts), 125 (kidnapping), 128b (domestic violence), 130 (stalking), 132 (retaliation), 134 (child pornography)	93a (recruit maltreatment) 117a (distribution of intimate visual images without consent), 118 (murder), 119 (manslaughter), 119a-b (a: murder of a pregnant woman, b: child endangerment (excluding negligence)), 120 (sexual assault), 120a (obscene mailing), 120b (sexual assault of a child), 120c (indecent acts), 121 (stealing), 121a-b (credit card and false pretense theft (i.e. fraud)), 122 (robbery), 124 (fraud against the U.S., BAH fraud, using false documents to claim benefit), 124a-b (bribery, graft), 125 (kidnapping), 126 (arson), 127 (extortion), 128 (assault), 128a (maiming), 128b (domestic violence), 130 (stalking), 131 (perjury), 131 a-g (obstruction of justice), 132 (retaliation), 134 (child pornography), 134 (negligent homicide), 134 (conduct), 134 (indecent language to a child under the age of 16), 134 (pandering and prostitution)

NDAA FINAL TEXT DOES NOT MEANINGFULLY REFORM MILITARY JUSTICE

COMMANDER RETAINS CONVENING AUTHORITY UNDER THE NDAA, WHICH MEANS THERE IS NO TRUE INDEPENDENCE. SURVIVORS' LACK OF TRUST IN THE SYSTEM AND THE PERCEPTION OF BIAS WILL CONTINUE

Table A below. Under the NDAA, the commander remains the convening authority, a central role to the military justice system. This is usually the same commander in the chain of command of the accused and the survivor. Every single court-martial will still begin with the words, "This court-martial was convened by order of the commander." Commanders will still pick the jury, select the witnesses, and allow service

members accused of crimes the option of separation from service instead of facing a court-martial.

Removing convening authority from commanders is critical to providing a system that is fair and perceived to be fair by survivors and the accused. Only one-third of survivors of sexual assault in the military are willing to come out of the shadows to report their crime, showing a clear lack of trust in the system. 44% of survivors indicated they would have been more likely to come forward if a prosecutor were in charge of the decision over whether to move forward with their case. With commanders retaining convening authority under the NDAA text, the Special Trial Counsel (“STC”) will still be necessarily reliant on the commander for the prosecution of a case. The perception and reality of commanders influencing the outcome will be unavoidable.

MJIIPA is the only provision that would empower impartial, independent prosecutors to make the vital decisions necessary for a criminal justice system shielded from systemic command influence and other structural defects. It is the only system that uses the UCMJ as it is designed to implement military justice: empowering officers to execute convening authority.

NDAA TEXT IS NOT COMMANDER FRIENDLY

Under the Special Trial Counsel program alone, there is a lack of accountability for the system. Commanders remain in charge as the convening authority, but their hands are tied from making key decisions such as the referral of charges. The STC has some of the decision-making authorities, such as referral and the ability to make plea deals, but the commander is ultimately responsible for creating the court-martial, approving witnesses, etc. Thus, there is not one figure who can be held accountable for the military justice process. Just as it would be unfair to send a commander into combat without all the tools at their disposal, it is unfair to commanders to keep them in charge of the court-martial but limit their decision-making in this way. Under MJIIPA, commanders are allowed to focus on warfighting, training, and taking care of service members while independent military lawyers take over the military justice system for serious, non-military crimes.

The STC program continues the risk of unlawful command influence. Every year, appellate courts throw out convictions for serious crimes because the commander oversteps their bounds. If commanders are still in charge under the STC program, but restricted in new ways, this will only increase this risk.

Under the STC program in the NDAA text, the commander will be unable to give non-judicial punishment (“NJP”) to the accused for lower-level conduct. If the STC decides not to prosecute, the commander will be unable to credibly impose NJP. For example, if the STC gets a stalking case and decides not to prosecute it, the commander may want to do non-judicial punishment, but if the accused refuses, the commander will be unable to send the case to court-martial. That takes the teeth out of the NJP. The accused walks away with no punishment.

NDAA TEXT CREATES AN EVEN BIGGER JUDICIAL BUREAUCRACY THAT WILL SLOW DOWN JUSTICE FOR SURVIVORS

See Table B below. Some crimes will be prosecuted by Special Trial Counsels while the majority of the crimes will remain within the chain of command. The bifurcated system will create complexity and unfairness due to different processes for different crimes.

Under the NDAA text, responsibilities will be divided between the commander, the Spe-

cial Trial Counsel, the Service Secretaries and the TJAGs (the head Judge Advocate of every Service), which will add layers of bureaucracy, slowing the process down and making it take even longer for survivors to see justice.

NDAA LANGUAGE DOES NOT INCLUDE ALL SERIOUS NON-MILITARY CRIMES (INCLUDING SEXUAL HARASSMENT AND CHILD ENDANGERMENT), CREATING A BIFURCATED, UNEQUAL SYSTEM FOR SURVIVORS AND ACCUSED

See Table B. The NDAA also fails to draw a bright line at all serious, non-military crimes. That bright line is critical, because it avoids creating so-called “pink courts” focused solely on sex crimes, which only further stigmatizes survivors—something survivors have specifically asked us to avoid doing. Drawing that bright line also avoids creating an inherent inequality in the military justice system.

The crimes chosen for the STC program are seemingly random. Although sexual assault and kidnapping are included, sexual harassment (which was in both the House and Senate versions of the NDAA), child endangerment, murder of a pregnant woman, and obscene mailing are not (to name a few). How does a commander have more expertise on the prosecution of child endangerment than an independent military prosecutor?

Every victim and every accused offender in these serious cases should be treated equally and have access to a system that is professional and unbiased. It is unrealistic and untenable to leave these complex legal decisions to commanders whose expertise relates to warfighting, not the minutiae of the law.

OTHER PROBLEMS WITH THE NDAA TEXT

Implementing the requirement that the senior STC be an O-7 will take years because there are few generals or admirals with significant litigation experience. There is a very limited number of military lawyers in the ranks of Admiral and General, and most, if not all, of them are generalists rather than military justice experts. It will take years for the services to develop the officers necessary to fill this role. MJIIPA on the other hand allows O-6s to fill these roles. There are sufficient O-6s with military justice experience currently in the services.

SENATOR GILLIBRAND IS CALLING FOR AN UP OR DOWN VOTE ON MJIIPA

The process is broken: MJIIPA was included in the Senate Armed Services NDAA bill and passed out of committee 23 to 3. It has 66 cosponsors in the Senate and 220 in the House. And yet without a vote or debate on the floor, this bipartisan, bicameral bill was gutted from the NDAA.

MJIIPA and the new STC system can work well together, with MJIIPA acting as the overall structure and STCs prosecuting special victim cases.

A good overall explainer: <https://www.justsecurity.org/79481/ndaa-a-missed-opportunity/>

Mrs. GILLIBRAND. I yield the floor. The PRESIDING OFFICER. The Senator from Louisiana.

UNANIMOUS CONSENT REQUEST—S. 3344

Mr. KENNEDY. Madam President, I want to talk about the American Taxpayer and Medicare Act, of which I am a sponsor. Cosponsoring this legislation with me are Senator GRAHAM, Senator HAGERTY, Senator TIM SCOTT, Senator RICK SCOTT, Senator BLACKBURN, Senator HAWLEY, Senator COTTON, Senator BOOZMAN, and others who are likely to join.

I am going to make a few remarks about the bill, and a number of my col-

leagues would also like to comment about my bill, so I will be yielding to them. At the end of my colleagues' remarks, I will have a motion to make.

As a result of the American Rescue Plan, working in conjunction with the Budget Control Act of 2011, there are cuts scheduled to take effect in 2022 with respect to Medicare and with respect to our farmers.

Medicare specifically, unless my bill passes and unless this body takes action, will be cut \$36 billion. Those Medicare cuts will include—but they are not limited to—they will include cuts to cancer treatments for our elderly. Those cuts would reduce laboratory fees and analyses that our seniors depend on every single day.

For the reasons I just referenced, our farmers are also going to get cut unless we take action—specifically, the crop insurance programs on which our farmers rely.

We are recovering from a pandemic, as we all know. Now is not the time, in my judgment, to put this burden on our seniors and on our farmers. Our seniors, part of the “greatest generation,” don't deserve them, and our farmers, the backbone of America, don't deserve these cuts either. In fact, America was born on the farm, and I think we ought to keep that in mind.

At this time, I would yield to the senior Senator from Arkansas, Senator BOOZMAN.

Mr. BOOZMAN. Madam President, I want to thank Senator KENNEDY for his help and his leadership in this effort. We simply have to support America's healthcare providers, farmers, and ranchers. Doctors and the entire medical community are still struggling after being unable to perform non-emergency procedures during the pandemic.

With an aging population and more physicians not accepting Medicare because of insufficient payment, Medicare beneficiaries would face a reality of less access to quality care. That is why I introduced my own legislation to prevent these damaging cuts from harming our physicians, our providers. Our agriculture community is also struggling, and we must protect our farmers and ranchers by ensuring their operations can stay afloat and keep producing the most abundant and safest food supply in the world.

For all of these reasons, I support Senator KENNEDY's bill.

I understand that my fellow Senator from Missouri also has some concerns, and so I yield to him.

Mr. HAWLEY. Madam President, I rise to make a very simple point, which is that Medicare is too important to be held hostage to political games, and that is what is going on here now. We need to have a clean bill to fully fund and protect Medicare for the millions of Americans who rely on it, including over 1 million just in the State of Missouri.

And that is why I am supporting Senator KENNEDY's bill to fully protect and

secure Medicare, and I will support every amendment and bill and clean amendment and bill to fully protect and secure Medicare, including, I think, Senator GRAHAM's that he's going to be offering shortly, which I am also privileged to cosponsor.

And I would just say this: I call on the Members of both parties—both parties—to stop using Medicare as a pawn in a political game. Let's fund Medicare. Let's do it on its own. Let's not hold it hostage to other agendas. Let's not hold it hostage to other programs. Let's not hold it hostage to others' individual ambitions, whatever they may be.

But let's take the opportunity now with this bill to fully protect Medicare for our seniors all across this country. That should be something that we can all get behind, and for those reasons I am proud to support Senator KENNEDY's legislation.

And now I yield to Senator HOEVEN.

Mr. HOEVEN. I would like to thank my colleague from Missouri. As my colleagues have pointed out, we rise to support Senator KENNEDY's UC—unanimous consent request—his legislation, because we have consistently supported funding for Medicare and funding for our farmers and our ranchers who work hard to provide food, fuel, and fiber for our Nation.

That is why I support both the UC request and the amendment that Senator GRAHAM is sponsoring. I am cosponsoring that amendment as well. That would ensure that we fund these priorities.

I do not support linking these funds with an increase in the debt ceiling, as the bill from the House would do, without our amendment.

We should not be tying the debt ceiling to important legislation that ensures healthcare providers can continue to care for our seniors and protect our farmers who produce the highest quality, lowest cost food supply in the world.

So I strongly support and have cosponsored the Graham amendment which would strike the fast-track debt ceiling process from this bill. As we are saying very clearly, we support the funding for Medicare. We support the funding for our farmers and ranchers.

Now, Democrats, who control the White House, the Senate, and the House, are trying to use reconciliation to pass a trillion-plus tax-and-spending bill on a purely partisan basis. Given that, they obviously can use reconciliation to pass a debt ceiling increase on their own. They do not need this House legislation to do it.

And with that, I will yield to my colleague from Kansas.

Mr. MARSHALL: I thank the Senator for yielding. I am honored to be here this evening to support my colleague from Louisiana. I want to take this Nation back to a year ago, a year ago this spring in April 2020. COVID was on the rise—our first variant, our first wave ripping through this country. Our ERs

were overflowing; the ICU beds were full; and doctors and nurses across this Nation ran to the sound of the battle.

We didn't have vaccines. There weren't therapeutics, but we took an oath to take care of our fellow man. I joined those doctors. I went to an ICU in Southwest Kansas where we had 8 beds, 12 patients, and 9 ventilators.

So how are we going to reward those doctors today? We are going to cut their pay. We are going to cut most doctors' pay 2 to 11 percent. Even before COVID, there was a doctor shortage. There was doctor burnout. Because of this pay cut, even more doctors will quit. More doctors are going to stop taking Medicare.

Yesterday, the leadership on the other side of the aisle just wanted to kick doctors, but today I found out they are kicking farmers in the shins as well. Holding doctors and farmers hostage is no way to run a government. I, too, am tired of seeing doctors and farmers used as pawns for political gain.

I support Senator KENNEDY's bill, and I am honored to turn it back to him.

Mr. KENNEDY. Madam President, Americans may be poor since President Biden took office, but they are not stupid.

They look around Washington, DC, and they see liars and they see frauds in every direction. Now, I don't think a single member of this body supports cutting Medicare or hurting our farmers, especially not at this moment. I don't. I don't.

And I don't think any of my Republican colleagues or any of my Democratic colleagues do as well. But a deal has been made. A deal has been made to give us—some of us see it this way anyway—a choice between voting for a heart attack or cancer.

You either have to give up your principles on the debt limit or you have to vote to cut Medicare and hurt our farmers, and no one wants to do that. I understand that people disagree over the debt limit, but there is no disagreement in this body over not cutting Medicare and not hurting our farmers.

Now, I am labor. I am not part of management. I don't want to be part of management because I don't always fit in. It is not one of my best qualities. In fact, it is my best quality, and that is why I brought this bill.

As Senator HAWLEY said, much more eloquently than I could, the disagreement that reasonable people are having over the debt limit has been conflated in a cynical attempt to fool the American people by putting them both in a bill that we are going to shortly be asked to vote on. And we are going to be asked to give the American people either a heart attack or cancer. You have to choose. And I don't want to make that choice, and I am not going to make that choice. And that is why I brought this bill.

I do not agree with my Democratic friends about the debt limit. I don't

support Build Back Better. I understand many of my Democratic friends do. I understand President Biden does. I understand Senator SCHUMER does. I understand Speaker PELOSI does. And I respect that, but I don't support it.

Now, they are going to try to pass Build Back Better, and they are going to try to implement it. But they can't do it without raising the debt ceiling. Now, if I don't support the Build Back Better bill, why would I want to allow them to borrow the money to implement the Build Back Better bill? I don't, and I am not going to break my word and vote to do that.

If my colleagues want to do that, that is their business. I don't tell people how to vote. If I am ever asked how to vote, I rarely—I almost always say, follow your heart, but just take your brain with you. And that is why I brought this bill. And I want to make it very clear, and you can write this down and take it home to mama, I do not support cutting Medicare, and I do not support cutting farmers.

I do support keeping my word to the American people. When I tell them I am going to do something, by God, I am going to stick. And I am not going to be scared away by some cynical deal that was made in Washington, DC.

Now, Madam President, as in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3344—the bill about which I have been speaking, and my colleagues, Protecting the American Taxpayer and Medicare Act—at this time, it is at the desk. I further ask that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Reserving the right to object, Madam President.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President and colleagues, I yield to no Senator in my support of this country's senior citizens. My background, colleagues, I was codirector of the Oregon Gray Panthers, the senior citizens group, for almost 7 years before I went into public life.

And I know that there is no Senator here who doesn't support senior citizens, farmers, the extraordinarily important Americans that my colleagues have been talking about.

But what really has not been explained here—because we all kind of talk this special lingo around here—is what my colleagues really seek to do in the Kennedy amendment.

What my colleague from Louisiana wishes to do is rip up an agreement reached between Democrats and Republicans. Specifically, colleagues, Senators Schumer and McConnell. So what they did is reach a bipartisan agreement to defuse an economic timebomb by creating a process to avoid default.

Senator KENNEDY's proposal sticks a flame right back under that fuse. Now,

the two parties obviously have different approaches when it comes to gamesmanship around this country's financial commitments. Setting all of that aside, the fact is our country is now way too close to default for the Senate to be playing games.

This debate is almost entirely about financial commitments made under past Presidents. It doesn't have anything to do with legislation that is still in the works. That is a fact. The reality is my colleague from Louisiana seeks to bring the country closer to default. The Senate ought to be clear on the consequences if that were to come to pass.

Default would be an economic disaster for our country as well as for individual families and businesses. And, again, colleagues, since senior citizens came up so frequently, this has been my particular passion. It is why I went into public service. Social Security stops going out. Military could stop getting paid. Interest rates go into the stratosphere, making existing Federal debt even more expensive, if you go forward with this proposal.

Costs go up for families who want to buy homes or buy cars. Getting a small business loan becomes more expensive. Jobs across the country are wiped out amid this turmoil. And all of that would happen right in the middle of the holidays, when Americans are simply trying to enjoy their time with families, go out and shop for presents, and enjoy their time together.

My view is, after almost 2 years of pandemic and economic chaos, people have had it hard enough. And two leaders—a Democrat and a Republican—have come together because they understand the Senate doesn't need to add another catastrophe to their financial challenges, the challenges I just described—one, by the way, that would be entirely self-made.

There is an agreement before the Senate, colleagues; an agreement between the Republican leader and the Democratic leader. That agreement brought the two sides together. My colleagues must not throw that agreement away. And I respect all my colleagues—all of them—but I just believe that this proposal from the Senator from Louisiana is misguided. It brings our country closer to default.

Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Louisiana.

Mr. KENNEDY. Madam President, I really appreciate my colleague's remarks, I do. I don't agree with his objection, but I appreciate it.

I just want to say a couple more words. I didn't make a deal. Now, let me say it again. Let me say it a different way.

I don't hate anybody. Lord knows I look for grace wherever I can find it. I like every one of my colleagues; I really do. The Senate is the most interesting group of people I have ever been around.

I am not part of management. I am labor, and I meant what I said. I belong in labor because I don't always fit in, and I do believe it is one of my best qualities.

The truth of the matter is—and this is what we are disagreeing over—President Biden, Senator SCHUMER, Speaker PELOSI, my other Democratic friends have proposed the Build Back Better bill.

Now, any economist with a pulse will tell you that it is going to cost about \$5 trillion without the gimmicks. It is going to raise taxes a couple of trillion. We will probably end up having to borrow another 3 trillion to pay for it. We will have to borrow the money. We don't have the 3 trillion. We don't even have 5 percent of it.

Now, I think that the bill represents a spending taxation and borrowing orgy that we don't need, but I understand my Democratic colleagues disagree. I get that.

My Democratic friends can't pass and implement the bill without raising the debt limit. That is just a fact, because they won't be able to borrow the money.

Now, if I don't support the bill, why do I want to support allowing them to borrow the money, especially when Senator SCHUMER—my friend Senator SCHUMER—can do it on his own?

He can do it before the weekend is out. All he has got to do is do a simple amendment to the budget resolution.

What am I missing here?

And I know a deal has been made and some people are going to vote for it. You are not looking at one of them. And I respect their right to make a deal, but I didn't make a deal. But I have been put in the position of saying: OK, Kennedy, we are going to show you. You have got to choose between keeping your word to your people or cutting Medicare.

And we wonder why Congress polls right up there with skim milk. That is why they look around, they see frauds and liars in every direction.

I really regret that my bill didn't pass because it would have protected our elderly, and I do support protecting our elderly. And it would have protected our farmers, and I do support protecting our farmers. And this so-called deal puts them both at risk.

The PRESIDING OFFICER. The Senator from South Carolina.

UNANIMOUS CONSENT REQUEST

Mr. GRAHAM. Madam President, I have a different approach that will get the same result.

But to my colleagues here, we are playing the Medicare card in a very dangerous fashion. Senator HAWLEY said it pretty well. Medicare is something people depend upon, and all of us understand the need to keep Medicare solvent. We need to reform it to save it.

But this idea puts all of us in a box, and I don't appreciate it and I won't forget it.

Now, this is a problem on our side. You don't even have to listen, Senator

WYDEN. For 4 months, we have been saying, as a party, our Democratic colleagues are spending all this money by themselves through reconciliation; they should choose that path to raise the debt ceiling.

Because what are we talking about? A \$1.9 trillion spending bill without one Republican vote through reconciliation.

We have pending next week another reconciliation proposal that scores at 1.7 trillion, if you assume every program goes away in a year. I will be in the NBA before that assumption. I don't like my chances.

Ronald Reagan said the closest thing to immortality on Earth is a government program.

So they have written the bill for the 17 big spending items to expire within 1, 2 or 3 years, and not one of them want them to expire.

So the whole bill is a fraud. And the Congressional Budget Office is going to give to me Friday what the bill would cost if the sunset clauses actually went away—did go away; what would it cost if the programs survive, which it will.

And I anticipate, Senator KENNEDY, it will be at least twice what we are talking about.

The effect on the debt is 367 billion only because they limited the programs to last for a year or two rather than the 10 years they are actually going to last.

So the deficit is going to go from 367 billion to probably close to 2 trillion. We are going to expose that Friday. They are playing a game. They are creating gimmicks.

And Senator MANCHIN, to his credit, said: "I believe Build Back Better is full of gimmicks."

We will know Friday exactly what the bill would look like without gimmicks.

This is the ultimate gimmick. If you had asked me 4 months ago, "How does this movie end?" I will be reading in the paper about a rules change to the Senate made by the House, where I have got to pick between Medicare and abandoning what I said I would do for 4 months.

This is a deal that led to Donald Trump. If you wonder why there is a Donald Trump, it is moments like this, where everybody starts down a road that makes perfect sense, you panic, and you throw everybody over.

They would raise the debt ceiling through reconciliation because they should, and we want to do it that way to deter spending in the future. We want to make it harder to use reconciliation to spend more money than World War II cost.

If you look at the cost of World War II in present dollars, it was 4.7 trillion. When you look at all the money we spent and going to spend, it is going to be 5.4 trillion. Literally, we have spent more money in the last year and a half than we did to win World War II.

I think they should raise the debt ceiling, Senator KENNEDY, through the