

lot of outstanding men and women coming out of the Judiciary very soon, and we will work quickly to move them out of this Chamber and onto the bench.

I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

RECOGNITION OF THE MINORITY LEADER

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

STATE OF THE UNION ADDRESS

Mr. McCONNELL. Mr. President, this evening, President Biden will begin the back half of his term with his State of the Union address to Congress and to the American people. But the White House's attempts to script the message for this week have been upset by recent events. Over the last several days, the country learned that on President Biden's watch, the state of our Union is apparently under Chinese surveillance from our own skies.

It is ludicrous to suggest that Canada and the United States had no choice but to let this thing traipse across the continent from coast to coast. President Obama's own Defense Secretary, Leon Panetta, says, "We should have acted earlier."

The administration's handwringing and indecision, finally downing the balloon only after it had toured the length of our country, was typical of how President Biden and his team have conducted our foreign affairs.

Our top military commanders and civilian experts all say that our broader strategic competition with China is our most serious challenge. But this President's last budget request tried to cut funding for our military after inflation, while Beijing keeps investing in their own capabilities.

The commander of our U.S. Strategic Command just told Congress that China now has more land-based intercontinental ballistic missile launchers than we do. The administration's reckless retreat from Afghanistan blew past the expert warnings, cost the lives of 13 American servicemembers, let thousands of terrorists waltz out of prison, and incentivize others to challenge an America that looked cowardly.

Its hesitating, indecisive, self-deterred approach to helping Ukraine before Putin invaded and in the earliest days right afterwards left freedom's friends flat-footed and are making the substantive fight more difficult than it ever had to be.

And now the Biden administration apparently has pivoted from chasing another bad nuclear deal with Iran to trying to let terrorists out of Guantanamo Bay.

These are just some of the reasons why 41 percent of Americans say the state of our union is weak—weak—and only 13 percent say it is strong.

Of course, this administration has also created problems for American families closer to home. A nationwide poll published last week revealed that just 16 percent of Americans say they are in a better financial situation today than they were 2 years ago when the President and his party assumed total control of government.

For 84 percent of Americans, one-party Democratic control of Washington either failed to live up to its promises or actively made life worse. Two years ago, over the objections of their own party's top economists, Washington Democrats misinterpreted a narrow election victory as a mandate for an unprecedented spending spree.

When President Biden took office, inflation was at 1.4 percent. From Inauguration Day to today, inflation is over 13 percent.

Working families have seen grocery prices jump 18.6 percent, used car prices rise 26.2 percent, and energy prices soar by 33.9 percent. Millions—millions—of Americans have earned pay raises at work, but runaway inflation has left them with less purchasing power than before.

Our southern border is in crisis, shattering all-time records for illegal immigrant apprehensions. Streets and neighborhoods are being swallowed up by violent crime—after local Democrats have cut police budgets, liberal prosecutors have turned jails into revolving doors, and national Democrats spent years amplifying the kinds of anti-police rhetoric that result in more crime.

And President Biden is helping the radical left go on offense and bring a culture war to the doorsteps of normal American families—trying to squeeze Catholic hospitals and faith-based daycares out of business; trying to take school choice and curriculum transparency away from parents—and on and on and on.

President Biden campaigned on being the adult in the room. But he is not even calling the shots in his own party. Over and over on issue after issue, this President hands the car keys to the radical left and turned himself into a passenger. That is why working families across the country have voted for change.

They elected a Republican majority in the House of Representatives to put the emergency brakes on runaway liberal spending. They reelected all-star Republican governors in places like Texas, Georgia, and Florida. And they elevated a talented new generation of leaders, including the youngest serving governor in America—Governor Sanders of Arkansas—whom the American people will hear from tonight.

Our country may still be struggling to understand what on earth Washington Democrats think they have actually accomplished in the past 2 years. But they can be absolutely sure where Republicans stand.

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 to resume consideration of the following nomination, which the clerk will report.

The bill clerk read the nomination of DeAndrea Gist Benjamin, of South Carolina, to be United States Circuit Judge for the Fourth Circuit.

Mr. McCONNELL. I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

Mr. CRUZ. 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.

COVID

Mr. CRUZ. Mr. President, when the COVID pandemic hit, small businesses were shut down; millions of Americans lost their jobs; schools were shut down; flights were canceled; and traveling ground to a halt. The sick and the elderly were forced to die in hospitals and nursing homes, tragically alone, without the comforting embrace of loved ones.

The corporate media told us there was no way that this virus could have escaped from a Chinese Government lab, and Big Tech companies banned and censored posts laying out the evidence that it had escaped from a Chinese lab, labeling that evidence a "conspiracy theory." Masks were mandated everywhere.

And when the COVID vaccines came out, those were mandated too. Doctors, nurses, and our brave service men and women who chose not to get the vaccine were fired, discharged, sent home.

The corrupt corporate media's reaction to COVID devastated our economy and led directly to massive inflation, to weakening and even destroying faith in public health institutions, and resulted in learning loss that millions of American children may never recover from.

The pandemic is over. President Biden has even admitted that. The vast majority of America has moved on with their lives. But, sadly, the Biden

White House and too many Senate Democrats want to cling to power. During the pandemic, we saw abuses of power at every level of government but especially the Federal Government. Over the past 2 years, I have been proud to lead the fight in the Senate to stop these abuses by introducing targeted pieces of legislation that I have reintroduced in this new Congress.

Five of these bills would get rid of mandates. If passed into law, they would mean no more mask mandates, no vaccine mandates, no vaccine passports, no vaccine mandates for minors, and no vaccine mandates for kids to go back to school in Washington, DC.

Two other bills concern vital healthcare. The GIVE LIFE Act, or Doss's bill, is named after a teenager in Texas who was denied a kidney transplant because he hadn't been vaccinated against COVID. No American should be denied a lifesaving medical treatment such as an organ transplant because of their COVID vaccine status. That is wrong.

Unfortunately, we have seen this kind of discrimination over and over again. We saw it happen to a teenager in Texas. It also happened to a 31-year-old man in Boston who was denied a heart transplant, to a 38-year-old veteran who had already had COVID twice who was denied a kidney transplant in North Carolina, and a man in South Carolina who was also denied a kidney transplant because he wasn't vaccinated against COVID. Just in December, yet another teenager was denied a kidney transplant, this time in North Carolina, because she wasn't vaccinated against COVID. The GIVE LIFE Act would stop the Federal Government from enabling this discrimination when it comes to organ donation.

Another bill, the Ending Discrimination in COVID-19 Treatments Act, would mandate the Department of Health and Human Services to require that providers not engage in discriminatory practices when treating COVID. I filed this bill in response to reports that States across the country have used race and ethnicity as a factor in determining whether someone is eligible to receive COVID treatments, particularly monoclonal antibodies when they were first introduced. This bill now applies to all COVID funding and treatments, not just monoclonal antibodies.

This kind of discrimination and treatment has happened in the past year. In January 2022, a man in New York who had both COVID and pneumonia was denied monoclonal antibodies. He told CBS News:

The doctor just shut me down and said this is the criteria: You're not of age, which is 65, and you're not a minority.

As part of its response, the New York Department of Health told CBS:

This guidance is based on CDC guidelines that show COVID mortality rates are higher among certain demographic groups, including senior citizens, immunocompromised individuals, and nonwhite/Hispanic communities.

So what New York said is they were following CDC guidelines in determining how this COVID treatment would be distributed. As New York, itself, admitted, the CDC guidelines are encouraging racial discrimination in the distribution of healthcare, and that is immoral and wrong. My bill would stop this discrimination. Let's be very clear here. Race, religion, ethnicity should not be a factor—zero—in determining anyone's medical treatment. Doing so is unconstitutional; it is wrong; and it is abhorrent.

These are battles worth fighting.

For those of us who have been standing up against these abusive mandates, we recently won a big victory in December of last year on COVID vaccines in the military. I have fought hard to end President Biden's military vaccine mandate and last month, December, we succeeded. We passed into law a provision to end the mandate, finally, but, sadly, that provision was prospective. The Democrats in Congress would only agree to it going forward if it applied in the future, but provided zero relief to the thousands or even tens of thousands of service men and women who were terminated because they declined to get the vaccine.

To fix this, I have introduced legislation called the AMERICANS Act, which would allow those service men and women who were terminated to be reinstated if they want to go back into the military. And if they do, they could go back to their original rank and receive the benefits to which they were entitled and which they have earned.

If those servicemembers choose not to go back in the military, my bill would ensure that they receive an honorable discharge—not merely a general discharge, as too many of them have received—which will ensure that they can receive the benefits they earned by fighting to defend this country.

I am committed to fighting for every soldier, every sailor, every airman, every marine, every coastguardsman who was wrongfully terminated or wrongfully demoted because of the COVID vaccine mandate. And I give my word: I am going to keep fighting for them until they see justice.

That is why tonight, we are going to be at the State of the Union Address on the other side of the Capitol, and my guest tonight for the State of the Union is LT Levi Beaird, a naval surface warfare officer. Lieutenant Beaird is a Texas resident and a top-rated officer. In March of 2022, he faced a separation board because he made the personal decision to decline to get the COVID vaccine. But before the Biden administration could kick him out, a Federal judge entered an injunction preventing the Navy from terminating Lieutenant Beaird. However, the Navy is, right now, trying to recoup from him \$75,000 that they already paid him in anticipation of Lieutenant Beaird's becoming a department head because he wasn't named a department head. Well, the reason he wasn't named a de-

partment head is because he made the personal decision not to get the COVID vaccine due to his own sincere religious objection.

I am proud to be welcoming Lieutenant Beaird to the State of the Union tonight. I hope that his being there will cause those in the media to tell his story because it really underscores how grotesquely unfair the Biden administration's policies have been and how they punish those American heroes. So Lieutenant Beaird will be in the audience tonight as Joe Biden, no doubt, will congratulate himself and try to avoid accountability for the problems his administration has caused.

When it comes to COVID, the pandemic we endured as a nation was an enormous challenge. The policies that were put in place across this country in response to the pandemic, many of them have caused enormous damage. I believe, as a nation, we will look back on these policies, in the years and decades to come, and wonder what collective insanity came over this country; what insanity led to the judgment that it is a good idea to shut down schools for tens of millions of children across this country for more than a year; that it is a good idea for young children, elementary school children, not to learn reading and writing and math. That policy has resulted in massive learning loss, and that learning loss has been all the greater among the economically disadvantaged, among Hispanic and African-American kids.

The result of these shutdowns is a generation of kids who have been harmed, perhaps, irreparably.

In our military, the results of firing thousands upon thousands of service men and women—and we don't know how many. I would note, I asked the Biden administration over and over again: How many of our heroes have you fired? The administration refuses to answer. It is, in the minimum, thousands; it may be in the tens of thousands. But I can tell you, I have spoken with Navy SEALs, heroes who spent their lives training and defending this Nation, and they are being fired—some of the youngest, healthiest people we have in our country are being fired because they didn't comply with an arbitrary decree.

And now, the President and the administration have admitted that decree should no longer be enforced, but the Navy Seals they fired last year or the year before are still out of the military. All the while, we have massive recruiting shortfalls, and America is in greater jeopardy.

Mr. President, you are new on this side of the aisle but not new to Congress. There was a time in this body when Republicans and Democrats could come together and reason together, where not everything we did was a shirts-and-skins partisan battle: Good morning. No, it is not.

In less vituperative times, these shouldn't be difficult questions. When I forced a vote on the Senate floor that

the DC Public Schools should not throw out of school every student who hasn't received the COVID vaccine—and, mind you, that is 20 percent of the students in DC Public Schools, and, in the African-American community, it is 40 percent of the African-American students in the DC Public Schools. I am sorry to say, but when we voted on that on the Senate floor, every single Democrat—all of them—voted to throw out of public schools 40 percent of the Black kids in DC. You are talking about a 13-, 14-, 15-year-old kid who Senate Democrats were willing to make a high-school dropout involuntarily because that child or that child's parents made the decision not to receive the vaccine.

In ordinary sane times, that should be a 100-to-nothing vote. You would think it was almost satirical that someone would stand up and say: We are debating whether or not to throw out of DC Public Schools 40 percent of the African-American children.

If you and I go home and talk to our citizens at home, to a person, they would think that was nuts, unless they happened to work in this building.

On the question of service men and women, we saw, in the preceding year, that President Biden called to congratulate a coastguardsman who showed incredible heroism rescuing people at a time of natural disaster. That coastguardsman, within the week, was notified that he was being terminated because he hadn't gotten the COVID vaccine. This shouldn't be divisive.

We want our soldiers and sailors and airmen and marines and coastguardsmen to be ready, to be trained, to be serving, and, if the administration agrees the mandate makes no sense today, why would we sit by and let thousands upon thousands of them remain fired, terminated, and denied the benefits they have earned?

So I call upon this body: Let's have a return to sanity. Let's fight for the men and women we are elected to represent. And I give you my word that I am going to continue to fight against these mandates that are wrong, that are unjust, that are harmful, and I hope and pray this body can come together and embrace sanity once again.

I yield the floor.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

Mr. CORNYN. 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.

STATE OF THE UNION ADDRESS

Mr. CORNYN. Mr. President, this evening, President Biden will deliver his second State of the Union Address.

Presidents, of course, typically use the speech as an opportunity to claim credit for all the ways Americans' lives

have improved under their leadership. Former Presidents have touted everything from economic growth to progress battling the opioid epidemic.

In this case, President Biden hasn't given his speech writers much material to work with. Families in Texas and across the country are still being battered by inflation. I know there are hopes for inflation to abate, but yet the Federal Reserve has shown no indication that they will fail to increase the discount rate—in other words, interest rate—meaning that, more and more, they are concerned still about the impact of inflation.

Inflation, as we have seen, means that people's standard of living is decreased because their earned income does not go as far as it used to, and we know high prices have wiped out wage gains, giving most workers a pay cut.

We also know that public safety remains a matter of serious public concern, and starting from the impact of the "defund the police" movement to now the difficulty law enforcement has actually recruiting and retaining an adequate number of officers, we know crime continues to be a matter of widespread public concern.

Then there are the failed policies at the border, which have led to a humanitarian and public health crisis.

The humanitarian part is evidenced, obviously, by the millions of people who show up at the border with every expectation they will be admitted to the United States.

The public health crisis comes from the 108,000 Americans who died from drug overdoses, where those drugs almost exclusively transited the U.S.-Mexican border into the United States. We know the chaos of mass migration has helped make the drug runners' job easier, and we know of the devastating impact it is having across the country.

I don't know how much of this the President will actually talk about, whether it is inflation, whether it is crime, or whether it is the border, but these are the kitchen-table issues most American families care deeply about—the cost of groceries, the ability to put gas in your tank, and living in a safe neighborhood and raising your family.

I don't know whether the President will dwell on any of those topics at all, but just to recapitulate, inflation now is the highest it has been in 40 years. We know that many cities have broken their alltime homicide records, and we are still in the midst of a completely unprecedented crisis on the southern border.

We have seen some pretty big missteps on the world stage too. For example, the Biden administration led a deadly and disastrous withdrawal from Afghanistan that resulted in the loss of 13 servicemembers and countless Americans stranded in Taliban territory.

The administration continues to try to revive the failed Iran nuclear deal and to give Tehran even more resources to pursue its nuclear ambitions.

Just last week, the administration hit an embarrassing new low when the People's Republic of China flew a surveillance balloon across the United States, spying on the U.S. military and on all civilians. It took 7 days before the administration finally gave the green light to shoot it down off the coast of South Carolina. To be specific, it wasn't just the administration; it was the President of the United States who gave that instruction 7 days after it began its transit across U.S. territory.

During his first 2 years in office, President Biden had a pretty big advantage: His party held the majority in both Houses of Congress. He had the golden opportunity to enact his agenda and address the biggest problems facing American families. Unfortunately, there wasn't a lot of overlap between the Biden agenda and the American agenda.

While people were struggling to keep up with high gas prices, the administration waged war on American energy. While parents questioned what was being taught in their kids' classrooms, the administration threatened to unleash the FBI on concerned parents who spoke out at the school board meetings. While inflation raged, Democrats poured even more fuel on the fire by spending an additional \$2½-plus trillion on purely partisan spending bills; namely, the American Recovery Act and the so-called Inflation Reduction Act—all passed without a single Republican vote but which added easily \$2.5 trillion to our national debt. So it doesn't come as a surprise, I guess, that voters decided to change the direction of the country in the last election by electing a Republican majority in the House.

Tonight, for the first time, President Biden will deliver his State of the Union Address before a divided Congress—a Democrat-controlled Senate, a Republican-controlled House, and a President who ran on the promise of governing from the middle and bringing us together but who hasn't shown a willingness to do that so far.

I think we are all eager to know how President Biden will broach all of these topics this evening. Will he simply try to gloss over his claimed successes and ignore his failures? Will he try to blame Republicans for the current state of our country even though Democrats controlled all the levers of government for the last 2 years? Or will he finally acknowledge the many problems that proliferated under his leadership and get serious about solutions?

One of the most critical areas where we need to see real leadership is the current border crisis, which has been raging since President Biden took office 2 years ago. Day after day, month after month, migrants have crossed our border in unprecedented numbers. Over the years, we have seen plenty of migration surges but nothing like this.

Last fiscal year, U.S. Customs and Border Protection logged nearly 2.4